

CHAPTER 14

REGULATION OF LOBBYING

14.01. - Purpose and intent.

The purpose of this chapter is to let the citizens of the county know who seeks to influence the actions of their county government and for what reasons. The intent of this chapter is to encourage citizens to address county officials, either directly or through paid representatives, on the merits of an issue. This chapter is further intended to provide county elected officials, department heads, county employees and the general public with information regarding those who seek to influence the development of county policy. In order to preserve and maintain the integrity of this process, the county board has determined that it is desirable to regulate and publicly disclose the identity, expenditures, and activities of persons who hire others or who are hired to engage in efforts to influence actions of the legislative and executive branches of county government. This chapter delineates the procedures whereby principals and persons acting as lobbyists are required to register and provide requested information to be maintained as a public record.

14.02. - Definitions.

- (1) "Administrative action" shall mean the proposal, drafting, development, consideration or issuance of contracts, directives or recommendations by the county executive, department directors, or any county official.
- (2) "County official" shall mean any person in the service of the county and any member of a county board, commission, and/or committee whose position requires the use of discretion in the formulation and rendering of legislative and/or administrative actions.
- (3) "Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or defeat of any resolution, ordinance, amendment, report, nomination, or other matter by the county board, county board committee, subcommittee, joint or select committee thereof, or by a county board supervisor or employee of the county board acting in an official capacity. "Legislative action" also means the action of the county executive in approving or vetoing any resolution or ordinance or portion thereof, and the action of the county executive or the director of any county department in the development of any matter or proposal for introduction to or consideration by the county board of supervisors.
- (4) "Lobbying" means the practice of attempting to influence legislative or administrative action by oral or written communication with any county official and includes time spent in preparation for such communication and appearances at public hearings or meetings.
- (5) "Lobbying expenditure" means an expenditure related to the performance of lobbying, whether received in the form of an advance or subsequent reimbursement. The term includes an expenditure for conducting research and/or for providing or using information, statistics, studies or analyses in communicating with an official that would not have been incurred but for lobbying.
- (6) "Lobbyist" means any person who is employed by a principal or who contracts for or receives economic consideration, other than reimbursement for actual expenses, from a principal and whose duties include lobbying on behalf of the principal. If an individual's duties on behalf of a principal are not limited exclusively to lobbying, the individual is a lobbyist only if he or she makes lobbying communications on more than three (3) days within a reporting period.

(7) "Local official" means any person who holds elective office or has been elected to a local office but has not yet taken office, and every person who is employed by a county, city, town, village or school district who is not employed principally to influence legislative or administrative action. Local official does not include those who hold state or national office.

(8) "Person" means any individual, corporation, association, firm, partnership, committee, club, organization, or groups of persons who are voluntarily acting in concert. "Person" shall also include recognized employee organizations, associations, and/or representatives.

(9) "Principal" means any person who is represented by a lobbyist.

(10) "Reporting period" means any six-month period beginning with January 1 and ending on June 30 or beginning with July 1 and ending on December 31.

14.03. - Lobbyist and principal—registration required.

(1) Any person who acts as a lobbyist, as defined herein, is required to register annually under the provisions of this chapter and shall file, in person, by mail or electronically, on forms prescribed by the ethics board and submitted to the county clerk. Lobbyist registration shall include:

- (a) The full name, occupation, and principal place of employment of the lobbyist or lobbyists;
- (b) The identity of the legislative or administrative matter for which the lobbyist has been retained or which the lobbyist supports or opposes;
- (c) The name, occupation, and principal place of business of the person, or any other formal or informal group which is directing the lobbying activities and whose interests the lobbyist is representing;
- (d) Applicable registration fees.

(2) A lobbyist who appears on a matter, either verbally or in writing, before a meeting of the county board, a standing committee, a board or commission shall disclose his/her name, employer, and authorizing principal to the committee clerk as a matter of public record.

(3) Before engaging in lobbying on behalf of a principal, a lobbyist and the principal shall register with the county clerk on forms prescribed by the ethics board. Principal registration shall include:

- (a) The full name, occupation, and principal place of employment of the principal and the name and contact information of an individual to serve as a contact for the principal;
- (b) Applicable registration fees.

