

PRACTICAL GUIDANCE

What Nonprofits Need to
Know About Lobbying in

WISCONSIN

New in This Update:

This Practical Guidance resource updates the 12.14.21 version. Updates include:

- A new FAQ describing how to use this resource
- A new FAQ comparing federal and state lobbying rules

Inside This Guide:

This Practical Guidance resource is designed to help your nonprofit organization determine if lobbying rules in Wisconsin might apply to your state or local work. It includes:

- Summary of registration and reporting triggers
- Key takeaways for nonprofit organizations
- FAQs
- Case study for a hypothetical small student voting rights organization
- List of helpful additional resources

What Lobbying Activities Trigger Registration Requirements in Wisconsin?

DIRECT LOBBYING OF:	CAN THIS TRIGGER?	TRIGGER
State Legislators	Yes	Any communication with any “elective state official,” agency official, or legislative employee, intended to influence state legislation or administrative rulemaking, by a person who: (i) is being paid by your organization, and whose duties include lobbying on your organization’s behalf; and (ii) engages in lobbying communications on at least five days within a 6-month period (Jan-June / July-Dec). Additionally, if your organization pays any person whose duties are limited exclusively to lobbying (and not any other work), registration is required regardless of the level of lobbying communication.
State Executive Branch Officials	Yes	Same as above.
Local Legislators or Local Executive Branch Officials	Maybe	The Wisconsin state lobbying statute does not regulate lobbying at the local level, but some municipalities and counties, including Milwaukee, do have their own lobbying statutes that may require registration.

Grassroots lobbying: Grassroots lobbying (for example, encouraging your network to call their representatives and support or oppose a bill) is not considered lobbying under Wisconsin law, and therefore is not subject to lobbying registration requirements. However, if your organization is otherwise required to register lobbyists, you will need to disclose grassroots lobbying expenditures related to your work on a specific bill or rule.

KEY LOBBYING TAKEAWAYS FOR NONPROFIT ADVOCACY ORGANIZATIONS IN WISCONSIN:

- **There is a rather lenient 5-day lobbyist registration threshold:** Because under Wisconsin law lobbyist registration is only required on the fifth day of lobbying communications in any 6-month reporting period (Jan-June/July-Dec), there is significant leeway for an organization engaged in relatively infrequent lobbying activities to avoid triggering registration and reporting requirements and remain in compliance with the rules of the state.
- **Wisconsin tracking and reporting requirements are stringent:** If you are required to register, Wisconsin requires reporting a daily breakdown of all time spent on lobbying, and lobbying-related preparation activities by your employees (even those that are not registered as lobbyists). The state also requires very specific expense reporting, including prorated allocation of the costs of non-lobbyist staff time, benefits, and office overhead expenses! You will need very robust employee time tracking and expense tracking systems in place to meet these periodic reporting requirements.

This resource is current as of May 2022. We do our best to periodically update our resources and welcome any comments or questions regarding new developments in the law. Please e-mail us at advocacy@afj.com or at info@democracycapacity.org with any comments.

This resource is meant to convey the basic principles of sections of state law that are most relevant for nonprofit advocacy and does not cover all aspects or all details of the state statutes. Please refer to the full text of the law for more details. This resource also does not cover details of federal lobbying disclosure law, IRS regulations related to lobbying, or any separate county or municipal regulations that may apply to lobbying-related activities. In some states there is an ongoing movement towards the enactment of additional local county and municipal level lobbying regulations, and organizations are urged to check with the appropriate local jurisdiction before undertaking local lobbying activity.

Q: How should we think about using this Practical Guidance resource?

This Practical Guidance – What Nonprofits Need to Know About Lobbying resource is designed to help your nonprofit organization determine if state or local regulations might apply to your existing or proposed advocacy work. The answer is surprisingly often – **YES!** – but there are also often many advocacy activities that do not require state lobbyist registration or reporting.

This Guide will help you identify which of your state or local activities might trigger registration and reporting, and also give you potential alternative program design ideas that would allow your program to be in compliance with the regulations but not require registration and reporting.

If you do need to register and report with the state, this Guide will also give you practical tips about what information needs to be included in your reports, and how to try to minimize your operational burden while remaining in compliance with the rules.

