

---

**1997 Wis Eth Bd 18**  
LOBBYING AND LOBBYISTS

---

The Ethics Board advises:

(1) that a lobbyist may administer a conduit and sign conduit checks and transmittal letters; and

(2) that a lobbyist may sign a conduit check and transmittal letter conveying a campaign contribution to a partisan elective state official or candidate for a partisan elective state office only between June 1 and the date of the general election in the year of a candidate's election and to a legislative candidate during that period only if the legislature has concluded its final floorperiod and is not in special or extraordinary session. (November 4, 1997)

Facts

- ¶ 1. This opinion is based upon these understandings:
- a. You are a lobbyist.
  - b. You administer a conduit that furnishes campaign contributions.

Question

- ¶ 2. The Ethics Board understands your question to be:
- May you, consistent with the lobbying law, sign contribution checks and transmittal letters on behalf of the conduit?

Discussion

- ¶ 3. The lobbying law, §13.625(1), *Wisconsin Statutes*, is pertinent to your question. That section, reduced to its elements, provides:

No lobbyist  
May furnish  
To an agency official, legislative employee, elected state official, or  
candidate for elective state office  
Anything of pecuniary value

Except a campaign contribution  
But a lobbyist may furnish a campaign contribution  
To a partisan elected state official or candidate for a partisan elective  
state office  
Only between June 1 and the date of the general election in the year of  
the candidate's election  
And to a legislative candidate during that period only if the legislature  
has concluded its final floorperiod and is not in special or  
extraordinary session.<sup>1</sup>

¶ 4. You are a lobbyist. It is our understanding that a conduit does not itself provide money for campaign contributions. Rather, the amount and recipient of contributions are designated by the individual contributors.<sup>2</sup> In 1992, the Ethics Board considered whether a lobbying principal, subject to

---

<sup>1</sup> Section 13.625(1)(b) and (c), *Wisconsin Statutes*, provides:

**13.625 Prohibited practices. (1)** No lobbyist may:

(b) Furnish to any agency official or legislative employe of the state or to any elective state official or candidate for an elective state office, or to the official's, employe's or candidate's personal campaign committee:

1. Lodging.
2. Transportation.

3. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a partisan elective state official or candidate for national, state or local office or to the official's or candidate's personal campaign committee; but a lobbyist may make a contribution to which par. (c) applies only as authorized in par. (c).

(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 floorperiod, and is not in special or extraordinary session.
2. A campaign contribution by a lobbyist to the lobbyist's campaign for partisan elective state office may be made at any time.

<sup>2</sup> State campaign finance law, at 11.01(5m), *Wisconsin Statutes*, defines a conduit. That section provides:

**11.01(5m)** "Conduit" means an individual who or an organization which receives a contribution of money and transfers the contribution to another individual or organization without exercising discretion as to the amount which is transferred and the individual to whom or organization to which the transfer is made.

the same restrictions as a lobbyist, may, without violating the lobbying law, operate a conduit. We said that it could:

Although a conduit facilitates the ability of like-minded individuals to combine and deliver their campaign contributions, and provides administrative and other services to that end, the services (arguably of pecuniary value) are furnished to the individuals who otherwise would not be able to pool their contributions and not to the candidate.

1992 Wis Eth Bd 13, ¶3.

¶ 5. Subsequently, in 1996, the Ethics Board said that a lobbyist, without restriction from the lobbying law, may advise a lobbying organization's members or the members' employees about making campaign contributions as long as the lobbyist acts independent of any candidate or candidate's campaign committee. 1996 Wis Eth Bd 5, ¶6. We reaffirm these opinions and advise that a lobbyist, acting independent of a candidate or candidate's campaign committee, may administer a conduit without restriction from the lobbying law.

¶ 6. In our 1992 opinion, we also recommended that someone other than a lobbyist sign and convey the check provided to the candidate. 1992 Wis Eth Bd 13, ¶¶4,5. In our 1996 opinion we squarely addressed the question whether the lobbying law applies to a lobbyist's physically conveying another's campaign contribution. We said that it did because physically conveying an item falls within the accepted definition of furnishing. 1996 Wis Eth Bd 5, ¶7.<sup>3</sup> We draw no relevant distinction between physically conveying a contribution to a candidate and signing the financial instrument or letter conveying the contribution.

---

<sup>3</sup> Words in a statute must be construed according to common and approved usage. 990.01(1), *Wisconsin Statutes*. Common and approved usage can be determined by consulting a recognized dictionary. *Ervin v. City of Kenosha*, 159 Wis. 2d 464 (1991). Webster's *Third New International Dictionary* 923 (1986) defines "furnish" as "to provide or supply with what is needed, useful, or desirable." See also 80 Op. Att'y Gen. 205 (1992).

In *State ex rel. Milwaukee G.L. Co. v. Arnold*, 190 Wis. 602, 604 (1926), the Wisconsin Supreme Court held that the phrase "furnishing gas for lighting or fuel or both" included "the means by which the gas is supplied to the customer for use." And in *State v. Graves*, 257 Wis. 31, 34 (1950), the court held that a bartender who had sold and delivered beer to an adult with the knowledge that the adult was going to give the beer to a minor had "furnished" the beverage to the minor and could be prosecuted for violating a statute that forbade furnishing alcohol to a minor. Similarly, a merchant may be said to furnish a wide array of goods even though they are supplied by a wholesaler or be on consignment. There is nothing in the language of the statute to support an interpretation that "furnishing" does not mean the conveying of campaign contributions from others.

¶ 7. Of course, this does not mean that a lobbyist may not sign conduit checks or transmittal letters. It means only that a lobbyist may sign a conduit check or transmittal letter conveying a campaign contribution to a partisan elective state official or candidate for a partisan elective state office only during the times permitted by the lobbying law.<sup>4</sup>

Advice

¶ 8. The Ethics Board advises:

(1) that a lobbyist may administer a conduit and sign conduit checks and transmittal letters; and

(2) that a lobbyist may sign a conduit check and transmittal letter conveying a campaign contribution to a partisan elective state official or candidate for a partisan elective state office only between June 1 and the date of the general election in the year of a candidate's election and to a legislative candidate during that period only if the legislature has concluded its final floor period and is not in special or extraordinary session.

WR997

---

<sup>4</sup> Neither statutes, rules, nor Elections Board instructions require that a conduit administrator sign the letter transmitting a conduit contribution to a candidate. See 11.06(11)(a), *Wisconsin Statutes*; Wis. Admin. Code 1.85; Elections Board forms EB-9 and EB-10 and Information on Conduits (rev. 9/95).