

NOTICE OF PROPOSED GUIDANCE DOCUMENT

ETHICS GUIDELINE ETH-1301

Pursuant to s. 227.112, Wis. Stats., the Wisconsin Ethics Commission is hereby seeking comment on ETH-1301, a proposed guidance document. This guideline replaces the earlier guideline of the same number.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Ethics Commission until June 3, 2019, by:

1. Emailing ethics@wi.gov, or
2. Mailing written comments to:
P.O. Box 7125
Madison, WI 53707-7125

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at <https://ethics.wi.gov/Pages/Resources/ResourcesOverview.aspx> to allow for ongoing comment.

AGENCY CONTACT PERSON

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Wisconsin Ethics Commission

For all committees

Attribution Statements

ATTRIBUTION STATEMENTS

Wisconsin campaign finance laws generally require an attribution statement, also known as a disclaimer, on materials containing express advocacy. [WIS. STAT. § 11.1303](#). Express advocacy communications clearly identify a candidate and clearly advocate for the election or defeat of that candidate. [WIS. STAT. § 11.0101\(11\)](#).

Attribution statements must be included on any express advocacy communications that are paid for by any contribution or disbursement. [WIS. STAT. § 11.1303\(2\)](#). 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. [WIS. STAT. § 11.1303\(2\)\(em\)](#). 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. [WIS. STAT. § 11.1303\(2\)\(c\)](#).

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. The name of the treasurer or other officers of the committee is no longer required. [WIS. STAT. § 11.1303\(2\)\(b\)](#).

INDEPENDENT EXPRESS ADVOCACY

Political action committees (PACs), independent expenditure committees, or other persons who make independent expenditures (express advocacy communications not coordinated with a candidate, candidate committee, candidate’s agent, legislative campaign committee, or political party) in excess of \$2,500 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.” [WIS. STAT. §§ 11.0101\(16\), 11.1303\(2\)\(d\)](#).

READABLE, LEGIBLE, AND READILY ACCESSIBLE

The attribution must be readable, legible, and readily accessible. [WIS. STAT. § 11.1303\(2\)\(g\)](#).

- “Readable” and “legible” are not defined by statute, but common dictionary definitions of these terms would indicate that the attribution should be clearly printed so it can be understood.¹
- “Readily accessible” is not defined by statute, but a common dictionary definition would indicate that the attribution should be capable of being seen without much difficulty.²

¹ <https://www.merriam-webster.com/dictionary/readable>
<https://www.merriam-webster.com/dictionary/legible>

² <https://www.merriam-webster.com/dictionary/readily>
<https://www.merriam-webster.com/dictionary/accessible>

TYPES OF COMMUNICATIONS REQUIRING AN ATTRIBUTION STATEMENT

All communications containing express advocacy or made for the purpose of influencing the recall from or retention in office of an individual holding a state or local office require an attribution statement. The following is a non-exclusive list of examples of communications where attributions would be required:

- Printed advertisements/direct mail;
- Billboards;
- Handbills;
- Sample ballots;
- Television or radio advertisements; and
- Other communications containing express advocacy (e.g., robo-calls, emails, or websites).

[WIS. STAT. § 11.1303\(2\)\(a\), \(em\).](#)

TYPES OF COMMUNICATIONS THAT DO NOT REQUIRE ATTRIBUTION STATEMENTS

Communications printed on small items on which the information required cannot be conveniently printed may not require an attribution statement. The following are examples of communications that are commonly limited in size where an attribution statement may not be required:

- Some text messages;
- Some social media communications; and
- Certain small advertisements on mobile devices.
- Other small items or communications that the Commission may adopt by rule.

[WIS. STAT. § 11.1303\(2\)\(f\)](#)

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.



Wisconsin Ethics Commission

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(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

CERTIFICATION OF AGENCY HEAD

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink, appearing to read 'D. Carlton, Jr.' with a stylized flourish at the end.

Daniel Carlton, Jr.
Commission Administrator
Wisconsin Ethics Commission

Wisconsin Ethics Commissioners

Mac Davis | David R. Halbrooks | Katie McCallum | Tamara Packard | Pat Strachota | Timothy Van Akkeren

Administrator

Daniel A. Carlton, Jr.