

# WISCONSIN ASSEMBLY

## Guidelines for Incumbents and Staff

MAY 2020  
STATE CAPITOL  
MADISON, WISCONSIN



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# INTRODUCTION

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In any election year, questions arise regarding election laws and policies and how they may affect the day-to-day operation of a representative's office during a reelection campaign.

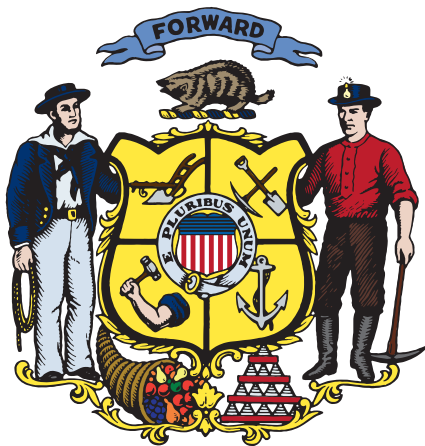
Wisconsin election laws are strict. It is important that incumbents, candidates and legislative employees alike are aware of the law.

One simple rule to remember: State offices and their supplies are not to be used for any campaign activity.

This manual includes JCLO Rules, statutory references, and the WI Ethics Commission rulings to help guide legislative offices.

The purpose of this manual is to provide information in response to questions which incumbents up for reelection and their staff may have concerning Wisconsin's ethics and election laws.

As questions arise, do not hesitate to contact the Assembly Chief Clerk for additional guidance on any matters related to the laws and guidelines for staff and legislators during campaign season.



# STATE EMPLOYEE ACTIVITY ON STATE TIME

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State law and Joint Committee on Legislative Organization policy prohibits employees and elected officials from conducting campaign activity on State time or using State resources. Legislative employees and elected officials may not use State-owned equipment, supplies, or resources to work on political campaigns. Additionally, legislative employees and elected officials may not conduct campaign activity while working or on State time.

Wisconsin Statute 11.1207, and its predecessor, applies to State-owned office equipment as established by the Assembly policy. It has been interpreted to mean that no office equipment, such as computers, copy machines, fax machines, etc. may be used for personal business or political purposes.

In November 1977 the Assembly established a written policy clarifying that State equipment and supplies are strictly for conducting official State business, and are not to be used at all for political campaign activities.

## **General Rules:**

1. Legislative employees may not engage in campaign activity in State offices or on State time or using State equipment or resources.
2. A legislator may not assign, authorize, or request an employee of the Legislature to engage in campaign activity to be performed while the employee is on State time, with the use of State resources or on State property.

## **JOINT COMMITTEE ON LEGISLATIVE ORGANIZATION PROHIBITION ON CAMPAIGN ACTIVITY**

On October 11, 2001, the Joint Committee on Legislative Organization adopted a motion establishing procedures relating to time reporting, campaign activities, employee protection and continuing education requirements.

JCLO policy states that “no staff member may engage in activities for private business or political purposes while on State time.”

Legislative employees are not to engage in campaign activity in State offices or on State time. In order to participate in campaign activities, a staff member must be outside the hours of employment claimed, be on a “non-paid leave of absence,” or use vacation time. Accumulated sick leave or accumulated comp time cannot be used to work on campaign activities.

If a legislative employee plans to use vacation time to conduct campaign activity, the employee must notify the Chief Clerk prior to taking the vacation time and engaging in the campaign activity. The October 11, 2001 JCLO motion provides additional clarification on impermissible campaign activity and related matters. That policy is set out below:

### **Reporting Requirements**

#### **1. *Employees to submit reports:***

All employees are required to certify the dates and hours worked and that they did not engage in campaign activity during hours to be compensated by the State.

#### **2. *Appointing authority to review and certify:***

Each appointing authority shall review such certifications, and countersign certifying that no campaign work was assigned to such employee during hours of employment and that to the best of the appointing authority’s knowledge, information and belief, the employee did not engage in campaign activity during hours of employment.

#### **3. *Reports for compensated campaign activity:***

All employees are required to report dates and hours of campaign activity for which they receive compensation.

## **Standards of Conduct**

### **1. Campaign activity defined.**

The term “campaign activity” means activity that does not reasonably and primarily fulfill and arise from official duties and that contributes to, enhances, or furthers a person’s ability to run for, or chance of election or reelection to, public office.

