

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Ethics Commission

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

Tuesday, May 09, 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 February 22, 2023 Page 3
- D. Personal Appearances
- E. Legislative Recommendations Page 7
- F. 2023 and 2024 Commission Meeting Dates Page 33
- G. Delegation of Authority – New Campaign Finance System Verbal
- H. Staff Report Page 37
- I. Closed Session
 - 1. Requests for Advice
 - 2. Complaints and Investigations
 - 3. Personnel Matters
- J. Appointment of Administrator to 2023-2027 Term
- K. Consideration of Future Agenda Items
- L. Adjourn

Future Ethics Commission Meetings Scheduled:

- Tuesday, June 20, 2023, at 9:00 AM
- Monday, August 07, 2023, at 9:00 AM
- Tuesday, September 12, 2023, at 9:00 AM
- Tuesday, December 12, 2023, 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 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.
- (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
101 East Wilson Street | Suite 127 | P.O. Box 7125 | Madison, WI 53707-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

Wisconsin Ethics Commission

101 East Wilson Street, St. Croix Room
Madison, Wisconsin
February 22, 2023, 9:00 a.m.

Open Session Minutes

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

Staff Present: Daniel Carlton, Colette Greve (Teams/Virtual), David Buerger, Sathya Sivaji, Richard Bohringer, Harry Broderick, Adam Harvell.

A. Call to Order

Commission Chair Pat Strachota called the meeting to order at 9:05 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. Introduction of New Commissioners

Commissioners Ptacek and Bayrd introduced themselves to the Commission, staff, and the public.

D. Election of New Vice Chair to fill Remainder of Term

Administrator Daniel Carlton provided background information on how the Commission has chosen the Vice Chair.

MOTION: To nominate Commissioner Sumi as Vice Chair. Moved by Chair Strachota, seconded by Commissioner Van Akkeren. 6-0 Motion carried unanimously.

E. Approval of Minutes of Prior Meetings

1. Open Session Minutes for Meeting on December 13, 2022

MOTION: To approve the minutes. Moved by Vice Chair Sumi, seconded by Commissioner Van Akkeren. 6-0 Motion carried unanimously.

F. Personal Appearances

There were no personal appearances.

G. Administrative Rules Update

Staff Counsel Buerger presented the memo on page 7 of the meeting materials.

1. Chapter ETH 1 – Campaign Financing.

Commission requests to bring back specific guidelines to the next meeting.

2. Chapter ETH 15 – Statement of Economic Interests

MOTION: To initiate the rulemaking process. Moved by Vice Chair Sumi, seconded by Commissioner Ptacek. 6-0 Motion carried unanimously.

3. Chapter ETH 21 – Practice and Procedure

No action taken.

4. Chapter ETH 26 – Settlement Offer Schedule

No action taken.

H. Campaign Finance Website/Budget Request Update

Administrator Daniel Carlton verbally presented the update of the Budget Request and mentioned the recommendation will be brought to the next meeting.

I. Ethics Commission Staff Report

Administrator Daniel Carlton presented the Staff Report on page 11 of the meeting materials.

No action taken.

J. Consideration of Future Agenda Items

None.

K. Closed Session

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

MOTION: To go into closed session to discuss requests for advice, complaints, and investigations. Moved by Commissioner Van Akkeren seconded by Commissioner Weininger. 6-0 Motion carried unanimously.

L. Adjourn

MOTION: To adjourn the meeting. Moved by Commissioner Van Akkeren, seconded by Commissioner Ptacek. 6-0 Motion carried unanimously. Meeting adjourned at 2:36 P.M.

February 22, 2023, Wisconsin Ethics Commission meeting minutes prepared by:

Sathya Sivaji, Office Management Specialist May 09, 2023

February 22, 2023, Wisconsin Ethics Commission meeting minutes certified by:

MaryAnn Sumi, Vice Chair May 09, 2023



Wisconsin Ethics Commission

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101 E. Wilson Street | Suite 127 | P.O. Box 7125 | Madison, WI 53707-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

DATE: For the Commission Meeting on May 9, 2023
TO: Members, Wisconsin Ethics Commission
FROM: Daniel A. Carlton, Jr., Administrator
SUBJECT: 2023-24 Legislative Session Legislation Recommendations

FOR COMMISSION ACTION

For this agenda item, the Commission may:

1. Approve the draft language for the Commission's recommendations;
2. Reject the draft language; or
3. Take other action consistent with today's discussion.

