

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Ethics Commission

Virtual Meeting

Thursday, August 20, 2026, 10:00 a.m.

Open Session Agenda

- | | |
|---|--------|
| A. Call to Order | |
| B. Report of Appropriate Meeting Notice – Administrator | Verbal |
| C. Personal Appearances | |
| D. 2027-2029 Biennial Budget Request | Page 3 |
| E. Closed Session | |
| 1. Request for Advice | |
| 2. Personnel Matters | |
| 3. Adjourn | |

The public may attend the meeting using the following methods:

- 1) Online at <https://teams.microsoft.com/meet/211226909511634?p=s1QSGoKWSvPRS5zsl> or
- 2) Call-in Option: (608) 571-2209, Conference ID 906 444 873#

Future Ethics Commission Meetings Scheduled:

- 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) and (h). 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.	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.
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:
(c)	Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
(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).



Wisconsin Ethics Commission

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DATE: For the Commission Meeting on August 20, 2026

TO: Members, Wisconsin Ethics Commission

FROM: Daniel A. Carlton, Jr., Administrator

SUBJECT: Biennial Budget Request

FOR COMMISSION ACTION

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

1. Upon making the budget policy decisions below, direct staff to:
 - a. Draft the budget request,
 - b. Provide it to the Commissioners for review, and
 - c. If no Commissioner requests a meeting to have further discussion, officially submit the request to the Governor; or
2. Take action consistent with today's discussion.

As of the writing of this memo, staff is waiting for more information from other agencies to compile the exact numbers for the Biennial Budget Request submission. Staff is waiting for the Budget Folks to provide the fringe rate and the Adjusted Base. It is not clear when this will occur but presumably the information will be available in the next couple of weeks. Additionally, staff is waiting for the facilities people to provide updated costs of relocation and furniture. This is supposed to be provided in the next week or so. Finally, staff is waiting for some additional information from Human Resources. Staff hopes to have this information by the meeting on Thursday.

In the case of Commissions like ours, it is not unusual for this information to be unavailable when the commission meets to decide what to do with its budget request. Typically, the board will give staff the direction it needs to submit the budget request without needing additional meetings. Rather than delay this meeting, staff consulted with the Chair and Vice Chair and believe that it is best to proceed with the information that we have and make necessary decisions. The decision items below are clear needs. The only real discussion concerns budget crafting strategy. So, the plan would be to get the direction of the Commission concerning these decisions, get the remaining information, and prepare the draft budget. Once the draft of the budget request is completed, it will be distributed to the Commissioners for a final review. The goal would be to provide a draft of the request by the end of August. If a Commissioner would like to meet to discuss it further, the Commission can meet again. If not, then the Administrator can proceed with submitting it to the Governor by the deadline on September 15, 2026.

Wisconsin Ethics Commissioners

Kathleen Bernier | Paul Higginbotham | Debra Kolste | Gerald Ptacek | Maryann Sumi | Andrew Weininger

Administrator

Daniel A. Carlton, Jr.

The Commission will need to decide how to formulate its budget request in light of Act 126 which requires all local campaign finance committees to register and report with the Ethics Commission beginning December 1, 2027. Given that there was talk about amending the legislation to lessen the fiscal impact last budget cycle, staff fully anticipates that the Legislature will make changes to the Commission's budget during the budget process. However, without any clarity about what those changes are or when they will occur, the Commission needs to formulate its request as if there will be no changes.

Last budget cycle, the Commission submitted its budget request with all needed positions included in one decision item. As a result, despite my advising that regardless of what happened we would need one additional attorney, that position was not included. It appears that this happened because of not having a separate decision item for that position. For this cycle, staff is proposing that the Commission have must-have decision items separated out from the decision items needed to implement local registrations and reporting. The following are the proposed decision items.

Current Staff Needs

This decision item would be for additional positions needed regardless of whether or how Act 126 is implemented. It would cover the minimum additional staff to operate properly. When the predecessor agency was split into the Ethics Commission and the Elections Commission, a plan was created for separating out the positions needed for each. This plan is proving to be insufficient for the Ethics Commission to operate as it should. There are a couple of reasons for this. First, it appears that those involved in splitting out the resources did not know the amount of work it takes to implement the laws within the Commission's jurisdiction. They likely could not have foreseen the number of complaints that we receive, the auditing enforcement litigation necessary, or the other litigation the Commission would be involved in. Second, there were some services for the Ethics Commission that were intended to be shared, if not performed entirely by Elections Commission staff. However, the Commissions wanted to have clear separation between them. The Ethics Commission moved out of the shared space and no longer received any operational support assistance or fiscal planning and budget assistance.

