

El. Bd. Op. 78-10 (Reaffirmed 10/6/08)

Summary:

Limit on corporate solicitations for separate segregated fund: The \$500 annual limit on a corporation's solicitation expenditures for its separate segregated fund may be applied to any period of 12 consecutive months, including the corporation's fiscal year. § 11.38 (1)(a)2., Stats. (Issued to Floyd S. Keene, July 20, 1978)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on October 6, 2008.

Opinion:

You have submitted the following request for a formal Elections Board opinion:

I am writing to request an interpretation of §11.38 (1)(a)3., Wis. Stats. The statutory subsection states, in part:

'The corporation or association may not expend more than \$500 annually for solicitation of contribution to such fund.'

My question concerns the use of the word 'annually' in the statutory provision quoted above. Specifically, I would like to know whether a §11.38 (1)(a)2. committee may utilize a fiscal year (e.g. July 1 through June 30) during which no more than \$500 of corporate funds may be spent for solicitation purposes. In such a case, more than \$500 might be spent in a given calendar year which contains parts of more than one fiscal year.

In the opinion of the Board, it would be permissible for a corporation to apply its \$500 solicitation limits in §11.38 (1)(a)3, Stats., to expenditures during a fiscal year, rather than a calendar year.

The statute applies the limit "annually." Generally that term is used to designate any consecutive period of 12 months, as opposed to the term "calendar year," used to designate that period of 12 months commencing on January 1 and concluding on December 31. If the legislature had intended the limit to be applied per "calendar year," it would have so indicated, as it did in applying the limits on contributions to political party committees in §11.26 (8), Stats.