At the Commission's meeting on December 13, 2022, the Commission adopted a series of legislative recommendations for the 2023-24 Legislative Session. This memo will provide a brief restatement and explanation of those legislative recommendations. For the recommendations already included in the draft bill staff has worked on, the bill section will be provided. Further, in some cases, staff identified additional technical and clarifying changes that are necessary. Those changes are also described. One recommendation is not included in the draft bill. The recommendation will be summarized below. Draft language for that recommendation is provided in a separate attachment.

Draft Bill

- 1) The Commission recommended that if a person holds an elected state or local office, and they become a candidate for another state or local office, they are required to have a separate committee for that office. This appears in Section 1 of the bill, beginning on Page 3.

When working on this recommendation, it was obvious that some clarification was needed. The first area of clarification was what happens to the committees when the race for the second office is over. There are three potential scenarios: 1) The person wins the race but cannot continue holding the original office, 2) The person wins the race and can continue holding both offices, or 3) The person loses the race. To avoid a person having multiple active committees and the confusion that comes from that, we believed that committee termination should be addressed. The draft addresses the three scenarios as follows:

- Section 2 of the bill (p. 4) says that, if the person wins and cannot continue to serve in the first office, he/she must terminate the committee for the first office within 180 days of being sworn into the new office.

Wisconsin Ethics Commissioners

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

Administrator

Daniel A. Carlton, Jr.

- Section 3 says that if the person can hold both offices, they must keep both committees while they hold the offices. When they leave an office, they will have to terminate the committee for the office they left within 180 days.
- Section 4 says that if the person loses the race, he/she must terminate the candidate committee for that race within 180 days after the winner takes office.

These sections also specify that the funds can be used in any manner permissible by law.

The other area that needed clarifying was transfers between the first and second committees. Currently, [s. 11.1114](#) provides some guidance on how to account for transfers. However, it is not as clear as it could be. So, Section 14 rewrites that statute to provide clarity based on our understanding of what the statute currently does. First, it explains that contributions to the first committee in a prior reporting period are the property of the first committee. If the candidate/treasurer wants to transfer those funds, it is a contribution from the first committee to the second committee. It is subject to contribution limits in [Wis. Stat. § 11.1101\(2\)](#). Second, if the first committee receives a contribution in the current contribution limit period, it can be transferred to the second committee. It is deemed a contribution from the original contributor. For contribution limits purposes, the second candidate committee will consider all direct contributions and transfers. Finally, the second candidate committee can only transfer contributions to the first candidate committee when the second committee is terminating. The transfer in this case is a contribution from the original contributor and is subject to contribution limits. We also spelled out how all of this is to be reported and provided a mechanism to transfer a lump sum as long as they itemized whose contributions were being transferred and provided that information to the receiving committee.

- 2) The Commission recommended requiring an email address and the personal phone number of a candidate, treasurer, or other person involved with running the committee. This will help us be able to follow up with committees after the race is over when necessary. At the meeting, the Commission expressed concern over requiring a personal phone number that would be made publicly available. As drafted, the phone numbers are confidential and are not subject to the right of inspection and copying. This bill does not make email addresses confidential. It probably is not necessary to exempt an email address, however, if the Commission wants, it can request that the email address be exempt too. This change is carried out in Sections 5-10 and Section 12-13.
- 3) The Commission recommended that conduits be allowed to dispose of residual funds when it cannot identify the source. If the conduit has attempted to redirect the funds, and is unsuccessful in contacting the contributor, contributor's spouse, or the executor of the estate, the draft allows the conduit to donate the funds to the common school fund or to a charitable organization that the sponsoring organization is not affiliated with. The draft accomplishes this in Section 11 on page 6.