As noted above, the Commission is in dire need of another attorney. The Commission has been heavily involved in litigation that it initiates and the suits filed against the Commission. Additionally, the Commission has a very significant amount of complaint-related work. Often, the need to prepare litigation-related documents has a short timeline whereas complaints generally do not have a timeline. As a result, the litigation work gets prioritized first and complaints second. While the Administrator and Assistant Administrator are attorneys, our attention and time is primarily needed to run the day-to-day operations. Having only one attorney is proving to be insufficient. Therefore, staff is recommending adding and funding another FTE (full-time, permanent position) attorney.

Additionally, the Commission needs an additional operational support staff position. This position would assist the Office Management Specialist with records management from filing records in the appropriate place, greeting visitors and connecting them with the appropriate staff person, and other tasks as assigned.

Would the Commission like to authorize moving forward with this decision item as proposed?

IT Needs

For the next biennium, the Commission staff is recommending three separate decision items for IT needs. The first decision item is related to Sunshine. The second will be the IT needs for our current staff. The third decision item will be IT needs resulting from implementing Act 126.

As the Commission is aware, the Commission's plan when developing Sunshine was that after the website was built, the vendor would continue to support the website for two years. After that two years, the Commission's two IT contractors would then take over support for Sunshine. The two-year period will end June 30, 2027.

The Commission has the option to renew Civera's support of Sunshine. The Department of Administration's Division of Enterprise Technology (DET) has previously recommended that the Commission continue with Civera on a Software-as-a-Service basis. While Commission staff have not changed their position on eventually owning and taking over Sunshine, staff believes that it is too soon to do so. First and foremost, Civera has been excellent to work with. Their products have been better than staff imagined and their responsiveness has been top notch. Second, the Commission's IT contractors are currently working on updating the code for the SEI website. Once that is done, they will work on updating the code for the lobbying website. Continuing with Civera will allow them to continue to be focused on those websites and provide them more time to learn about the new website prior to taking over it. Civera is asking for a modest increase in the per-year cost. Currently, the Commission is paying Civera \$135,000 to host, support, maintain, create new tools that are within the scope of the contract as needed, and respond to bugs as needed. The terms of the agreement would remain the same, except the price would increase to \$142,000 per year.

As to the second decision item, it will be for continued operations. The Commission will need additional funds for purchasing new laptops as they have reached the end of warranty and DET has advised that we need to replace them. Additionally, the Commission needs to budget for software licenses such as SQL and Adobe Acrobat. The Commission's IT contractors also need additional development tools. This sum will also include the additional costs of Cloudflare for other Commission websites.

The third decision item will be for IT resources for new staff needed as a result of Act 126. This will include laptops, VOIP Phones, software licenses. If approved, this will likely be combined into the decision item for personnel needed to implement Act 126.

Finally, staff would like authority to add another decision item concerning cybersecurity. Staff is meeting with the State IT Director and the Chief Information Security Officer on August 27, 2026, to discuss whether there are any additional cybersecurity tools the Commission should be implementing. If they advise additional tools are needed, staff would like to be able to include them. However, if they advise additional personnel are needed, staff would anticipate further communication with the Commissioners before adding additional staff or contractor positions.

Continuing Reliance on Lobbying Program Revenue

During the last budget cycle, the Commission voted to end reliance on lobbying program revenue and to be funded by GPR. The rationale for this was that it is a conflict of interest for the regulated community to fund the position(s) of those whose work regulates them. The Commission proposed that it would continue to collect the lobbying fees, but those revenues would be deposited into the general fund.

Would the Commission like to include this request again for the upcoming biennium?

Act 126 Funding

As noted above, the Commission should submit its biennial budget request using two assumptions. First, the Commission should assume that we are going to have to implement the law in its current form. Second, the Commission should assume that this may change during the budget process.

During the last budget cycle, the Commission surveyed the clerks in an effort to be able to gauge the additional workload that the Commission will assume if it takes over registration and reporting for all local committees. Ultimately, the Commission recommended 13 FTE Ethics Specialist positions, 2 trainers (1 permanent, 1 project), 1 FTE Attorney Supervisor position, 2 FTE attorney positions, and 1 FTE Office Management Specialist position.

Staff surveyed the clerks again this year. The results were consistent with the previous survey. Staff has not identified any reason to request a different number of positions. However, staff is recommending a few changes.

One area where there was some concern is the number of Ethics Specialists. While we have done our best to anticipate the number of Ethics Specialists needed, some concern was expressed about the number of positions being requested. Because of this, staff considered how to make the request more palatable. One such way is to make some of the Ethics Specialist positions project positions. This would give the Commission the benefit of the full-time employees while giving the Legislature comfort that it could review the number of positions in the next biennium. The Commission may want to make some of the 13 positions project positions. If the Commission believes this might be helpful, staff recommend making no fewer than five of the Ethics Specialist positions permanent.

Commission staff would recommend including the trainer positions consistent with how they were included in the last budget request. It would include travel expenses for a statewide campaign to teach registrants to register and report in Sunshine. If the Commission is going to include the first decision item for an attorney, staff would reduce the number of attorney positions needed under the Act so that only two additional attorney positions are sought. Unlike the previous request, there would not be an Attorney Supervisor position requested. The only other change that staff recommend here is to change the Office Management Specialist to a Financial Specialist to assist with budget matters. This addition has been recommended already by budget personnel, but would be essential when taking on the additional staffing and resources needed to implement the Act.

