

MEMORANDUM

TO: Interested Parties

FROM: Mike Wittenwyler / Jodi Jensen
Godfrey & Kahn, S.C.

DATE: November 13, 2017

SUBJECT: Wisconsin Special Elections: Restrictions on Lobbyist Contributions

Governor Walker recently called special elections to fill vacant legislative seats in the 58th and 66th Assembly Districts (“AD”), which will take place on January 16, 2018.¹ Candidates in the 58th AD were able to begin circulating nomination papers on November 1, 2017 and candidates in the 66th AD, on November 7, 2017. A special election is also anticipated in the 10th Senate District.

A registered Wisconsin lobbyist may *not* contribute personal funds to candidates running in these special elections. But a registered lobbyist may do any of the following during these special elections:

- Discuss campaign contributions with candidates.
- Deliver political action committee (“PAC”), conduit and other contributions to candidates.
- Attend a candidate’s fundraising event.
- Endorse a candidate.
- Solicit or bundle contributions for a candidate when done as a volunteer activity.
- Contribute personal funds to a legislative campaign committee or political party committee.

Note that a PAC sponsored by a Wisconsin lobbying principal may contribute to candidates in this special election and sponsor fundraising events for them, subject to contribution limits.

While a lobbyist may contribute personal funds to any state or local committee and any candidate for state, local or federal office in Wisconsin, a personal contribution to a partisan elective state official or a candidate for partisan elective state office must be made during a specific pre-election period i.e., the contribution window. This contribution window opens on the date nomination papers may be circulated and closes on the date of the special or general election, unless the state official is a state legislator or the candidate is seeking legislative office.²

¹ Executive Order 262; Executive Order 264.

² Wis. Stat. § 13.625(1m)(b).

Since these are special elections for legislative office, a lobbyist may contribute personal funds only if the state legislature has completed its final floorperiod and is not in special or extraordinary session.³ The legislature's final floorperiod is a limited business floorperiod scheduled to conclude on April 19, 2018. Accordingly, the contribution window *will not* open for these upcoming special elections. If legislative leaders choose not to convene floorperiods in 2018, the contribution window will open prior to April 19 only if the legislature approves a joint resolution making such change.⁴

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³ Wis. Stat. § 13.625(1m)(b)1.

⁴ Wisconsin Ethics Commission Publication ETHCF 1250 (Oct. 2016).