Illustrative activities include:

- a. Arranging or assisting in arranging a campaign-related event or the raising of campaign contributions
- b. Soliciting, receiving or acknowledging campaign contributions
- c. Preparing or distributing television, radio, newspaper, or other forms of campaign advertisement
- d. Preparing or designing campaign brochures, literature, nomination papers, or other campaign promotional materials
- e. Distributing or arranging for the distribution of campaign materials
- f. Directing, seeking or coordination of campaign volunteers
- g. Preparing a campaign budget
- h. Directing or participating in get-out-the vote drives
- i. Creating, maintaining, editing, adding to, or deleting information from a list of campaign contributors or supporters
- j. Creating, maintaining, editing, adding to, or deleting information from a list or database designed or intended for a campaign purpose
- k. Preparing or coordinating polling operations for a campaign purpose
- l. Transporting voters to polls or campaign rallies
- m. Preparing campaign finance reports required by law
- n. Directing or participating in candidate recruitment
- o. Updating campaign websites and social media sites

**2. *Legislators/supervisors not to assign campaign work.***

A member or supervisor of legislative employees may not assign, authorize, or request an employee of the Legislature to engage in campaign activity to be performed while the employee is on State time, with the use of State resources, or on State property.

**3. *Legislative employees not to engage in campaign activity in State office or on State time.***

- a. An employee of the Legislature may not assign or authorize campaign activity to be performed on State time or in State offices.
- b. An employee of the Legislature may not use, or make available for use by another, State property or resources in connection with campaign activity except as the property or resources are normally available to anyone under similar circumstances.
- c. An employee of the Legislature may not engage in campaign activities during hours of employment claimed or while on any form of paid leave (including “comp” time) other than vacation time and then only after having submitted to the Chief Clerk a request to use vacation time and the Chief Clerk’s finding that the leave will not be contrary to the interest of that house or during regular hours of employment unless that employee has submitted to the Chief Clerk a request to work variant hours or for unpaid leave and the Chief Clerk’s finding that such variant hours or unpaid leave will not be contrary to the interests of that house.

**Employee Protection**

It shall be part of an employee’s term of employment that no decision affecting an employee’s continued employment, salary, benefits, or the terms, hours, or other conditions of the individual’s employment may be based, in any manner or to any degree, on the employee’s failure to participate in campaign activities or failing to make a political contribution.



## **Continuing Education**

Each house of the Legislature shall require the attendance of its employees at seminars conducted by the WI Ethics Commission on the standards of conduct and work rules:

1. In January of each odd-numbered year.
2. During the month of May or June of each even-numbered year.

The Legislature shall provide resources to obtain the services of experts for faculty from a variety of entities, such as the WI Ethics Commission, WI Elections Commission, University of Wisconsin, National Conference on State Legislatures, and other recognized individuals. Each current employee shall attend a seminar within 12 months of adoption of this rule and each new employee will attend the first seminar offered after the commencement of his or her employment. Each employee shall thereafter attend a seminar at least once every four years. Alternative methods shall be developed for providing training on standards of conduct and work rules, to provide opportunities for attendance by those who may be unable to attend scheduled sessions. Failure to attend a seminar or use alternative training methods may result in withholding of compensation.

## **Violation of rule is prima facie evidence of violation of Wis. Stat. §19.45(5)**

A member's or legislative employee's actions contrary to this Joint Committee on Legislative Organization's rule is prohibited and is an unlawful use of State resources.



# **CALENDARS, APPOINTMENTS AND PHONE CALLS**

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## **SCHEDULING NONGOVERNMENTAL EVENTS ON GOVERNMENT CALENDAR**

Wisconsin's Code of Ethics for State Public Officials and the Legislature's rules expressly forbid legislative staff to engage in campaign activities while they are on "State time." Those statutes and rules also limit legislative staff's engaging in other non-State business while on "State time."

## **MAKING APPOINTMENTS**

A legislator should not ask a legislative employee to arrange, during hours of government employment, a legislator's appointments for campaign activities and events. A legislative employee should not, during regularly scheduled hours of employment, make campaign arrangements on a legislator's behalf unless the employee take leave, has given prior notice to the Chief Clerk that the employee is taking leave, and the employee's timesheet clearly reflects that. An employee, even outside hours of employment, should not use a State office, State email address, or a State telephone for campaign activities.

