

MEMORANDUM

TO: Interested Parties

FROM: Mike Wittenwyler / Nate Zolik
Godfrey & Kahn, S.C.

DATE: July 10, 2015

SUBJECT: Contributions in Connection with Walker Presidential Campaign

Outlined below are the state law restrictions on campaign contributions by Wisconsin registered lobbyists and lobbying principals to entities that are connected to Governor Walker's expected presidential campaign.

Under current state law, a lobbyist or lobbying principal may only make personal campaign contributions to candidates for partisan elective state office¹ during the "contribution window" – the time period in the year of the candidate's election, beginning on the first day that nomination papers can be circulated for either a general or special election (for legislative candidates, provided that the legislature is not in session) and then ending on the day of the general or special election.² In the case of a fall general election, the date for circulation of nomination papers begins on April 15 of an even year.

For candidates for partisan elective state office who are running for federal office, the Government Accountability Board (the "G.A.B.") has permitted lobbyists to make personal campaign contributions even if the candidate is not on the ballot for the fall state election.³ For example, a state senator who runs for federal office in the middle of a four year state senate term is permitted to receive lobbyist campaign contributions when the window opens for other legislative candidates on the ballot that fall.

Walker Presidential Campaign

Individual Lobbyist – Contributions are not permitted until the contribution window opens.

Lobbyist Principal – Contributions are not permitted until the contribution window opens. Moreover, like Wisconsin, federal campaign finance law prohibits corporate contributions to a federal candidate campaign committee.

¹ "Partisan elective state office" includes the governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senators and state representatives. Wis. Stat. § 13.62(11p).

² Wis. Stat. § 13.625(1)(c).

³ See 1992 Wis. Eth. Bd. 25, affirmed by the G.A.B. in June 2008.

Contributions of Others – A lobbyist may discuss or deliver nonlobbyist contributions at any time.⁴

The G.A.B. has not yet determined the exact date on which the contribution window will open for the Walker presidential campaign as an argument has been made that it should open earlier than April 15, 2016, given that a presidential candidate is not placed on the ballot via nomination papers. The G.A.B. has indicated that it is considering the argument and will make this determination at one of its board meetings later this year.

Unintimidated PAC (SuperPAC Supporting Walker)

Individual Lobbyist – Contributions are permitted at any time.

Lobbying Principal – Contributions are permitted at any time.

Registered as a federal SuperPAC and operating independently from the Walker presidential campaign, Unintimidated PAC may accept unlimited contributions from individuals, corporations, labor organizations, tribes and other business entities.⁵ A contribution to Unintimidated PAC is required to be reported to the Federal Election Commission and will be publicly disclosed.

Our American Revival (Section 527 Organization Supporting Walker)

Individual Lobbyist – Contributions are not permitted until the contribution window opens.

Lobbyist Principal – Contributions are not permitted until the contribution window opens.

Because this section 527 organization is not operating independently of Governor Walker, the G.A.B. has advised that it is subject to the restrictions on lobbyist and lobbying principal campaign contributions.

Please let us know if you have questions or need any additional information on these entities and possible contributions.

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⁴ Note that there are federal law restrictions on bundling of campaign contributions as well as on the activities of any corporate employee engaged in bundling activities.

⁵ This memorandum does not address SEC Rule 206(4)-5 that restricts political contributions made by investment advisers and covered associates.