



WISCONSIN CATHOLIC CONFERENCE

EYE ON THE CAPITOL

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NEW WATCHDOG BOARD TAKES AIM AT ISSUE ADS

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One byproduct of legislative scandals that ended several political careers some years ago was the creation of the Government Accountability Board, or GAB. The GAB replaced two agencies, the Ethics Board, which enforced our lobby laws, and the Elections Board, which administered campaign finance and voting regulations.

Unlike the “old” Boards which included individuals nominated by party leaders in the legislature, the GAB consists of six former judges. It also has new powers that the old Boards lacked. The change was intended to make the new Board more independent and more willing to shake up the status quo. And the GAB is doing just that.

The GAB is giving serious attention to the impact of “issue ads” on our electoral process. Issue ads often run during the election season, but because they do not explicitly endorse a candidate or call for his or her defeat, current campaign finance laws do not apply to them. This makes issue ads attractive to those who want to influence the outcome of an election.

Issue ads are not considered campaign ads. The spending and contribution limits that apply to candidates and their donors do not apply to groups that finance issue ads. Moreover, those who pay for the ads don’t have to disclose where they got the money to produce and air them.

For groups that can’t give money to candidates (like corporations), issue ads provide an enticing means of influencing voters at election time. The lack of accountability for such ads means those who pay for them are able to “stay below the radar.” This is one reason that the ads tend to be negative in tone.

Many people believe issue ads are a leading example of what is wrong with politics today. They believe such ads contribute to negative campaigns and the unsavory influence of big money in our elections process.

The GAB shares these concerns and wants to do something about it. Earlier this year, it asked the Brennan Center for Justice to draft a revision to the rule governing issue advocacy.

The possible revision of the rule is drawing fire on two fronts. One criticism is that regulating issue ads infringes on the free speech of those who finance the ads. These opponents argue that

telling the public who pays for an issue ad stifles free speech in a way that telling the public who finances a candidate or a group supporting or opposing a referendum does not.

Another line of attack is that the GAB is exceeding its authority because the law does not give the agency the power to regulate issue ads. They suggest the GAB can only impose disclosure rules on issue ads if the Legislature gives it the ability to do so.

The Government Accountability Board continues to review the matter and consider its options. These include proceeding with a revised administrative rule, seeking additional authority from the Legislature, or leaving the status quo in place. Whatever the Board decides, this is a policy debate with major implications for elections in Wisconsin. All of us should stay tuned.