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November 6, 2013

Kevin Kennedy
Director and General Counsel
Wisconsin Government Accountability Board
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, WI 53707-7984

Dear Kevin:

I am writing to call attention to advertising sponsored by the Wisconsin Homeowners Alliance aimed at influencing the November 19 special election in the 21st Assembly District and urge you and the board to enforce your disclosure rule, GAB 1.28, and require the group to register and report its election spending and how it is financing this activity.

In reviewing the many campaign registrations and reports filed with your agency, we see no evidence that the Wisconsin Homeowners Alliance has registered with the GAB, filed the required oath indicating that it is acting independently of a candidate's campaign, or filed any campaign finance report.

This group is airing a radio ad on behalf of 21st district candidate Jessie Rodriguez (audio available at wispolitics.com/1006/131105HOA.mp3). The ad's script is as follows:

"Madison was out of control. Spending too much and raising our taxes – hurting our economy, making it hard to own a home.

Some want to go back to those failed policies of the past, but not Jessie Rodriguez. Jessie supports public policies that will move us forward.

Jessie Rodriguez says you can do better with your hard-earned dollars than any bureaucrat in Madison. That's why Jessie Rodriguez supports caps on government spending and she wants to hold the line on taxes.

Jessie backs a property tax freeze, saving hundreds of dollars in taxes, and when our leaders in Madison proposed \$100 million in property tax relief, Jessie Rodriguez supported that too so seniors and families can pay their bills instead of Madison's.

So call Jessie Rodriguez at 414-559-6056. Let her know you also support lower taxes, smarter spending and a stronger economy."

This ad clearly meets the definition of a communication for a political purpose under GAB 1.28(3)(b) – "susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate" – and therefore should be subject to all registration and reporting requirements under the

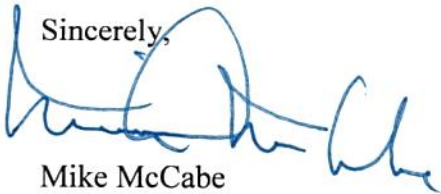
rule. We urge you to take immediate enforcement action to ensure that voters in the 21st Assembly District have access to full information about the Wisconsin Homeowners Alliance's efforts to influence the outcome of the upcoming special election.

In a statement issued on August 10, 2010 announcing the resolution of a federal lawsuit and the board's agreement to stipulate to an injunction with respect to future application of the rule (gab.wi.gov/node/1264), you wrote that under the agreement the board still would be able to **"require disclosure of the identity of those sponsoring communications that are susceptible of no reasonable interpretation other than as an appeal to vote for or against a candidate. Such ads do not need to say 'vote for' or 'support' to be subject to regulation. The lawsuit's resolution removes language that established an irrebuttable presumption that certain activity should always be considered campaign-related and better reflects the Board's initial intent in promulgating the rule."**

It is clear from this statement that application of GAB 1.28(3)(b) to specific communications sponsored by advocacy organizations must be judged on a case-by-case basis. We request that you evaluate the advertisement sponsored by the Wisconsin Homeowners Alliance in the 21st Assembly District race and render a judgment in this case. Given the nature of the group's message, there is no doubt that it cannot be reasonably interpreted to be anything but an appeal to vote for Jessie Rodriguez and therefore meets the rule's definition of a communication made for a political purpose.

Because the election is less than two weeks away, your prompt attention to this matter and a timely decision with respect to enforcement of your disclosure rule are required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike McCabe", with a stylized flourish extending to the right.

Mike McCabe
Executive Director