

# NOTICE OF OPEN AND CLOSED MEETING

## Wisconsin Ethics Commission

101 E Wilson Street, St. Croix Room  
Madison, Wisconsin

Thursday, October 26, 2023, 9:00 a.m.

### Open Session Agenda

- A. Call to Order
- B. Report of Appropriate Meeting Notice – Administrator
- C. Approval of Minutes of Prior Meetings
  - 1. Open Session Minutes for Meeting on August 07, 2023 Page 3
  - 2. Open Session Minutes for Meeting on October 05, 2023 Page 5
- D. Personal Appearances
- E. Consideration of Anonymous Contribution Guideline Page 7
- F. Staff Report Page 15
- G. Consideration of Future Agenda Items
- H. Closed Session
  - 1. Requests for Advice
  - 2. Complaints and Investigations
  - 3. Legal Advice
- I. Adjourn

### Future Ethics Commission Meetings Scheduled:

- Tuesday, December 12, 2023, at 9:00 AM
- Tuesday, February 20, 2024, at 9:00 AM
- Tuesday, May 14, 2024, at 9:00 AM
- Tuesday, July 23, 2024, at 9:00AM
- Tuesday, October 15, 2024, at 9:00 AM
- Tuesday, December 17, 2024, at 9:00 AM

*The Ethics Commission will convene in open session but may move to closed session under WIS. STAT. § 19.85(1), (c), (g), (h), or WIS. STAT. § 19.851. This notice is to inform the public that the Commission intends to convene in open session but may move to closed session. The Commission plans to return to open session following that closed session, as outlined in the above agenda. WIS. STAT. § 19.85(2).*

WIS. STAT. §§ 19.50 & 19.55(3) No employee of the Commission may disclose information related to an investigation or prosecution under ch. 11, subchapter III of ch. 13, or ch. 19.

WIS. STAT. § 19.85(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such an announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

(h) Consideration of requests for confidential written advice from the elections commission under s. 5.05 (6a) or the ethics commission under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

WIS. STAT. § 19.851(2) The commission shall hold each meeting of the commission for the purpose of deliberating concerning an investigation of any violation of the law under the jurisdiction of the commission in closed session under this section.



# Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics  
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## Wisconsin Ethics Commission

101 East Wilson Street, St. Croix Room  
Madison, Wisconsin  
August 7, 2023, 9:00 a.m.

### Open Session Minutes

Present: Pat Strachota, Andrew Weininger, Maryann Sumi (Teams/Virtual), Timothy Van Akkeren (Teams/Virtual), Gerald Ptacek, and Carousel Bayrd.

Staff Present: Daniel Carlton, Colette Greve (Teams/Virtual), David Buerger, Richard Bohringer, Coleman Maberry, Harry Broderick.

#### **A. Call to Order**

Commission Chair Pat Strachota called the meeting to order at 9:02 a.m. A quorum was present.

#### **B. Report of Appropriate Meeting Notice – Administrator**

Administrator Daniel Carlton notified the Commission an appropriate meeting notice had been provided to the public and news media.

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

##### **1. Open Session Minutes for Meeting on May 9, 2023**

**MOTION:** To approve the minutes. Moved by Commissioner Ptacek, seconded by Commissioner Weininger. Motion carried unanimously.

##### **2. Open Session Minutes for Meeting on July 13, 2023**

**MOTION:** To approve the minutes. Moved by Commissioner Bayrd, seconded by Commissioner Weininger. Motion carried unanimously.

#### **D. Personal Appearances**

There were no personal appearances.

## **E. Adoption of Guidance Document**

### **1. Guidance for Acceptance and Reporting of Anonymous Contributions**

Administrator Daniel Carlton presented the memo on page 9 of the meeting materials.

## **F. Ethics Commission Staff Report**

Administrator Daniel Carlton presented the Staff Report on page 15 of the meeting materials.

No action taken.

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

None.

## **H. Closed Session**

- 1. Requests for Advice**
- 2. Complaints and Investigations**
- 3. Litigation**
- 4. Personnel Matters**

**MOTION:** To go into closed session to discuss requests for advice, complaints and investigations, litigation, and personnel matters. Moved by Commissioner Weininger seconded by Commissioner Ptacek. Motion carried unanimously.