## **RECORDING APPOINTMENTS**

Because a legislator's staff has a legitimate need to know when the legislator is and is not available for state government business, a legislator may inform his or her employees of the legislator's appointments and activities. An employee may record appointments on an office calendar, including a legislator's medical appointments, social engagements, family and civic activities, vacations, and campaign activities. Although a legislator should discourage people from directing campaign related communications to the legislator's government office, the legislator may direct a representative of the legislator's campaign committee to convey

the hour and location of scheduled campaign events directly to the person who records the legislator's appointments. The person charged with scheduling a legislator's appointments may:

1. return a call from a representative of the legislator's campaign committee in order to obtain scheduling information;
2. provide information about the legislator's calendar to a representative of the legislator's campaign; and
3. advise the committee that legislative business requires the cancellation or rescheduling of a campaign activity.

## **PROVIDING CALENDAR INFORMATION**

The Wisconsin Ethics Commission recommends that a legislative employee not furnish others with information about the hour, location, or nature of campaign events recorded on a legislator's calendar, except in the unusual circumstance in which doing so would further an obvious governmental purpose or as part of providing records in response to an open records request. If asked about a legislator's availability at a time for which the legislator has scheduled a campaign activity, it will normally be sufficient and appropriate to respond merely that the legislator already has a prior conflicting engagement. In answer to a question about whether a legislator will participate in a campaign activity or event the employee should refer the requester to the legislator or to the legislator's campaign spokesperson or scheduler. A legislator's staff may provide a legislator's legislative calendar to a campaign committee and may contact a campaign committee if governmental business necessitates rescheduling a campaign event.

## **HANDLING TRAVEL ARRANGEMENTS**

If a legislator is scheduled to attend an event that is not related to State business, a legislator should not ask legislative staff to, and staff should not, make travel arrangements. In the exceptional and infrequent circumstance that travel arrangements for a non-State business event must be changed because of exigent circumstances, and the legislator or campaign staff is not available, legislative staff may, as a personal courtesy, make changes to travel arrangements.

## **TAKING MESSAGES**

Except as previously mentioned about the recordation of the hour and location of a campaign event or activity, a legislative employee who receives at a government office a message about a campaign event or activity should redirect the caller or correspondent to the legislator or a representative of the legislator's campaign and ask the caller to direct future communications about campaign activities elsewhere.

## **INCONSEQUENTIAL MATTERS**

The Wisconsin Ethics Commission welcomes the goodwill and intentions of the people to whom this guideline pertains and asks their attention to and support of the general rules articulated at the outset of this guideline. The Commission intends to rigorously enforce legislative employees' separation of government responsibilities and campaign activities. Without inviting or authorizing any departure from the courses of conduct recommended the Wisconsin Ethics Commission nevertheless recognizes that the law does not and should not address conduct that is of such small moment and so infrequent that a fair-minded person would say that the activity is inconsequential.

## **TELEPHONE CALLS**

The State will pay for all telephone calls made from a representative's office to conduct official State business.

Telephone calls made from a representative's office for personal reasons are to be paid by the individual making the call. The Assembly Chief Clerk should be reimbursed for all personal telephone calls.

Along with the Assembly policy, the WI Ethics Commission has ruled that phone calls made to a candidate's campaign headquarters may be charged to the State if the phone call arises due "to the official's performance of his or her public responsibilities."

According to the WI Ethics Commission, it does not matter to whom the telephone call was made. The factor that determines if a call may be billed to the State is whether or not the call was placed for State business. (GAB-1234)

**EXAMPLE:**

The Assembly staff places a call to the representative at the campaign headquarters concerning legislative affairs.

The State will pay for these calls.

The WI Ethics Commission advises offices to maintain a log of calls made to campaign headquarters or other calls to possible campaign-related locations. Having such a record could help prevent any misunderstandings with the public and/or the media, or any inadvertent violations of state law.

## **LEGISLATIVE NEWSLETTERS AND STATE PUBLICATIONS (50 Piece Rule)**

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The publication and distribution of newsletters and state publications by legislators and their offices has been restricted by state statute, commonly known as the “50 Piece Rule.” Distribution of 50 or more of substantially identical materials during certain time periods may violate state law.

**Wis. Stat. §11.1205 states:**

(1)(a) No person elected to state or local office who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material distributed after:

1. In the case of a candidate who is nominated by nomination papers, the first day authorized by law for circulation of nomination papers as a candidate.
2. In the case of a candidate who is nominated at a primary election by write-in votes, the day the board of canvassers issues its determination that the person is nominated.