Beginning on page 7, line 4, the draft explains what it means for a charitable organization to be affiliated with the sponsoring organization. These were borrowed from Federal Election Commission rules requiring a registrant to identify "affiliated organizations." The Commission may want to consider whether additional or different characteristics would be helpful.

- 4) Per the Commission’s recommendation, the draft allows a filing officer to terminate a committee that has been exempt for more than 3 years. It also allows the Commission to suspend unresponsive registrants after 3 attempts at notification. It states that a registrant does not get reinstated until they have communicated with us and amended the registration statement. A suspended registrant also cannot request termination until it is reinstated. During the time that we are searching for the registrant, the statute of limitations is tolled. Once the suspension is lifted, we have one year to bring legal action, if necessary. This is in Section 15 of the bill.
- 5) The Commission also recommended clarifying that the lobbyist contribution window only opens for special elections conducted to fill a vacancy in a state office, not local offices. This is done in Section 16 on page 12.
- 6) The Commission also recommended that warnings and “no further action” determinations be made publicly available. Currently, the statutes do not clearly permit those findings to be made public. Additionally, the Commission wanted the statutes to clearly address audit results as well. To that end, the draft:
 - Exempts records created in the course of an audit from disclosure (Section 17). However, records containing a finding of no reasonable suspicion, finding no probable cause, a decision to take no further action, issuing a warning, authorizing litigation, or referring an audit finding to a DA or other prosecutor would all be public. (All in Section 19)
 - Allows disclosure of a warning or a decision to take no further action against the Respondent of a complaint after a finding of reasonable suspicion or probable cause. (Section 18)

Finally, when reviewing the records laws and meetings laws, it became apparent that the laws authorizing the Commission to convene in closed session should be clarified. Specifically, they fail to specifically address the commission’s consideration of a complaint and considering audit findings. While there are other legal authorities for these propositions generally, it is better to have it specified. The draft does that in Section 20.

Additional Legislative Recommendation

The Commission has expressed concern that the 72-hour reporting requirement for express advocacy disbursements may lead to late disclosure. Currently, the statute provides that these reports are due no later than 72 hours after the disbursement is made. However, in practice, vendors are either billing after the election or are getting paid much later than the communication is disseminated. The purpose of this law is to provide quick disclosure of express advocacy spending that is contemporaneous with the election. Attachment C is a draft that would better carry out the intent of these statutes. The draft provides that the 72-hour reports are due at the earliest of: 1) incurring the obligation for the disbursement, 2) the date of the communication itself, or 3) the date the disbursement is made.

- Attachments:
- A) Bill Matrix
 - B) Draft Bill
 - C) Draft 72-hour Report language

2023-24 Wisconsin Ethics Commission Draft Bill Matrix

Legislative Recommendation	Current Law	Proposed Change	Bill Section(s)	Reason
Campaign Finance- Two Candidate Committees	A person holding an office that runs for another office is allowed to create a second candidate committee to run for the second office.	Require such a person to create a second candidate committee to run for the second office	Section 1	This will allow for clear and transparent reporting and easier monitoring of contribution limits.
	Not required to terminate either committee.	If the person cannot continue to hold the 1 st office, must terminate within 180 days of being sworn into the second office.	Section 2	Candidate will only need one committee. This eliminates “stale” committees.
		If the person can continue to hold both offices, must keep both committees while in office. If they leave one, they must terminate that committee within 180 days after leaving.	Section 3	Provides accurate, transparent reporting while in both office and eliminates “stale” committees.
		If the person loses the race for which he/she created the second committee, that committee must be terminated within 180 days after the winner takes office.	Section 4	Candidate will only need one committee. This eliminates “stale” committees.
	Transfers between two committees are allowed so long as they honor the contribution limits for both committees.	Specifies that a contribution from the first committee from funds received prior to the current contribution limit period is a contribution from the first candidate committee. Allows transfers of contributions received during current period subject to contribution limits. Revises the current transfer statute for clarity. Allows lump sum transfers and provides procedure for them.	Section 14	Provides statutory clarity about the identity of contributors and how contributions are treated for purposes of contribution limits.

