

Wisconsin Ethics Commission

For legislators and legislative staff

Scheduling - Nongovernmental Events on Government Calendar

General Rules:

1. Wisconsin's Code of Ethics for State Public Officials and the Legislature's rules expressly forbid legislative staff to engage in campaign activities while they are on "state time".*
2. A legislator may not assign, authorize, or request an employee of the Legislature to engage in campaign activity during the hours of employment in government offices or by using government equipment or resources not available to anyone.*

Making Campaign Appointments Prohibited

A legislator should not ask a legislative employee to arrange, during hours of government employment, a legislator's appointments for campaign activities and events. A legislative employee should not, during regularly scheduled hours of employment, make campaign arrangements on a legislator's behalf unless the employee take leave, has given prior notice to the chief clerk that the employee is taking leave, and the employee's timesheet clearly reflects that. An employee, even outside hours of employment, should not use a state office, state email address, or a state telephone for campaign activities.

Recording Appointments and Incidental Communications with the Campaign Committee.

Because a legislator's staff has a legitimate need to know when the legislator is and is not available for state government business, a legislator may inform his or her employees of the legislator's appointments and activities. An employee may record appointments on an office calendar, including a legislator's medical appointments, social engagements, family and civic activities, vacations, and campaign activities. Although a legislator should discourage people from directing campaign related communications to the legislator's government office, the legislator may direct a representative of the legislator's campaign committee to convey the hour and location of scheduled campaign events directly to the person who records the legislator's appointments. The person charged with scheduling a legislator's appointments may:

1. return a call from a representative of the legislator's campaign committee in order to obtain scheduling information;
2. provide information about the legislator's calendar to a representative of the legislator's campaign; and
3. advise the committee that legislative business requires the cancellation or rescheduling of a campaign activity.

Providing calendar information permitted. The Wisconsin Ethics Commission recommends that a legislative employee not furnish others with information about the hour, location, or nature of

* Rule adopted by the Joint Committee on Legislative Organization, October 11, 2001.

campaign events recorded on a legislator's calendar, except in the unusual circumstance in which doing so would further an obvious governmental purpose or as part of providing records in response to an open records request. If asked about a legislator's availability at a time for which the legislator has scheduled a campaign activity, it will normally be sufficient and appropriate to respond merely that the legislator already has a prior conflicting engagement. In answer to a question about whether a legislator will participate in a campaign activity or event the employee should refer the requester to the legislator or to the legislator's campaign spokesperson or scheduler. A legislator's staff may provide a legislator's legislative calendar to a campaign committee and may contact a campaign committee if governmental business necessitates rescheduling a campaign event.

Campaign travel arrangements restricted. A legislator should not ask his or her legislative employees to, and legislative employees should not, during hours of employment or through use of governmental equipment or resources, make travel arrangements for the legislator's campaign activities. It is likely that there will be sporadic and infrequent occasions when a legislator's travels will include both governmental and campaign activities that will require a degree of consultation and cooperation between a legislative employee and a representative of the campaign. In these instances the employee must follow a rule of reasonableness that limits as much as feasible the legislative employee's involvement in campaign related activities while furthering the government's purpose.

Referring campaign messages to candidate or campaign committee. Except as previously mentioned about the recordation of the hour and location of a campaign event or activity, a legislative employee who receives at a government office a message about a campaign event or activity should redirect the caller or correspondent to the legislator or a representative of the legislator's campaign and ask the caller to direct future communications about campaign activities elsewhere.

Attention to and support of general rules. The Wisconsin Ethics Commission welcomes the goodwill and intentions of the people to whom this guideline pertains and asks their attention to and support of the general rules articulated at the outset of this guideline. The Commission intends to rigorously enforce legislative employees' separation of government responsibilities and campaign activities. Without inviting or authorizing any departure from the courses of conduct recommended, the Wisconsin Ethics Commission nevertheless recognizes that the law does not and should not address conduct that is of such small moment and so infrequent that a fair-minded person would say that the activity is inconsequential.

Campaign activity defined. The term *campaign activity* means activity that does not reasonably and primarily fulfill and arise from official duties and that contributes to, enhances, or furthers a person's ability to run for, or chance of election or reelection to public office. Illustrative activities include:

- a. Arranging a campaign-related event or the raising of campaign contributions
- b. Soliciting, receiving, or acknowledging campaign contributions
- c. Preparing or distributing campaign advertisements (television, radio, newspaper, etc.)
- d. Preparing or designing any type of campaign promotional materials

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

Prepared by the Wisconsin Ethics Commission 212 E. Washington Ave, 3rd Floor, Madison, WI 53703 (608) 266-8123.

Website: <http://ethics.wi.gov> Rev. 10/16.

ETH-1247

- e. Distributing or arranging for the distribution of campaign materials
- f. Directing, seeking or coordinating of campaign volunteers
- g. Preparing a campaign budget
- h. Directing or participating in “get out the vote” drives
- i. Creating, maintaining, editing, adding to, or deleting information from a list or database of campaign contributors or supporters
- j. Creating, maintaining, editing, adding to, or deleting information from a list or database designed or intended for a campaign purpose
- k. Preparing, coordinating, or conducting polling operations for a campaign purpose
- l. Transporting voters to polls or campaign rallies
- m. Preparing campaign finance reports required by law
- n. Directing or participating in candidate recruitment

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

Prepared by the Wisconsin Ethics Commission 212 E. Washington Ave, 3rd Floor, Madison, WI 53703 (608) 266-8123.

Website: <http://ethics.wi.gov> Rev. 10/16.

ETH-1247