## **I. Adjourn**

**MOTION:** To adjourn the meeting. Moved by Commissioner Van Akkeren, seconded by Commissioner Ptacek. Motion carried unanimously. Meeting adjourned at 2:36 P.M.

August 7, 2023, Wisconsin Ethics Commission meeting minutes prepared by:

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David Buerger, Staff Counsel

October 26, 2023

August 7, 2023, Wisconsin Ethics Commission meeting minutes certified by:

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MaryAnn Sumi, Vice Chair

October 26, 2023



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## Wisconsin Ethics Commission

101 East Wilson Street, Yahara Room  
Madison, Wisconsin  
October 5, 2023, 9:00 a.m.

### Open Session Minutes

Present: Pat Strachota, Gerald Ptacek, Carousel Bayrd, Maryann Sumi (Teams/Virtual), Timothy Van Akkeren, and Andrew D. Weininger.

Staff Present: Daniel Carlton, David Buerger, Sathya Sivaji, Chloe Ruppel.

#### **A. Call to Order**

Commission Chair Pat Strachota called the meeting to order at 9:00 a.m. A quorum was present.

#### **B. Report of Appropriate Meeting Notice – Administrator**

Administrator Daniel Carlton notified the Commission an appropriate meeting notice had been provided to the public and news media.

#### **C. 2023 Annual Agency Report**

Commission Administrator Daniel Carlton presented the memo on page 3 of the meeting materials.

**MOTION:** To adopt the policies in the Annual Report. Moved by Commissioner Ptacek, seconded by Vice Chair Sumi. 6-0 Motion carried unanimously.

**MOTION:** The Commission adopted the annual report with instructions to add additional background concerning lobbying and campaign finance performance. Moved by Commissioner Van Akkeren, seconded by Commissioner Weininger. 6-0 Motion carried unanimously.

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

None.

#### **E. Closed Session**

1. Investigations
2. Litigation

**MOTION:** To go into closed session to discuss investigations and litigation. Moved by Commissioner Van Akkeren seconded by Commissioner Weininger. 6-0 Motion carried unanimously.

**F. Adjourn**

**MOTION:** To adjourn the meeting. Moved by Commissioner Bayrd, seconded by Commissioner Van Akkeren. 6-0 Motion carried unanimously. The meeting adjourned at 11:42 A.M.

October 05, 2023, Wisconsin Ethics Commission meeting minutes prepared by:

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Sathya Sivaji, Office Management Specialist

October 26, 2023

October 05, 2023, Wisconsin Ethics Commission meeting minutes certified by:

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MaryAnn Sumi, Vice Chair

October 26, 2023



# Wisconsin Ethics Commission

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**DATE:** For the Commission Meeting on October 26, 2023

**TO:** Members, Wisconsin Ethics Commission

**FROM:** Colette Greve/Daniel A. Carlton, Jr., Assistant Administrator/Administrator

**SUBJECT:** Guidance for Acceptance and Reporting of Anonymous Contributions

## FOR COMMISSION ACTION

The Commission may:

1. Adopt the Draft Guideline for Acceptance and Reporting of Anonymous Contributions;
2. Direct staff to revise the Draft Guideline for Acceptance and Reporting of Anonymous Contributions consistent with today's discussion; or
3. Take other action consistent with today's discussion.

## **Background**

In closed session at its meeting on December 13, 2022, the Commission requested that staff prepare a draft guideline for consideration in open session at a future meeting to address acceptance and reporting of anonymous contributions. The Commission last considered this matter at its meeting on August 7, 2023.

## **Update for Meeting on October 26, 2023**

At the Commission meeting on August 7, 2023, the Commission reviewed a prior version of this memo and a proposed Guideline concerning the acceptance of anonymous contributions. The Commission directed staff to clarify that committees are required to make a good faith effort to obtain all required information regardless of the amount of the contribution. The second sentence of the Guideline has been edited accordingly.