While this Guide does provide some information about the federal IRS rules that apply to nonprofit lobbying, it is designed to cover state and local regulations. Links to resources containing more information about federal IRS rules can be found in the federal lobbying FAQ below and on the Additional Resources page of this Guide.

We also hope that this Guide will prove useful to legal counsel and other advocacy advisors who are working to assist nonprofit advocacy organizations, as well as the funders who generously support this work. Advisors and funders are invited to use our free Bolder Advocacy Technical Assistance Hotline and the written legal resources available in our resource library at <https://bolderadvocacy.org/>

Q: What activities count as lobbying?

Wisconsin defines **lobbying** as attempting to influence **legislative** or **administrative action** by oral or written **communication** with any **elective state official, agency official** or **legislative employee**, including time spent in preparation for such communication, and appearances at public hearings or meetings. Because of the broad scope of the definitions, lobbying includes attempts to influence legislation and rulemaking even before there is a proposed bill or rule.

- **“lobbying communications”** are the oral or written communications with **agency officials, elective state officials** or **legislative employees**, aimed at influencing decision making on legislation or rulemaking.
- **“agency official”** means a member, officer, employee or consultant of any agency who as part of such person’s official responsibilities participates in any administrative action in other than a solely clerical, secretarial or ministerial capacity.
- **“elective state official”** is the term that Wisconsin uses to describe certain elected state officials, and includes any person who holds the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, State Superintendent, Justice of the Supreme Court, court of appeals judge, circuit court judge, state senator, state representative to the assembly, and District Attorney, or has been elected to such office but has not yet taken office. A person who is appointed to fill a vacant elective state office is also an elective state official.
- **“legislative employee”** means a member or officer of the legislature, legislative staff, or an employee of a legislative service agency.
- **“legislative actions”** include any actions – by legislators, the governor, or any legislative committee – related to any actual or prospective bill, resolution, amendment, report, nomination, proposed administrative rule, or any other legislative matter.
- **“administrative actions”** include any actions by any agency related to the proposal, drafting, development, consideration, promulgation, amendment, repeal, or rejection

of administrative rules. Note that this definition is limited **only** to administrative rules – communications with agency staff on other issues (e.g., permitting or licensing) is not considered to be lobbying.

Q: What triggers lobbyist registration and reporting with the state?

The primary lobbyist registration threshold that will affect nonprofit advocacy organizations is the **5-day lobbying communications threshold**. Lobbyist registration is triggered once any of your paid staff engage in direct lobbying communications (phone calls, e-mails, meetings, etc.) with any state agency official, elective state official or legislative employee on at least five separate days in a 6-month period (Jan-June/July-Dec). Registration must be completed before or on their fifth day of direct communication in the period.

The practical upshot of this 5-day lobbying communications threshold is that your organization has leeway in which each staff member can engage in lobbying communications up to four days in a reporting period without triggering registration.

Note, however, that the 5-day threshold applies only to staff (whether an employee or an outside contractor) who perform both lobbying duties and other duties for your organization. Anyone who is paid by your organization whose duties are limited exclusively to lobbying must register as a lobbyist upon their engagement, and prior to any lobbying communications.

For the purpose of calculating the 5-day lobbying communication threshold:

- Any lobbying communication qualifies – even one-way communications like sending an e-mail or leaving a short voicemail message on a given day counts as one day of lobbying towards the 5-day threshold, so long as the communication was attempting to influence legislation or a rule. For example, a voicemail left simply asking for a callback would not count as lobbying communication, but a voicemail making the case for passing a specific bill would count.
- The number of people communicated with, or issues lobbied, does not impact the 5-day count: if your paid staff contacts ten different state officials, on ten different bills, on five separate days, registration will still only be required on the 5th day of communications.
- There is no limit to the number of contacts allowed on a single day: a dozen e-mails or calls on a single day is only treated as a single day of lobbying communications.
- The 5-day threshold is individual-based: e.g., you could have three different staff members calling state officials on an issue, and they each have their own 5-day threshold. Together they could potentially accrue 12 days of lobbying communications without triggering any registration requirement.
- Other lobbying activities that are not actual lobbying communications (e.g., time spent preparing materials to submit to legislators, or planning lobbying efforts) do not count in calculating the 5-day threshold requirement.

