

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Ethics Commission

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

Tuesday, December 16, 2025, 9:00 a.m.

Open Session Agenda

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| A. Call to Order | |
| B. Report of Appropriate Meeting Notice – Administrator | Verbal |
| C. Approval of Minutes for Meeting on October 21, 2025 | Page 3 |
| D. Personal Appearances | |
| E. Staff Request for Guidance – Campaign Finance Audit Notices | Page 7 |
| F. Post-Sunshine Launch Auditing | Supplemental |
| G. Judicial Privacy Act Amendment Implementation | Page 11 |
| H. Staff Report | Page 15 |
| I. Consideration of Future Agenda Items | |
| J. Closed Session | |
| 1. Request for Advice | |
| 2. Complaints and Investigations | |
| 3. Litigation/Potential Litigation | |
| 4. Audit Matters | |
| 5. Personnel Matters | |
| 6. Adjourn | |

Future Ethics Commission Meetings Scheduled:

- Tuesday, February 24, 2026, at 9:00 AM
- Tuesday, June 23, 2026, at 9:00 AM
- Tuesday, September 22, 2026, at 9:00 AM
- Tuesday, December 15, 2026, 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 adjourn in closed session after completion of the closed session agenda, as outlined in the above agenda. WIS. STAT. § 19.85(2).

WIS. STAT. § 19.46(2)(c)1.	<p>1. Any individual may request in writing, electronically, or by telephone a formal advisory opinion from the commission or the review or modification of a formal advisory opinion issued by the commission under this paragraph. The individual making the request shall include all pertinent facts relevant to the matter. The commission shall review a request for a formal advisory opinion and may issue a formal advisory opinion to the individual making the request. Except as authorized or required for opinions specified in s. 19.55 (4) (b), the commission’s deliberations and actions upon such requests shall be in meetings not open to the public.</p>
WIS. STAT. §§ 19.50 & 19.55(3)	<p>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.</p>
WIS. STAT. § 19.85(1)	<p>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:</p>
(c)	<p>Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.</p>
(g)	<p>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.</p>
(h)	<p>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).</p>
WIS. STAT. § 19.851(2)	<p>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.</p>
WIS. STAT. § 19.851(3)	<p>The commission shall convene in closed session for any of the following purposes:</p> <p>(a) To consider whether there is a reasonable suspicion or probable cause to believe that a violation of the law occurred or is occurring based on a complaint and, if received, a response to that complaint.</p> <p>(b) To receive reports concerning audit findings and consider whether there is a reasonable suspicion or probable cause to believe that a violation of the law occurred or is occurring.</p>

Wisconsin Ethics Commission

101 E Wilson Street, St. Croix Room
Madison, Wisconsin
Tuesday, October 21, 2025, 9:00 a.m.

Open Session Minutes

Present: Maryann Sumi, Andrew Weininger, Pat Strachota, Gerald Ptacek, Debra Kolste, and Paul Higginbotham

Staff Present: Daniel Carlton, Colette Greve, David Buerger, Catherine Luoma, Richard Bohringer, Chloe Ruppel, Coleman Maberry, and Thomas Jackson.

A. Call to Order

Chair Sumi called the meeting to order at 9:01 a.m. A quorum was present.

B. Report of Appropriate Meeting Notice – Administrator

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

C. Approval of Minutes for Meeting on August 5, 2025

MOTION: To approve the minutes as drafted. Moved by Commissioner Strachota, seconded by Commissioner Kolste.

6-0 Motion carried unanimously.

D. Personal Appearances

There were no personal appearances for Open Session.

E. Review of Campaign Finance Opinions

Ethics Specialist Cole Maberry presented the Review of Campaign Finance Opinions on page 7 of the meeting materials.

2018 ETH 02

MOTION: To approve the draft revision to the formal opinion.

Moved by Commissioner Ptacek, seconded by Vice Chair Weininger.

6-0 Motion carried unanimously.

2022 ETH 01 and 2025 ETH 03

MOTION: To approve 2025 ETH 03 as drafted.

Moved by Commissioner Higginbotham, seconded by Vice Chair Strachota.

6-0 Motion carried unanimously.

F. Pending Legislation Update

Administrator Daniel Carlton presented the status of pending legislation.

Administrator Daniel Carton will discuss concerns with the 2025 A.B. 385 authors.

G. Staff Report

Administrator Daniel Carlton presented the Staff Report on page 27 of the meeting materials.

No action taken.

H. Consideration for Future Agenda Items

No future agenda items identified.