Additionally, the Commission requested that an example be added to provide guidance concerning whether the committee should donate the entire contribution or just the amount by which the contribution exceeds \$10.<sup>1</sup> Commission staff is aware that a common practice related to excess

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<sup>1</sup> This question also arises in the context of contributions exceeding the applicable contribution limits. A common practice in those cases has been to just return the amount by which the contribution exceeds the contribution limits. In that context, it is less problematic because they can easily identify the contributor that gave in excess of the

anonymous contributions is to donate just the amount by which the contribution exceeds \$10. For example, a \$20 bill was found in a collection jar. Obviously, the committee received a contribution that exceeds \$10. The committee knows no other details other than that there is a \$20 bill in the collection jar. Should the committee donate only \$10 to the Common School Fund or charity? Or should the committee donate the \$20 contribution itself to the Common School Fund or charity? The statute is quoted below. In pertinent part, it states, “If an anonymous contribution exceeds \$10, the committee shall donate *the contribution* to the common school fund or to a charitable organization and report the donation as required under this chapter.” [Emphasis supplied.] The statute does not say that the committee can donate the excess amount. Rather, it states that the committee shall donate the contribution. It appears clear that the committee is required to donate the full amount of the contribution.

If the Commission would like to use an example that provides guidance consistent with the statute, the following could be used:

A committee is conducting a fundraising event at which there is an appropriately supervised collection jar. At the end of the night, the committee realizes that somehow a \$20 bill was placed in the collection jar. Under the statute, the committee is required to donate the entire \$20 to either the common school fund or a charitable organization.

If the Commission would like to use an example that would allow the committee to only donate the amount by which the anonymous contribution exceeded \$10, the following example could be used:

A committee is conducting a fundraising event at which there is an appropriately supervised collection jar. At the end of the night, the committee realizes that somehow a \$20 bill was placed in the collection jar. The committee may donate \$10 to either the common school fund or a charitable organization.

Which example would the Commission like to use?

### **Applicable Law**

The existing statutory framework is as follows:

[WIS. STAT. § 11.0103\(1\)\(a\)](#)

Each committee and conduit required to register under this chapter shall be subject to the reporting requirements applicable to that committee or conduit. Each committee and

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contribution limits. Also, it may be preferable because it is easier to just return the excess amount, instead of sending the whole check back and asking the contributor to send a new check in the correct amount. While not technically compliant with the statutory language, the activity is all properly reported and the contributor’s compliance with the contribution limits can be clearly ascertained. In the case of excess anonymous contributions, there may be no way to know whether there was a \$20 bill because someone was making change or because they did not know they could only contribute \$10 anonymously.



conduit required to file a report under this chapter shall make a good faith effort to obtain all required information.

[WIS. STAT. § 11.1108](#)

No committee may accept an anonymous contribution exceeding \$10. If an anonymous contribution exceeds \$10, the committee shall donate the contribution to the common school fund or to a charitable organization and report the donation as required under this chapter.

This statute prohibits a committee from accepting an anonymous contribution over \$10.00. If an anonymous contribution exceeds \$10, the committee must donate it to the common school fund or charity and report the donation.

[WIS. STAT. § 11.0204\(1\)\(a\)](#)<sup>2</sup>

**(a)** Each candidate, through his or her candidate committee, shall make full reports, upon a form prescribed by the commission and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the candidate committee. The candidate committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the candidate committee, together with the amount of the contribution.
2. An itemized statement giving the date, full name, and street address of each committee to which the candidate committee has made a contribution, together with the amount of the contribution.
- ...
4. An itemized statement of each contribution made anonymously to the candidate committee. If the contribution exceeds \$10, the candidate committee shall specify whether the candidate committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

This statute requires a candidate committee to itemize all contributions, provide the date of the contribution, and the name and address of the contributor in campaign finance reports. It also requires that a candidate committee itemize each contribution made anonymously to the candidate committee. Furthermore, if a candidate committee receives an anonymous contribution in excess of \$10.00, it must then either report that the contribution was donated to the common school fund or include the name and mailing address of the charitable organization to which it donated the excess.

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<sup>2</sup> Each type of committee has a different statutory section that provides the same itemization requirement for anonymous contributions. All statutory sections are cited in the attached guideline.

