

Campaign Contributions and Activities by Lobbyists and Lobbying Principals

This Guideline is provided as an information resource only. For authoritative advice, contact the Wisconsin Government Accountability Board.¹

CAMPAIGN CONTRIBUTIONS BY LOBBYISTS

Personal contributions

A lobbyist may make a campaign contribution from personal funds:

TO

- a partisan elected state official² running for any office (even a local or national office),
- a candidate for election to a partisan state office, OR
- the campaign committee of either

ONLY

between the date when candidates can begin to circulate nomination papers (April 15 for the general election) and the date of the election in the year of the candidate's election. For a candidate for the Legislature, this "window" does not open until after the Legislature concludes its final floor period (as determined by joint resolution of the Legislature). The "window" closes for contributions to a legislative candidate during any time that the Legislature is in a special or extraordinary session.

Contributions from a PAC, conduit, and other persons

A lobbyist may furnish (e.g., deliver or convey) a campaign contribution on behalf of a PAC, conduit, or other person to a candidate for any office at any time and may at any time participate in discussions with a candidate about such contributions.

CAMPAIGN CONTRIBUTIONS AND ACTIVITIES BY LOBBYING PRINCIPALS

Under Wis. Stat. §11.38 (1) a lobbying principal that is a corporation or Limited Liability Company may not contribute to a candidate's campaign committee at any time. Lobbying principals not subject to Wis. Stat. §11.38 (1) may make a contribution to any candidate but only when the contribution window that applies to lobbyists is open.

The prohibition on incorporated lobbying principal contributions is true not only for monetary contributions but also for in-kind contributions such as a lobbying principal directing its employees or using its supplies to organize or run a golf outing, dinner, or other fundraising event for a candidate's benefit. A lobbying principal may provide such assistance to a candidate's campaign committee only through its PAC. A PAC, even one controlled by a lobbying principal may contribute to a candidate at any time, including an in-kind contribution and may be reimbursed by a principal for the fair market value of supplies and services the PAC furnishes to a campaign committee.

¹ Rules of the Assembly and Senate may impose additional restrictions on when contributions may be accepted by Legislators and when a Legislator may hold a fundraising event.

² Partisan state offices are those of the governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senator, state representative to the assembly, and district attorney [§5.02(23)].

PAC CONTRIBUTIONS AND ACTIVITIES – AT ANY TIME

- **Contributions from Political Action Committees (PACs).** A PAC (even one controlled by an organization that employs a lobbyist), may contribute to a candidate's campaign as long as the committee is appropriately registered with the Government Accountability Board and the contribution does not exceed the limit imposed by campaign finance laws.
- **Sponsoring a fundraising event for a candidate.** Unless otherwise restricted by a rule or policy of the Senate or Assembly, a PAC (even one controlled by an organization that employs a lobbyist) may sponsor a fundraising event for a candidate at any time.

CAMPAIGN ACTIVITIES BY LOBBYISTS – AT ANY TIME

- **Endorsements.** A lobbyist may endorse a candidate or lend his or her name as a supporter or sponsor of a campaign event, including a fundraising event.
- **Advice to others.** A lobbyist, as a volunteer, may advise or urge others to contribute to a candidate.
- **Professional services.** A lobbyist may not, at any time, provide services (whether or not for compensation) to a candidate for any state office or a state official running for any office for which the lobbyist would normally charge a fee, such as legal, accounting, computer, or consulting services. (This is because personal services for a political purpose are excluded from the definition of a "contribution" but nonetheless are something of pecuniary value and thus prohibited by the lobbying law).
- **Uncompensated personal services.** A lobbyist may furnish uncompensated personal services (*e.g.*, distributing yard signs, stuffing envelopes, going door-to-door and bookkeeping *provided the lobbyist does not charge a fee to others for similar work*) to candidates.
- **Attending a fundraising event.** A lobbyist may attend a fundraising event at any time, but may not make a personal contribution at such event except during permitted times.
- **Contributions to self or family.** A lobbyist may make a campaign contribution to the lobbyist's own campaign or to the campaign of the lobbyist's spouse, certain relatives (Wis. Stats. §13.62 (12g)), and members of the lobbyist's household.
- **Contributions to PACs and legislative campaign committees.** A lobbyist may make a personal contribution or convey a PAC, conduit or other's campaign contribution at any time to a political action committee, legislative campaign committee, political party, or the campaign committee of a candidate who neither holds nor who is seeking election to a partisan state office.
- **Contributions to conduits.** A lobbyist may deposit money into a conduit account at any time, but may make a contribution to a partisan elected official or candidate for partisan elective state office through a conduit account only during permitted times.

Legal references: §13.625, *Wisconsin Statutes*; *Barker, et al. v. State of Wisconsin Government Accountability Board*, 841 F. Supp. 255 (1993); 1996 Wis Eth Bd 5.