I. Closed Session

1. Request for Advice
2. Complaints and Investigations
3. Litigation/Potential Litigation
4. Audit Matters
5. Personnel Matters
6. Adjourn

MOTION: To go into closed session to discuss requests for advice, complaints, investigations, legal advice regarding litigation in which it is or is likely to become involved, and audit matters. Moved by Commissioner Ptacek, seconded by Commissioner Kolste.

6-0 Motion carried unanimously.

9:34 a.m. Moved to closed session

October 21, 2025, Wisconsin Ethics Commission meeting minutes prepared by:

Catherine Luoma, Office Management Specialist December 16, 2025

October 21, 2025, Wisconsin Ethics Commission meeting minutes certified by:

Andrew Weininger, Vice Chair December 16, 2025



Wisconsin Ethics Commission

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DATE: For the Commission Meeting on December 16, 2025

TO: Members, Wisconsin Ethics Commission

FROM: Thomas Jackson and Coleman Maberry, Ethics Specialists

SUBJECT: Staff Request for Guidance – Campaign Finance Audit Notices

FOR COMMISSION ACTION

For this agenda item, the Commission may:

1. Direct staff to follow option 1 listed in the conclusion;
2. Direct staff to follow option 2 listed in the conclusion;
3. Direct staff to follow option 3 listed in the conclusion;
4. Direct staff to follow option 4 listed in the conclusion; or
5. Take action consistent with today's discussion.

Introduction

Among other things, [2023 Wisconsin Act 120](#) created new statutory provisions explicitly making records related to an audit confidential. The Act created statutory exceptions allowing the Commission to disclose certain terminal findings of the Commission. Aside from those exceptions, and the exception for settlements in s. 19.49(1)(b), all other audit-related records are confidential. Since the launch of the new campaign finance reporting website, Sunshine, Commission staff have been reviewing the campaign finance audit processes. While considering the new confidentiality provisions of [2023 Wisconsin Act 120](#) in the context of campaign finance auditing, the staff determined that it would be appropriate to review how staff provides notice of an audit finding to registrants. Staff is seeking guidance on whom to contact for audit notices.

Applicable Law

There are a number of relevant statutes for the Commission's consideration.

[WIS. STAT. § 11.0101\(34\)](#) provides:

“Treasurer” means the individual who registers a committee with the commission and who makes reports on behalf of the committee.

This statute provides the definition for treasurer and highlights that a treasurer is an individual that files reports on behalf of a committee.

[WIS. STAT. § 11.1304\(10\)](#) provides:

“Immediately send to any committee or conduit which is delinquent in filing, or which has filed otherwise than in the proper form, a notice that the committee or conduit has failed to comply with this chapter. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the commission shall send the notice to both the candidate and the treasurer of the candidate committee.”

This provision requires the Commission to provide notice of its audit findings to the committee or conduit. It specifies that in the case of candidate committees that the notice should be sent to both the candidate and treasurer. However, it does not provide other specific directives for other committees or conduits.

[WIS. STAT. § 19.55\(2\)](#) provides, in pertinent part:

(2) The following records in the commission’s possession are not open for public inspection:
... (e), Except as authorized in sub. (5), records created in the course of conducting an audit to identify a potential violation.

This statute provides that records created in the course of an audit are not open for public inspection.

[WIS. STAT. § 19.55\(5\)](#) provides:

(5) The following audit records of the commission are open to public inspection and copying under s. 19.35 (1):
(a) Any record containing a finding that there is no reasonable suspicion that a violation of the law occurred.
(b) Any record containing a finding that no probable cause exists to believe that a violation of the law occurred.
(c) Any record of an action of the commission that indicates that, upon a finding of a reasonable suspicion of a violation or probable cause to believe that a violation has occurred or is occurring, the commission decided to take no further action.
(d) Any record of an action of the commission issuing a warning.
(e) Any record of an action of the commission authorizing the filing of a civil complaint.
(f) Any record of an action of the commission referring a matter to a district attorney or other prosecutor for investigation or prosecution.

This statute provides that certain final audit records, such as the issuance of a warning, are open to public inspection.

Analysis

Records created in the course of conducting an audit are not subject to public disclosure. [WIS. STAT. § 19.55\(2\)\(e\)](#). However, the Commission is required to notify registrants of relevant audit

findings. [WIS. STAT. § 11.1304\(10\)](#). In the case of candidate committees where the candidate is not serving as their own treasurer, notice must be sent to both the candidate and treasurer. However, it is not clear whether staff can or should send notice to any other contacts for a candidate committee. Furthermore, in the case of other committees and conduits, the statutes provide minimal guidance.

