



# Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics  
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## Wisconsin Ethics Commission

212 E. Washington Avenue  
Board Room  
Madison, Wisconsin  
August 21, 2018  
9:00 a.m.

### Open Session Minutes

Present: Katie McCallum, Tamara Packard, Mac Davis, David Halbrooks,  
Pat Strachota, and Timothy Van Akkeren

Staff present: Colette Reinke, David Buerger, Julie Nischik, Rich Bohringer, Adam Harvell,  
Caroline Russell, Daniel Carlton, and Harry Broderick

#### A. Call to Order

Commission Chair Katie McCallum called the meeting to order at 9:05 a.m.

#### B. Report of Appropriate Meeting Notice

Staff Counsel David Buerger reported that appropriate notice of the Commission meeting had been given to the public and news media.

#### C. Approval of Minutes of Prior Meetings

##### 1. Minutes of the June 19, 2018 Meeting

**MOTION:** Approve the June 19, 2018 minutes. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

##### 2. Minutes of the July 17, 2018 Meeting

**MOTION:** Approve the July 17, 2018 minutes. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

##### 3. Minutes of the July 26, 2018 Meeting

Commissioner McCallum suggested amending the motion to adjourn to, "moved by a Commissioner and seconded by a Commissioner."

**MOTION:** To approve the minutes of July 26, 2018 as suggested. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

**4. Minutes of the July 30, 2018 Meeting**

**MOTION:** Approve the July 30, 2018 minutes. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren.

**D. Personal Appearances**

There was no personal appearance by a member of the public.

**Item O. Staff Report was taken up next**

Commission Administrator Colette Reinke presented the memo on page 141 of the meeting materials.

The Administrator introduced the newly hired Ethics Specialist, Harry Broderick, who is starting with the Commission on September 4, 2018.

**E. Introduction of New Administrator**

The Administrator introduced the newly hired Administrator, Daniel Carlton, who is starting with the Commission on September 4, 2018.

**F. Extension of Interim Administrator**

Commission Administrator Colette Reinke verbally presented this item. There is a three-day gap over the weekend of the end of the appointment of the interim Administrator and the start of the newly hired Administrator. The Commission determined it would be okay over the weekend, and the interim appointment does not need to be extended.

**G. Attribution Requirements Research**

Staff Counsel David Buerger presented the memo on page 13 of the meeting materials. The memo highlights other states and the Federal Elections Commission's attribution statements policies.

The Commission discussed the potential policies to include in the administrative rule and directed staff to continue to work on the draft, including addressing modern technology, websites, and social media.

**H. Administrative Rule Update**

Staff Counsel David Buerger presented the memo on page 17 of the meeting materials.

**MOTION:** For ETH 1 – Act 117 Amendments/Attribution, the Commission directs staff to submit the proposed scope statement to the Governor for approval. Moved by Commissioner Van Akkeren, seconded by Commissioner Halbrooks. Motion carried unanimously.

Staff noted a hearing was noticed for today regarding ETH 1 – Act 117 Amendments/Attribution. No members of the public were present to provide comment.

**MOTION:** To close hearing. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren. Motion carried unanimously.

**MOTION:** For ETH 1 – Act 117 Repeals, the Commission approved the draft rule and directs staff to submit the rule to the Governor for approval. Moved by Commissioner Van Akkeren, seconded by Commissioner Davis. Motion carried unanimously.

#### **I. Social Media Guideline**

Staff Counsel David Buerger presented the memo on page 35 of the meeting materials.

The Commission discussed the information presented in the memo. The Commission noted the difficulty in trying to regulate this activity, due to separation of powers, and how legislators use their time in office. The Commission directed staff to provide another draft that focuses more on what information can be posted to social media, rather than when it can be used.

#### **J. Review of Lobbying-Related Opinions of Previous Boards**

Commission Administrator Colette Reinke presented the memo on page 39 of the meeting materials.

**MOTION:** To withdraw Eth. Bd. Op. 91-01. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

**MOTION:** To withdraw Eth. Bd. Op. 92-03. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

**MOTION:** To withdraw Eth. Bd. Op. 02-08. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren. Motion carried unanimously.