2023-24 Wisconsin Ethics Commission Draft Bill Matrix

Legislative Recommendation	Current Law	Proposed Change	Bill Section(s)	Reason
Campaign Finance-Committees generally	The statutes do not require a registrant to provide an email address or personal telephone number.	Require an email address and personal phone number for a candidate, treasurer, or other bookkeeper. Exempts personal phone number from public inspection/disclosure.	Sections 5-10, 12-13	This will allow the Commission to maintain contact with committees after the election is over and reduce “stale” committees.
	The statutes currently only allow termination at the option of the registrant.	Allow the Commission to terminate committees that have been on exempt status for a period of 3 years or more. Allow the Commission to suspend registrants that do not respond to communications and provides procedures for reinstatement.	Section 15	These tools will allow the Commission to terminate approximately 1,500 “stale” committees. It will also provide a mechanism through which the Commission can reestablish communication and encourage compliance.
Campaign Finance-Disposal of Conduit’s Residual Funds	The statutes currently allow a conduit to seek to redirect monies to the Conduit’s Sponsoring Organization. The mechanism to do that is provided in statute. The statute is silent as to what happens if the Conduit is unsuccessful in its attempts to redirect the funds.	Allow a conduit to dispose of residual funds by donating them to the Common School Fund or to a charitable organization with which the Conduit is not affiliated.	Section 11	There have been a few cases where a conduit could not identify the source of funds or could not establish communication with the contributor in order to redirect the money. A conduit has to show a \$0 balance, no outstanding obligations, no outstanding debt to terminate. Without this, some conduits may not be able to terminate.

2023-24 Wisconsin Ethics Commission Draft Bill Matrix

Legislative Recommendation	Current Law	Proposed Change	Bill Section(s)	Reason
Lobbying- Lobbyist Contribution Window	Currently, the law permits a lobbyist to contribute only during specified periods. One of those periods is from the calling of a special election through the date of the special election.	Limit the reopening of the lobbyist contribution window involving special elections only to special elections for state offices.	Section 12	Because “special election” is not defined in subch. III, Ch. 13, it includes both state and local special elections. Since there are almost always local special elections occurring, the exception swallows the general rule.
Ethics Commission- Complaint-related Public Records	Currently, the law provides that settlements and records containing a finding of no reasonable suspicion, records containing a finding of no probable cause, records of Commission authorization to file civil litigation, and records of the Commission referring matters for prosecution become public.	The Commission recommends making records containing warnings and determinations to take no further action public.	Section 18	The Commission is often asked about the final outcome. Penalties for breach of confidentiality include up to 9 months in jail and up to a \$10,000 fine, so the Commission narrowly construes what complaint-related records are available to the public. This will provide a more complete public disclosure of the outcome of complaints.
Ethics Commission- Audit-related Public Records	Currently, the statutes do not specifically address audit-related confidentiality. The Commission relies on other, general, public records laws. Settlements are publicly available.	The Commission recommends treating audit-related records the same as complaints. They would be confidential until such time as the Commission makes a determination of no reasonable suspicion, no probable cause, orders litigation, refers the matter for prosecution, issues a warning, decides to take no action, or there is a settlement.	Sections 17 and 19	This will provide a clear statutory records policy for audits.

2023-24 Wisconsin Ethics Commission Draft Bill Matrix

Legislative Recommendation	Current Law	Proposed Change	Bill Section(s)	Reason
Ethics Commission-Closed Session	Currently, the statutes only expressly provide for closed session consideration of requests for advice and deliberating concerning an investigation.	The Commission recommends that the laws should more clearly allow for closed session deliberations of complaints and audits.	Section 20	This will provide more clear statutory guidance concerning these types of deliberations. It will ensure the correct balance between the need for public disclosure and the rights of the accused to fair, confidential consideration of their complaints.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 11.0202 (2) (d); *to repeal and recreate*
2 11.1114; and *to create* 11.0202 (2) (d) 2., 11.0202 (2) (d) 3., 11.0202 (2) (d) 4.,
3 11.0203 (1) (bd), 11.0303 (1) (bd), 11.0403 (1) (bd), 11.0503 (1) (bd), 11.0603 (1)
4 (bd), 11.0703 (1) (bd), 11.0706, 11.0803 (1) (bd), 11.0903 (1) (bd), 11.1305, 13.62
5 (12t), 19.55 (2) (e), 19.55 (3) (e) 5. and 6., 19.55 (5) and 19.851 (3) of the statutes;
6 **relating to:** recommendations from the Ethics Commission regarding
7 campaign finance, lobbying, open records, and closed sessions.