3. In the case of a candidate who is nominated at a caucus, the date of the caucus.

4. In the case of any other candidate who is nominated solely by filing a declaration of candidacy, the first day of the month preceding the month which includes the last day for filing the declaration.

(b) This subsection applies until after the date of the election or after the date of the primary election if the person appears as a candidate on a primary election ballot and is not nominated at the primary election.

(2) This section does not apply to use of public funds for the costs of the following:

(a) Answers to communications of constituents.

(b) Actions taken by a state or local government administrative officer pursuant to a specific law, ordinance or resolution which authorizes or directs the actions to be taken.

(c) Communications between members of the Legislature regarding the legislative or deliberative process while the Legislature is in session.

(d) Communications not exceeding 500 pieces by members of the Legislature relating solely to the subject matter of a special session or extraordinary session, made during the period between the date that the session is called or scheduled and 14 days after adjournment of the session.

In other words, representatives who are candidates for reelection or seeking another office may not send or distribute 50 or more substantially identical materials which are paid for by the State beginning the first day that nomination papers are allowed to be circulated—April 15 for fall elections, December 1 for spring elections.

## **DISTRIBUTION OF NEWSLETTERS**

Effective April 15 it is illegal for state representatives up for election or their offices to send out 50 or more pieces of identical mail [s. 11.1205(1)(a) Wisconsin Statutes]. **A NOTE OF WARNING:** Replies to solicited responses to request materials of 50 or more pieces are also prohibited during this time period. This means that a newsletter should not include an offer to constituents to reply and receive a map, Blue Book, or any other printed material from the representative's office after April 15.

## **PURCHASE OF MATERIALS FOR DISTRIBUTION**

It is against Assembly policy for offices to purchase materials for distribution effective the first day nomination papers may be circulated. This means offices cannot use office funds to purchase additional state highway maps, brochures, etc. for distribution.

## **LEGISLATIVE NEWSLETTERS AND CAMPAIGN FINANCE LAWS**

It is against Assembly policy and in violation of the WI Ethics Commission rulings for an office to use campaign funds to pay for any of the costs toward a legislative newsletter.

## **DISTRIBUTION OF LEGISLATIVE BUSINESS CARDS**

Business cards used by representatives must be distributed carefully. The Elections Commission has ruled that if the cards are distributed as part of a legislator's duties, the cards are not subject to statutory campaign finance identification requirements. However, legislators and staff must be mindful that the 50-piece limit applies during the time periods specified in s. 11.1205(1)(a). Cards should not be distributed at random (such as at parades or at county fairs) to individuals "who are without normal cause to have business" with the legislator.

# USE OF STATE-SUPPORTED WEBSITES AND SOCIAL MEDIA

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## GENERAL GUIDANCE

Legislators and their staff may use State resources to create, post information to, and maintain State-supported websites, herein referred to as legislator homepages, to communicate for legislative purposes. Each legislator is responsible for the content of his or her legislator homepage.

Legislators and their staff may use State resources to use social networking technology, such as Facebook, Twitter, LinkedIn, FourSquare, Google+, etc. to communicate for legislative purposes.

Legislators and their staff may **NOT** use State resources to create, post information to, or maintain campaign or business websites.

The Code of Ethics for State Public Officials prohibits the use of an official's public position for private benefit [s. 19.45(2) Wisconsin Statutes]. As such, it is important for an official to be able to distinguish between a public purpose and a private purpose when considering the use of public resources. To avoid the appearance of misuse of public resources a public official should include some indication of whether a social media account is for their official position or is a campaign, business, or personal account in the profile, summary, or other description of the account.

## BEST PRACTICES FOR OFFICIAL SOCIAL MEDIA ACCOUNTS

Official social media accounts are the most restricted. Officials should limit use of their official social media accounts to information related to an official's position, duties, and issues with a public purpose.



Examples of acceptable communications from an official social media account:

- Posts discussing how the State could address an issue through state laws or action;
- General legislative activity like information about bills that the official has sponsored or co-sponsored;
- State budget information;
- Sharing newsletters from the official's office;
- Publicizing public events;
- Public service announcements; and
- Endorsements and messages of support when justified by having a state purpose—"I support [candidate of organization] and their work to address [state policy issue] in Wisconsin."

Examples of communications that should **NOT** come from an official social media account:

- Solicitation of campaign contributions;
- Promotion of campaign-related events;
- Photos of campaign-related branding and events such as T-shirts, signs, or banners; and
- Any content that is strictly personal [s. 11.1208(2)(a) Wisconsin Statutes] or commercial such as promoting the official's personally owned business or a business with which the official is associated [s. 19.42(2) Wisconsin Statutes].

