

Campaign funds may be utilized only for political purposes as defined in sec. 11.01 (16), Stats. (Issued to Tim Cullen, March 17, 1976)

You indicate that you wish to send out a constituent questionnaire the cost of which may cause you to exceed your biennial office allowance and request the Board's opinion on the following questions:

"Can any general office expense be paid for out of funds received as political contributions?

Can the printing and postage costs incurred in mailing a constituent brochure be paid for out of campaign funds?

Can the postage incurred in mailing state road maps to constituents be paid for with campaign funds?

If any of the above are permitted does the amount spent count toward the \$16,000 spending limit if spent in a non-election year?"

Section 11.25 (2)(a), Stats., states: "No person, committee, or group may make or authorize a disbursement or the incurrence of an obligation from moneys solicited for political purposes for a purpose which is other than political, except as specifically authorized by law."

Therefore, as regards your first three questions, the answer is "no" to each of them unless the "general office expense," "printing and postage costs incurred in mailing a constituent brochure," and "postage costs incurred in mailing state road maps to constituents" constitute acts done for a political purpose.

Section 11.01 (16), Stats., states: "An act is for 'political purposes' when by its nature, intent or manner it directly or indirectly influences or tends to influence voting at any election. Such an act includes support or opposition to a person's present or future candidacy or to a present or future referendum...."

Therefore, it is a matter of determining in each instance whether the above acts fall within the definition of political purpose specified in sec. 11.01 (16), Stats., which would, of course, be dependent upon your intent and the content of the material distributed.

No opinion will be rendered regarding your last question on disbursement limitations since the Board believes it inadvisable to do so in view of the uncertainty created by the U.S. Supreme Court decision in Buckley v. Valeo decided January 30, 1976.