

# State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

December 22, 2012

Sent by email to [Rep.Wynn@legis.wi.gov](mailto:Rep.Wynn@legis.wi.gov)

The Honorable Evan Wynn  
State Representative  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Representative Wynn:

I am responding to your letter of today's date inquiring as to whether Wisconsin Statutes, administrative rules or other laws prohibit an individual or group from offering something of value, including cash, in exchange for a person signing a recall petition.

As you note, Sections 12.11(1m) and (2), Wis. Stats., prohibit the offering or receipt of anything of value to induce a person to vote or refrain from voting, to vote or refrain from voting for or against a particular candidate, or to sign any nomination paper of a candidate. You are correct in noting that there is no similar prohibition in the Statutes that applies to the signing of a recall petition or a petition for direct legislation.

The Government Accountability Board does not have the authority to create such a rule applying to recall petitions when that behavior is not prohibited by the Statutes. The Board certainly does not condone that practice, if it occurs, as it would undermine public confidence in the electoral system. This is an area where we would like to see some legislative reform.

Recently we conducted a telephone conference with Wisconsin District Attorneys, in conjunction with the Department of Justice, to discuss law enforcement and prosecution matters related to the current circulation of recall petitions. We offered to assist in the evaluation of complaints filed with district attorneys, and to act as a clearinghouse for a variety of complaints that might arise. If your office or any of your constituents become aware of petition circulators offering cash or anything of value in exchange for signatures, we would certainly be interested in receiving specific information as to those incidents. While it may not be a situation that violates current laws, our office is attempting to keep current with events that occur around the State, so that we are able to accurately respond to inquiries from the media and the public. In addition, such information would help us to determine whether it is necessary to recommend that the Legislature amend current laws.

Thank you for contacting us with your questions and concerns. I hope this information is helpful, but please let me know if you need any additional information.

Government Accountability Board

A handwritten signature in cursive script that reads "Kevin J. Kennedy".

Kevin J. Kennedy  
Director and General Counsel