## **50-PIECE RULE APPLICATION TO SOCIAL MEDIA**

The language of the 50-piece rule specified in s. 11.1205, Wisconsin Statutes, does not distinguish between electronic pieces and printed pieces. It simply prohibits the use of public funds for the distribution of 50 or more pieces of substantially identical material by a covered person during a specified time period. Electronic communications almost always result in multiple copies being created even when sent to a single recipient. This is due to the nature of the technical systems that enable electronic

communications. When calculating the number of pieces distributed under the 50-piece rule the Ethics Commission will only count those instances of electronic communication intended by the sender.

## **USE OF SOCIAL MEDIA ON STATE TIME**

Because an elected official is simultaneously an official and a candidate, elected officials will often switch between official and campaign activities throughout the day. However, to avoid the appearance of misuse of public resources an elected official is advised not to create campaign-related social media communications or content while performing their official duties (i.e., while participating in an event in their official capacity—e.g., an event listed on their official calendar, a floor session, or committee hearing). Also, no person may enter or remain in any state building, office, or room for the purpose of requesting or collecting a contribution; therefore, elected officials should take special care as to the content of their social media communications while in a state building.

An elected official is also advised to not use campaign committee resources for strictly personal benefit [s. 11.1208(2)(a), Wisconsin Statutes] or for commercial purposes. For instance, the candidate should not use a campaign social media account or campaign website to advertise for a personal business.

## **BEST PRACTICES FOR CAMPAIGN AND PERSONAL SOCIAL MEDIA ACCOUNTS**

A campaign may use a campaign social media account for all communications allowable for an official account, in addition to campaign-related activities including solicitation of contributions. Campaign social media accounts should **NOT** be used for strictly personal or commercial purposes. A personal account may contain both official and campaign-related information.

## USE OF LEGISLATIVE SOCIAL NETWORKING WEBSITES

Legislators and their staff may use State resources to create, post information to, and maintain legislative social networking websites, defined as social networking websites which exclusively contain material used to communicate for legislative purposes.

Each legislator is responsible for the content of his or her legislative social networking websites. If legislative social networking websites are used, the legislative office should either 1) prohibit others from posting material on them or 2) regularly review the websites to remove inappropriate material. This is no different than policing the materials on a State-paid bulletin board.

Legislators and their staff may add links on their legislative social networking websites to any content or website used to communicate for legislative purposes, except they should **NOT** contain links to websites containing campaign or business content.

## USE OF MIXED-CONTENT SOCIAL NETWORKING WEBSITES

Legislators and their staff may post content to websites that contain a mix of legislative, personal, business, and campaign materials, as long as they adhere to the following:

1. State resources should not be used to create the mixed-content websites;
2. Legislative staff may publish legislative content to mixed-content websites while using State resources, as long as that legislative content is also distributed more broadly to the press and public;
3. Legislative staff may publish personal, business, or campaign material to mixed-content websites only on personal time and without using State resources.

A State legislative website may not link to a personal, business, or campaign website. In addition, although it is generally permissible for a personal, business, or campaign website to link to a State legislative website, it should be clear that the State legislative website is unaffiliated to the personal, business, or campaign website.

# **CAMPAIGN FINANCE — RELEVANT STATUTES**

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On January 1, 2016, Wisconsin Act 117 took effect. Act 117 provided a complete rewrite of Wis. Stat. Chap. 11 to update state law to reflect recent court decisions and make other changes. This manual provides excerpts of relevant statutes, but was not designed to detail the intricacies of the campaign finance laws. However, this brief summary may be useful to avoid violations of state law. Be sure to check for updated guidance as the WI Ethics Commission promulgates administrative rules and provides formal and informal opinions.

## **POLITICAL SOLICITATION**

### **11.1207 Political solicitation involving public officials and employees restricted.**

(1)(a) Except as provided in par. (b), no person may solicit or receive from any state officer or employee or from any officer or employee of the University of Wisconsin Hospitals and Clinics Authority any contribution during established hours of employment or while the officer or employee is engaged in his or her official duties.

(b) Paragraph (a) does not apply to communications about a referendum.

(2) No person may solicit or receive from any officer or employee of a political subdivision of this state any contribution during established hours of employment or while the officer or employee is engaged in his or her official duties.

