

CHAPTER 8 REGULATION OF LOBBYING

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8.01 PURPOSE AND INTENT. Recognizing that the citizens of the County of Dane have the right to know who seeks to influence the actions of their county government and for what reasons, the purpose and intent of this chapter is to provide a procedure whereby persons acting as lobbyists are required to provide information sufficient to identify their activities and the persons whom they represent. It is not the intent of this chapter to discourage nor prohibit the exercise of constitutional rights.

8.02 DEFINITIONS. Unless the context clearly requires a different construction, the following words and phrases shall have the meanings ascribed to them below:

(1) *Supervisor* shall mean a person holding the elected office of Dane County Board Supervisor.

(2) *Lobbying* means to attempt to influence, for pay, legislative or administrative action by oral or written communication with any county official. Lobbying does not include (a) service on a county commission, board or committee; (b) preparing or transmitting an organization's newsletter which is sent to both members or clients and to county officials; (c) communication with the supervisor representing the district in which

the person resides; or (d) the preparation and transmittal of a written communication which is (i) sent on the same day; (ii) to all supervisors; (iii) with three copies to the county clerk; and (iv) with the originator's name on each copy.

(3) *Lobbyist* is one who engages in lobbying as defined herein, including one whose lobbying activities are incidental to other duties performed on behalf of a principal. A public official acting in an official capacity on behalf of his or her governmental unit is not acting as a lobbyist.

(4) *Person* means an individual, corporation, association, firm, partnership, committee, club, organization, or group of persons who are voluntarily acting in concert. Person shall also include recognized employee organizations, associations and representatives thereof.

(5) *Principal* means any person who employs a lobbyist, for pay.

(6) *Reporting period* means any 6-month period beginning with January 1 and ending with June 30 or beginning July 1 and ending December 31.

(7) Wherever in this chapter the singular person appears, it shall be deemed to include the plural.

[8.03-8.09 reserved.]

8.10 DISCLOSURE REQUIRED.

(1) Every person who appears before any committee, commission or board, including the county board, shall indicate on a form supplied by the clerk whether he or she is appearing on behalf of another person; whether he or she is being paid to do so; the name, address and telephone number of the person he or she represents; whether he or she plans, on behalf of a particular principal, to contact more than two supervisors during the current reporting period; and whether he or she understands the duty to file a financial disclosure statement with the county clerk if his or her principal has expended or will expend more than \$500 on lobbying activities during the current reporting period.

(2) A lobbyist who on behalf of a particular principal has contacted or expects to contact more than two supervisors in the current reporting period or whose principal expects to expend more than \$500 on all county lobbying efforts during the current reporting period shall file a statement with the county clerk identifying himself or herself and the name, address and telephone number of the person he or she represents; indicating whether he or she plans to contact more than two supervisors during the current reporting period; whether he or she understands the duty to file a financial disclosure statement with the county clerk if his or her principal has expended or will expend more than \$500 on lobbying activities during the current reporting period; and a brief description of the issues he or she will lobby for such principal during the current reporting period.

(3) The \$500 expenditure referred to in sub. (2) above includes both direct and indirect expenditures. Where a lobbyist performs other services for a principal, the lobbyist's pay shall be prorated as shall other dual-purpose expenditures by a principal.

(4) For purposes of subs. (1) and (2) above, contacts with the supervisor of the district in which the person resides are exempt as are contacts made with supervisors at public meetings, both regardless of number.

8.11 FINANCIAL DISCLOSURE.

(1) A lobbyist whose principal has expended more than \$500 on lobbying activities during a reporting period must file a financial disclosure statement with the county clerk not later than 30 calendar days after the end of the reporting period.

(2) A separate disclosure shall be filed pursuant to sub. (1) with regard to each principal a lobbyist may represent. The disclosure filed pursuant to sub. (1) shall be on a standard form provided by the clerk and shall contain the following information: The name and address of the lobbyist; the name and address of the principal the lobbyist represents; the nature of each issue concerning which the lobbyist is hired to act; and a reasonable estimate of the amount of money which the principal has spent on lobbying activities with respect to each issue concerning which the lobbyist is hired to act during the designated six month period.

(3) Lobbyists shall maintain records to support information disclosed under this chapter for a period of three years from the date of filing and such records shall be presented to the ethics board on demand.

(4) A principal is obligated to supply the lobbyist with information sufficient to enable the lobbyist to comply with this section.

[8.12-8.19 reserved.]

8.20 DUTIES OF COUNTY CLERK.

(1) The clerk shall supply such standard forms as are required under this chapter. The clerk shall keep completed forms in his or her office in such manner as the clerk shall see fit.

(2) Forms under this chapter shall be approved by the County Board's Public Protection & Judiciary Committee and shall be subject to review by the committee at its discretion.

(3) Statements required under this chapter to be filed with the county clerk shall be preserved by him or her for a period of three (3) years from the date of filing, shall constitute part of the public records of his or her office, and shall be open to public inspection.

(4) Any person who believes a violation has occurred may file a written inquiry with the clerk who shall refer the matter to the ethics board.

8.21 FEES. The county clerk shall not charge or collect any fee for forms or registrations under this chapter.

[8.22-8.30 reserved.]

8.31 ETHICS BOARD.

(1) Upon receipt of a referral from the county clerk, the board shall review alleged violations of this chapter to determine whether the allegation has merit. The board may direct a staff person to conduct an investigation. The board may summarily dismiss any allegation which it finds to be without merit.

(2) If the board believes an allegation has merit, the board shall conduct a hearing and, after testimony, render written findings. Parties shall be entitled to call and cross-

examine witnesses, present evidence and make argument to the board. Upon finding there has been a violation of this chapter, the board shall order compliance and establish a time for compliance.

(3) In the event that any person fails to comply with an order of the ethics board within the time limit set by the board, the person shall forfeit not less than \$10 nor more than \$100 for each violation. Each day of noncompliance shall constitute a separate violation.

(4) No later than April 1 of each year, the board shall file a report with the county executive and the county board concerning actions the board has taken under this chapter and the disposition of those actions, including a summary of its determinations.

[8.32-8.40 reserved.]

8.41 SUPERVISORS NOT OBLIGATED.

(1) This ordinance shall not be construed to require a county board supervisor to report any contacts to the county clerk.

(2) A county board supervisor may, but is not required to, report an apparent failure to comply with this ordinance to the county clerk.

[8.42-8.98 reserved.]

8.99 PENALTIES. Willful or intentional noncompliance with the provisions of either ss. 8.10(2) or 8.11 shall be subject to a penalty of not less than \$10 nor more than \$100 for each day a violation exists.

[History: Ch. 8 cr., Sub 2 to OA 20, 1991-92, pub. 09/04/92; eff. 01/01/93.]

END OF CHAPTER