Analysis by the Legislative Reference Bureau

This bill implements a number of recommendations from the Ethics Commission regarding the operations of the commission and the laws that it administers.

CAMPAIGN FINANCE

Registration statement information

Under current law, a person who files a registration statement with the Ethics Commission, or with some other appropriate filing officer, to form a committee for campaign finance purposes must include on the registration statement the name and mailing address of the committee, the committee treasurer, and any other custodian of committee books and accounts. This bill also requires that a person include on a

committee registration statement the email address and personal telephone number of the committee treasurer and any other custodian of the committee books and records. In addition, a candidate committee is required to provide the candidate's email and personal telephone number. Under the bill, the personal telephone numbers provided on the registration statements are confidential and not subject to inspection and copying as a public record.

Second candidate committee

Current law allows, but does not require, an individual who holds a state or local elective office and who seeks a different state or local elective office to form a second candidate committee. Otherwise current law prohibits a candidate from having more than one candidate committee at the same time. The bill requires that an individual holding a state or local elective office form a second candidate committee if the individual is seeking a different state or local elected office. The bill also specifies the methods for transferring funds between the two committees, how to report those transfers, and how to dispose of funds remaining when one or both committees terminate.

Conduit; residual funds

Under current law, a conduit must also register with the Ethics Commission. A conduit is an entity that receives a contribution from an individual, deposits that contribution in an account held by the entity, and disburses that contribution to a political committee at the direction of the individual who made the contribution. The bill specifies what the conduit must do with funds remaining in its possession when the conduit terminates. Under current law, the conduit must first make a good faith effort to return remaining funds to the original contributors, their surviving spouses, or the executors of their estates. Under the bill, if the terminating conduit is unsuccessful in contacting the individuals who made the original contributions, their surviving spouses, or the executors of their estates, the conduit may donate those remaining funds to the common school fund or to a charitable organization. However, the conduit may not donate remaining funds to a charitable organization that is affiliated with the conduit or a sponsoring organization. Current law defines a sponsoring organization as an entity that establishes, administers, or financially supports a political action committee or an independent expenditure committee.

Administrative suspension

Under current law, a committee that does not anticipate accepting or making contributions, making disbursements, or incurring obligations in an aggregate amount exceeding \$2,500 in a calendar year may claim an exemption from filing campaign finance reports by filing a registration statement or an amended registration statement specifying the facts necessary to claim the exemption. The committee must file a statement each year in which it wishes to claim the exemption until such time as the committee files a termination report.

The bill allows a filing agent to terminate any committee that has been exempt from filing campaign finance reports for more than three years. The bill also authorizes the commission to suspend a committee that does not respond to notices and communications sent by the commission.

LOBBYING

Current law allows a lobbyist to make a personal contribution to a partisan elective state official or a candidate for an elective state office between the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election. The bill clarifies that the special election must be an election to fill a vacancy in a state office.

OPEN RECORDS

Current law provides that certain records in the possession of the Ethics Commission are not open for public inspection. Those records include, with limited exceptions, statements of economic interests filed by members of the investment board and the social security numbers of individuals who apply for a lobbyist license. Under the bill, with certain exceptions, records created in the course of conducting an audit to identify a potential violation of the laws administered by the commission are not open for public inspection. However, the bill allows public inspection of audit records containing a finding that there is no reasonable suspicion or probable cause to believe that a violation of the law occurred or that the commission took no action upon finding such reasonable suspicion or probable cause. The bill also allows public inspection of any audit record of the commission issuing a warning, authorizing the filing of a civil complaint, or referring a matter to a district attorney or other prosecutor for investigation or prosecution.

