

Government Accountability Board

State of Wisconsin

212 E. Washington Ave., Third Floor ▪ Madison, WI 53703 ▪ gab@wi.gov ▪ (608) 266-8005 ▪ Help Desk (608) 261-2028 ▪ <http://gab.wi.gov>

FOR IMMEDIATE RELEASE:
July 30, 2010

FOR MORE INFORMATION, CONTACT:
Reid Magney, 608-267-7887

New G.A.B. Rule on Campaign Ads in Effect August 1

MADISON, WI – A new Wisconsin state administrative rule will go into effect in August regarding campaign advertisements.

The new rule uses a common-sense test in determining whether an ad has a political purpose and is subject to statutory disclosure and disclaimer requirements. An ad will be considered to have a political purpose if it is “susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.” If an ad meets these and other specific criteria, it will be subject to the applicable campaign finance regulations and requirements in Chapter 11 of Wisconsin Statutes.

Previously, a campaign ad had to expressly advocate the election, defeat, recall or retention of a clearly identified candidate. Originally, express advocacy was defined by the use of certain “magic words” or their functional equivalents for it to be subject to campaign finance laws requiring disclosure of who paid for the ad. Those rules led to numerous campaign ads by independent groups that skirted regulation by avoiding the use of certain words, such as “vote for” and “vote against.”

The rule, known as GAB 1.28, was approved by the Government Accountability Board in March 2010 and submitted to the Legislature, which has the power to block the rule within a certain period of time. In July, the Senate Committee on Labor, Elections and Urban Affairs and the Assembly Committee on Elections and Campaign Reform both reported taking no action on the proposed rule. The rule will now be published in the Administrative Register and is effective August 1, 2010.

“This rule means that if people or groups run independent ads, which for all intents and purposes are political ads for or against a candidate, they will be required to disclose what they’re doing and where the money is coming from,” said Kevin J. Kennedy, director and general counsel of the G.A.B. “It will improve transparency in campaign finance and elections, and help voters make informed decisions at the ballot box.”

###

The Government Accountability Board (G.A.B.) is responsible for administration and enforcement of campaign finance, elections, ethics and lobbying laws in Wisconsin. The G.A.B. is made up of six non-partisan, former judges and is supported by an agency of non-partisan staff members.