

A political party committee or legislative campaign committee may make direct disbursements to pay the recount-related expenses of a party candidate. The payment of these expenses will not count against the contribution limits set out in sec. 11.26 (9)(a), Stats., but must be reported pursuant to s.11.06(1), Stats. The candidate may also set up a separate fund to cover recount-related expenses which is not subject to the reporting requirements of s.11.06(1), Stats., but a registered political committee may not make any contributions to the fund.
(Issued to David Travis on February 19, 1981)

You have asked for the Board's opinion concerning the applicability of contribution limits set out in s.11.26, Stats., when a political party wishes to pay recount-related expenses for one of its candidates. You have described a situation where a candidate who is close to his 65% limitation set out in s.11.26(9)(a), Stats., is involved in a recount pursuant to s.9.01, Stats. You indicate that the candidate has incurred legal expenses, and expenses for food, lodging, and transportation on behalf of his representatives at the recount proceedings. You ask whether the payment of the recount-related expenses by the political party constitutes a contribution for the current campaign subject to limitation by s.11.26(9)(a), Stats.

Payment of legal fees and other expenses resulting from a recount in any election are implicitly excluded from the definition of political purpose contained in s.11.01(16), Stats., by s.11.25(2)(b), Stats. That statute permits a registrant to accept contributions and make disbursements from the campaign depository for the purpose of the payment of legal fees and other expenses as a result of a recount in any election "notwithstanding the definition of political purpose set out in s.11.01(16), Stats." However, if the expenses are paid, and contributions are made to the candidate's campaign depository, the expenses are reportable under s.11.06(1), Stats., as disbursements and are subject to the limitations contained in s.11.26, Stats. This is explicitly stated in s.11.25(2)(b), Stats.

If a political party committee makes a disbursement to pay recount-related expenses of a candidate, the disbursement will not be treated as an in-kind contribution to the candidate if the disbursement is made directly to the providers of legal services, food, lodging and transportation that result from the recount proceedings. A direct reimbursement of a candidate or his representatives in a recount proceeding for food, lodging or transportation expenses would not be treated as an in-kind contribution if made by a political party. The direct disbursements by a political party committee would