

---

**2007 Wis Eth Bd 06**  
**CAMPAIGN ACTIVITIES, LOBBYING LAW**

---

¶1 The Ethics Board advises that a legislator may not ask a lobbyist to pass along information to others about the legislator's desire for a campaign contribution except during the time that the legislator may accept a campaign contribution from a lobbyist. A legislative campaign committee may solicit a campaign contribution from a lobbyist at any time. A legislative campaign committee's employee, not employed by the Legislature, may solicit a campaign contribution from a lobbyist for a legislative candidate at any time if the committee is acting independent of the legislator for whose campaign the contribution is sought. A lobbyist may arrange a fundraising event for a legislative campaign committee at any time.

¶2 This is in response to your letter in which you ask a number of questions about the lobbying law's restrictions on soliciting lobbyists for campaign contributions. We understand your questions to relate to time periods during which the *Statutes* prohibit a lobbyist to furnish, and a legislator to solicit a lobbyist for, a campaign contribution. Our answers pertain to that same period.

¶3 The answers to your questions are governed by §13.625, *Wisconsin Statutes*, which provides, in relevant part:

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

\* \* \*

(b) Furnish to any . . . elective state official or candidate for an elective state office, or to the official's, employee'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 has 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.

\* \* \*

(3) No candidate for an elective state office, elective state official, agency official or legislative employee of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1) (b) 3. and

(c), (2), (4), (5), (6), (7), (8) and (9). No personal campaign committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b) 3. and (c), (2) and (6).

¶4 A driving principle of Wisconsin's lobbying law is to place lobbyists and their employers out of the campaign fundraising equation until after the Legislature has concluded the final floorperiod of the legislative session. The idea is to protect legislative activity from the corrupting power of money while the legislature meets and to protect individuals who earn their livelihood by petitioning the legislature for action affecting their clients from government officials' requests for money.

¶5 By the nature of their work, elected officials and lobbyists have many and frequent opportunities to interact on any number of issues of law and policy. A purpose of the lobbying law is to protect them both from discussions of campaign contributions during the legislative session.

¶6 You have posed ten questions.

¶7 **Asking a lobbyist for a nonlobbyist contact.** Statutes that the Ethics Board administers do not prevent a legislator's asking a lobbyist -- without elaboration about the nature, amount, or need for a campaign contribution -- for the name of a nonlobbyist from whom the legislator may request a PAC or conduit campaign contribution.

¶8 **Asking a lobbyist to convey information about a fundraiser.** Section 13.625 (3) forbids a legislator to ask a lobbyist for any campaign contribution or other item or service of pecuniary value. The Legislature has not limited the prohibition to seeking a contribution from the lobbyist's own pocket. Asking a lobbyist for a campaign contribution regardless of the source from which the money will be derived is what the Legislature has prohibited. Asking a lobbyist to pass along information to others about the legislator's desire for a campaign contribution is a solicitation.

¶9 The Supreme Court of the United States, writing about a Wisconsin matter, compels this result. Interpreting the meaning of the phrase "solicitation of orders," the Court said:

We think it evident that in this statute the term includes, not just explicit verbal requests for orders, but also any speech or conduct that implicitly invites an order. Thus, for example, a salesman who extols the virtue of his company's product to the retailer of a competitor's brand is engaged in "solicitation" even if he does not come right out and ask the retailer to buy some.

*Wisconsin Dept. of Revenue v. William Wrigley, Jr. Co.*, 505 U.S. 214, 223 (1992).

¶10 **Disclaimer to address circumstance in which an invitation is inadvertently directed to a lobbyist.** As administrator of the statute [§13.625 (3)] that forbids a legislator's solicitation of a lobbyist for a campaign contribution, the Ethics Board asks that legislators use their best efforts to purge lobbyists from their invitation lists.

¶11 The Ethics Board recognizes that in spite of a person's best intentions and efforts to avoid directing an invitation to a fundraiser to a lobbyist an invitation may nevertheless find its way to a lobbyist; accordingly, we recommend that an invitation include something like this:

“Lobbyists: if you received this invitation, please disregard” OR

“We have tried to exclude Wisconsin lobbyists from this mailing list, if you are a lobbyist and received this notice, please disregard.”

¶12 **Legislative campaign committee's inviting a lobbyist to a fundraiser for the legislative campaign committee.** Statutes that the Ethics Board administers do not prevent any of the four legislative campaign committees from inviting a lobbyist to a fundraiser for the committee. Because neither a legislator nor a legislative employee may solicit a campaign contribution from a lobbyist or principal, neither a legislator nor a legislative employee should sign the invitation nor issue it in his or her name. [§13.625 (3), Wisconsin Statutes]

¶13 **Legislative campaign committee's employee soliciting contribution to the legislative campaign committee.** Statutes that the Ethics Board administers do not prevent a person not employed by the Legislature but employed by any of the four legislative campaign committees to solicit a lobbyist for a contribution to the legislative campaign committee.

¶14 **Legislative campaign committee's employee soliciting contribution to a legislator's personal campaign committee.** Statutes that the Ethics Board administers do not prevent a person not employed by the Legislature but employed by any of the four legislative campaign committees to solicit a lobbyist for a contribution to a legislator's personal campaign committee IF the legislative campaign committee is acting independent of, and not as the agent of, the legislator for whose campaign committee the contribution is sought. The legislative campaign committee's action cannot, as a practical matter, be independent of the legislators who direct the committee's activity.

¶15 **Lobbyist's arranging a fundraising event for a legislative campaign committee.** Statutes that the Ethics Board administers do not prevent a lobbyist's making arrangements for and obtaining potential contributors for a fundraising event for a legislative campaign committee.

¶16 **Lobbyist's arranging a fundraising event for a legislator's personal campaign committee.** Section 13.625 (1)(b) forbids a lobbyist to furnish to a personal campaign committee his or her personal campaign contribution,

or the campaign contributions of others, or anything else of pecuniary value, including the contribution of time and resources of arranging a fundraiser

¶17 **Lobbyist’s asking legislator for advice about direction of campaign contributions.** Statutes that the Ethics Board administers do not prevent a legislator’s replying to an unsolicited communication from a lobbyist asking who should be the recipients of PAC or conduit contributions.

¶18 **Meaning of the Statutes’ use of “principal”.** The answer to your question is supplied by §13.62 (12), which provides:

**13.62 Definitions.** In this subchapter:

(12) “Principal” means any person who employs a lobbyist. If an association, corporation, limited liability company or partnership engages a lobbyist, an officer, employee, member, shareholder or partner of the association, corporation, limited liability company or partnership shall not be considered a principal.

¶19 This reply is governed solely by the statutes that the Legislature has provided. The Ethics Board is obliged to abide by the published opinions of our state’s and nation’s courts; otherwise, apart from the statutes themselves, the Ethics Board has no rules or interpretations that affect the *Statutes’* application.

WR1255