

MILWAUKEE COUNTY

LOBBYING MANUAL

Prepared by the Milwaukee County Ethics Board
Milwaukee County Courthouse
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<http://www.milwaukeecounty.org/ETHICSBOARD8460.htm>

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This manual is provided as an information resource only and is not intended to constitute legal advice. For authoritative information consult the Wisconsin Statutes, Chapter 14 of the Milwaukee County Code of General Ordinances, and/or the Milwaukee County Ethics Board.

I. PURPOSE OF LOBBYING REGULATION

As a matter of public policy, citizens are encouraged to address county officials, either directly or through paid representatives, on the merits of government issues. The regulation of lobbying by Milwaukee County is designed to let the citizens of the county know who seeks to influence the actions of their county government and for what reasons. Lobbying regulation 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 the lobbying 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. § 14.01.¹

II. REGISTRATION AND AUTHORIZATION

A. WHO NEEDS TO REGISTER

Lobbyists and principals must register with the County and pay a fee in order to engage in lobbying activities. A lobbyist must file a separate registration form and pay a separate registration fee for each principal represented. § 14.03(1).

¹ All citations are to Chapter 14 of the Milwaukee County Code of General Ordinances unless otherwise stated.

Each principal must also file a registration form and pay a registration fee prior to retaining lobbyists. § 14.03(3). In addition, a principal must file a separate authorization form for each lobbyist retained by the principal. § 14.03(4).

B. WHERE TO REGISTER

Lobbyists and principals may register in person or by mail at the Office of the Milwaukee County Clerk, located in the Milwaukee County Courthouse, 901 N. 9th Street, Room 105, Milwaukee, Wisconsin, 53233. Call 278-4067 for questions.

Registration and authorizations forms are also available on the Milwaukee County Clerk's website at <http://www.county.milwaukee.gov/LobbyInformation22002.htm> or google Milwaukee County Clerk

C. WHEN TO REGISTER

All lobbyists and principals must register with the County Clerk prior to engaging in lobbying. A person is not required to register as a lobbyist until he or she makes lobbying communications on more than three days within a reporting period. § 14.02(6). Each registration is issued for the calendar year and expires on December 31st, regardless of the date on which the lobbyist or principal registered. § 14.03(7).

D. ANNUAL FEES

The following fees must be paid on a yearly basis:

1. Lobbyist registration fee: \$125.00 for each principal a lobbyist represents.
2. Principal registration fee: \$125.00 for each principal.
3. Authorization fee: \$125.00 for each lobbyist retained by a principal.

Fees are waived for representatives of the Wisconsin Counties Association. In addition, lobbyist, principal and authorization fees are reduced to \$50.00 for representatives of non-profit entities. A valid State of Wisconsin Certificate of Status confirming non-profit or non-stock status must be submitted with the principal registration form. § 14.08.

E. REGISTRATION EXEMPTIONS.

A person who engages in lobbying on three or fewer days during a reporting period does not need to register. § 14.06(1)(d). Any contact or communication by a lobbyist at a properly noticed public meeting or hearing of the County shall not count as lobbying activity, nor shall it be considered lobbying if a person communicates solely with his or her County Board Supervisor. §§ 14.06(1)(d) and (2).

Local government officials and their staffs need not register provided that they are engaged in matters of governmental interest concerning their respective governmental body and the county. § 14.06(1)(a). In addition, county and board commissioners do not need to register, provided that they are subject to Milwaukee County's Code of Ethics. § 14.06(1)(e).

An individual representing a religious organization solely for the purpose of protecting the public right to practice the doctrines of such church or religious organization does not need to register. § 14.06(1)(c).

News media need not register, provided that the person does not engage in other activities that require registration under the lobbying chapter and does not represent another person in connection with influencing legislative or administrative action. § 14.06(1)(b). There is no

exemption for 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 at which the media outlet, reporter, or editor has a financial interest.

III. REPORTING

A. FORMS

The following forms must be filled out by lobbyists and principals (copies of all forms can be found in the Appendix and on the Milwaukee County Clerk's website at

<http://www.county.milwaukee.gov/LobbyInformation22002.htm>) or google Milwaukee County

Clerk. Registration and authorization forms must be filled out once per year. Principal expense statements must be filed twice per year, by July 31 and January 31.

Lobbyist Registration Form: This form identifies the lobbyist, principal, and matter for which the lobbyist has been retained. § 14.03(1).

Authorization for Lobbyist Form: This form identifies each lobbyist retained by the principal, the matter for which each lobbyist has been retained, and that the principal authorizes each lobbyist to represent it. § 14.03(4).

Principal Registration Form: This form identifies the principal and the principal's contact person. § 14.03(3).

