

# Wisconsin Ethics Commission

## *For Elected State Public Officials & State Public Officials with Rulemaking Responsibilities*

### Attending conferences, seminars, and receptions when not a speaker

This guideline provides general advice about a state government official's<sup>1</sup> attending a conference, seminar, or reception at which the official is not a featured speaker or part of a formal program. The advice is applicable to events in the capital, elsewhere in Wisconsin, and beyond Wisconsin's borders. For situations in which the official is a featured speaker or program participant, see Wisconsin Ethics Commission Guidelines ETH-1211 and ETH-1212.

**General rule.** Except in accordance with this guideline, a state public official should not accept admission to an event, or transportation, lodging, food, meals, or beverage, offered in connection with an event, that is furnished by a lobbyist or by an organization that employs a lobbyist or that is offered because the official holds a state public office.

**Attendance at educational conferences and seminars.** If a conference or seminar is primarily an educational or informational presentation related to an official's duties, then the state official may attend (even at a reduced cost or at no cost) even if it is sponsored by an organization that employs a lobbyist and even if the official is invited because of holding a state position.

**Food, drink, travel, and lodging in connection with a conference or seminar.** A state official attending a conference or seminar on behalf of the State of Wisconsin and primarily for the benefit of state government may accept food, drink, travel, and lodging if, but only if (1) it is provided, arranged, or sanctioned by the event's organizer and (2) the recipient can clearly and convincingly demonstrate that the primary beneficiary is the State of Wisconsin, not the individual. The Wisconsin Ethics Commission recommends that the official obtain the authorization of the chief executive or governing body of the agency of which the official is a part that the costs of attendance would otherwise appropriately be paid by the state in furtherance of state business.<sup>2</sup>

**Hospitality suites.** Unless attendance is specifically authorized by the chief executive or governing body of the agency of which the official is a part, a state official attending a conference on state business should not accept food, drink, or entertainment offered at a privately hosted reception, hospitality suite, or the like that may be held in connection with or coincident with a conference but is not sanctioned by the event's organizer.

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<sup>1</sup> This guide applies to elected state officials and to others holding a state public office identified under §20.923, *Wisconsin Statutes*. See §§13.62(3) and 19.42(13), *Wisconsin Statutes*. Other state officials and employees may also be subject to some of the restrictions.

<sup>2</sup> Ordinarily, an official may establish that the costs of attending a conference or seminar are appropriately paid by the state and the official's attendance is primarily for the state's benefit by obtaining the written authorization of:

- in the case of a representative, the Speaker of the Assembly;
- in the case of a senator, the Senate Committee on Organization; and
- in other cases, the head of the state agency, department, or governing body to which the official's office pertains. [§19.56(3)(c)].

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*This is a guide. For authoritative information consult Wisconsin Statutes.*

**Food and drink at banquets, receptions and social events, not part of a conference or seminar.**

Regardless of an event's sponsor, the official should pay the greatest of:

- The price of admission,<sup>3</sup> food, and drink charged others;
- The sponsor's true per-person cost of admission<sup>3</sup> and entertainment plus food and drink provided the official; or
- The true value of admission<sup>3</sup> and entertainment, plus food and drink provided the official.

If the event's sponsor is an organization that employs a lobbyist, the official may partake of food and drink only if the event is intended for and conducive to the discussion of state governmental processes, proposals, or issues (but must pay for food, drink, and entertainment as outlined).

**OTHER CIRCUMSTANCES:** An official may accept:

- a. **Items offered for a reason unrelated to the official's holding a government office and not offered by a lobbyist or by an organization that employs a lobbyist.** Transportation, lodging, food, meals, or beverages, or reimbursement therefor; or free or discount that the official can show by clear and convincing evidence were offered for a reason unrelated to the official's holding a government office and were not furnished by a lobbyist or an organization that employs a lobbyist. [§19.56(3)(b)]
- b. **Items and services made available to the general public.** Admission, transportation, lodging, food, meals, or beverages when each of the following applies:
  1. The admission, items, or services are available to anyone who wants them;
  2. The official is not given a preference or advantage in obtaining admission, items, or service; and
  3. There is no offer or notice of the event, item, or service directed to an official that would confer an advantage to the official. [§13.625(2)]
- c. **Items and services from the State of Wisconsin.** Transportation, lodging, food, meals, or beverages, or reimbursement therefor, or payment or reimbursement of costs received from the State of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person. [§19.56(3)(c)]
- d. **Items and services provided by a campaign committee.** Transportation, lodging, food, meals, or beverages, or reimbursement therefor, or payment or reimbursement of costs permitted and reported in accordance with Wisconsin's campaign finance laws (Chapter 11, *Wisconsin Statutes*). [§19.56(3)(d)]
- e. **Items and services received from the Department of Tourism.** Anything of value that the Department of Tourism provides for the purpose of hosting individuals to promote tourism. [§19.56(3)(em) and (f)]
- f. **Items and services received from the Wisconsin Economic Development Corporation.** Anything of value that the WEDC provides for the purpose of:
  1. WEDC's sponsorship of a trip to a foreign country primarily to promote trade between that country and this state that the WEDC can demonstrate by clear and convincing evidence is primarily for the benefit of the state, or
  2. Hosting of individuals in order to promote business, economic development, tourism, or conferences sponsored by multistate, national, or international associations of governments or governmental officials. [§19.56(3)(e) and (f)]

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<sup>3</sup> If offered, an official may accept reduced-cost or free admission to that portion of an event that is an educational or informational seminar or talk.