(4) A principal shall file a separate authorization for each lobbyist retained by the principal. The authorization shall be prescribed by the ethics board and shall include:

- (a) The general legislative or administrative matter for which the lobbyist has been retained; lobbyists may be authorized for general purposes, however the specific legislative or administrative matter(s) on which lobbying has occurred must be documented pursuant to section 14.035(1)(c) of this chapter.
- (b) A written authorization for the lobbyist to represent the principal, signed by or on behalf of the principal;

(c) Applicable authorization fees.

(5) Except as authorized under 14.06, no person may engage in lobbying as a lobbyist unless the person has been registered under this chapter and has been authorized to act as a lobbyist for the principal whom the lobbyist represents under 14.03

(6) Except as authorized under 14.06, no principal may authorize a lobbyist to engage in lobbying until the lobbyist and the principal are registered in accordance with this chapter.

(7) Lobbyist and principal registration becomes effective when filed and when applicable fees are received by the county clerk, and expires at the end of the calendar year. Upon termination of a person's engagement or employment as a lobbyist, the principal shall notify the county clerk upon a report form prescribed by the ethics board and provided by the county clerk. The county clerk shall enter a termination note into the record opposite the name of the principal and the lobbyist.

14.035. - Principals' expense statement.

(1) Every principal shall, on or before July 31 and January 31, file with the county clerk an expense statement covering the preceding reporting period, if the principal has incurred expenses of one thousand dollars (\$1,000.00) or more within that reporting period. The statement shall contain the following information:

- (a) The aggregate total amount of lobbying expenditures made and obligations incurred for lobbying activities by the principal and all lobbyists for the principal. With respect to expenditures and obligations, the following shall be included:
1. Lobbying expenditures made and obligations incurred for lobbying shall include pro rata compensation to lobbyists and to the principal or officers or employees of the principal for lobbying or expenses.
 2. Except as provided in section 14.035(1)(a)(3), lobbying expenditures made and obligations incurred in preparing for lobbying shall be included in the aggregate total.
 3. A reasonable estimate of lobbying expenditures made and obligations incurred for conducting, compiling, or preparing research, information, statistics, studies or analyses used in lobbying shall be included in the aggregate total. Lobbying expenditures and obligations shall not be reported under this subsection if the use in lobbying occurs more than three (3) years after the completion of the research or the compilation or preparation of the information, statistics, studies, or analyses. If the research, information, statistics, studies or analyses are used by the principal both for lobbying and for purposes other than lobbying, the principal shall allocate the lobbying expenditures and obligations among the purposes for which the research, information, statistics, studies, or analyses are used and include the portion allocated to lobbying in the aggregate total. Any estimate or allocation or expenditures and obligations made in good faith, under this subsection, fulfills the requirements of this subsection.
 4. Lobbying expenditures made and obligations incurred for providing or using research, information, statistics, studies, or analyses in lobbying shall be included in the aggregate total.
 5. Lobbying expenditures made and obligations incurred for paid advertising and any other activities conducted for the purpose of urging members of the general public to attempt to influence legislative or administrative action shall be included in the aggregate total.

(b) If a lobbyist is an employee, officer or director of a principal and the lobbyist is paid a salary or given consideration other than reimbursement of expenses, the aggregate total amount of lobbying expenditures made or obligations incurred by the principal for office space, utilities, supplies, and compensation of employees who are utilized in preparing for lobbying communications shall be listed. Any lobbying expenditures made or obligations incurred for office overhead costs which are included in the amount reported under paragraph (a)1. shall not be included in the amounts reported under this paragraph.

(c) A detailed description of each subject area in which the principal attempted to influence legislative or administrative action during the reporting period, including all of the following:

1. The number, subject matter, and specific issues addressed in the legislative proposals on which the subject attempted to influence legislative or administrative action in each subject area; and
2. A contemporaneous record disclosing the time and resources spent on each attempt to influence legislative or administrative action in each subject area. The contemporaneous record shall be supplied on a form provided by the county clerk and shall include an itemization of the time and resources spent on research and preparation, the time spent meeting with elected county officials, agency officials, legislative employees of the county, and other county employees having decision-making authority, and any other activity which includes lobbying.

(d) The name of any agency official, legislative employee, elective county official, or candidate for elective county office to whom the principal or any lobbyist for the principal provided reimbursement authorized under chapter 9.15(2)(a) and the date and amount reimbursed.

(2) Reports by lobbyists. A lobbyist whose activities and expenditures are required to be reported by a principal under subsection (1) shall provide to the principal the information that the principal determines is needed to prepare the statement. The principal shall file a copy of the information, signed by the lobbyist under the penalty for making false statements.