Principal Expense Statement: Principals are required to file an expense statement for each bi-annual reporting period regardless of whether expenses have been incurred. The statement must identify the amount of expenditures by category and the activities of each lobbyist and must be verified. All records to substantiate expenditures to be preserved by the principal for three years after date of filing. § 14.035.

Lobbyist Termination Form: This form should be signed by the principal and filed with the County Clerk upon termination of a lobbyist for that principal. § 14.03(7).

Principal Termination Form: This form should be signed by the principal and filed with the County Clerk upon termination of the principal's lobbying activities.

B. FAILURE TO FILE

If a principal fails to file a complete expense statement, the County Clerk shall mail the principal and any lobbyist authorized by the principal written notice that unless the delinquent statement is filed within 10 business days after the date of mailing the notice, no lobbyist may lobby on behalf of the principal. The notice shall also state that the principal may be subject to forfeitures and/or sanctions. If the delinquent statement is not filed, the County Clerk shall suspend the privileges of any lobbyist to lobby on behalf of that principal if the delinquent statement is not filed. The privilege to lobby may be restored upon filing of the delinquent statement and the payment of applicable fees. *

C. DUTIES OF THE COUNTY CLERK

The County Clerk shall register each person who qualifies for registration as a lobbyist or principal and shall be custodian of all completed forms. The County Clerk shall preserve for six years from the date of filing all reports required to be filed. These reports shall constitute part of the public records of the office. If it appears that a person required to file a report has failed to do so, the County Clerk will mail written notice as described above. § 14.07.

* A lobbyist's privileges may be suspended for a period of up to three years in the event of disciplinary action.

§ 14.07 See also § 14.035 and § 14.11 if there is no disciplinary action.

A listing of registered lobbyists, principals and the matters to which their activities 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. § 14.07(2). The County Clerk shall also make available a manual prepared and published by the Ethics Board which prescribes the methods of registration and reporting. § 14.07(4).

IV. SUSPENSION, VIOLATIONS AND PENALTIES

Any failure by a lobbyist or principal to fulfill the registration and reporting requirements within 10 days of written notification from the County Clerk may result in a suspension of lobbyist privileges. § 14.11(1).

If the County Clerk becomes aware that an individual has violated the lobbying ordinances, the County Clerk may refer the violation to the Ethics Board. § 14.07(7). The Ethics Board may require individuals who have violated the lobbying ordinances to pay a maximum \$1,000.00 forfeiture for each violation, and the Ethics Board may also suspend lobbyist privileges for the violator for a maximum of three years. § 14.11(2) and (3).

In addition, if the County Clerk becomes aware that any person has falsified information related to lobbyist registration or reporting, the County Clerk shall refer the person to the District Attorney for prosecution. §14.11(5).

V. FREQUENTLY ASKED QUESTIONS

General

Question: *Is a person acting as a lobbyist if that person contacts the County Board Supervisor who represents the district in which the person resides to request that a certain action be taken?*

Answer: No. The person is not acting as a lobbyist because the person is communicating with the County Board Supervisor who represents the district in which the person resides, regardless of whether the person is paid to make the contact or is making the contact on behalf of another person.

Question: *Is a person required to register as a lobbyist if the person meets separately with several county officials within a single reporting period to lobby on behalf of a principal, even though the meetings did not occur on more than three days in a reporting period?*

Answer: No. A person is not required to register as a lobbyist until the accumulated time spent lobbying on behalf of the same principal is for more than three days within a single reporting period, regardless of the number or length of the meetings and the subject matter of the meetings.

Question: *How is the amount of time a lobbyist has spent engaged in lobbying determined if the lobbyist communicates with an official for only a few minutes, but waited for several hours before being heard?*

Answer: Lobbying includes time spent in preparation for lobbying communications. This includes waiting time if the lobbyist is compensated for that time.

Question: *Is a letter or an email sent by a lobbyist to a county official a lobbying activity?*

Answer: Yes. If the letter or email from the lobbyist is intended to influence county action, then it is a lobbying activity. Any written communications in a day count as one day towards the three-day reporting requirement. For example, if a letter was sent to 19 supervisors in the same day, that would count as one day of lobbying. However, if that same letter was sent to the 19 supervisors, one each day for 19 days, that would count as 19 days of lobbying.

Registration and Reporting

Question: *If a person has been registered as a lobbyist and desires to engage in lobbying on behalf of another principal, does the person need to apply and pay an additional fee for registration to lobby on behalf of the second principal?*

Answer: Yes. A lobbyist engaged in lobbying on behalf of multiple principals is required to be registered and pay a registration fee for each principal represented.