(3) Every person who has charge or control in a building, office, or room occupied for any purpose by this state, by any political subdivision thereof, or by the University of Wisconsin Hospitals and Clinics Authority shall prohibit the entry of any person into that building, office, or room for the purpose of making or receiving a contribution.

(4) No person may enter or remain in any building, office, or room occupied for any purpose by the State, by any political subdivision thereof or by the University of Wisconsin Hospitals and Clinics Authority or send or direct a letter or other notice thereto for the purpose of requesting or collecting a contribution.

(5) This section does not apply to a response by a legal custodian or subordinate of the custodian to a request to locate, reproduce, or inspect a record under s. 19.35 if the request is processed in the same manner as the custodian or subordinate responds to other requests to locate, reproduce, or inspect a record under s. 19.35.

## **LIMITATIONS ON CONTRIBUTIONS**

**11.1101 Contribution limits.** (Excerpts for state legislative offices.)

(1) Individual limits. An individual may contribute to a candidate committee no more than the following amounts specified for the candidate whose nomination or election the individual supports:

(c) Candidates for representative to the Assembly, \$1,000 ...

(2) Candidate committees. A candidate committee may contribute to another candidate committee no more than the following amounts specified for the candidate whose nomination or election the committee supports:

(c) Candidates for representative to the Assembly, \$1,000 ...

(3) Political action committees. A political action committee may contribute to a candidate committee no more than the following amounts specified for the candidate whose nomination or election the committee supports:

(f) Candidates for representative to the Assembly, \$1,000 ...

(4) Other persons. A person, other than a person subject to sub. (1), (2), or (3) or s. 11.1112, may contribute to a candidate committee no more than the following amounts specified for the candidate whose nomination or election the committee supports:

(f) Candidates for representative to the Assembly, \$1,000 ...

## EXCEPTIONS TO CONTRIBUTION LIMITS

**11.1104 Exceptions.** Except as provided in subs. (3)(b) and (4)(b) and s. 11.1112, the following contributions may be made in unlimited amounts:

- (1) Contributions to a political action committee.
- (2) Contributions transferred between political action committees.
- (3)(a) Except as provided in par. (b), contributions to a legislative campaign committee.
  - (b) A political action committee or a person subject to the limits under s. 11.1101 (4) may contribute no more than \$12,000 in any calendar year to a legislative campaign committee.
- (4)(a) Except as provided in par. (b), contributions to a political party.
  - (b) A political action committee or a person subject to the limits under s. 11.1101 (4) may contribute no more than \$12,000 in any calendar year to a political party.
- (5) Contributions made by a political party or legislative campaign committee to a candidate committee.
- (6) Contributions paid to a segregated fund established and administered by a political party or legislative campaign committee for purposes other than making contributions to a candidate committee or making disbursements for express advocacy, except that a political action committee or a person subject to s. 11.1101 (4) may contribute no more than \$12,000 in any calendar year to such a fund.
- (7) Contributions that a candidate makes to his or her candidate committee from the candidate's personal funds or property or the personal funds or property that are owned jointly or as marital property with the candidate's spouse.
- (8) Contributions transferred between the candidates for governor and lieutenant governor of the same political party.
- (9) Contributions used to pay legal fees and other expenses incurred as a result of a recount under s. 9.01.
- (10) Contributions used to pay legal fees and other expenses incurred in connection with or in response to circulating, offering to file, or filing a petition to recall an office holder prior to the time that a recall primary or election is ordered, or after that time if incurred to contest or defend the order.

- (11) Contributions to a recall committee.
- (12) Contributions to a referendum committee.
- (13) Contributions to an independent expenditure committee.

## **MISCELLANEOUS PROVISIONS**

### **11.1103 Applicable periods.**

(1) For an individual who is a candidate for an office that the individual holds, the limits under s. 11.1101 (1) to (3) apply during the term of that office.

**11.1107 Limitation on cash contributions.** Every contribution of money exceeding \$100 shall be made by negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. No committee required to report under this chapter may accept a contribution made in violation of this section. The committee shall promptly return the contribution, or donate it to the common school fund or to a charitable organization in the event that the donor cannot be identified.

## **LOBBYIST CONTRIBUTIONS**

### **13.625 Prohibited practices.**

#### **13.625 (1m)**

(b) A lobbyist may make a personal contribution to a partisan elective state official or candidate for partisan elective state office or to the candidate committee of the official or candidate between the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election, except that:

1. A contribution to a candidate for legislative office may be made during that period only if the Legislature has concluded its final floor period, and is not in special or extraordinary session.
2. A contribution by a lobbyist to the lobbyist's candidate committee for partisan elective state office may be made at any time.



