



## WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

### Wisconsin's Prohibition on Logrolling

Wisconsin law prohibits legislators from “logrolling,” which consists of offering, promising, or giving one’s vote or influence in favor of or against one measure in exchange for another legislator promising or giving his or her vote or influence in favor of or against a different measure. Wisconsin law also prohibits a legislator from engaging in this conduct in exchange for the Governor agreeing to veto or sign a different measure or agreeing to nominate, appoint, or remove any person from office. The maximum penalty for violating either prohibition is a \$10,000 fine, imprisonment not to exceed three years and six months, or both.

Legislators are not prohibited from: (1) making agreements to support any single measure on the condition that certain changes be made in that particular measure; or (2) making agreements to reach a compromise between conflicting provisions contained in separate measures.

Logrolling is a term generally used to describe a legislative practice in which legislators trade votes by agreeing to vote a certain way on one proposition in exchange for another legislator voting a certain way on another proposition. [*Black’s Law Dictionary*, 960 (8<sup>th</sup> ed. 2004).] Wisconsin law prohibits logrolling between legislators, as well as between a legislator and the Governor.

#### **LOGROLLING BETWEEN LEGISLATORS**

Wisconsin’s prohibition against logrolling encompasses a legislator’s voting actions and his or her statements and influence. Specifically, a legislator may not offer, promise to give, or give his or her vote or influence in favor of or against one measure or proposition **in exchange** for another legislator promising to vote or use his or her influence in favor of or against **another** measure or proposition. These prohibitions cover “measures” and “propositions” that are at different points in the legislative process, including those that are “pending,” as well as those that are “proposed to be introduced.” Although the terms “measure” and “proposition” are not defined in the statute, the Joint Rules of the Legislature defines the term “measure” to include bills, resolutions, and joint resolutions. [Joint Rule 99 (48m), as last affected by 2013 Senate Joint Resolution 6, concurred in February 12, 2013.]

Section 13.05, Stats., reads as follows:

**13.05 Logrolling prohibited.** Any member of the legislature who gives, offers or promises to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature in consideration or upon condition that

any other person elected to the same legislature will give or will promise or agree to give his or her vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such legislature, or who gives, offers or promises to give his or her vote or influence for or against any measure on condition that any other member will give his or her vote or influence in favor of any change in any other bill pending or proposed to be introduced in the legislature, is guilty of a Class I felony [punishable with a maximum penalty of a \$10,000 fine, imprisonment not to exceed three years and six months, or both.]

### **LOGROLLING BETWEEN A LEGISLATOR AND THE GOVERNOR**

Wisconsin law prohibits a legislator from taking certain actions in exchange for receiving executive favor from the Governor. The statute encompasses a legislator's voting decisions, statements, and "influence." The prohibition applies when a legislator acts in exchange for the Governor doing or agreeing to do any of the following:

- Approving, disapproving, vetoing, or signing legislation, including measures that are "pending," "proposed to be introduced," or have been passed by either house of the Legislature.
- Nominating, appointing, or removing any person from office.
- Agreeing to take one of the actions described above. [s. 13.06, Stats.]

Section 13.06, Stats., reads as follows:

**13.06 Executive favor.** Any member of the legislature who gives, offers or promises to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature, or that has already been passed by either house of the legislature, in consideration of or on condition that the governor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the legislature or that has already been passed by the legislature, or either house thereof, or in consideration or upon condition that the governor nominate for appointment or appoint or remove any person to or from any office or position under the laws of this state, is guilty of a Class I felony.

### **PENALTIES**

Wisconsin law provides that engaging in either type of logrolling is a Class I felony, and is punishable with a maximum penalty of a \$10,000 fine, imprisonment not to exceed three years and six months, or both. [ss. 13.05, 13.06, 939.50 (3) (i), Stats.]

## **PERMITTED ACTIVITIES**

Wisconsin law specifically provides that legislators are **not prohibited** from either of the following:

1. Making agreements to support any **single** measure on the condition that certain changes be made in **that particular measure**.
2. Making agreements to reach a compromise between **conflicting provisions contained in separate measures**. [s. 13.07, Stats.]

Section 13.07, Stats., reads as follows:

**13.07 Freedom of debate confirmed.** Nothing in ss. 13.05 and 13.06 shall be construed as prohibiting free discussion and deliberation upon any question pending before the legislature by members thereof, privately or publicly, nor as prohibiting agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor as prohibiting agreements to compromise conflicting provisions of different measures.

## **CONCLUSION**

Neither the courts nor the Office of the Attorney General have formally interpreted Wisconsin's prohibitions against logrolling. As a result, it is difficult to determine how the prohibitions would be applied in a particular situation. In general, Wisconsin law prohibits a legislator from offering, promising, or giving his or her vote or influence in favor of or against one measure in exchange for another legislator doing the same with regard to another measure or the Governor taking certain executive actions. However, legislators are not prohibited from: (1) making agreements to support any single measure on the condition that certain changes be made in that particular measure; or (2) making agreements to reach a compromise between conflicting provisions contained in separate measures.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Zach Ramirez, Staff Attorney on July 29, 2015.

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