For campaign finance purposes, the following people can or must be listed on the registration statement:

- Candidate
- Treasurer
- Administrator
- Additional custodians of the accounts/books
- Designated Agent
- Additional contacts

A committee or conduit may delegate privileges to those identified on the registration statement and others. This is done by inviting the individual to be a member of the committee or conduit. When inviting an individual to be a member, the committee sets the privilege levels delegated to the individual. These are the delegated privilege levels in Sunshine:

- Administrator, who has full privileges
- Report filer, who can amend and submit reports
- Transaction editor, who can enter transactions
- Transaction viewer, who has read-only permissions

Sunshine allows committees and conduits to give access to multiple users for reporting purposes. As noted above, a registrant may assign the roles to individuals not listed on the registration statement. This means that individuals not listed on the registration statement may, via delegation of the registrant, have access to amend the registration statement, file reports, or take other actions.

Staff would like guidance from the Commission concerning which individuals should receive campaign finance audit notices and communications. In the case of registrants other than candidate committees, [WIS. STAT. § 11.1304\(10\)](#) is not specific about which individuals associated with a committee or conduit should be privy to audit findings. The statute just simply states the committee or conduit has to be notified.¹ Presumably, all of the individuals identified above could be included because they have been delegated some authority and duties related to the committee or conduit. However, the Commission may want to be more circumspect in the recipients of these communications due to the confidential nature of these communications, especially those individuals with limited powers or view-only permissions.

In the case of the candidate committees, it is clear that staff must at least give notice to both the candidate and, if a different person is appointed as one, the treasurer. The Commission could limit audit communications only to the candidate and treasurer; or it could allow staff to communicate

¹ Likewise, [WIS. STAT. § 19.49\(2g\)](#) requires the Commission to notify “the person submitting the report” of the audit findings. However, it is unclear whether that person is the committee or other entity itself, or the treasurer or other individual who actually submitted the report.

with other authorized individuals. Given the difficulty in contacting candidate committees of candidates who have lost, the Commission may want to take a broad approach here to use all of the potential contacts. However, as noted above, the Commission may want to exclude individuals with limited powers or view-only permissions given the relatively low involvement they would have. Likewise, in the case of other registrants, the Commission may want to take a broad approach to maximize the odds of receiving a response and resolving the audit. On the other hand, the Commission may want to exclude individuals with limited powers or view-only permissions.

Conclusion

The Commission has not yet considered the question of who should be contacted for audit results. There are a number of interpretations the Commission may choose to take for notifications of audit results. Four options are presented below, ranging from least restrictive to most restrictive, but the Commission can direct staff to follow a different practice consistent with today's discussion.

One option for the Commission to consider is to direct staff to notify all contacts on the registration statement and all users given permissions on Sunshine. This option would be easy to implement, would capture the most contacts, and would include all known individuals who may be a part of the committee or conduit. However, it could include some individuals that should not be privy to notice of audit findings like those with view-only privileges.

A second similar option is to direct staff to notify all contacts on the registration statement and all users given permissions to file reports on Sunshine (*i.e.*, a committee administrator or report filer). This option would likewise be easy to implement, and would capture most contacts. It could include some individuals that should not be privy to notice of audit findings like those with view only privileges, but it would ensure that only individuals listed on the registration statement or with some level of delegated authority are included.

A third option is the course staff have historically taken. Staff would notify all contacts listed on the registration statement but would not include other users with permissions. This option would be easy to implement and would be consistent with historical practice, but it could run the risk of notifying individuals that should not be privy to notice of audit findings like those with view-only privileges. It could also exclude individuals who should receive notice.

The fourth option is the most restrictive approach. For campaign finance audits, staff would only contact the treasurer, and, where applicable, the candidate. The audit statutes clearly state that contacting these individuals is permissible. This option would ensure that confidentiality is not violated but could lead to lowered compliance rates and administrative difficulties for staff. For example, registrants might not respond to audit notices within 30 days, leading to an increased number of settlement offers and requiring more follow-up communications by staff.

Ultimately, the Commission is deciding the following question: whom should Commission staff contact with results of audits in order to fulfill the statutorily required duties of the Commission while also maintaining the confidentiality requirements that are set out in the statutes? Commission staff recommend one of the first two options presented. However, the Commission can choose one of the listed options above or can decide on another course of action.



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DATE: For the Commission Meeting on December 16, 2025

TO: Members, Wisconsin Ethics Commission

FROM: Daniel A. Carlton, Jr., Administrator

SUBJECT: Judicial Privacy Act Amendment Implementation

FOR COMMISSION ACTION

For this agenda item, the Commission could take one of the following actions:

1. Direct staff to require a notarized form requesting confidentiality;
2. Direct staff to accept a form that is not notarized if the requestor cites WIS. STAT. § 887.015;
3. Direct staff to accept a form that is not notarized if the requestor cites WIS. STAT. § 887.015 and checks the box affirming the information is true and correct; or
4. Take action consistent with today's discussion.