Of course, the Commission will still need to relocate to the third floor. This will come with costs of construction and moving the furniture. There will also be the aforementioned IT costs. Staff is currently working to obtain the amounts of these costs. Commission staff would likely combine these costs with this decision item rather than it be a standalone decision item.

Does the Commission agree with the staffing approach described above? If so, how many Ethics Specialists would the Commission like to be project positions?

Act 201 Exercise

The last thing staff seeks direction on is the Act 201 submission. This document is simply an exercise to show what it would look like if the Commission were to have 0% growth and what it would look like if the Commission had to reduce its budget by 5%. This is a legally required exercise. **It does not mean that the Commission is requesting either no growth or a 5% reduction.** Given the passage of 2023 Wisconsin Act 126 and the current state surplus, the chances of having to reduce the Commission's budget by 5% are very low.

The Commission has handled this part of the budget request exercise in basically the same way during the last two biennial budget requests. Concerning the exercise where the Commission would be required to reduce its budget by 5%, the majority of this reduction would have to come from the investigation appropriation because there is not sufficient money in other appropriations for that significant of a reduction. Staff recommends preparing this year's Act 201 submission the same way that it was done in the previous biennial budget request. For the last budget request submitted, the Commission's exercise showed the following reductions:

- \$46,500 from the Lobbying Program Administration Appropriation
- \$30,000 from the Investigation Appropriation; and
- \$2,500 in the Materials and Services Appropriation.

The Commission's staff do not yet know the numbers for this exercise because staff is still waiting for the budget folks to provide the Adjusted Base for the upcoming biennium. There should not be a significant change from the numbers above. As noted above, this is consistent with how the Commission directed this to be done in the past. Further, there is not room in other appropriations to take much more from them. Therefore, there is not much flexibility in how to do this exercise. However, if the Commission wants to change some of these a little, it can direct staff to do so at the meeting.

Will the Commission direct staff to prepare the documentation for the Act 201 exercise using the same methodology as the previous two biennial budget requests?

Budget-related Legal Issues

While it is generally disfavored, sometimes technical legal changes are made as a part of the budget process. There are two legal issues that the Commission may want to consider addressing in the budget request. The first issue is the effective date of Act 126. As you will recall, the effective date was originally July 1, 2025. The Legislature delayed the effective date to December 1, 2027. This date presents significant challenges for the Commission. As the Commission is aware, the budget

is not signed into law until early July in years when the process runs smoothly. However, there have been times when the budget did not get signed into law until later. The practical reality is that the current effective date of December 1, 2027, is going to be nearly impossible to meet. The Commission is contemplating adding a total of approximately 20 people. The hiring process when we recently hired two new ethics specialists took approximately 2 months to complete. For the current attorney vacancy, it has been six weeks since staff started the process. Staff anticipates that it will take a couple more weeks to complete that recruitment.

We would not be able to even post the positions until the budget is passed. Assuming the best-case scenario, the posting would probably not be done until the end of July. Once posted, the position is usually open for applications for at least two weeks. The recruitment process will require time of six of the Commission's eight employees. Half of the staff will be used to rate applicants. This process can take two weeks or more. The interviews would likely also take two to three weeks. If we were fortunate, we would extend offers by the end of September. This would put employee start dates into October or November in the best-case scenario. Once the staff are onboard, there are two weeks or more of onboarding.

Local candidates typically file their papers to run for office beginning in November. The bulk of them file their papers in December. It is not reasonable to expect that the new staff will be onboard or fully prepared to implement the Act on December 1, 2027. New staff typically need a couple of months before they can help without frequent assistance from other members of the team. Therefore, staff is recommending that the Commission ask the effective date of the Act to be delayed until after the 2028 Spring Election. This will allow staff the time to get up to speed and get things properly set up in Sunshine.

Second, Wis. Stat. § 11.1304(6)(b) requires the Commission to allow committees accepting \$1,000 or less in contributions during the campaign period to file their reports on paper. This provision has been in Chapter 11 since its rewrite in 2016, if not before. Since 2016, internet access has improved significantly statewide. Since 2018, there has only been one person that would not use the online registration and reporting website. If the Act is allowed to take effect, there are thousands, if not tens of thousands of candidates that would be within the threshold to file on paper. If these individuals insist on doing so, this will dramatically increase the amount of work placed on the staff. Upon receiving a paper in the mail, staff would have to manually enter the information into Sunshine so that the public can see what is being raised and spent. Then, there would be the work required to scan and save the reports and dispose of the paper version. Staff recommends that this provision be repealed and that all registrants register and report online.

Would the Commission like to add these recommendations into its budget request?