## **Reporting of Anonymous Contributions**

The Commission and staff have observed that the above laws are commonly misunderstood to allow committees to accept contributions of \$10 or less without making a good faith effort to obtain the name and address of the contributor. Additionally, staff is aware that it is a common practice among committees to collect small contributions at meetings or have cash boxes/baskets at their headquarters or events. Commonly, committees engage in this practice and report the total contributions received from these means of collection, rather than itemizing these contributions individually. Additionally, committees have been advised to ensure that these means of collection clearly indicate that no more than \$10.00 should be contributed. For example, committees have placed a note on a cash box/basket or announced at a meeting that contributions collected may be anonymous if under \$10.00. Staff has advised that if there is a sale of an item, such as a ticket or other tangible item, where the money is collected by an individual who is able to obtain the name and address of the contributor, they should attempt to obtain this information. However, if the item is \$10.00 or less, the contributor may choose to remain anonymous per statute.

The Commission has considered several matters related to acceptance of anonymous contributions at recent meetings. The Commission was concerned that these practices do not provide sufficient assurance that individuals are not putting in more than \$10. Further, it does not appear that the committees engaging in this practice are making a sufficient effort to obtain the name and street address of the contributors. This is not permitted under current law. As noted above, a committee is required to make a good faith effort to obtain the name and street address of each person who has made a contribution to the committee. This requirement applies to all contributions, not just contributions of more than \$10.

As a result of the recent agenda items, the Commission requested staff to prepare a new guideline clarifying the statutory requirements and recommending against these practices. Consistent with that direction, staff prepared the attached draft guideline.

## **Guidance Document**

This guideline sets out when an anonymous contribution may be accepted, how anonymous contributions shall be reported, and what a committee may do when it receives an anonymous contribution in excess of \$10. It also provides examples of practices that may lead to acceptance of anonymous contributions in excess of \$10 or incorrect reporting of anonymous contributions. Because the statutes are silent about the means of collecting anonymous contributions, the guideline does not state that the practices are prohibited, rather it recommends against such practices. The guideline provides valuable instructions about best practices.

## **Commission Action**

A guideline can only communicate and explain existing legal requirements. It cannot create new requirements. As drafted, the guideline is limited to existing statutory requirements and prohibitions and best practices for complying with those statutes. The Commission can adopt the attached guidance with instructions about which example to use to illustrate how to donate an excess anonymous contribution to charity or the Common School Fund, add this topic to the

Commission's legislative agenda for potential statutory clarification or changes, or begin rulemaking.

**Attachments:**

A. Draft Guideline for Acceptance and Reporting of Anonymous Contributions

## Wisconsin Ethics Commission

For candidate committees, political party committees,  
legislative campaign committees, political action  
committees, independent expenditure committees,  
referendum committees, and recall committees  
**Acceptance and Reporting of Anonymous Contributions**

*This guideline is provided as an information resource only. For authoritative advice, contact the Wisconsin Ethics Commission.*

### ACCEPTANCE OF ANONYMOUS CONTRIBUTIONS

Wisconsin Statutes allow committees to accept anonymous contributions not exceeding \$10.<sup>1</sup>

### REPORTING OF ANONYMOUS CONTRIBUTIONS

Wisconsin Statutes require committees to make full reports of contributions on forms prescribed by the Commission.<sup>2</sup> Committees shall make a good faith effort to obtain all required information regardless of the amount of the contribution.<sup>3</sup> Required information includes the full name and street address of each person who has made a contribution to the committee.<sup>4</sup> Reports shall include an itemized statement of each contribution given anonymously.<sup>5</sup> Committees that accept anonymous contributions of \$10 or less must itemize and report each anonymous contribution as a separate transaction. Committees may *not* report an aggregate total of anonymous contributions of \$10 or less.

As Wisconsin Statutes prohibit anonymous contributions over \$10 and require that anonymous contributions be itemized, the Commission recommends against the following practices:

- Placing or circulating contribution jars, baskets, buckets, etc., at properties, gatherings, or events.
- Conducting raffles, silent auctions, etc., where names and addresses are not collected.<sup>6</sup>
- Selling event tickets or merchandise, including, but not limited to yard signs, t-shirts, pins, stickers, where names and addresses are not collected.