Q: Are there exceptions to what counts as lobbying?

Yes! The following types of activities are not considered to be lobbying under Wisconsin state law and do not count towards the 5-day lobbying communications threshold.

- Communications by individuals to their own district legislators (whether Senate or Assembly) are not treated as lobbying, even if those individuals are paid, are lobbying on your organization's behalf, and are attempting to influence their legislator on legislation
- Efforts to obtain a government contract or a grant
- Communicating with the Governor regarding executive appointments

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- Participating as a member of an administrative advisory committee or committee of the legislature
- Requesting information from the legislature, legislative employee, or an agency official
- Any communications that are in response to a request by an agency official (note that this exception does **not** apply to responses to requests from elective state officials or legislative employees)
- Volunteers, or any other individuals not paid for their efforts on your behalf (for example, a Board member) communicating with an agency official, elective state official, or legislative employees

Q: How does this work together with federal IRS lobbying regulations?

All tax-exempt organizations must follow both federal tax law (regulated by the IRS) **and** any state and local lobbying laws that apply to their work.

The IRS rules regulate how much lobbying a nonprofit organization can do, while state and local regulations are transparency rules designed to help the public understand what funds are being spent to influence decision making and by whom. As a result, federal tax law rules related to lobbying and state lobbying regulations are quite different, and state lobbying regulations also vary greatly state to state.

In general, the IRS requires 501(c)(3) organizations to report on their annual Form 990 legislative lobbying at the federal, state, and local levels, but does not count as lobbying advocacy activities relating to executive branch or administrative officials at any level. There is no additional requirement for organizations or individuals to “register” with the IRS to report lobbying activities.

Nonprofits that are public charities under IRS exemption 501(c)(3), including grantmaking public charities like community foundations, can lobby within the generous limits allowed by federal tax law. The amount of lobbying is determined by either using the insubstantial part test or the 501(h) expenditure test. See our resource <https://bolderadvocacy.org/resource/public-charities-can-lobby-guidelines-for-501c3-public-charities-2/>

Organizations that are tax-exempt under 501(c)(4) (social welfare organizations), 501(c)(5) (labor organizations), and 501(c)(6) (trade associations) can do unlimited lobbying. See our <https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>

Your organization will need to ensure that you are keeping track of your lobbying staff time and your expenses in a way that works for both your IRS reporting, and for any required state or local reporting, since the information required in each regime will be different.

Note that there is also a federal law called the Lobbying Disclosure Act that requires some organizations to register and report their federal level lobbying activities. Organizations that have only occasional contacts at the federal level (having occasional meetings with members or staff or sending occasional letters to Congress) will not need to register under the LDA. The thresholds are designed to require only those organizations with sustained lobbying activities and expenses to file. For more information see: https://bolderadvocacy.org/wp-content/uploads/2018/06/Understanding_the_Lobbying_Disclosure_Act.pdf

Q: Does supporting or opposing a ballot measure count as lobbying?

Supporting or opposing a Wisconsin ballot measure is not regulated as a lobbying activity under Wisconsin law (even though the IRS does count it as a lobbying activity). Instead, Wisconsin regulates activity to support or oppose a ballot measure under the state’s campaign finance laws. Nonprofit organizations considering working on ballot measures in Wisconsin (either working to get a measure on the ballot or supporting or

opposing an existing measure) should seek advice on how to comply with any applicable state or local campaign finance reporting requirements.

Q: If we are required to register, how does the process work?

If registration is required, then **both** the individual lobbyist and your organization (referred to under Wisconsin law as a “principal”) have multiple licensing and registration requirements, which are all processed through the state lobbying website at: <https://lobbying.wi.gov/Registration/RegistrationAndLicensing/2021REG>

Via this website, your organization will need to do the following.