Question: *If the identity of the matter listed on the lobbyist registration form and the authorization for lobbyist form is modified or added to must the forms be altered to reflect the changes?*

Answer: Yes. If the identity of a matter that a lobbyist is lobbying for on behalf of a principal is modified or added to during a reporting period the lobbyist registration form and the authorization for lobbyist form filed with the County Clerk must be altered to reflect the changes. It is necessary that these forms identify each and every matter that the lobbyist has lobbied on behalf of the principal during the reporting period. This may be accomplished by sending a letter to the County Clerk identifying the additional or modified matter.

Question: *If a registered principal incurs no expenses during a reporting period how is this to be reported to the county clerk?*

Answer: If a registered principal incurs no lobbying expenses during a reporting period, the principal should file the form for principal expenses statement with expenditures less than \$1,000.00. On that form the principal should indicate that the aggregate total amount of lobbying expenditures was zero and then complete the verification before filing with the county clerk.

Private Businesses

Question: *Is a person engaged in lobbying if that person is employed by a company and, as part of his or her employment duties, contacts county officials in an attempt to influence action?*

Answer: Yes. The person is engaged in lobbying because the person is attempting to influence legislative or administrative action by communication with county officials. Because the person is employed by a principal and is engaged in lobbying on behalf of the principal, both the company and the person are required to register as a principal and lobbyist respectively, whenever the lobbying is for more than three days within a single reporting period.

Question: *Is a person engaged in lobbying if the person in the previous question is the owner of the company and not in employee?*

Answer: Yes. The owner is a lobbyist because he or she is engaged in lobbying on behalf of a company which he or she owns. The owner is required to register as a lobbyist if he or she engages in lobbying for more than three days within a single reporting period. Also, the company is to be registered as a principal.

Question: *Is lobbyist registration required if the owner of a business or a member of an organization contacts the County Board Supervisor who represents the district in which the business or organization is located to request that a certain action be taken, even though the owner or member resides in another supervisory district?*

Answer: No. A person communicating with the County Board Supervisor who represents the district in which the business or organization is located is not subject to the provisions of the lobbying ordinance. Because a person is defined under the lobbying ordinance to include any corporation, association, or partnership in addition to an individual, an owner of a business or member of an organization communicating with the County Board Supervisor who represents the district in which the business or organization is located is not subject to the provisions of the lobbying ordinance, regardless of where the owner or member resides.

Non-Profit/Community Organizations

Question: *Is a person engaged in lobbying if that person, who is a member of the Board of Directors for a non-profit corporation and is not paid for his or her service on the board, contacts a member of the county board to solicit support for the allocation of grant funds to the corporation or appears on behalf of the corporation at a meeting of a county board committee to urge the approval of allocation of grant funds to the corporation?*

Answer: No. The member of the Board of Directors is not required to register as a lobbyist because the member is not paid for his or her services on the board.

Question: *Is a person engaged in lobbying if that person, as a volunteer member or officer of a neighborhood organization or civic group, contacts members of a county board, commission or committee to request that a certain action be taken? Does the determination of*

a lobbyist depend on whether the person is reimbursed for actual expenses incurred while performing activities on behalf of the organization or group?

Answer: No. A volunteer member or officer is not required to register as a lobbyist because he or she is not paid for his or her services to the organization or group. Reimbursement for actual expenses incurred while performing activities on behalf of the organization or group is not payment to the member or officer to engage in lobbying.

Government Officials

Question: *Is a person engaged in lobbying if that person is a local official and contacts a county official urging support for an inter-governmental cooperation agreement?*

Answer: No. Local officials and their staff are exempt from the registration reporting requirements of the lobbying chapter.

Government Contracts

Question: *Is a person engaged in lobbying if that person is employed by a company that has a contract with the county, or intends to apply for a contract, and meets with a county employee to obtain information about the contract?*

Answer: No. A person who meets with a county employee is not engaged in lobbying if contact with the county employee is related to an action that is purely ministerial in nature and the person is not attempting to influence county action.

Question: *Is a person engaged in lobbying if that person is a vendor who contacts a county official to promote a product or service?*

Answer: No. The person is not engaged in lobbying if the person is merely responding to a request for information from a county official, or is making an inquiry during a contract or bidding process.

Public Meetings

Question: *Does the appearance of a lobbyist before a public meeting or hearing of the county count as a lobbying activity?*

Answer: No, this type of appearance does not count towards the three days of lobbying activity before registration is required.

Campaign Contributions

Question: *Are lobbyists or principals restricted from contributing to the election campaign of county officials?*

Answer: No provisions have been established by the lobbying chapter which prohibit or restrict registrants from contributing to an election campaign of county officials. However, § 9.05(2)(k) of the Milwaukee County Ethics Code prohibits a person with a financial interest in the approval or denial of a contract or proposal being considered by a county department or with an agency funded and regulated by a county department from making a campaign contribution to any county elected official who has approval authority over that contract or proposal during its consideration.