(3) Short-form report. If the principal has incurred expenses that do not exceed one thousand dollars (\$1,000.00) within that reporting period, the principal may file a short-form expense statement consisting of the following information:

(a) The aggregate total amount of lobbying expenditures made and obligations incurred for lobbying activities by the principal and all lobbyists for the principal.

(b) A brief description of each subject area in which the principal attempted to influence legislative or administrative action during the reporting period.

(4) Records. All accounts, bills, receipts, books, papers, and other documents necessary to substantiate the expense statement shall be obtained, organized, and preserved, by the principal and any lobbyist engaged by the principal for three (3) years after the date filing the expense statement.

(5) Failure to file. If a principal fails to timely file a complete expense statement under this section, the county clerk shall suspend the privilege of any lobbyist to lobby on behalf of the principal. The county clerk shall mail written notices to the principal and to any lobbyist authorized by the principal informing both parties that unless the principal files the delinquent statement within ten (10) business days after the date of mailing of the notices, no lobbyist may lobby on behalf of the principal. The privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon filing the delinquent statement and payment of applicable fees. The notice sent to the principal shall further state that the principal may be subject to forfeitures and/or sanctions as provided in this chapter. The notices shall be sent by first class mail

to the last-known addresses of the principal and lobbyist. Any principal or lobbyist who is aggrieved by a suspension of lobbying privileges under this subsection may request a hearing regarding the suspension.

14.06. - Exceptions.

(1) The provisions of this chapter shall not apply to:

- (a) Local officials and their staff, provided that such local officials and staff are solely engaged in matters of governmental interest concerning their respective governmental bodies and the county;
- (b) A person who owns, publishes, or is employed by a newspaper, any regularly published periodical, a radio station, a television station, a wire service, or any other bona fide news medium that in the ordinary course of business disseminates news, letters to the editor, editorial or other comment, or paid advertisements that directly or indirectly oppose or promote legislation or administrative action, if the person does not engage in further or other activities that require registration under this chapter and does not represent another person in connection with influencing legislation; this subsection does not exempt a person whose relation to the news media is only incidental to a lobbying effort or when a position taken or advocated by a media outlet, reporter or editor directly impacts, affects, or seeks to influence legislation in which the media outlet, reporter, or editor has a direct or indirect financial interest;
- (c) A person when representing a bona fide church or religious organization solely for the purpose of protecting the public right to practice the doctrines of such church or religious organization;
- (d) A person whose actions would otherwise qualify that person as a lobbyist, as defined in this chapter, shall not be deemed to be lobbying provided the individual engages in lobbying on three (3) or fewer days during a reporting period. Any contact or communication made by a lobbyist at a properly noticed public meeting or hearing shall not count as a lobbying communication. Any subsequent lobbying contact by that person within the same reporting period requires registration as provided in this chapter;
- (e) Any person appointed to a county commission or board, provided that person is subject to the Milwaukee County Code of Ethics as stated in chapter 9.05

(2) Nothing in sections 14.01 and 14.06 may be applied to or interfere with the right of any person to engage in lobbying by communicating solely with a county board supervisor who represents the district in which the person resides.

14.07. - Duties of the county clerk.

(1) The county clerk shall register each person who qualified for registration as a lobbyist or principal and shall be the custodian of all completed forms. The county clerk shall prepare and keep a file in which shall be entered the name and business address of each principal and lobbyist required to be registered under this chapter in accord with section 14.03, and the general areas of legislative and administrative action and specific matters to which the lobbying activities of the principal and lobbyist relate.

(2) All information contained in reports required to be filed under the provisions of this chapter shall be compiled by the county clerk, as soon as practicable with respect to which information is filed. A listing of registered lobbyists and principals, and the matters to which the lobbying activities of the principal and lobbyist relate shall be forwarded on a quarterly basis to the county executive, each member of the county board, and the county board chief committee clerk.