- The individual lobbyist must register for a lobbying license online, providing basic identification information.
- The principal (your organization) must both (i) register itself as a principal, providing identifying information and disclosing the topics of interest and agencies/government officials you anticipate lobbying; and (ii) submit an “authorization” for the individual lobbyist to act on your behalf.
- There are separate fees associated with licensing, registration, and authorization, and to register your organization and authorize a single lobbyist, you can expect to pay at least \$750 in fees, plus \$375 for each additional authorized lobbyist.
- Note that if your organization spends less than \$500 per year on lobbying, you may register as a “limited lobbying principal” and pay a reduced registration fee. Very few organizations will qualify for that status, however, because the \$500 threshold includes all expenditures of any kind, including compensation to the lobbyist.
- Finally, licenses, registrations and authorizations expire on December 31 of each even-numbered year. Renewals are accepted beginning December 1 of each even-numbered year.

For a step-by-step guide to registering, refer to the Wisconsin Ethics Commission’s Eye on Lobbying User Guide: <https://ethics.wi.gov/Resources/EyeOnLobbyingUsersGuide.pdf>

Q: When are periodic lobbying reports due?

If any of your paid staff has crossed the 5-day lobbying communication threshold (or you are paying someone solely to lobby) and you are required to register, there are two types of lobbying reports that must be submitted to the state of Wisconsin by your organization: the twice-annual “**SLAE**” (which also requires reporting from your individual lobbyists), and any required **15-Day Reports**, which are designed to disclose any new issue or subject your organization is lobbying.

Statement of lobbying activities and expenditures (“SLAE”) requires broad and detailed disclosure by your organization regarding staff time and expenditures devoted to lobbying, and is due twice per year:

- July 31 (covering the period from Jan 1 – June 30)
- January 31 (covering the period from July 1 – Dec 31)

The SLAE reports must be filed even if you did not engage in any lobbying during the relevant reporting period.

SLAE reporting by individual lobbyists: For each SLAE reporting period, your individual lobbyist staff will need to submit a report which tracks their **daily** time spent on lobbying, including a breakdown of time spent on lobbying communications versus other lobbying activities.

Because your lobbying staff’s time reports are integrated into your organization’s SLAE (and not submitted as a separate report), it is your organization’s responsibility to ensure that this information is entered into the state online reporting system (either via your lobbyist’s account, or your organization’s account), prior to the deadline for the SLAE period so that it is included in each report.

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15-Day Reports, which are intended to disclose any new subject that your organization is lobbying for or against (e.g., a specific bill, administrative rule, budget bill subject, or other legislative or rulemaking topic even if a bill or rule has yet to be proposed). These reports are due within 15 days following the first communication on that matter.

Note that late registration or late reporting of any required reports can result in fines up to \$5,000 per violation for your organization, or \$1,000 per violation for your lobbyist. The details of the late fee schedule can be viewed at:

<https://ethics.wi.gov/Pages/Enforcement/SettlementSchedules.aspx>

Q: What information do the periodic lobbying reports include?

Statement of lobbying activities and expenditures (“SLAE”): The most extensive report you will need to submit is your twice-yearly SLAE, which requires detailed daily staff time tracking and expense tracking by your organization.

Information required to be reported on the SLAE includes the following broad topics, described in more detail in the FAQs below:

- Subjects of your lobbying efforts (this section of the report should align with your previously filed 15-Day Reports)
- Estimate of total lobbying time spent on each subject lobbied
- Details of lobbying-related expenditures including office overhead, compensation, benefits, and time staff spent on lobbying
- Identity of staff who are not yet registered lobbyists who have made some direct lobbying communications

One critical component of your SLAE will be the **hourly reports of your individual lobbying staff**. Your lobbying staff can log onto the state website through their own accounts to enter their hourly reports, or they can be entered through your organization’s account. Either way, the lobbyist hours will automatically appear in your organization’s SLAE for that reporting period. Please see additional information on tracking and reporting staff lobbying time below.

15-Day Reports: 15-Day Reports are a basic disclosure of the specific bill, proposed rule, budget subject, or other topic that your organization will be advocating for or against. As discussed above, you must file a 15-Day Report within 15 days following your first communication with a state official about the subject.

Q: What is considered a reportable “expenditure”?

The expenditures that are required to be reported on your twice-yearly SLAE form are very detailed. You will need to have very robust expense tracking systems in place to produce the expenditure information required for these disclosure reports.