If a committee wishes to engage in these practices, the Commission recommends that a responsible individual monitor the contribution jars or baskets, raffle or auction, or sales of tickets or merchandise to make a good faith effort to obtain the names and addresses of contributors. A committee that engages in these practices must be able to accurately itemize each anonymous contribution received.

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<sup>1</sup> [WIS. STAT. § 11.1108.](#)

<sup>2</sup> WIS. STAT. §§ [11.0204\(1\)\(a\)](#), [11.0304\(1\)\(a\)](#), [11.0404\(1\)\(a\)](#), [11.0504\(1\)\(a\)](#), [11.0604\(1\)\(a\)](#), [11.0804\(1\)\(a\)](#), [11.0904\(1\)\(a\)](#).

<sup>3</sup> [WIS. STAT. § 11.0103\(1\)\(a\)](#).

<sup>4</sup> WIS. STAT. §§ [11.0204\(1\)\(a\)1.](#), [11.0304\(1\)\(a\)1.](#), [11.0404\(1\)\(a\)1.](#), [11.0504\(1\)\(a\)1.](#), [11.0604\(1\)\(a\)1.](#), [11.0804\(1\)\(a\)1.](#), [11.0904\(1\)\(a\)1.](#)

<sup>5</sup> WIS. STAT. §§ [11.0204\(1\)\(a\)4.](#), [11.0304\(1\)\(a\)4.](#), [11.0404\(1\)\(a\)4.](#), [11.0504\(1\)\(a\)4.](#), [11.0604\(1\)\(a\)4.](#), [11.0804\(1\)\(a\)3.](#), [11.0904\(1\)\(a\)4.](#)

<sup>6</sup> A raffle may have additional requirements as set forth by the Department of Administration's Division of Gaming. Committees should contact the Division for any questions on statutory requirements associated with raffles.

It is important to note that if a committee requests an individual to provide a name and address for a contribution of \$10 or less, the individual may request to remain anonymous, and the committee may accept that contribution. The contribution shall be itemized and reported as anonymous.

### **EXCESS ANONYMOUS CONTRIBUTIONS**

If a committee accepts an anonymous contribution in excess of \$10, the committee shall donate the contribution to the common school fund or to a charitable organization. Additionally, the committee shall specify in its report whether the committee donated the contribution to the common school fund or to a charitable organization and shall include the name and mailing address of the donee.<sup>7</sup>

### **CONTRIBUTIONS THAT SHOULD NOT BE REPORTED AS ANONYMOUS**

When a committee receives the following types of contributions they should not be reported as anonymous:

- Any contribution over \$10
- Membership dues
- Periodic payroll deductions

### **ADDITIONAL INFORMATION AND RESOURCES**

This is a guideline adopted by the Wisconsin Ethics Commission. Guidelines are prepared to provide general information to the public concerning the laws within the Commission's jurisdiction. Guidelines are not the law. Legal authority can be found in Wisconsin Statutes, the Wisconsin Administrative Code, case law, and the Commission's advisory opinions. If you have additional questions, please contact the Wisconsin Ethics Commission staff by email at [CampaignFinance@wi.gov](mailto:CampaignFinance@wi.gov), or by phone at (608) 266-8123. Advice sought from the Ethics Commission is confidential. For additional information, please visit the Ethics Commission website: <https://ethics.wi.gov>.

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<sup>7</sup> WIS. STAT. §§ [11.0204\(1\)\(a\)4.](#), [11.0304\(1\)\(a\)4.](#), [11.0404\(1\)\(a\)4.](#), [11.0504\(1\)\(a\)4.](#), [11.0604\(1\)\(a\)4.](#), [11.0804\(1\)\(a\)3.](#), [11.0904\(1\)\(a\)4.](#), and [11.1108.](#)





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**DATE:** For the Commission Meeting on October 26, 2023

**TO:** Members, Wisconsin Ethics Commission

**FROM:** Ethics Commission Staff

**SUBJECT:** Ethics Commission Staff Report

## Commission Administration

### Personnel

As the Commission is aware, there were two ethics specialist vacancies in the late summer. Commission staff posted the vacancies, interviewed candidates, and were able to fill both vacancies. The first ethics specialist, Thomas Jackson, started with the Commission on September 11, 2023. The second ethics specialist, Chloe Ruppel, started with the Commission on September 25, 2023.