## **CAMPAIGN FUNDRAISING DURING BIENNIAL BUDGET PROCESS**

Laws administered by the WI Ethics Commission restrict candidates running for a partisan state office, or candidates who already hold a partisan state office such as a state representative, from receiving contributions from lobbyists, political action committees (PACs) or principals, except between April 15 and the date of the general election, [s. 13.625(1m)(b) Wisconsin Statutes].

The Dane County Circuit Court has overturned part of this law. It ruled that partisan state officials and candidates for partisan state offices may accept contributions at any time from PACs that are controlled by principals. In addition, the Committee on Assembly Organization adopted the following motions on January 25, 1999:

(1) Members are prohibited from holding personal or legislative committee campaign fundraisers in Dane County during legislative floor periods.

(2) All members are prohibited from accepting political action committee contributions to their personal campaign committees during the first year of each biennium.

The Committee on Assembly Organization approved on February 14, 2013, a policy change that members of the Assembly and their personal campaign committees, cannot:

Soliciting or knowingly accepting any contribution in Dane County for the purpose of promoting the member's nomination or reelection to the State Assembly during the period beginning on the day the biennial budget bill is introduced and ending on the date the biennial budget bill is presented to the Governor. This prohibition does not apply to a fund-raising social event of a current member of the Assembly who represents a district that contains part of Dane County.

It is recognized that under the limited circumstance of a member running as a publicly declared candidate for an elective office other than State Assembly, soliciting and accepting campaign contributions during the budget period in Dane County is not contrary to the foregoing policy and that a member in this circumstance may solicit and accept campaign contributions for offices other than State Assembly during the budget period.

## **ASSEMBLY RULE 98. CAMPAIGN COMMITTEE ACTIVITY**

2001 Assembly Resolution 3 created Assembly Rule 98, which provides additional limitations on campaign committee activity:

(1) A member may not schedule, hold, attend, or contribute money for or at a fund-raising social event in Dane County during a floor period of the Legislature or during a special or extraordinary session if the event is for a member; is sponsored by the member's personal campaign committee, as defined in section 11.0101; or is sponsored by a legislative campaign committee, as defined in section 11.0101 of the statutes.

(2) Subsection (1) does not apply to a fund-raising social event of a legislative campaign committee held during the period between the first day authorized for filing nomination papers for any special election to the Assembly and the date of the special election.

(3) Subsection (1) does not apply to a fund-raising social event of a current member of the Assembly or his or her personal campaign committee held during the period between the first day authorized for filing nomination papers for any office for which the current member of the Assembly is a candidate and the date of the election for that office, if the event is held within the boundaries of the jurisdiction or district served by the office for which the current member of the Assembly is a candidate.

(4) Subsection (1) does not apply to a fund-raising social event of a current member of the Assembly or his or her personal campaign committee held during the period between the first day authorized for filing nomination papers for any office, other than representative to the Assembly, for which the current member of the Assembly is a candidate and the date of the election for that other office.

(5) Subsection (1) does not apply to a fund-raising social event of a current member of the Assembly who represents a district that contains part of Dane County, or his or her personal campaign committee, if:

- (a) The event is held within the boundaries of the jurisdiction or district represented by the current member of the Assembly;
- (b) The event is held during a special or extraordinary session; and
- (c) The invitations to attend the event are sent before the special or extraordinary session is called.

# **TRAVEL RESTRICTIONS**

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## **IN-DISTRICT TRAVEL**

Assembly policy provides: “Representatives may be reimbursed actual and necessary expenses for representing this state in their district or within any county which may be a part of their district.”

No representative may be reimbursed under this policy for expenses on any day for which a claim is made for per diem under s. 13.123(1).

A representative may not be reimbursed for in-district travel after the date a candidate may circulate nomination papers for the office to which a representative may be seeking election or reelection.

## **STAFF TRAVEL — CAMPAIGN SEASON**

Staff travel reimbursement for mileage will not be allowed after the first day authorized by law for circulation of nomination papers. This will be in effect until after the November election of that year.

## **LAME DUCK LEGISLATOR OUT-OF-STATE TRAVEL**

State law limits out-of-state travel for legislators retiring from the Legislature. A legislator choosing not to seek reelection may not be reimbursed for out-of-state travel after the September primary. A legislator defeated in the primary election may not be reimbursed for out-of-state travel after the September primary. A legislator defeated in the general election may not be reimbursed for out-of-state travel after the general election [s. 13.123(3)(b)1(a)(b) Wisconsin Statutes].