CLOSED SESSIONS

Current law allows a governmental body to meet in closed session for various reasons, including deliberating on a case subject to a judicial hearing, consulting with legal counsel regarding litigation, or considering personnel matters. In addition, current law allows the Ethics Commission to meet in closed session to consider requests for confidential written advice and for deliberations concerning an investigation of any violation of the law under its jurisdiction. Under the bill, the commission may also meet in closed session 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 or an audit report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 11.0202 (2) (d) of the statutes is renumbered 11.0202 (2) (d) 1. and
2 amended to read:

SECTION 1

1 11.0202 (2) (d) 1. An individual who holds a state or local elective office may
2 and who becomes a candidate for a different state or local elective office shall
3 establish a second candidate committee under this subchapter for the purpose of
4 pursuing a that different state or local office.

5 **SECTION 2.** 11.0202 (2) (d) 2. of the statutes is created to read:

6 11.0202 (2) (d) 2. If the individual described under subd. 1. wins the election
7 for which the individual created the second candidate committee, and the individual
8 is not eligible to continue to hold the first office, the individual shall terminate the
9 first candidate committee as provided under s. 11.0105 no later than 180 days after
10 the date the individual is sworn into the office for which the second candidate
11 committee was created. Residual funds of the first committee may be transferred as
12 provided in s. 11.1114 or used or disposed of in any manner allowed by law.

13 **SECTION 3.** 11.0202 (2) (d) 3. of the statutes is created to read:

14 11.0202 (2) (d) 3. If the individual described under subd. 1. wins the election
15 for which the individual created the second candidate committee, but the individual
16 is still eligible to hold the first office, the individual shall maintain a committee for
17 each office until such time as the individual resigns from, or a successor is sworn in
18 to, the office. If the individual subsequently resigns from either office, or a successor
19 is sworn into either office, the individual shall terminate the candidate committee
20 for which the individual no longer holds office as provided under s. 11.0105 no later
21 than 180 days after the date the individual resigns or a successor is sworn in.
22 Residual funds of the terminated committee may be transferred as provided in s.
23 11.1114 or used or disposed of in any manner allowed by law.

24 **SECTION 4.** 11.0202 (2) (d) 4. of the statutes is created to read:

1 11.0202 (2) (d) 4. If the individual described under subd. 1. loses the election
2 for which the individual created the second candidate committee, the individual
3 shall terminate the second candidate committee as provided in s. 11.0105 no later
4 than 180 days after the date the winner of that election takes office. Residual funds
5 of the second committee may be transferred as provided in s. 11.1114 or used or
6 disposed of in any manner allowed by law.

7 **SECTION 5.** 11.0203 (1) (bd) of the statutes is created to read:

8 11.0203 (1) (bd) The email address and personal telephone number of the
9 candidate, the candidate committee treasurer, and any other custodian of books and
10 accounts. Telephone numbers provided under this paragraph shall be kept
11 confidential and are not subject to the right of inspection and copying under s. 19.35
12 (1).

13 **SECTION 6.** 11.0303 (1) (bd) of the statutes is created to read:

14 11.0303 (1) (bd) The email address and personal telephone number of the
15 treasurer and any other custodian of books and accounts. Telephone numbers
16 provided under this paragraph shall be kept confidential and are not subject to the
17 right of inspection and copying under s. 19.35 (1).

18 **SECTION 7.** 11.0403 (1) (bd) of the statutes is created to read:

19 11.0403 (1) (bd) The email address and personal telephone number of the
20 treasurer and any other custodian of books and accounts. Telephone numbers
21 provided under this paragraph shall be kept confidential and are not subject to the
22 right of inspection and copying under s. 19.35 (1).

23 **SECTION 8.** 11.0503 (1) (bd) of the statutes is created to read:

24 11.0503 (1) (bd) The email address and personal telephone number of the
25 treasurer and any other custodian of books and accounts. Telephone numbers

1 provided under this paragraph shall be kept confidential and are not subject to the
2 right of inspection and copying under s. 19.35 (1).

