

El. Bd. Op. 78-6 (Reaffirmed 8/27/08)

Summary:

Prohibition on use of filed campaign finance reports and statements. The ban on use of filed reports and statements for solicitation of contributions does not prohibit a candidate from using information gained from reports or statements to inform persons of his or her candidacy and inviting questions on political issues. (Issued to James Mueller, June 11, 1978)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on August 27, 2008.

Opinion:

You have asked whether it would be permissible for a candidate to correspond with individuals and committees, whose identities are obtained from campaign finance reports filed with the Board, for the purpose of informing those persons and committees "that (he is) a candidate and that (he is) willing to communicate with them regarding the issues in the campaign, without any requests for financial contributions."

Section 11.21 (5), provides that information obtained from campaign finance reports or statements required by law to be filed with the Board "may not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose."

In the opinion of the Board, the correspondence about which you ask would not fall within the prohibited category of "soliciting contributions." Solicitation occurs only when one engages in some affirmative act of request or entreaty, and this correspondence would do no more than inform the addressees of the candidate's candidacy and invite inquiries about issues. Further, the statute applies only to the solicitation of "contributions," defined in chapter 11 generally as support with money or tangible items of merchantable value. §11.01 (5), Stats. Section 11.21 (5) does not preclude the use of reports to solicit non-contribution types of support, such as voluntary assistance, votes or endorsement.

The Board notes that any use of information obtained from Board filed reports for solicitation of contributions at any time is prohibited.