
1991 Wis Eth Bd 8
LOBBYING AND LOBBYISTS - PROHIBITED PRACTICES

The lobbying law prohibits a lobbyist from making a campaign contribution during a prohibited time period if it is from a personal campaign committee account over which the lobbyist exerts control or which acts at the direction or as an agent of the lobbyist. Eth. Bd. 682

July 2, 1991

Facts

[1] This opinion is based upon these understandings:

- [a. An individual, formerly a legislator, now is a licensed lobbyist.
- [b. The lobbyist retains a personal campaign committee account registered with the Elections Board that still has funds in it.

Question

[2] The State of Wisconsin Ethics Board understands your question to be:

Does the lobbying law impose any restrictions on the lobbyist making campaign contributions from the personal campaign committee account?

Discussion

[3] Section 13.625(1), *Wisconsin Statutes*, prohibits a lobbyist from making campaign contributions to candidates for, or holders of, partisan elective state office except between June 1 and the general election in even-numbered years, and if to a candidate for the legislature, only if the legislature is not in session.¹ That section of the lobbying law prohibits a lobbyist from doing

¹ § 13.625(1), *Wisconsin Statutes*, provides, in relevant part:

13.625 Prohibited practices. (1) No lobbyist may:

(c) Except as permitted in this subsection, make a campaign contribution, as defined in s. 11.01 (6), to a partisan elective state official for the purpose of promoting the official's election to any national, state or local office, or to a candidate for a partisan elective state office to be filled at the general election or a special election, or the official's or candidate's personal campaign committee. A campaign contribution to a partisan elective state official or candidate for partisan elective state office or his or her personal campaign committee may be made in the year of a candidate's election between June 1 and the day of the general election, except that:

1. A campaign contribution to a candidate for legislative office may be made during that period only if the legislature concluded its final floor period, and is not in special or extraordinary session.

indirectly that which he or she is prohibited from doing directly. Any other view would exalt form over substance.

[4] Thus, §13.625 permits a lobbyist to transfer funds from a personal campaign committee account under his or her control to the campaign committee of a candidate for or holder of partisan elective state office only between June 1 and and the general election in even-numbered years, and if to a candidate for the legislature, only if the legislature is not in session. The statutes administered by the Ethics Board do not place a similar restraint on a lobbyist's transfer of campaign funds to a political committee if the recipient committee is not a personal campaign committee.

Advice

[5] The Ethics Board advises that a lobbyist may not make what would otherwise be a prohibited campaign contribution from a personal campaign committee account over which the lobbyist exerts control or which acts at the direction or as the agent of the lobbyist.