

1993 Wis Eth Bd 9
CANDIDATES; LOBBYING AND LOBBYISTS

A state legislator may accept a campaign contribution from a lobbyist or lobbying organization for the purpose of promoting his or her candidacy for federal office only during the year of the election between June 1 and the date of the general election. OEB 93-9 (November 3, 1993)

Facts

- [1] This opinion is based upon these understandings:
- a. You are a member of the Legislature.
 - b. You are running for a federal office.

Questions

- [2] The Ethics Board understands your questions to be:

What restrictions, if any, does the lobbying law impose on your accepting campaign contributions from lobbying principals and lobbyists for your election to a federal office?

Discussion

[3] Wisconsin's lobbying law generally permits a lobbyist or an organization that employs a lobbyist to make a campaign contribution to a partisan elective state official "for the purpose of promoting the official's election to any national, state or local office" only in the year of a candidate's election between June 1 and the day of the general election.¹ See 1992 Wis Eth Bd 25. The

¹ Section 13.625(1) and (2), *Wisconsin Statutes*, provides:

13.625 Prohibited practices. (1) No lobbyist may:

* * *

(b) Furnish to any agency official or legislative employee of the state or 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).

same restrictions that apply to furnishing campaign contributions apply to their receipt.² The restrictions apply regardless whether a lobbying principal contributes directly or through an intermediary or agent, such as a political action committee, acting at the direction or under the control of the principal. See 1992 Wis Eth Bd 29; 1992 Wis Eth Bd 27.

[4] For more than 35 years Wisconsin statutes have expressly forbidden lobbyists to furnish things of value to legislators while lobbyists are trying to influence those same legislators. Since 1977 or thereabouts the Statutes have also forbidden lobbying principals to furnish money and valuable services and gifts to legislators or to their campaign committees while the principals are simultaneously trying to influence those same legislators.

[5] In considering the matter, the legislature explicitly chose to apply the lobbying law's restrictions to campaign contributions to partisan elected officials running for non-state offices. The Legislative Reference Bureau's analysis of 1989 AB 611, which was enacted as 1989 Wis. Act 338, states that the bill:

Extends the prohibition [on furnishing campaign contributions while the legislature is in session] to apply to partisan elective state officials for the purpose of promoting the officials' election to national, state or local office.

[6] The legislature determined that the need to protect against actual and apparent undue influence that can arise from lobbyists and their employers

(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.

* * *

(2) No principal may engage in the practices prohibited under sub. (1) (b) and (c). This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

² Section 13.625(3), *Wisconsin Statutes*, provides:

(3) No candidate for an elective state office, elective state official, agency official or legislative employe 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).

furnishing campaign contributions to legislators at the same time they are trying to influence those legislators on matters before the legislature is paramount. The public's interest in protecting state government decision-making from corruption is superior to any advantage the public might derive from authorizing the very organizations and businesses that are paying individuals to influence state officials to furnish cash to legislators' personal campaign committees while the legislature is meeting. Once the campaign period begins on June 1, the first day on which legislative candidates are permitted to circulate nomination papers, lobbying principals may contribute to the candidates of their choice, in the election races of their choice, to the full extent permitted under campaign finance laws.

Advice

[7] A state legislator may accept a campaign contribution from a lobbyist or lobbying organization for the purpose of promoting his or her candidacy for federal office only during the year of the election between June 1 and the date of the general election.