APPENDIX A: DEFINITIONS

Section 14.02 of the Milwaukee County lobbying ordinances provides the following 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.

APPENDIX B : FORMS

7. Provide the name of any County official or candidate for elective County office to whom the principal or any lobbyist for the principal provided reimbursement authorized under Section 9.15(2)(a) of the Milwaukee County Code of General Ordinances:

Name of County Official	Matter Reimbursed	Date of Matter	Amount Reimbursed

Lobbyists shall provide to his/her principal the information that the principal determines is needed to prepare this statement. The principal shall file a copy of the information with this statement, and the copy shall be signed by the lobbyist under the penalty for making false statements.

Verification

The undersigned, being first duly sworn on oath, states that he/she has used all reasonable diligence in the preparation of this report, and that to his/her knowledge, it is true and complete.

Signature

Subscribed and sworn to before me this _____ day of _____, _____.

Signature

My commission expires _____.

* 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. Also to be included are expenditures and obligations incurred in preparing for lobbying. Also to be included is a reasonable estimate of lobbying expenditures and obligations incurred for conducting, compiling, or preparing research, information, statistics, studies or analyses used in lobbying as well as the expenditures and obligations incurred for providing or using research, information, statistics, studies, or analyses in lobbying. Lobbying expenditures 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.



Lobbyist Termination Form

Milwaukee County Clerk
901 North 9th Street, Room 105
Milwaukee, WI 53233

Lobbying regulations for this form may be found in Section 14.03 (7) of the Milwaukee County Code of General Ordinances.

_____ (Lobbyist) has been terminated as a lobbyist for
_____ (Principal).

I certify that the above named lobbyist's engagement or employment for the above named principal has been terminated. I further certify that I am authorized to sign this document on behalf of the principal.

Signature _____ Date _____

This termination is effective upon receipt of this signed form by the County Clerk.



Lobbyist Registration Form

Milwaukee County Clerk
901 North 9th Street, Room 105
Milwaukee, WI 53233

Lobbying regulations for this form may be found in Section 14.03 (1) of the Milwaukee County Code of General Ordinances.

Lobbyist Information

1) Full Name

Last

First

MI

2) Occupation

3) Employer's Name

4) Employer's Address

City

State

Zip

Principal

5) Name

6) Occupation/Type of Business

7) Principal's Address

City

State

Zip

8) Identity of matter that the lobbyist supports or opposes or the matter for which the lobbyist has been retained.

Fee: \$125 Date Paid: _____ (to be completed by County Clerk)



Authorization for Lobbyist Form

Milwaukee County Clerk
901 North 9th Street, Room 105
Milwaukee, WI 53233

Lobbying regulations for this form may be found in Section 14.03 of the Milwaukee County Code of General Ordinances.

1) Name(s) of Lobbyist(s)

2) Name of Principal

3) Identity of matter for which the lobbyist has been retained or which the lobbyist supports or opposes.

I/We do hereby authorize _____ (Name of Lobbyist) to represent
_____ (Name of Principal) in lobbying Milwaukee
County officials on the above matter.

Signature of Principal or
Authorized Signature of the Principal

Fee: \$125 for each lobbyist.

Date Paid: _____ (to be completed by County Clerk)



Principal Registration Form

Milwaukee County Clerk
901 North 9th Street, Room 105
Milwaukee, WI 53233

Lobbying regulations for this form may be found in Section 14.03 (3) of the Milwaukee County Code of General Ordinances.

“Principal” means any person who is represented by a lobbyist.

Principal Information

1) Full Name

2) Occupation/Type of Business

3) Address

City State Zip

4) Principal's Contact Person

5) Contact Person's Address

City State Zip

6) Contact Person's Telephone Number

This form to be accompanied with an Authorization for Lobbyist Form and possibly with a Lobbyist Registration Form.

Fee: \$125

Date Paid: _____ (to be completed by County Clerk)



Principal Termination Form

Milwaukee County Clerk
901 N. 9th Street, Room 105
Milwaukee, WI 53233

Principal: _____

Address: _____

Upon receipt of this form and the appropriate expense statement, the Milwaukee County Clerk will terminate principal's registration as a lobbying principal and all authorizations of individuals to lobby on the principal's behalf.

I certify that all lobbying activities by or on behalf of the principal identified above have ceased and that the principal will not attempt to influence legislature or administrative services at Milwaukee County. I further certify that I am authorized by the principal to sign and submit this document to the Milwaukee County Clerk.

Signature

Date

Print Name

Title