Both ethics specialists spent their first two weeks with the Commission doing onboarding. The first week of onboarding consisted of training sessions concerning the laws the Commission administers. The second week of onboarding consisted of assigned tasks including drafting and transmitting settlements, research projects, and answering inquiries with the assistance of staff.

We are excited to have Chloe and Thomas on the Commission's staff.

The next personnel-related matter will be to hire an additional IT contractor. As the Commission is aware, the Legislature and Governor approved additional funds to hire one IT contractor. For more than 8 years, the Commission's IT contractor, Kavita Dornala, has built applications and provided support for the Commission with no back-up. She has been a spectacular resource for the Commission. The Administrator, Office Management Specialist, and Ms. Dornala will begin the recruitment process after the meeting. The successful candidate will be able to help provide updates and improvements to the Commission's lobbying and SEI website, provide assistance in the development of the new campaign finance information system, and serve in Ms. Dornala's stead when she is on vacation or otherwise unavailable. We hope to have the new person on board in November.

### New Campaign Finance Information System

As the Commission is aware, the Legislature and Governor approved additional funding for the Commission to work with a vendor to build a new campaign finance website. In consultation with the Chair and Vice Chair, the contract was executed in August. Unfortunately, the process was delayed a little as a result of consulting with the Division of Enterprise Technology. Ultimately, the Commission and the vendor, in consultation with the Division of Enterprise Technology, began work in earnest on the new website in August.

*Wisconsin Ethics Commissioners*

Carousel Bayrd | Gerald Ptacek | Pat Strachota | Maryann Sumi | Timothy Van Akkeren | Andrew Weininger

*Administrator*

Daniel A. Carlton, Jr.

So far, the Commission's staff has provided publicly available information from the current site. The vendor has created what will become the public display of information page. While there is still some work to do on it, what they have come up with so far provides a more modern, robust search capability. It also provides graphical summaries of the searched data. The next step will be for the vendor to create the parts of the system that allow committees and conduits to register and allow registrants to file their required reports.

For now, because of the position we were put in by the previous vendor, we are working on a minimum viable product. We are working very hard to achieve a minimum viable product that is ready to launch in December. The minimum viable product will have full public displays of information, the ability to register and report, and the necessary administrative functionality. There will be aesthetic enhancements and additional functions created after the initial launch.

### Legislation

The Administrator has been meeting with legislators regarding the Commission's legislative recommendations for this session. Most of the recommendations have not raised any objections or concerns. Staff is optimistic that a bill will be introduced that will encompass most of the Commission's legislative recommendations soon.

Additionally, there are two bills amending the laws within the Commission's jurisdiction that have had a public hearing in recent weeks.

**SB 334/AB 335-** These bills are currently identical. Upon conviction of certain election and campaign finance law crimes, the bill requires a court to appoint a new treasurer, properly dispose of remaining funds, and terminate the committee. An amendment has been filed on the Assembly bill, but not on the Senate bill yet. The amendment clarifies that the committee obligations can be paid and provides for disposal of residual funds. It also prohibits returning the candidate's contributions to the candidate and prohibits the candidate and former treasurer from being able to access the funds in the depository. Finally, the amendment requires the court to notify the Commission of the actions it has taken after the conviction.

**SB 408/AB 414-** These bills are also currently identical. The bills amend the 50-Piece Rule. As drafted, the bills change the date the 50-Piece Rule begins to apply. For Assembly members who become a candidate for partisan election, the 50-Piece Rule applies beginning the last date to circulate nomination papers. For Senators, the new rule related to partisan elections increases the number of permissible pieces to 150 pieces. It also applies regardless of whether the senator has become a candidate for a new partisan office. The new rule also states that it applies beginning the last day to circulate nomination papers. As drafted, it does not appear that this bill has any other effect on the current version of the 50-Piece Rule.

These bills also create an exception for a state of emergency declared by the federal government, the Governor, or local government if the materials are substantially related to the emergency or a government order issued in connection with the emergency. It also provides that no legislative rule can provide stricter limits on the use of public funds than the statutory rule.

