

Opinion Withdrawn – Wisconsin Ethics Commission – 12/06/2016

Summary:

The contribution limitations of §11.26 (1) and (10), Stats., apply per campaign and not per calendar year. (Issued to Eunice Niemi, December 17, 1975)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on June 9, 2008. (Note that the legislature modified the requirements of §11.26(10), Wis. Stats., following issuance of this opinion.)

Opinion:

You have requested the Board's opinion whether the contribution limitations of §§11.26, (1) and (10), Stats., apply per campaign or per calendar year. By way of example, you point out that candidates for the office of county supervisor in Milwaukee County are permitted by §11.26 (10), Stats., to contribute up to \$1,200 to themselves and that individuals other than the candidates are permitted by §11.26 (1), Stats., to contribute up to \$400 to candidates for said office. Specifically, you inquire whether such candidates may contribute \$1,200 to themselves each year and whether individuals other than the candidates may contribute \$400 to such candidates each year.

Section 11.26 (3), Stats., as amended by sec. 94, Chapter 93, Laws of 1975, states: "The contribution limitations of subs. (1) and (2) apply cumulatively to the entire primary and election campaign in which a candidate participates ... (a)ll moneys accumulate regardless of the time of contribution." [Emphasis added.]

Section 11.26 (10), Stats., as amended by sec. 94, Chapter 93, Laws of 1975, states: "Notwithstanding sub. (1), . . . any candidate who is covered under §§11.31 (1)(g) and (h), Stats., may make contributions of not more than \$500, or 300% of the amounts specified to his own campaign ... " [Emphasis added.]

It is the Board's opinion that the contribution limitations of §§11.26 (1) and (10), Stats., apply per campaign and not per calendar year. In your example, therefore, candidates for the office of county supervisor may contribute to themselves only \$1,200 per campaign or once every four (4) years and individuals other than said candidates may contribute to such candidates only \$400 per campaign or once every four (4) years.