
1999 Wis Eth Bd 07
LOBBYING AND LOBBYISTS

The Ethics Board advises that:

- (1) Wisconsin law requires an officer or member of a union who makes a lobbying communication on the union's behalf on more than four days in a reporting period to be licensed and authorized as a lobbyist if the union reimburses the member's employer for the individual's wages for the time spent in lobbying activities; and
- (2) the union should include, in its semi-annual report of lobbying expenditures, the union's salary reimbursement for an individual's time spent in lobbying activities, whether or not the individual is a lobbyist.

Facts

- ¶1 This opinion is based upon these understandings:
- a. You write on behalf of a labor union.
 - b. The union is a registered lobbying principal.
 - c. Officers and members of the union are employed by an organization.
 - d. Some officers and members engage in lobbying activities on a volunteer, unpaid basis.
 - e. Some officers and members engage in lobbying activities on release time from their employment.
 - e. The union reimburses the organization when an individual engages in union-related activities on release time.

Question

- ¶2 The Ethics Board understands your question to be:

How does the lobbying law apply to the lobbying activities of the union's officers and members (a) who engage in lobbying activities on a volunteer, unpaid basis, and (b) who engage in lobbying activities on release time from their employment?

Discussion

Licensing and authorization required?

¶3 Wisconsin's lobbying law, Ch. 13, subchapter III, *Wisconsin Statutes*, requires a lobbyist to obtain a license and to be authorized to lobby on behalf of a principal.¹ The union is a registered principal. Section 13.62(11) provides:

§13.62(11) "Lobbyist" means an individual who is employed by a principal, or contracts for or receives economic consideration, other than reimbursement for actual expenses, from a principal and whose duties include lobbying on behalf of the principal. If an individual's duties on behalf of a principal are not limited exclusively to lobbying, the individual is a lobbyist only if he or she makes lobbying communications on each of at least 5 days within a reporting period.

¶4 As we understand it, the union reimburses the employer organization for the salary of organization employees who spend time engaged in lobbying activities on behalf of the union. Without such reimbursement the employees would not receive their salary for that time. Thus, although the individuals' checks may come from the organization, those employees are receiving, at least indirectly, economic consideration from the union. In a similar situation, the Ethics Board has said that a labor union that pays lost wages to its members who take time off from work to engage in lobbying activities is a lobbying principal.² The situation is also analogous to that of a lobbyist working for a lobbying firm or a law firm when fees are paid by a lobbying organization to the firm rather than directly to the individual doing the lobbying. Thus, an individual whose salary the union reimburses is required to be licensed and authorized as a lobbyist if the individual makes a lobbying communication on 5 or more days in a reporting period.

¶5 These requirements do not apply to individuals who engage in lobbying activities on a volunteer basis and who do not receive reimbursement for lost time and are not paid for their lobbying activities.

Reporting requirements

¶6 Section 13.68(1)(a), *Wisconsin Statutes*, requires the union to report, every six months, the "aggregate total amount of lobbying expenditures made and obligations incurred for lobbying." This should include that portion of

¹ See §§13.63, 13.64, and 13.65, *Wisconsin Statutes*.

² 1996 Wis Eth Bd 17; 1992 Wis Eth Bd 2 (an association that contracts with another organization for an employee of the second organization to lobby on its behalf is a lobbying principal).

the union's salary reimbursement for an individual that reflects the individual's time spent in lobbying activities, whether or not the individual is a lobbyist. Furthermore, 13.68(1)(c) requires each of the union's lobbyists to furnish a daily itemization of time spent on lobbying activities as part of the six-month report.³

Advice

¶7 The Ethics Board advises that:

- (1) Wisconsin law requires an officer or member of the union who makes a lobbying communication on the union's behalf on more than four days in a reporting period to be licensed and authorized as a lobbyist if the union reimburses the member's employer for the individual's wages for the time spent in lobbying activities; and
- (2) the union should include, in its semi-annual report of lobbying expenditures, the union's salary reimbursement for an individual's time spent in lobbying activities, whether or not the individual is a lobbyist.

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³ This requirement also applies to the union's non-lobbyist *employees* who spend more than 10 hours in lobbying activities. However, this does not appear to apply to individuals who are engaged in lobbying activities for the union while on release time because the individuals do not appear to become the union's employees as a result of the reimbursement.