

Opinion Withdrawn – Wisconsin Ethics Commission – 12/06/2016

Summary:

A campaign worker may make an authorized disbursement exceeding \$25 in support of a candidate and receive subsequent reimbursement from the campaign fund by negotiable instrument if the disbursement is verified by a receipt. (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 require that all disbursements from the campaign's treasury be made by negotiable instrument, regardless of amount. 1975 Wisconsin Act 93; §11.16(3), Stats. With the addition of the afore-noted annotation, the opinion below fully incorporates the revisions directed by the G.A.B.

Opinion:

You inquire whether a person such as a campaign worker may make a disbursement exceeding \$25 in support of a candidate and subsequently receive reimbursement from the campaign treasurer. It is the opinion of the board that this would be permissible if the disbursement is verified by a receipt from the supplier and reimbursement is made by check from the campaign depository account itemizing the disbursement.

Sections 11.12 (1) and 11.22 (2)(a), Stats., provide that "no disbursement may be made . . . other than through (emphasis added) the campaign treasurer of the candidate or his opponent." Sections 11.16 (3) and 11.22 (2)(c) require that "(every) disbursement exceeding \$25 shall be made by negotiable instrument bearing on the face 'Campaign Fund of (name of candidate, committee, individual or group subject to filing requirement).'"

It should be noted that §§11.12 (1) and 11.22 (2)(a) specify only that a disbursement must be made through a campaign treasurer, but not necessarily by a campaign treasurer. A campaign worker who is authorized by a candidate to make a disbursement does not therefore violate this section.

A disbursement by such a campaign worker which is not reimbursed must be reported as a contribution if it is accepted. If it is not accepted and the amount exceeds \$25, there would be a prima facie violation of the central treasurer system. §§11.12 (1) and 11.22 (2)(a), Stats.

Although §§11.16 (3) and 11.22 (4)(c), Stats., require that disbursements exceeding \$25 must be made by negotiable instrument bearing on the face "Campaign Fund of," the board construes this provision to be complied with if each obligation exceeding \$25 is eventually satisfied by a negotiable instrument from the campaign fund. This does not prevent a campaign worker from making an authorized disbursement in cash, subject to later reimbursement.

This opinion should not be construed as meaning that records such as receipts need not be kept where the original obligation is directly satisfied by a check. We do not address this question.