Finally, the bills establish penalties for violations. If the violation occurs within the first 7 days after the 50-Piece Rule kicks in, the Commission can only issue a warning. If it occurs between



the 7<sup>th</sup> and 14<sup>th</sup> day after, there is a \$100 forfeiture which may not be paid for by funds from the candidate's committee. Finally, the bill provides that any violation after the 14<sup>th</sup> day is punishable by a \$500 forfeiture which cannot be paid by the candidate's committee.

The act applies to the 2024 general election.

Commission staff will continue to monitor legislation.

### Trainings

Since the last Commission meeting, Staff Counsel Buerger presented an ethics refresher training for SWIB on September 13, 2023. On September 20, 2023, the Administrator participated in a panel of training on ethics issues for judges at the Judicial College. The Administrator is also scheduled to present ethics training for legislative staff at the end of the month. Staff Counsel Buerger is scheduled to teach a class on campaign finance law at the UW-Green Bay Presidential Election Academy on November 8<sup>th</sup>.

### Administrative Rules

Commission staff continue to work on a proposed draft rule and supporting documents for the review and revision of ETH 26.

### **Campaign Finance**

The special election for the 24<sup>th</sup> Assembly District was held July 18, 2023. All committees giving to either candidate were required to file a Post-Election report by September 1, 2023, for the period July 4, 2023, through August 9, 2023. There was a total of 50 reports filed with only 1 conduit and 1 party committee filing late. All other reports were filed on time.

Provided there are no other special elections this fall, the next report all committees will be required to file is the January Continuing 2024, due January 16, 2024. This report will cover all activity through December 31, 2023. All non-candidate committees with total disbursements over \$2,500 during calendar year 2023 will be required to pay a \$100 filing fee by the January 16, 2024, due date.

The vendor for the updated campaign finance website has been busy converting the existing data to their new database. The public viewing portion of the website will soon be available to test. The next phase is development of the user interface to enter the data and file the reports.

### **Lobbying**

#### 2023-2024 Legislative Session

Registration for the current session is available on the Commission's lobbying website. As of October 11, 2023, there are 652 lobbyists licensed, 818 principals registered, and 1,893 lobbyist authorizations.

For the current session, the reporting options for 15-day reports changed. Principals can now choose one of the following options: 1) that they do not presently intend to communicate on the matter, 2) that they intend to communicate at some point in the future, or 3) that they have communicated, and the date of that communication. Because of these changes, the Commission decided to audit late 15-day reports for educational, not enforcement, purposes for the first six-month period of the current legislative session.

Staff is using a two-pronged approach to this review. First, staff compiled a snapshot of the data concerning late 15-day reports which was disseminated to the lobbying community. For the first period of the 2023 Legislative Session, principals filed a total of 11,222 15-day reports. Of those, 2,343 stated that a communication had occurred and provided a communication date. There were 2,863 reports that were filed indicating that the principal had not yet communicated but intended to communicate in the future. There were 6,016 reports that indicated that the principal did not intend to communicate on the matter. One reason why this number is significantly higher is because when principals chose to carry over a topic, they were automatically placed into this category.

A total of 129 reports were filed late. While this number is slightly higher than past sessions, 99% of the reports were filed on time. There were only approximately 7% of principals that filed a late report.

The second prong to this review will be to notify the principals that filed a late report that they had done so. Staff is working on appropriate language to make it clear that this review was only being conducted for educational purposes and that there will not be any enforcement action taken. Staff hopes to get this completed in the next couple of weeks.

## **Code of Ethics and Financial Disclosure**

### Statements of Economic Interests (SEIs)

The annual SEI for approximately 2,500 state public officials was due by May 1, 2023. All but three officials have filed. Staff is continuing to follow up with those officials.

### State of Wisconsin Investment Board Quarterly Reports

The 2023 third quarter reports covering July to September are due on October 31, 2023. As of October 16, 2023, 28 out of the 63 filers have filed. Staff will continue to follow up as the deadline approaches. The fourth quarter reports covering October to December will be due on January 31, 2024.