Introduction

2023 Wisconsin Act 235, which took effect in 2024, created new privacy protections for judicial officers. The Act allowed judicial officers to request that agencies redact certain information from public viewing on the agencies' websites and in physical records. For the Wisconsin Ethics Commission, the Act created the process in WIS. STAT. § 19.55(2)(cm). For purposes of the campaign finance program area, the Commission is required to review and redact instances of protected information on a quarterly basis. For purposes of Statements of Economic Interests, the Commission prepares copies of the records on demand. Prior to fulfilling a request for a judicial officer's SEI, the Commission's staff reviews the document for protected information and manually redacts it prior to transmitting it to the SEI requestor.

To invoke these protections, a judicial officer is required to submit a written request under WIS. STAT. § 757.07(4) that provides the information to be protected. 2025 Wisconsin Act 25, which was effective August 10, 2025, made a key substantive change to WIS. STAT. § 757.07. Specifically, in WIS. STAT. § 757.07(4)(d), section 13 of the Act amended the provision regarding the form to require notarization. The statute states, in pertinent part:

A judicial officer's written request shall be made on a form prescribed by the director of state courts, shall identify with reasonable specificity the personal information to be protected, *and shall be notarized.* [Emphasis supplied.]

Issue

The question for the Commission's consideration is whether to accept a form submitted by a judicial officer that is not notarized but, instead, cites to WIS. STAT. § 887.015. That statute is known as the Uniform Unsworn Declarations Act. In pertinent part, it provides:

Except as provided in par. (b), and notwithstanding s. 906.03, if a law of this state requires or permits use of a sworn declaration, an unsworn declaration meeting the requirements of this section has the same effect as a sworn declaration.¹ WIS. STAT. § 887.015(4)(a).

Several recent judicial officers have requested the protections available under WIS. STAT. § 19.55(2)(cm). However, the form that they have submitted is not notarized. Rather, in lieu of notarization, the judicial officers signed the form and stated something to the effect of notarization not required pursuant to WIS. STAT. § 887.015. Commission staff is unsure whether this is sufficient to make the request effective.

As noted above, WIS. STAT. § 757.07(4)(d) explicitly states that the form shall be notarized. While there is no statutory definition of notarize or notarized, there is a statutory definition of “notarial act” which is the functional equivalent of “notarize.” That definition states that “notarial act” means:

[A]n act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument. WIS. STAT. § 140.01(7).

Typically, where one thinks of a notarization requirement, one envisions a person appearing before another, providing identification, and the person confirming that an oath or verification was administered. The person notarizing the document then executes a notarial certificate. That is clearly not what is occurring. Moreover, WIS. STAT. § 140.04(2) prohibits a notarial officer from performing a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party or in which either of them has a direct beneficial interest. The statute also states that a notarial act performed in violation of this rule is voidable. In this case, not only is there the possibility that no oath was administered, the judicial officer could be considered to be verifying his/her own document.

As noted above, there is an argument that the Uniform Unsworn Declarations Act applies, at least in some of the cases. The form provides a check box whereby the judicial officer is stating that “Under the criminal penalty of false swearing that the information that I have provided is true and accurate.”² As such, if that box is checked, it arguably meets the definition of a “unsworn declaration” in WIS. STAT. § 887.015(2)(g). And, as noted above, WIS. STAT. § 887.015(4)(a)

¹ The exceptions in WIS. STAT. § 887.015(4)(b) are inapplicable here. Therefore, they are not recited herein.

² A blank copy of the form is not being provided with this memo. WIS. STAT. § 757.07(4)(dm)2. states, “The form prescribed by the director of state courts under par. (d), whether blank or completed, shall be kept confidential, but the fact that a written request exists or has been submitted or received is not confidential.”

provides that an unsworn declaration meeting the requirements of this section has the same effect as a sworn declaration.

Commission staff have contacted at least one other agency to see if forms submitted this way are accepted. Staff received a response which indicated that that agency was, in fact, accepting forms submitted that cite WIS. STAT. § 887.015.

Conclusion

Commission staff is seeking the guidance of the Commission. Would the Commission like to:

1. Accept any form citing WIS. STAT. § 887.015;
2. Accept any form citing WIS. STAT. § 887.015 where the box is checked next to the affirmation that the judicial officer acknowledges under criminal penalty of false swearing that the information provided is true and accurate; or
3. Reject the form and require the form to be notarized.



