

# Wisconsin Ethics Commission

## For all committees

### Attribution Statements

#### ATTRIBUTION STATEMENTS

Wisconsin campaign finance laws require an attribution statement, also known as a disclaimer, on materials containing express advocacy that are paid for by any contribution or disbursement.<sup>1</sup> Express advocacy paid for or reimbursed by a person, other than a committee, must also include an attribution statement if the cost of the communication exceeds \$2,500.<sup>2</sup> Express advocacy communications clearly identify a candidate and clearly advocate for the election or defeat of that candidate.<sup>3</sup> Materials or communications made for the purpose of influencing the recall or retention in office of a state or local elected official must also include an attribution statement.<sup>4</sup> Beginning on January 3, 2023, Wisconsin law will require an attribution statement on materials supporting or opposing a referendum.<sup>5</sup>

#### CONTENTS OF AN ATTRIBUTION STATEMENT

An attribution statement must include the words, “Paid for by” followed by the name of the committee making the payment or reimbursement, or assuming responsibility for the communication.<sup>6</sup>

#### INDEPENDENT EXPRESS ADVOCACY

Political action committees and independent expenditure committees who make independent expenditures<sup>7</sup> in an aggregate amount in excess of \$2,500 during the 60 days prior to an election must include the words “Paid for by” followed by the name of the committee and the words “Not authorized by any candidate or candidate’s agent or committee.”<sup>8</sup> Any person, other than a committee, making an independent expenditure costing more than \$2,500 must include the words “Paid for by” followed by the name of the person.<sup>9</sup> If the communication occurs within 60 days prior to an election, the attribution statement must also include “Not authorized by any candidate or candidate’s agent or committee.”<sup>10</sup>

#### READABLE, LEGIBLE, AND READILY ACCESSIBLE

An attribution must be readable, legible, and readily accessible.<sup>11</sup>

- “Readable” means able to be read easily.<sup>12</sup>
- “Legible” means each individual letter or character is clearly printed so it can be easily understood.<sup>13</sup>
- “Readily accessible” means capable of being seen without much difficulty.<sup>14</sup>

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<sup>1</sup> [WIS. STAT. § 11.1303\(2\)\(a\).](#)

<sup>2</sup> [WIS. STAT. § 11.1303\(2\)\(c\).](#)

<sup>3</sup> [WIS. STAT. § 11.0101\(11\).](#)

<sup>4</sup> [WIS. STAT. § 11.1303\(2\)\(em\).](#)

<sup>5</sup> [2021 Wisconsin Act 265 § 99.](#)

<sup>6</sup> [WIS. STAT. § 11.1303\(2\)\(b\).](#)

<sup>7</sup> See [WIS. STAT. § 11.1203.](#) [WIS. STAT. § 11.0101\(16\).](#)

<sup>8</sup> [WIS. STAT. § 11.1303\(2\)\(d\).](#)

<sup>9</sup> [WIS. STAT. § 11.1303\(2\)\(c\).](#)

<sup>10</sup> [WIS. STAT. § 11.1303\(2\)\(d\).](#)

<sup>11</sup> [WIS. STAT. § 11.1303\(2\)\(g\).](#)

<sup>12</sup> [WIS. ADMIN. CODE ETH 1.96\(1\)\(br\).](#)

<sup>13</sup> [WIS. ADMIN. CODE ETH 1.96\(1\)\(b\).](#)

<sup>14</sup> [WIS. ADMIN. CODE ETH 1.96\(1\)\(c\).](#)

An attribution in a written communication is presumed to be readable, legible, and readily accessible if it meets the following requirements<sup>15</sup>:

- a. It appears in a sans-serif font (e.g., Arial)
- b. It meets the following applicable minimum font size:
  1. An attribution on a written communication measuring no larger than 8.5 inches by 11 inches must be printed in at least 10-point font;
  2. An attribution on a written communication larger than 8.5 inches by 11 inches, but is not larger than 24 inches by 36 inches, must be printed in at least 12-point font; or
  3. An attribution on any other written communication must appear in letters that are at least four percent of the vertical height of the communication.
- c. It appears in black text on a white background, or the degree of contrast between the background color and the text color is at least as great as the degree of contrast between the background color and the color of the largest text in the communication.
- d. It remains visible for a period of at least four seconds.

### **TYPES OF COMMUNICATIONS THAT DO NOT REQUIRE ATTRIBUTION STATEMENTS**

Communications printed on small items such as text messages, social media communications, and certain small advertisements on mobile phones on which the information required cannot be conveniently printed may not require an attribution statement.<sup>16</sup> The Commission has authority to specify by administrative rule small items or other communications that are exempt from the attribution requirement.

The following do not require an attribution:<sup>17</sup>

- Business cards.
- Buttons.
- Pencils/Pens.
- Pins.
- Skywriting.
- Tickets.
- Small online ads and similar electronic communications where the language required could not conveniently be included, and that either link directly to a website that includes the required attribution, or provide an automatic display that includes the attribution.<sup>18</sup>

### **ADDITIONAL INFORMATION AND RESOURCES**

This is a guideline adopted by the Wisconsin Ethics Commission. Guidelines are prepared to provide general information to the public concerning the laws within the Commission's jurisdiction. Guidelines are not the law. Legal authority can be found in Wisconsin Statutes, the Wisconsin Administrative Code, case law, and the Commission's advisory opinions. If you have additional questions, please contact the Wisconsin Ethics Commission staff by email at [CampaignFinance@wi.gov](mailto:CampaignFinance@wi.gov), or by phone at (608) 266-8123. Advice sought from the Ethics Commission is confidential. For additional information, please visit the Ethics Commission website: <https://ethics.wi.gov>.

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<sup>15</sup> [WIS. ADMIN. CODE ETH 1.96\(3\)](#).

<sup>16</sup> [WIS. STAT. § 11.1303\(2\)\(f\)](#).

<sup>17</sup> [WIS. STAT. § 11.1303\(2\)\(f\)](#); [WIS. ADMIN CODE ETH 1.96\(5\)](#).

<sup>18</sup> Additional requirements apply to this exception. See [WIS. ADMIN. CODE ETH 1.96\(5\)\(h\)](#).