

NOTICE OF PROPOSED GUIDANCE DOCUMENT

ETHICS GUIDELINE ETH-1250

Pursuant to s. 227.112, Wis. Stats., the Wisconsin Ethics Commission is hereby seeking comment on ETH-1250, a proposed guidance document. This guideline replaces the earlier guideline of the same number.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Ethics Commission until June 3, 2019, by:

1. Emailing ethics@wi.gov, or
2. Mailing written comments to:
P.O. Box 7125
Madison, WI 53707-7125

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at <https://ethics.wi.gov/Pages/Resources/ResourcesOverview.aspx> to allow for ongoing comment.

AGENCY CONTACT PERSON

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Wisconsin Ethics Commission

For lobbyists, lobbying principals, PACs

Contributions and Activities by Lobbyists and Lobbying Principals

PERSONAL CONTRIBUTIONS BY LOBBYISTS TO:

STATE PARTISAN OFFICIALS, CANDIDATES FOR PARTISAN OFFICE AND CANDIDATE COMMITTEES.

Lobbyists may make personal contributions to partisan elected state officials running for any office, candidates for election to a partisan state office, and their respective campaign committees only during the “window” between the first day authorized by law for the circulation of nomination papers and the day of that general or special election. [WIS. STAT. § 13.625\(1m\)\(b\)](#). Partisan elective state office refers only to the governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senator, or state representative to the assembly. [WIS. STAT. § 13.62\(11p\)](#).

CURRENT LEGISLATORS AND CANDIDATES FOR STATE SENATE OR ASSEMBLY.

In addition to the above restriction, lobbyists may only make personal contributions to current legislators and candidates for the state senate or state representative to the assembly if the Legislature has concluded its final floor period as determined by Joint Resolution of the Legislature *and* is not in special or extraordinary session. [WIS. STAT. § 13.625\(1m\)\(b\)1](#).

NON-PARTISAN, LOCAL, AND NATIONAL CANDIDATES AND CANDIDATE COMMITTEES.

There are no restrictions on when lobbyists may make personal contributions to the candidate and/or candidate committee of a candidate for local or state non-partisan office, county-level partisan office, District Attorney or national office *if and only if* the candidate is not a current partisan elected state office holder. WIS. STAT. §§ [5.02\(9\)](#), [5.02\(12\)](#), [13.62\(11p\)](#), [13.625\(1m\)\(b\)](#).

SELF OR FAMILY.

Lobbyists may make personal contributions at any time to the lobbyist's own campaign or to the campaign of the lobbyist's spouse, certain relatives, or individuals who reside in the same household as the lobbyist. WIS. STAT. §§ [13.62\(12g\)](#), [13.625\(1m\)\(b\)2](#), [13.625\(6\)](#).

OTHER COMMITTEE TYPES.

There are no restrictions on when lobbyists may make personal contributions to political action committees (PACs), political party committees, legislative campaign committees, independent expenditure committees (IECs), referendum committees, or recall committees.

CONDUITS.

Lobbyists may deposit money into a conduit account at any time, but may direct the release of a contribution to a state official, candidate, or their respective campaign committees through a conduit only during the allowable “window”. WIS. STAT. §§ [11.0701\(3\)](#), [13.625\(1m\)\(b\)](#).

This is a guide. For authoritative information consult Wisconsin Statutes.

Prepared by the Wisconsin Ethics Commission, 101 E. Wilson St., Room 127, Madison, WI 53703 (608) 266-8123

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CONTRIBUTIONS DELIVERED BY LOBBYISTS:

There are no restrictions on when lobbyists may deliver non-personal contributions to any committee type or conduit. See [WIS. STAT. § 13.625\(1\)\(b\)3](#).

CAMPAIGN ACTIVITIES BY LOBBYISTS

PROFESSIONAL SERVICES.

Lobbyists may *not* provide services to a state official, candidate, or their respective campaign committees, for which the lobbyist is compensated by another or would normally charge a fee outside the allowable “window,” as such services have pecuniary value and would be in-kind contributions. [WIS. STAT. § 13.625\(1\)\(b\)3](#).

UNCOMPENSATED PERSONAL SERVICES.

Lobbyists may provide personal services for which they are not compensated and would not normally charge a fee (e.g., distributing yard signs or stuffing envelopes) at any time, to a state official, candidate, or their respective campaign committees. [Barker, et al. v. State of Wisconsin Ethics Board](#), 841 F. Supp. 255 (1993).

ATTENDING A FUNDRAISING EVENT.

There are no prohibitions on a lobbyist’s attendance at fundraising events for a state official, candidate, or their respective campaign committees; however, the purchase of a ticket for a fundraising event is a contribution, regardless of whether it is used to attend the event. [WIS. STAT. § 11.0101\(8\)\(a\)4](#). Therefore, tickets to attend a fundraising event may only be purchased using the lobbyist’s personal funds during the allowable “window.” [WIS. STAT. § 13.625\(1m\)\(b\)](#).

CAMPAIGN CONTRIBUTIONS AND ACTIVITIES BY LOBBYING PRINCIPALS

CONTRIBUTIONS FROM A LOBBYING PRINCIPAL.

Lobbying principals that are corporations, associations, or tribes may not contribute to a state official, candidate, or their respective campaign committees at any time. [WIS. STAT. §§ 11.1112](#). Lobbying principals that are *not* corporations, associations or tribes may contribute to a candidate’s campaign committee during only the same “window” that applies to lobbyists. [WIS. STAT. §§ 11.1112, 13.625\(2\)](#). Contributions include in-kind contributions such as services or transfers of tangible property. [WIS. STAT. §§ 11.0101\(8\)\(a\)3, 11.1109](#).

PACs CONTROLLED BY LOBBYING PRINCIPALS.

PACs controlled by a lobbying principal may contribute to a candidate’s campaign committee at any time if the appropriate registration requirements and contribution limits are followed. [WIS. STAT. §§ 11.0502, 11.1101](#).

FUNDRAISING EVENT SPONSORSHIP BY PACs CONTROLLED BY LOBBYING PRINCIPALS.

There are no restrictions in state law on the ability of a PAC controlled by a lobbying principal to sponsor a fundraising event for a state official, candidate, or their respective campaign committees.¹

¹ Rules of the Legislature may impose additional restrictions on when contributions may be accepted by legislators and when a legislator may hold a fundraising event. Check with the Chief Clerks of the Legislature for more information.



Wisconsin Ethics Commission

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CERTIFICATION OF AGENCY HEAD

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink, appearing to read 'D. Carlton, Jr.' with a stylized flourish at the end.

Daniel Carlton, Jr.
Commission Administrator
Wisconsin Ethics Commission

Wisconsin Ethics Commissioners

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Daniel A. Carlton, Jr.