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DATE: For the Commission Meeting on December 16, 2025
TO: Members, Wisconsin Ethics Commission
FROM: Ethics Commission Staff
SUBJECT: Ethics Commission Staff Report

Commission Administration

Business Continuity Event

The Commission held their first Business Continuity event November 11th in partnership with DOA DET, DOA HR and DOA CWG. The three (3) objectives were achieved: 1) Test effectiveness of the WI Ethics Commission base plan, 2) Assess team members' ability to contact WI Ethics Commission Continuity Team and communicate while operating a hybrid work environment, and 3) Assess team members' ability to coordinate tools and data access during an event that impacts the DOA building.

STAR Records Disposition Review

Twice per year, STAR generates a list of attachments eligible for records disposition review. This list has been reviewed, Disposition Decisions assigned, submitted for approval and processed accordingly.

2025-27 Biennial Budget

As was discussed more fully at the August meeting, the Commission did not receive the much-needed additional attorney position or the concomitant costs of relocating it requested. The Administrator is considering next steps related to the attorney position needed. Originally, the Administrator intended to bring this back to the Commission at the October meeting. Due to various factors, a recommendation is not yet ready. The Administrator plans to present the subject for further discussion at a future meeting.

Training

At the August meeting, Commission staff announced the launch of the new Sunshine campaign finance website and the training plans for the fall. Commission staff conducted the following training sessions:

- Conduits – Online Training on August 27, 2025, and Office Hours on August 29, 2025;
- Candidates
 - Online Training on September 10, 2025, and Office Hours on September 12, 2025;

Wisconsin Ethics Commissioners

Paul Higginbotham | Debra Kolste | Gerald Ptacek | Pat Strachota | Maryann Sumi | Andrew Weinger

Administrator

Daniel A. Carlton, Jr.

- Online Training on September 24, 2025, and Office Hours on September 26, 2025;
- PACs – Online Training on October 8, 2025, and Office Hours on October 10, 2025.
- Independent Expenditure Committees – Online Training on October 22, 2025, and Office Hours on October 24, 2025.
- Political Party and Legislative Campaign Committees – Online Training on November 5, and November 19, 2025, and Office Hours on November 7, and November 21, 2025.
- Staff at the invite of Democratic Party of Wisconsin, presented a demo of the Sunshine website for county party treasurers at their on-line meeting December 3, 2025.
- Staff also presented a demonstration of the Sunshine website at an online event by the Association of Wisconsin Lobbyists for its members and the public.

It is important to note that Commission staff reached out to both the Democratic Party of Wisconsin and the Republican Party of Wisconsin. After planning began for the above-referenced Democratic Party of Wisconsin event, staff again followed up with the Republican Party of Wisconsin to offer availability for a similar party Sunshine training. As of the writing of this memo, the Republican Party of Wisconsin has not sought to plan such an event. If requested, staff will provide training for that party as well.

Staff Counsel Buerger taught a class on campaign finance law with the Wisconsin Elections Commission at the University of Green Bay – Gubernatorial Election Academy on October 28th. Staff Counsel Buerger also presented ethics training to the Group Insurance Board on November 12th and the Wisconsin Economic Development Corporation on November 18th.

Campaign Finance

Staff have completed training sessions for the new Sunshine website for all the registered committees. We will be sending notice to all committees that are currently on Exempt status reminding them to login and renew their exemption for calendar year 2026. This renewal is required to be submitted by December 31, 2025. Candidates that were on the April 2025 ballot are required to file the 2026 January Continuing report, due January 15, 2026. They can also submit their request for exemption in calendar year 2026 by January 15, 2026.

The next report is due January 15, 2026. All committees not claiming exemption (approx. 1,000) will be required to file this report. This will be the first report required to be filed using the new website. We are seeing several new candidates starting to register for both the Spring 2026 elections as well as the Fall 2026 elections.

Lobbying

2025–2026 Legislative Session

The July–December 2025 Statement of Lobbying Activity and Expenditures (“SLAE”) will be due on January 31, 2026. As of December 3, 2025, there are 719 licensed lobbyists and 912 registered principals.

Code of Ethics and Financial Disclosure

2026 Statement of Economic Interests

The 2026 SEI for candidates at the 2026 Spring Election will be due by 4:30 p.m. on Friday, January 9, 2026. The 2026 SEI for all other officials will be due on April 30, 2026.

State of Wisconsin Investment Board Quarterly Reports

The SWIB Quarterly Report for the third quarter of 2025, covering from July to September, was due on October 31, 2025. All but one official filed on time. The SWIB Quarterly Report for the fourth quarter, which covers from October to December, will be due on January 31, 2026.

