



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
212 East Washington Avenue | Third Floor | P.O. Box 7125 | Madison, WI 53707-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

Wisconsin Ethics Commission

Wisconsin State Capitol
Room 411 South
2 E. Main Street
Madison, Wisconsin
December 5, 2017
9:00 a.m.

Open Session Minutes

Present: David Halbrooks, Katie McCallum, Mac Davis, Pat Strachota,
Timothy Van Akkeren, and Jeralyn Wendelberger

Staff present: Brian Bell, Richard Bohringer, David Divine, Adam Harvell, Julie Nischik,
Colette Reinke, and Caroline Russell

A. Call to Order

Commission Chair David Halbrooks called the meeting to order at 9:13 a.m.

B. Report of Appropriate Meeting Notice

Administrator Bell reported that appropriate notice of the Commission meeting had been given to the public and news media.

C. Minutes of the August 22, 2017 Meeting

MOTION: Approve the minutes. Moved by Commissioner Strachota, seconded by Commissioner McCallum. Motion carried unanimously.

D. Personal Appearances

There was one personal appearance by a member of the public:

Matt Rothschild, representing Wisconsin Democracy Campaign, appeared regarding the Campaign Finance website and other issues with statute. Mr. Rothschild indicated issues with inaccurate reporting of contributions by PACs to candidates due to changes in the law in 2015. Mr. Rothschild also indicated his concern with the lack of details provided regarding employer information for those who are reporting contributions over \$100. Mr. Rothschild is also concerned with the statute that allows corporations to give directly to political parties and legislative campaign committees. Mr. Rothschild urged the Commission to work with the

Wisconsin Ethics Commissioners

Mac Davis | David R. Halbrooks | Katie McCallum | Pat Strachota | Timothy Van Akkeren | Jeralyn Wendelberger

Administrator

Brian M. Bell, MPA

Legislature to make changes to the campaign finance law regarding the issues he has highlighted in his statement.

E. User Feedback Survey RE: current and future campaign finance site

Commission Administrator Bell presented the memo starting on page 7 of the meeting materials, and the report on Campaign Finance Reporting Systems in Other States, from the supplemental materials.

The Commissioners discussed the state's rank in the report from The Campaign Finance Institute. Commissioner Davis requested staff report to the Commissioners on any progress made in making improvements to the campaign finance reporting system. The Commissioners also discussed the results of the survey of CFIS users, who generally reported a positive experience with using the system, and the initial hurdle of understanding how to use the system.

F. User Feedback Survey RE: current and future lobbying site

Commission Administrator Bell presented the memo starting on page 9 of the meeting materials.

G. New Statements of Economic Interest System Demonstration

Commission staff Adam Harvell provided a demonstration of the new Statement of Economic Interest (SEI) website, and discussed the details in the memo starting on page 11 of the meeting materials.

The Commissioners and staff discussed whether or not it will be required for filers to use the new system to file their SEI. While the filing in 2018 will be optional, staff would like to require that filers do so through the online system to reduce the amount of data entry required with paper filing. Commissioner Davis requested there be a waiver process for those who do not want to file online. Commissioner Halbrooks requested that staff review and approve the requests to view an SEI, to ensure that the request is legitimate.

H. Ability to Place Registrants on Administrative Suspension

Commission Administrator Bell and Commission staff Colette Reinke presented the memo starting on page 13.

MOTION: Adopt the proposed policy, but exclude "on at least two separate occasions". Moved by Commissioner Davis, seconded by Commissioner Wendelberger.

Discussion of the policy, Commissioner Davis suggested creating a list of methods of contact to check off and document the attempts to contact. Staff will report to the Commission all committees that are placed on administrative suspension.

Motion carried unanimously.

I. Administrative Rules Update

Administrator Bell presented the memo starting on page 17 of the meeting materials.

MOTION: Direct staff to draft ETH 1 (Campaign Finance) to begin the promulgation process to repeal the unenforceable provisions. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren.

Discussion.

Motion carried unanimously.

MOTION: For ETH 16, the Commission approves the scope statement for revision of ETH 16 and directed staff to begin drafting the proposed rule. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

J. Guidance to Staff on Conducting Audits Using External Data

Commissioner Administrator Bell and Commission Staff Adam Harvell presented the memo starting on page 35 of the meeting materials.

Commissioners and Staff discuss the differences between conducting audits and investigations.

MOTION: Regarding audits conducted by staff, staff shall not do research outside Commission records unless there is time available. If issues are found within that research, staff may ask the registrant to explain or rectify questions. Moved by Commissioner Davis.

Discussion.

Motion withdrawn. Commissioners direct staff to draft a report on time and costs associated with doing this type of audit, and draft a procedure for this type of audit. In the meantime, staff shall only conduct audits based on agency data.

L. 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 Strachota, seconded by Commissioner McCallum. Motion carried unanimously.

- a. Complaints and Investigations
- b. Requests for Advice
- c. Litigation Update
- d. Performance Evaluation – Administrator

M. Reconsideration of Standard Settlement Schedules

Administrator Bell presented the memo starting on page 39 of the meeting materials.

The Commissioners directed staff to develop a revised settlement schedule for Campaign Finance violations, and stealth Lobbying violations.

N. Segregated Funds Draft Guidance

Commission Chair Halbrooks adjourned this item to the next meeting, and directed staff to notify any who are waiting on guidance that no decision was reached.

O. Staff Report

Administrator Bell presented the memo starting on page 47 of the meeting materials.

No action was taken.

P. Consideration of Future Agenda Items (Open Session)

Administrator Bell suggested adding the following to a future agenda: reoccurring questions, clarifications of the law, propose draft guidelines on conducting joint fundraisers, strictly personal use, 50-piece rule, attribution statements, use of social media, and referendums to stem potential complaints.

Commission Chair Halbrooks suggested adding more meeting dates in 2018 to cover all of these topics. January 11, 2018 was proposed for the next meeting, and Commissioners are to notify the Administrator if that date works.

Q. Adjourn

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

The Commission adjourned at 6:17 p.m.

###


December 5, 2017 Wisconsin Ethics Commission meeting minutes prepared by:



Julie Nischik, Office Management Specialist

~~January 11, 2018~~
February 27, 2018

December 5, 2017 Wisconsin Ethics Commission meeting minutes certified by:



Katie McCallum, Vice Chair

January 11, 2018