

Opinion Withdrawn – Wisconsin Ethics Commission – 12/06/2016

Summary:

The name and address of each contributor making a single contribution of \$10 or less need not be recorded by a campaign treasurer, but the treasurer is under a statutory duty to exercise a "good faith" effort to seek to obtain such information if he knows or has reasonable cause to believe that a contributor's aggregate contribution has or will exceed \$10. (Issued to James W. Mohr, Jr., September 19, 1974)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on May 5, 2008. The G.A.B. directed an annotation be added alerting the public that statutory changes subsequent to the opinion's issuance have raised the reporting threshold to \$20. 1975 Wisconsin Act 93; §11.06(1)(a), Stats. With the addition of the afore-noted annotation, the opinion below fully incorporates the revisions directed by the G.A.B.

Opinion:

You state that your client, Thomas Jacobson, is conducting fund raising events through his campaign committee in which the ticket prices range at various levels of \$10 or less. You inquire whether the law mandates that a record be kept of the purchaser of such a ticket so that in case the purchaser exceeds \$10 in the aggregate during the period his name and address will be reported. It is the opinion of the board that a treasurer is under a statutory duty to keep record of every sum collected.

Section 11.06 (1)(b), Stats., requires the reporting of the full name and street address of each contributor of more than \$10 in the aggregate during the reporting period.

Sections 11.12 (3), 11.22 (2)(c), and 11.23 (3), Stats., require a campaign treasurer to specifically record certain information relating to each contribution exceeding \$10 and to include the aggregate information required by §11.06 (1)(b), Stats. Section 11.06 (3), however, requires a treasurer to make a "good faith effort to obtain all required information." What is a "good faith effort" depends upon the circumstances of each case. However, the treasurer need not keep records of the contributors of miscellaneous small receipts if he has no information or cause to believe that the contributors have exceeded \$10 in the aggregate.