The report requires disclosure of the of the following:

- All compensation, benefits, and reimbursements paid to any licensed lobbyist (prorated for lobbying time)
- All expenses associated with conducting research or using information, statistics, studies, or analyses in communicating with an official that would not have been incurred, but for lobbying
- Compensation, benefits, and reimbursements paid to other employees who engage in lobbying (prorated for lobbying time), except for clerical employees or employees who spend less than 10 total hours on lobbying in the period
- Paid advertising or media activities, or other activities aimed at influencing, or urging the general public to influence, legislative or administrative action (**NOTE:** this category includes expenses for “grassroots organizing,” which must be reported if aimed at influencing legislative or rulemaking action as detailed below)

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- Other costs associated with lobbying which may include other advertising costs, research costs (including consulting and purchasing of data), volunteer expenses, public relations and communications expenses, and other expenses (including other grassroots organizing and lobbying expenses)
- Other overhead expenses associated with lobbying (which includes things like prorated allocation of office rent, a prorated allocation of general clerical support, and items like office supplies, postage and research resources utilized for lobbying)
- Personal travel and living expenses (including for lobbyists, employees, and any lobbying-related travel by volunteers) arising from any lobbying activities
- Any payments or reimbursements to public officials (understanding that you are strictly prohibited from gifting anything of value to an official and it is best practice that the amount reported in this category be zero)

Reporting grassroots organizing expenses: Grassroots organizing and lobbying do not trigger registration requirements, but if your organization's other activities require lobbying registration, then you will need to do limited reporting on grassroots organizing and lobbying as follows:

- **You are required** to report grassroots organizing **expenses** as an “other lobbying expense,” to the extent your grassroots organizing efforts are designed to rally support for, or opposition to, a bill, proposed rule, or other lobbying matter.
- **You are not required** to report grassroots organizing **time** on any staff lobbying time reports.
- **You are not required** to report or track expenses associated with any grassroots organizing that is unrelated to lobbying activities (e.g., organizing a rally unrelated to any pending bill, rulemaking or other lobbied matter).

Gift ban: Wisconsin has a very strict gift ban under which registered lobbyists and registered lobbying principals are prohibited from giving anything of value – including items as small as a cup of coffee – to any elective state official, candidate, agency official, or legislative employee. There are limited exceptions (including where the thing of value is offered equally to all members of the general public), but best practice is to avoid giving any kind of gift.

Moreover, Wisconsin has broader limitations on public officials **accepting** gifts, and it is important to note that regulations relating to lobbying expenditures almost always intersect in complicated ways with state and local ethics and “gift ban” laws. Those state and local rules often apply even if your organization has not triggered lobbyist registration and may apply to a broader range of officials. You should be certain that you understand the intricacies of both sets of rules before giving any gifts to, or paying expenses for, any public officials at the state or local level.

Q: How will we need to track staff lobbying time?

Your twice-yearly organizational SLAE reporting forms require not only the reporting of the dollars spent on lobbyist and non-lobbyist employee compensation, benefits, and reimbursements, but also the details of the day-by-day hours spent by each staff member on both direct lobbying communications and other lobbying activities.

This is an extremely detailed reporting requirement, and you will need to have very robust staff time tracking systems in place to produce the staff hours information required for these periodic disclosure reports.

Your system will need to track the following information:

- A daily time report for each registered lobbyist, breaking down time spent on **direct lobbying communications** versus time spent on all **other lobbying activities**
- Time reports for any other paid personnel who spent time on direct lobbying communications or other lobbying activities. (Note that while the time of clerical staff,

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volunteers, or staff who spent a total of less than 10 hours on lobbying activities will not be reported in the periodic staff time reports, you will still need to track this time to calculate potential reportable expenses).

For the purposes of reporting registered lobbyist and non-lobbyist staff time the time recorded for direct lobbying communication is calculated slightly differently than it is for the 5-day threshold calculation.

Here, **direct lobbying communications** require some conversation or back and forth dialogue. In-person meetings, phone calls, and conversational exchange of electronic messaging count, but one-way voicemail messages, one-way e-mails, or other communications that require de minimis amounts of time are not included. (For calculating direct lobbying communications for the 5-day lobbying threshold, one-way and de minimis communications do count!)

Time recorded as **all other lobbying activities** includes any planning, preparation, or research, as well as time spent drafting letters, e-mails, and reports, strategizing internally, and monitoring state legislative and rulemaking activities.

