

A candidate's contributions to his own campaign for local office (except in Milwaukee County) are limited to 7½% of his disbursement limitation. A candidate may receive individual contributions not exceeding 5% of the limitation from a spouse, children or relative, provided that the funds or property are their own. (Issued to Richard C. Kelly, August 28, 1974)

You ask how a candidate's contribution to his own campaign for county office is to be figured and whether the limit may be circumvented by contributions from a candidate's family.

Under s. 11.31 (1)(j), Stats., the disbursement limitation for a campaign for county office would be the greater of \$500; or one-fourth of the annual salary during the first year of incumbency for the office sought; or 10¢ per inhabitant of the county; but not more than \$20,000. The population of your county is 18,500 persons which produces a limit of \$1,850. The salary of the office in question is \$11,700, which produces a limit of \$2,925. Since this is the higher figure it is the one which should be used. (Note that this formula does not apply in Milwaukee County. See s. 11.31 (1)(i) 1.)

A candidate may not spend money directly on his own campaign. All money and other contributions of a candidate must be given to the candidate's campaign treasurer. This person may be the candidate himself or any other elector. s. 11.22 (1)(a) and (2)(a), Stats. A candidate's contributions to his own campaign are limited to 150% of the limit of an individual contributor. s. 11.26 (10), Stats. Since the individual contribution limit for a county office is equal to 5% of the value of the candidate's authorized disbursement limitation, under s. 11.26 (1)(e), Stats., the candidate's limit would be 7½%. Therefore, in this instance, the candidate's contribution limit would be \$219.36.

You ask whether this limitation may be circumvented by:

- a. Contributions from the candidate's spouse.
- b. Contributions from the candidate's children.
- c. A gift by the candidate of money to a friend or relative who then contributes the money to the candidate's campaign.

The controlling provision here is s. 11.24 (1), Stats., which restricts the "laundering" of political contributions:

"11.24 UNLAWFUL POLITICAL CONTRIBUTIONS.

(1) No person may, directly or indirectly, make any contribution other than from funds or property belonging to the contributor. No person may, directly or indirectly, furnish funds or property to another person for the purpose of making a contribution in other than his own name. No person may intentionally accept or receive any contribution made in violation of this subsection."

Using this subsection, if a candidate's spouse gave a contribution to the campaign, it must be made from the funds or property of the spouse, or from joint property. Although there may be some question as to whether a contribution from joint property would be permissible if one spouse had already contributed, a prohibition on such contributions would effectively deny the right of the spouse of a candidate to make a contribution if the spouse had little property which was not held jointly. Contributions from a candidate's son or daughter would also be permissible if the property or funds belong to that person rather than to the parents. Although there is no distinction as such between minor and adult children, it is likely that adult children may have the means to make such a contribution while minor children may not, unless such minors have a source of income independent of their parents. Lastly, it is clear that if a candidate gives money to a friend or relative who then makes a contribution to the candidate, this violates section 11.24 (1) if it is even impliedly understood that the recipient of the candidate's gift is to re-transfer the money. Such transfers therefore would be cause for suspicion, unless it can be shown that a gift by a candidate would have happened in the normal course (for example, a small birthday gift by a relative).