**MOTION:** To withdraw Eth. Bd. Op. 03-05. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

**MOTION:** To reaffirm the remaining 12 opinions in the memo and update the citations. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

## **K. SEI System Planning and Record Retention Update**

Commission Staff Adam Harvell presented the memo on page 45 of the meeting materials.

The Commission discussed amending the policy regarding settlements and waivers for SEIs.

**MOTION:** Amend the policy to read, “Municipal and Multi-Jurisdictional Judges – Part time Municipal and Multi-Jurisdictional Judges, while elected officials, do not have the broad power over financial matters that other full-time officials and elected officials do. Like part-time appointed officials, they often have other jobs and business interests outside of the judicial positions. Granting waivers to part-time municipal judges may present less of a threat to the public interest and help municipalities find individuals willing to serve in those positions”. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren. Motion carried unanimously.

The Commission discussed the current affidavit procedure for electronic SEIs. The Commission agreed to change this process from an affidavit (paper process) to a statement (online process). Staff will draft the changes to the system for review at the next Commission meeting.

The Commission discussed the waiver process related to the electronic submission of SEIs. Staff suggested including a checkbox in the SEI system requesting a waiver from a portion of the SEI. The request for waiver would be private until the request is granted, when the request would become public.

The Commission discussion procedures for collecting paper SEIs in future filing years. The Commission determined that staff should continue to accept paper SEIs if the filer is unable to complete the SEI in the online system.

## **L. Biennial Budget Review 2019-21**

Julie Nischik presented the memo on page 53 of the meeting materials.

The Commission reviewed the budget to actuals report from fiscal years 2018 and 2019. The Commission determined another meeting would be required to review and approve the budget documents, due to the fact that adjusted base data was not available by the date of the meeting. The Commission also directed staff to include new proposals for Act 201 requirements.

The Commission also discussed the options for updating the campaign finance system. The Commission is leaning towards the option utilizing code available from Massachusetts and requested further details at the September 14 special meeting.

## **M. Annual Report Review Draft**

Commission Administrator Colette Reinke presented the memo on page 69 of the meeting materials.

The Commission requested a plan be developed for implementing the potential legislative changes that are outlined in the report, to be included at the next regularly scheduled meeting.

**MOTION:** To reaffirm the policies of the annual report. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

#### **N. Proposed Commission Meeting Schedule**

Commission Administrator Colette Reinke presented the memo on page 141 of the meeting materials.

The Commission determined the following dates for meetings in 2019:

- o March 5
- o April 9
- o June 18
- o August 27
- o December 3

#### **P. Consideration of Future Agenda Items**

Administrator Reinke suggested adding to the next meeting agenda SEI clarifications for waiver forms, a plan for implementing legislative changes, the last group of lobbying opinions for review, the budget update (September meeting), and investigation report on new campaign finance systems (September meeting).

#### **Q. Closed Session**

**MOTION:** The Commission went into closed session pursuant to WIS. STAT. §§ 19.50, 19.55(3), 19.85(1)(g), (h). Moved by Commissioner Van Akkeren, seconded by Commissioner Halbrooks.

Commissioner Halbrooks amended the motion to invite Daniel Carlton to the Closed Session of the meeting. The amendment was accepted by Commissioner Van Akkeren. Motion carried unanimously.

1. Requests for Advice
2. Complaints and Investigations

#### **R. Adjourn**

**MOTION:** To adjourn. Moved by Commissioner Van Akkeren, seconded by Commissioner Halbrooks. Motion carried unanimously.

Meeting adjourned at 2:50 p.m.

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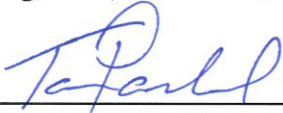
August 21, 2018 Wisconsin Ethics Commission meeting minutes prepared by:



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Julie Nischik, Office Management Specialist

December 11, 2018

August 21, 2018 Wisconsin Ethics Commission meeting minutes certified by:



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Tamara Packard, Vice Chair

December 11, 2018