- (3) All reports required to be filed with the county clerk shall be preserved by the clerk for a period of six (6) years from the date of filing, shall constitute part of the public records of the clerk's office, and shall be open to public inspection. Copies shall be made available by the county clerk upon oral or written request and payment of copy fee charges.
- (4) The county clerk shall make available to all interested parties a manual prepared and published by the ethics board which prescribes the methods of registration and reporting by lobbyists and principals.
- (5) The county clerk shall post, in the office of the county executive and the office of the county board, proper notice of the "Regulation of Lobbying Activities" prepared by the ethics board which describes the requirements under this chapter.
- (6) The county clerk shall inspect or cause to be inspected each report filed under this chapter within ten (10) days after the date it is filed.
- (7) The county clerk shall, upon a verified complaint by any person or on his/her own motion, refer any facts within his/her knowledge or evidence in his/her possession that may indicate a violation of this chapter to the ethics board. The county clerk shall provide a written notification to the person named in the complaint that the matter has been referred to the ethics board.
- (8) The county clerk shall notify a person required to file a report under this section immediately if it appears that the person has failed to file a complete report as required by law or that a report filed by the person does not conform to law. Upon failure of a principal or his/her lobbyist to file the report(s) required under sections 14.03 and 14.035, the county clerk shall mail written notices to the principal and to any lobbyist who has failed to report pursuant to this chapter to register as a lobbyist for the principal, informing them that unless the principal files the delinquent report within ten (10) days after the date of mailing of the notice, no lobbyist is permitted to lobby on behalf of the principal. The notice sent to the principal shall further state that the principal may be subject to forfeitures and/or sanctions as provided in this chapter. The notices shall be sent by first-class mail to the last-known addresses of the principal and lobbyist.
- (9) In the event a person meets the definition of lobbyist as defined in section 14.02 and fails to register pursuant to the terms of this chapter, the county clerk shall mail written notices to the person informing them that they have ten (10) days from the date of the letter to register under the terms of this chapter. The notice shall further state that failure to register, including providing identifying information on the principal, will result in the person being prohibited from lobbying until the registration requirements of this chapter are fulfilled and, further, that the person and the principal may be subject to forfeitures and/or other sanctions as provided in this chapter.

14.08. - Fees.

The county clerk shall charge and collect for the following purposes the following amounts:

- (1) The annual fee to register as a lobbyist shall be one hundred twenty-five dollars (\$125.00).
- (2) The annual fee to register as a principal shall be one hundred twenty-five dollars (\$125.00).
- (3) The fee for filing an authorization statement shall be one hundred twenty-five dollars (\$125.00) for each lobbyist authorized.
- (4) Lobbyist, principal and authorization fees are waived for representatives of Wisconsin Counties Association. Individuals exempt under this section must comply with all other provisions of this chapter.

(5) Lobbyist, principal and authorization fees shall be fifty dollars (\$50.00) respectively for representatives of non-profit entities, provided a valid State of Wisconsin Certificate of Status confirming non-profit or non-stock status is submitted with the principal registration forms.

14.09. - Filing of reports.

The reports required by this chapter shall be filed with the county clerk at his/her office during regular business hours on forms prescribed by the ethics board. The person required by the terms of this chapter to file it shall verify each report. The verification shall state that such person has used all reasonable diligence in its preparation and that, to his/her knowledge, it is true and complete. Any verification required by this division may be made under oath or affirmation before any officer authorized to administer oaths or by certification or declaration made "under penalty of perjury" as provided in ch. 946, secs. 31 and 32, Wis. Stats.

14.10. - Duties of the ethics board.

The ethics board shall:

- (1) Prescribe forms and instructions for preparing and filing registration applications and expense statements governed by this chapter.
- (2) Prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons who are required to provide information or file statements under this chapter.
- (3) Adopt such rules as may be necessary to enforce the various provisions of this chapter, including a schedule of sanctions and forfeitures pursuant to section 14.11

14.11. - Suspensions, violations and penalties.

Every person who violates any provision of this chapter shall be subject to the following penalties:

- (1) Failure to comply with sections 14.03 and/or 14.035 within ten (10) days of written notification by the county clerk shall result in a suspension of lobbyist privileges. The privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon filing the delinquent report. The notices shall be sent by first class mail to the registered addresses of the principal and lobbyist.
- (2) The ethics board may require individuals who have been found to have violated this chapter to forfeit an amount not more than one thousand dollars (\$1,000.00) for each violation of this chapter.
- (3) In addition to the forfeitures listed in (2) of this section, the ethics board may suspend lobbyist privileges of individuals found to have violated this chapter for a period not to exceed three (3) years.
- (4) The corporation counsel, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section which has not been paid by the person against whom it was assessed.
- (5) If the county clerk becomes aware of any person who falsifies information provided under sections 14.03 or 14.035 or any person who files or causes to be filed on behalf of any principal a falsified statement under this chapter, the county clerk shall refer such information to the district attorney for prosecution under applicable state statutes.

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