Wisconsin Ethics Commission has stated that time reports described above should reflect a “good faith” approximation of daily time spent on direct lobbying communications other lobbying activities.

Finally, any registered lobbyist staff can, but are not required to, track their time by entering it periodically over the course of the SLAE period, directly into the Wisconsin online reporting system. Alternately, they can track their time internally with your organization, and enter it at the end of the SLAE reporting period (or turn it over to your organizational leadership for review and entry).

Q: Do our organization’s donors need to be disclosed on any lobbying reports?

No.

Q: How are our lobbyists required to identify themselves while lobbying?

There is no requirement that lobbyists wear any type of badge or identifying information while lobbying. That said, it is best practice to identify yourself and your status as a registered and authorized lobbyist.

Q: Are there any other restrictions on lobbyists that we should be aware of?

Campaign contributions: Registered lobbyists may only make campaign contributions to candidates for elective office, even in the lobbyists’ own personal capacity, during the period between the date when filing nomination papers is first permitted (April 15 in a normal election cycle), and the day of the election. Campaign contributions to candidates for legislative office during that window are only permitted after the legislature has concluded its final floor period and is not otherwise in special session.

Lobbyist licenses can be rejected for unpaid state obligations: The Wisconsin Ethics Commission will reject any lobbyist license, or suspend an active license, if that individual is found to owe unpaid taxes, child support, or unemployment insurance contributions.

Contingency fees prohibited: An organization is not permitted to make payment to a lobbyist contingent on the outcome of the issue they are lobbying for.

Local lobbying ordinances: As noted in the Case Study below, lobbying of local and municipal officials is not regulated by state law, but many municipalities have their own lobbying registration requirements. In fact, some of the larger municipalities in Wisconsin – Milwaukee (see Case Study), Madison, and Green Bay – have registration requirements that are significantly more stringent than the state requirements, and organizations are urged to always check with the appropriate local jurisdiction authorities before undertaking local lobbying activity.

Case Study STUDENTS VOTE NOW

Students Vote Now is a hypothetical small 501(c)(3) advocacy organization considering being vocal about Bill 101 currently pending in the Wisconsin State Assembly

STUDENTS VOTE NOW IS CONSIDERING:

- Reaching out to its student constituents, via direct physical mailings, e-mails, and volunteer phone banking, in order to get the students to call their state house representative about the bill.
- Doing an in-person Lobby Day at the state capital about Bill 101 to meet with legislators, or alternatively arranging a virtual Zoom lobby event. The Lobby Day activity might potentially include renting a bus, buying T-shirts for the volunteer participants, and handing out some small swag type items from the organization to the legislators, or if done by Zoom, the purchase of an upgraded Zoom account.
- Testifying before a committee of the Wisconsin State Assembly regarding the student perspective on Bill 101.
- Having an employee engage with the Mayor of Milwaukee about a similar, but separate, local ordinance being considered.

ACTIVITY	LOBBYIST REGISTRATION/REPORTING REQUIREMENTS
 <p>Student Engagement</p>	<p>This type of grassroots lobbying does not involve direct lobbying communication with a state official and does not trigger registration in Wisconsin. That said, if the other activities do require Students Vote Now to register, then these grassroots lobbying expenditures will need to be reported in their twice-yearly lobbying disclosure reports.</p>
 <p>Lobby Day</p>	<p>The Lobby Day involves direct lobbying communications with state officials regarding proposed legislation. Assuming paid Students Vote Now staff are running the Lobby Day, by carefully managing and splitting lobbying duties among staff, the 5-day registration trigger can reasonably be avoided. None of the planning or preparation for the Lobby Day (including ministerial contacts with legislative offices arranging the visit) are lobbying communications, so only the Lobby Day itself would count towards the 5-day registration threshold. The volunteer student participants in the Lobby Day are not considered to be making any lobbying communications. Students Vote Now should track all other lobbying communications, before and after the Lobby Day, to make sure that no individual staff member reaches five days of lobbying communications during the period. Students Vote Now should avoid giving out swag to the legislators and instead give out information about the organization.</p>
 <p>Committee Testimony</p>	<p>There is no lobbying exception for appearances at hearings in Wisconsin, so the same 5-day lobbying registration threshold applies. Again, preparation time does not count towards the threshold, and each paid staff member has their own 5-day count, so Students Vote Now should be able to structure both the Lobby Day and the committee hearing testimony to avoid any paid staff member reaching the 5-day threshold and avoid registration.</p>
 <p>Mayor</p>	<p>Lobbying local officials is not covered by Wisconsin state lobbying law, but Milwaukee has its own lobbying ordinance.¹ Registration requirements in Milwaukee are triggered after two hours of lobbying communications. Accordingly, as long as Students Vote Now limits the communication with the Mayor to less than two hours, they will not need to register with the city.</p>
<p>Bottom Line</p>	<p>Assuming Students Vote Now is using paid staff that have duties other than lobbying to run these advocacy programs, they should be able to avoid lobbyist registration/reporting while remaining in compliance with the rules by managing the days that their staff engage in lobbying communications. Students Votes Now should avoid giving swag to the legislators or the Mayor and give out information about the organization instead.</p>