3 **SECTION 9.** 11.0603 (1) (bd) of the statutes is created to read:

4 11.0603 (1) (bd) The email address and personal telephone number of the
5 treasurer and any other custodian of books and accounts. Telephone numbers
6 provided under this paragraph shall be kept confidential and are not subject to the
7 right of inspection and copying under s. 19.35 (1).

8 **SECTION 10.** 11.0703 (1) (bd) of the statutes is created to read:

9 11.0703 (1) (bd) The email address and personal telephone number of the
10 administrator of the conduit and any other custodian of books and accounts.
11 Telephone numbers provided under this paragraph shall be kept confidential and are
12 not subject to the right of inspection and copying under s. 19.35 (1).

13 **SECTION 11.** 11.0706 of the statutes is created to read:

14 **11.0706 Disposal of residual funds by a terminating conduit.** (1) If a
15 conduit has decided to terminate pursuant to s. 11.0105 and the conduit has funds
16 remaining in its possession, the conduit shall attempt to redirect contributions as
17 provided in s. 11.0705. If the conduit is unsuccessful in contacting the individual, the
18 surviving spouse, or the executor of the estate, as provided in s. 11.0705 (2), the
19 conduit may dispose of its residual funds by donating the funds to the common school
20 fund or to a charitable organization, except that the conduit may not direct its
21 residual funds to a charitable organization owned or operated by the sponsoring
22 organization or affiliated with the conduit or its sponsoring organization.

23 (2) If a conduit that seeks to terminate is unable to identify the source of its
24 residual funds upon making a good faith effort to review its books and records, the
25 conduit may dispose of those funds by donating them to the common school fund or

1 to a charitable organization, except that the conduit may not direct those residual
2 funds to a charitable organization owned or operated by the sponsoring organization
3 or affiliated with the conduit or its sponsoring organization.

4 **(3)** For purposes of this section, a sponsoring organization or conduit is
5 affiliated with a charitable organization if any of the following apply:

6 (a) The sponsoring organization or conduit has the authority or ability to direct
7 or participate in the governance of the charitable organization through provisions of
8 formal documents, formal or informal practices, or formal or informal procedures.

9 (b) The sponsoring organization or conduit has the authority or ability to hire,
10 appoint, demote, or otherwise control the officers or other decision-making
11 employees of the charitable organization.

12 (c) The sponsoring organization or conduit has common or overlapping officers
13 or employees with the charitable organization, indicating a formal or ongoing
14 relationship between the sponsoring organization or conduit and the charitable
15 organization.

16 (d) The sponsoring organization or conduit has officers or employees who were
17 officers or employees of the charitable organization, indicating a formal or ongoing
18 relationship between the sponsoring organization or conduit and the charitable
19 organization or the creation of a successor.

20 (e) The sponsoring organization or conduit provides or arranges for the
21 provision of funds or goods in a significant amount or on an ongoing basis to the
22 charitable organization, such as through payments for fundraising and
23 administrative costs.

24 (f) The sponsoring organization or conduit has an active or significant role in
25 the formation or operation of the charitable organization.

1 **SECTION 12.** 11.0803 (1) (bd) of the statutes is created to read:

2 11.0803 (1) (bd) The email address and personal telephone number of the
3 treasurer and any other custodian of books and accounts. Telephone numbers
4 provided under this paragraph shall be kept confidential and are not subject to the
5 right of inspection and copying under s. 19.35 (1).

6 **SECTION 13.** 11.0903 (1) (bd) of the statutes is created to read:

7 11.0903 (1) (bd) The email address and personal telephone number of the
8 treasurer and any other custodian of books and accounts. Telephone numbers
9 provided under this paragraph shall be kept confidential and are not subject to the
10 right of inspection and copying under s. 19.35 (1).

11 **SECTION 14.** 11.1114 of the statutes is repealed and recreated to read:

12 **11.1114 Two candidate committees.** (1) (a) A candidate who has
13 established two candidate committees pursuant to s. 11.0202 (2) may transfer funds
14 between the two committees as provided in this subsection.

