

Wisconsin Ethics Commission

For persons elected to state or local office who become a candidate for national, state, or local office

50 Piece Rule

THE 50-PIECE RULE

Wisconsin's campaign finance law prohibits a person elected to state or local office who becomes a candidate for any office from using public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material during the campaign season. [WIS. STAT. § 11.1205](#) This rule is also sometimes referred to as the 49-piece rule, because it allows for the distribution of up to 49 pieces of substantially identical materials, with the 50th piece being a violation of the law. While the official's intent is not an express element of the rule, the rule has historically only been applied to communications with a political purpose.¹

COVERED TIME PERIOD - [WIS. STAT. § 11.1205\(1\)](#)

This prohibition begins after:

- The first day to circulate nomination papers, if nominated by nomination papers;
- The day the board of canvassers issues a determination that the person is nominated if nominated at a primary election by write-in votes;
- The date of the caucus, if nominated at a caucus; or
- The first day of the month preceding the month which includes the last day for filing a declaration of candidacy, if nominated solely by filing the declaration.

This prohibition ends:

- The day after the date of the primary election, if the candidate is unsuccessful in being nominated at the primary election, and is not running as a write-in candidate in the election; or
- The day after the date of the election.

EXCEPTIONS TO THE 50-PIECE RULE - [WIS. STAT. § 11.1205\(2\)](#)

The 50-piece rule does not apply to the following:

- Answers to communications from constituents;
- Actions taken by a state or local government administrative officer pursuant to a specific law, ordinance or resolution which authorizes or directs the actions to be taken;
- Communications between members of the legislature regarding the legislative or deliberative process while the legislature is in session; or
- Communications not exceeding 500 pieces by members of the legislature relating solely to the subject matter of a special session or extraordinary session, made during the period between the date that the session is called or scheduled and 14 days after adjournment of the session.

¹ See [69 Atty. Gen. 259](#); [1978 Op El Bd 12](#) (withdrawn December 6, 2016).

SUBSTANTIALLY IDENTICAL

“Substantially identical” is not defined by statute, but a common dictionary definition indicates that the prohibition would apply to material that is largely, if not wholly the same.² For example, pieces that contain the same message and simply address different recipients or have a different salutation would still be substantially identical pieces.

ADDITIONAL RESOURCES

For additional information, please visit the Ethics Commission website: <https://ethics.wi.gov>. If you have additional questions, please contact the Wisconsin Ethics Commission staff by email at CampaignFinance@wi.gov, or by phone at (608) 266-8123. Advice sought from the Ethics Commission is confidential. For authoritative information, refer to Wisconsin Statutes. You may also wish to consult with an attorney.

² <https://www.merriam-webster.com/dictionary/substantial>
<https://www.merriam-webster.com/dictionary/identical>