

Wisconsin's Lobby Law: How Does It Affect You and Your Organization?

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1. Do I need a license to lobby?
 - a. You need a license to lobby if you meet both prongs of a two-prong definition: You are paid for your work and your "regular duties include lobbying."
 - b. Pay = salary, not just reimbursement for expenses.
 - c. Your "regular duties include lobbying" if you make lobbying communications on more than four days in a six month period (January-June or July-December).
 - d. What is lobbying? Attempting to influence legislative or administrative action.
 - e. What is "legislative action"? Broad -- virtually everything that the Legislature and staff does, plus the Governor and the Legislative Service Agencies.
 - f. What is "administrative action"? Narrow -- limited to the rule-making process, including amending or repealing a rule. Includes the Governor and Legislature.
 - g. What does "more than four days" mean? One contact per day over five days can make you a lobbyist, but 95 consecutive hours could avoid it!
 - h. You have a right to speak to your own State Senator and State Representative -- no license required, even if paid. Doesn't cover Governor. Home vs. business location.

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- i. Local official/employee exemption: No local official or employee needs a license to lobby unless “employed principally to influence legislative or administrative action”. Who gets licensed as lobbyists: Certain employees of Cities of Madison and Milwaukee; Dane and Milwaukee Counties; Milwaukee and Madison school districts.
 - j. Exemption for serving on a legislative or agency study committee. State agencies often appoint committees comprised of state employees and others to draft proposed administrative rules. While service on such a committee is exempt, there is no exemption for an agency committee formed to draft proposed legislation. The exemption also covers study committees organized by the Legislature for any purpose. Curiously, the exemption does not cover appointees to such committees who are appointed by the Governor. [This is likely a drafting error!]
2. How life changes if you become a lobbyist: the prohibited practices.
- a. Five things you cannot give to five different recipients: lodging, transportation, food-meals-beverages, money, or “any other thing of pecuniary value” to agency officials, legislative employees of the state (including all employees of the Legislature and all employees of the legislative service agencies), elective state officials, candidates for elective state office, and the “personal campaign committee” of any such official, employee, or candidate.
 - b. Campaign contributions are permitted in the year of the candidate’s election, between June 1 and the day before the general election, after the Legislature has adjourned its last regularly-scheduled floor period, and only on a day which the Legislature is not in Special or Extraordinary Session.
3. Does my organization need to register as a “Principal” under the lobby law? Only if it employs a lobbyist.
4. Lobbying fees – Ouch! \$350/\$650 lobbyist license; \$375 principal registration; \$125 to authorize each lobbyist = \$850 minimum for one lobbyist per organization.
- a. Any organization which won’t spend more than \$500 per year on lobbying activities can register for just \$20.

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5. How can an individual and organization legitimately avoid licensure as a lobbyist and registration as a principal?
 - a. Rely on member volunteers to make all lobbying communications. You aren't a lobbyist unless you are paid to do so. Downside: Reduced control; hard to measure.
 - b. Rotate staff members so that no individual makes lobbying communications on more than four days in a reporting period. Downside: Loss of continuity; hard to comply.
6. Lobby law reporting is somewhat tricky. Contemporaneous reporting of lobbying subject matters and semi-annual reporting of expenditures and time spent on lobbying and lobby-related activities. Non-clerical employees who spend more than 10 hours during a reporting period working on lobbying or lobbying-related activities need to record and report time spent in these activities on a daily basis. Each lobbyist must maintain the same daily time records and prepare a separate report.
7. Lobbying by non-profit organizations – Yes, you can, up to a point. The “Substantial Part Test” vs. the “Expenditure Test.”
8. Political activity by non-profits (i.e. endorsing or opposing candidates)? Not on your life!
9. Where can I go for help? The Government Accountability Board web site has a number of helpful brochures which provide more detail.
<http://gab.wi.gov/guidelines>