

Opinion Withdrawn – Wisconsin Ethics Commission – 12/06/2016

Summary:

A registrant may use a commercial vendor to collect contributions from visitors to the registrant's web site. The vendor may not exercise any discretion or control over the amount of the contribution or who receives the contribution. The registrant must obtain the information about the contributor to enable the registrant to comply with the disclosure requirements of the campaign finance law. (Issued to R.J. Pirlot, June 21, 2000)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on May 5, 2008.

Opinion:

You have requested direction from the Elections Board on accepting campaign contributions by credit card on a candidate's personal campaign committee's web site. You indicate that the Taxpayers for Jensen (registrant) has established a web site which is maintained by a commercial vendor. The registrant would like to accept campaign contributions from individuals who visit the web site.

Visitors to the web site will be able to select an option to make a campaign contribution through a secure connection that encrypts the contributor's credit card and personal information. The commercial entity that runs the website will collect the contributions and send a single check to the registrant. The vendor will deduct a fee for the service.

The Elections Board has approved similar arrangements where a non-campaign entity collects contributions from individuals and transmits a lump sum payment to a political registrant. The non-campaign entity usually has a relationship with the contributor and does not charge a fee for the service. See EI Bd. Ops. 74-1, 76-5, 76-15, 78-1, 88-3, 91-1. The critical elements of these arrangements are that the entity transferring the funds exercises no discretion or control over the amount of the contribution or who receives the contribution. The registrant receiving the contribution is required to obtain from the vendor the information about the contributor to enable the registrant to comply with the disclosure requirements of the campaign finance law

The Elections Board views the proposed arrangement as consistent with its earlier positions. The use of a commercial entity to collect the contribution does not frustrate the goals of Wisconsin's campaign finance regulations.

Because the vendor is an agent of the registrant when it collects contributions through the web site, it is required to transmit any contribution to the registrant within 15 days of receipt of the contribution as required by §11.06 (4)(c), Stats. The registrant reports the receipt of the contribution when it receives the funds from the vendor. The registrant must report the gross amount of the contribution along with all the information required by §11.06 (1)(a), (b), Stats. The fee deducted by the vendor shall be disclosed separately as a disbursement by the registrant as required by §11.06 (1)(g), Stats.

During the 15 days following the close of pre-primary and pre-election reporting period the registrant may receive funds from the vendor that trigger the 24 hour reporting requirement under §11.12 (5), Stats. The registrant is required to obtain the information relating to the contributor to insure timely filing of any special report of late contributions.

The Elections Board recognizes the positive role that the Internet can provide in engaging citizens in election campaigns. However participants in the political process must ensure that the utilization of technology is consistent with Wisconsin law designed to provide citizens with full information on the source of a candidate's support. §11.001, Stats.