

El. Bd. Op. 86-3 (Reaffirmed 3/26/08)

Summary:

Organization or PAC that sponsors a partisan "get out the vote" drive must register with the appropriate filing officer and meet the applicable requirements of the campaign finance law. §11.05(1), Stats. Disbursements used in the drive are not allocable as in-kind expenditures. (Issued to Brady C. Williamson, January 14, 1987.)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on March 26, 2008.

Opinion:

You recently requested the Elections Board to issue its formal opinion under §5.05(6), Stats., concerning the activities of an organization or its PAC to conduct a partisan "get out the vote" drive. You essentially ask whether, under the campaign finance law, the organization or its PAC must satisfy any requirements, and, if so, which ones.

You inform us that a national organization which sponsors a PAC is interested in conducting a partisan "get out the vote" drive. The organization or its PAC does not intend to advocate the election or defeat of a clearly identified candidate as a part of its "get out the vote" drive. The object of the drive is to encourage persons to vote for one party (or its candidates) at the election.

The Board believes that the organization or its PAC must register with the appropriate filing officer. §11.05(1), Stats. In addition, the organization or PAC is subject to the same contribution and disbursement limits applicable to a committee of the same kind, and also to the same reporting requirements. §§11.26, 11.12, and 11.20, Stats. The disbursements of the organization or PAC used for the "get out the vote" drive, however, would not be an in-kind contribution that would be allocable to any candidates who may benefit from such a voter registration drive because there is no clearly identifiable candidate.

This opinion amends El. Bd. Op. 86-3 issued on October 3, 1986.