
2006 Wis Eth Bd 02
LOBBYING

A lobbying principal may, consistent with the lobbying law, urge its members to contribute to a candidate, as long as the organization is not acting in concert with the candidate. A lobbying principal may not bundle and furnish contributions from its members to legislators except between June 1 and the general election in the year of the member's election and, then, only if the Legislature has concluded its final floorperiod and is not in special or extraordinary session.

¶1 You write on behalf of a lobbying principal to ask whether laws administered by the Ethics Board restrict your organization's ability (1) to urge its members to contribute to a candidate for state office and (2) to bundle those contributions and send them to a candidate.

¶2 Consistent with statutes administered by the Ethics Board, your association may urge its members to contribute to a candidate, as long as the association is not acting in concert with the candidate; however, the law's requirement that a lobbying principal not furnish a campaign contribution to a candidate for election to the Legislature prior to adjournment of the Legislature's final floorperiod is likely to thwart your association's plan for 2006 because the Legislature's calendar calls for the Legislature to complete its final floorperiod on December 28, 2006, long after the 2006 general election will have passed. Physically conveying a campaign contribution to a candidate falls within the meaning of "furnishing." 1996 Wis Eth Bd 5, ¶7.

¶3 Wisconsin's lobbying law, §13.625, *Wisconsin Statutes*, generally prohibits a lobbying principal to furnish anything of pecuniary value to a candidate for state office except that a principal may furnish a campaign contribution (a) to a candidate for non-partisan office at any time and (b) to a candidate for partisan state office between June 1 and the date of the general election in the year of the candidate's election and in the case of a candidate for the Legislature only if the Legislature has concluded its final floorperiod and is not in special or extraordinary session. Your organization is a lobbying principal.

¶4 In a prior opinion interpreting this statute, the Ethics Board has said that an organization that is a lobbying principal

may send a letter to its members without restriction from the lobbying law as long as it is conceived and sent independent of the candidate. Although the lobbying law prohibits the furnishing of items of pecuniary value to a state official, this type of communication with an organization's membership, although valuable, is not a furnishing to an official as long as it is independently done. In contrast, if the mailing is undertaken in consultation or agreement with, or at the behest of, the legislator, then it would be a furnishing of a service of pecuniary value.

1992 Wis Eth Bd 30, ¶4.

¶5 You should ask Wisconsin's Elections Board about the implications, if any, of campaign finance laws to the plan about which you have asked. However, I can tell you that George Dunst, the Elections Board's legal counsel, advises as follows:

The described activity is considered solicitation of contributions to candidates. Solicitation of contributions to candidates is subject to regulation under ch. 11 (Campaign Finance Chapter) of the Wisconsin Statutes. If the organization does not spend more than \$25 on solicitation expenses (printing and postage), annually, it is not required to register or report with the State Elections Board. If it does spend more than \$25 annually for solicitation and other campaign finance expenses, it is required to register. Failure to register is subject to a forfeiture of up to \$500 per violation.

The organization probably should establish a PAC or a conduit in order to engage in this type of activity.

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