# OTHER RELEVANT STATUTES

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## **11.1112 Corporations, cooperative and tribes.**

No foreign or domestic corporation, no association organized under ch 185 or 193, no labor organization, and no federally recognized American Indian Tribe may make a contribution to a committee, other than an independent expenditure committee or referendum committee, but may make a contribution to a segregated fund as provided under s. 11.1104(6) in amounts not to exceed \$12,000 in the aggregate in a calendar year.

## **12.11 Election bribery.**

12.11 (1) In this section, “anything of value” includes any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds \$1.

The prohibitions of this section apply to the distribution of material printed at public expense and available for free distribution if such materials are accompanied by a political message.

12.11 (1m) Any person who does any of the following violates this chapter:

(a) Offer, gives, lends or promises to give or lend, or endeavors to procure, anything of value, or any office or employment or any privilege or immunity to, or for, any elector, or to or for any other person, in order to induce any elector to:

1. Go to or refrain from going to the polls.
2. Vote or refrain from voting.
3. Vote or refrain from voting for or against a particular person.
4. Vote or refrain from voting for or against a particular referendum; or on account of any elector having done any of the above.

(b) Receives, agrees or contracts to receive or accept any money, gift, loan, valuable consideration, office or employment personally or for any other person, in consideration that the person or any elector will, so act or has so acted.

(c) Advances, pays or causes to be paid any money to or for the use of any person with the intent that such money or any part thereof will be used to bribe electors at any election.

(2) This section applies to any convention or meeting held for the purpose of nominating any candidate for any election, and to the signing of any nomination paper.

(3)(a) This section does not prohibit a candidate from publicly stating his or her preference for or support of any other candidate for any office to be voted for at the same election. A candidate for an office in which the person elected is charged with the duty of participating in the election or nomination of any person as a candidate for office is not prohibited from publicly stating or pledging his or her preference for or support of any person for such office or nomination.

(b) This section does not apply to money paid or agreed to be paid for or on account of authorized legal expenses which were legitimately incurred at or concerning any election.

(d) This section does not prohibit any person from using his or her own vehicle to transport electors to or from the polls with charge.

(e) This section does not apply to any promise by a candidate to reduce public expenditures or taxes.

**History: 1973 c. 334; 1975 c. 93; 1983 a. 484; 1991 a. 316; 1993 a. 213.**

***There are constitutional limits on the State's power to prohibit candidates from making promises in the course of an election campaign. Some promises are universally acknowledged as legitimate, indeed indispensable to decision making in a democracy. Brown v. Harlage, 456 U.S. 45 (1982).***

### **13.625 Prohibited Practices.**

13.625 (1) No lobbyist may:

(a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.

(b) ) Give 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 candidate committee of the official, employee, or candidate:

1. Lodging.
2. Transportation.
3. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may deliver a contribution or make a personal contribution to a partisan elective state official or candidate for national, state or local office or to the candidate committee of the official or candidate; but a lobbyist may make a personal contribution to which sub. (1m) applies only as authorized in sub. (1m)

(d) ) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

(1m)

(a) Except as provided in par. (b), a lobbyist may not do any of the following:

1. Make a personal contribution to a partisan elective state office for the purpose of promoting the official's election to any national, state, or local office.
2. Make a personal contribution to a candidate for a partisan elective state office to be filled at the general election or a special election.
3. Make a personal contribution to the candidate committee of a partisan elective state official or candidate for partisan state elective office.

(b) A lobbyist may make a personal contribution to a partisan elective state official or candidate for partisan elective state office or to the candidate committee of the official or candidate between the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election, except that:

1. A contribution to a candidate for legislative office may be made during that period only if the Legislature has concluded its final floor period, and is not in special or extraordinary session.
2. A contribution by a lobbyist to the lobbyist's candidate committee for partisan elective state office may be made at any time.

(2) No principal may engage in the practices prohibited under subs. (1) (b) and (1m). 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.

(3) No candidate for an elective state office, elective state official, agency official, or legislative employee of the State may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1)(b) 3., (1m), (2), (4), (5), (6), (7), (8) and (9). No candidate 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., (1m), (2), and (6).

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## **NOTES**





**PATRICK E. FULLER**  
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