¹ <https://city.milwaukee.gov/ImageLibrary/Groups/ccLicenses/Lobbyisthandbook.pdf>

ADDITIONAL RESOURCES

BOLDER ADVOCACY'S TECHNICAL HOTLINE:

Bolder Advocacy's free Technical Hotline team is always happy to help nonprofits and advocacy attorneys with more specific questions. You can contact our team of experts by e-mailing us at advocacy@afj.org or calling us during standard business hours at 866-NP-LOBBY (866-675-6229).

BOLDER ADVOCACY'S MORE DETAILED STATE LAW RESOURCES:

- See our *Wisconsin Lobbying Disclosure* Guide for more details on the actual text of the Wisconsin lobbying statute, and any related advisory opinions:
<https://bolderadvocacy.org/resource/wisconsin-lobbying-disclosure/>
- We have also put together a brief one-page guide, *Lobbying or Not?*, that gives some additional examples on what is and is not considered lobbying activity in Wisconsin.
<https://bolderadvocacy.org/resource/wisconsin-lobbying-or-not/>
- Also see our *Wisconsin Campaign Finance and Ballot Measure Guide* for rules related to state ballot measure advocacy, which Wisconsin regulates as a campaign finance activity, unlike the IRS which regulates such activities as direct legislative lobbying:
<https://bolderadvocacy.org/resource/wisconsin-campaign-finance-and-ballot-measure-guide/>

WISCONSIN STATE RESOURCES:

- **Wisconsin Ethics Commission**
The agency responsible for administering lobbyist registration and reporting in Wisconsin is the Ethics Commission. Their website can be found at: <https://lobbying.wi.gov/Home/Welcome>
- **Full Text of Wisconsin Lobbying Statutes**
The full text of the Wisconsin state lobbying statute can be found by scrolling to subchapter III "Regulation of Lobbying" at the following link:
<https://docs.legis.wisconsin.gov/statutes/statutes/13/iii/62>
- **Wisconsin Lobbying Resources**
The Wisconsin Ethics Commission publishes multiple helpful resources relating to lobbying compliance on its website (<https://lobbying.wi.gov/Home/Welcome>) including:
 - User's Guide (latest version published Fall 2018):
<https://ethics.wi.gov/Resources/EyeOnLobbyingUsersGuide.pdf>
 - Lobbying Best Practices Training PowerPoint (Spring 2019):
<https://ethics.wi.gov/Resources/LobbyingBestPracticesandOverview.pdf>
- **Additional Questions**
Any questions about lobbyist registration and reporting can be directed to a representative at the Lobbying Division of the Ethics Commission at 608-266-8123; or by e-mail: lobbying@wi.gov

BOLDER ADVOCACY'S FEDERAL LAW RESOURCES:

While state and local laws regulate which lobbying activities require registration and reporting, the IRS also regulates how much lobbying a 501(c)(3) tax-exempt organization is allowed to do, including at the state and local levels. The way the IRS counts lobbying will almost always be different than how state and local laws count it, and organizations are urged to review our federal law resources to ensure all IRS compliance obligations are being met. See our *Being a Player: A Guide to the IRS Lobbying Regulations for Advocacy Charities*. <https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>



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