15 (b) The first candidate committee may transfer funds to the second candidate
16 committee, subject to all of the following:

17 1. Any money contributed to the first candidate committee in a prior
18 contribution limit period is the property of the first committee. If the first candidate
19 committee makes a contribution to the second candidate committee from funds
20 received by the first candidate committee during a prior contribution limit period,
21 that contribution is considered a contribution from the first candidate committee,
22 subject to the contribution limits under s. 11.1101 (2) applicable to the second
23 candidate committee.

24 2. The first candidate committee may transfer a contribution, or any portion
25 of a contribution, received by the first candidate committee during the current

1 contribution limit period to the second candidate committee. Such a transfer is
2 considered a contribution from the original contributor to the first candidate
3 committee and does not violate s. 11.1202 or 11.1204. The transfer is subject to the
4 contribution limits under s. 11.1101 applicable to the second candidate committee.
5 The second candidate committee shall count all contributions directly received from
6 the contributor and all contributions from the contributor that are transferred from
7 the first candidate committee to determine whether a contributor has reached or
8 exceeded the applicable contribution limits for the current contribution limit period.

9 (c) The second candidate committee may only transfer funds to the first
10 candidate committee when the second candidate committee is terminating pursuant
11 to s. 11.0105. Such a transfer is considered a contribution from the original
12 contributor to the second candidate committee and is subject to the contribution
13 limits under s. 11.1101 that apply to contributions from the original contributor for
14 contributions made to the first candidate committee.

15 (2) (a) For a contribution under sub. (1) (b) 1., the first candidate committee
16 shall report the contribution to the second candidate committee as a disbursement
17 to the second candidate committee and the second candidate committee shall report
18 receiving the contribution from the first candidate committee.

19 (b) The candidate committees shall report a transfer under sub. (1) (b) 2. as
20 follows:

21 1. The first candidate committee shall report receiving the contribution from
22 the original contributor.

23 2. The first candidate committee shall report transferring the contribution as
24 a disbursement to the second candidate committee.

1 3. The second candidate committee shall report receiving the contribution as
2 if it came from the original contributor.

3 (c) With regard to a transfer under sub. (1) (c), the second candidate committee
4 shall report receiving the contribution from the original contributor and report
5 transferring the funds to the first candidate committee as a disbursement. The first
6 candidate committee shall report receiving the contribution as if it came from the
7 original contributor.

8 (d) A candidate committee making a transfer as provided under this section
9 may report the transfer as one lump sum contribution if the candidate committee
10 provides the receiving committee a list of the contributors, all required information
11 about those contributors, and the amount attributable to each contributor that is
12 being transferred to the receiving committee. The transferring candidate committee
13 shall attach the documentation described in this paragraph to its next campaign
14 finance report.

15 **SECTION 15.** 11.1305 of the statutes is created to read:

16 **11.1305 Administrative termination and suspension.** (1) A filing officer
17 may terminate any registrant under this chapter that has been exempt for more than
18 3 years from filing campaign reports pursuant to s. 11.0104.

19 (2) (a) The commission may suspend any registrant for not complying with the
20 requirements of this chapter. Prior to suspending the registrant, the commission
21 shall make at least 3 attempts to notify the registrant of the potential violations. The
22 commission shall send the final notice to the registrant by certified mail to the last
23 address on file for the registrant, unless a more recent address is obtained from
24 another government agency, a public record, or a reasonably diligent Internet search.
25 If the final notice is returned undeliverable or the registrant does not respond within

1 30 days after the commission sends the notice, the commission may suspend the
2 registrant and block the registrant's access to the campaign finance website for
3 registration and reporting.

4 (b) If a registrant does not respond to a communication from the commission
5 requiring a response from the registrant within 180 days of receipt of the
6 communication, the commission may suspend the registrant for failing to timely
7 respond. Prior to suspending the registrant, the commission shall make at least 3
8 attempts to notify the registrant of the potential violations. The commission shall
9 send the final notice to the registrant by certified mail to the last address on file for
10 the registrant, unless a more recent address is obtained from another government
11 agency, a public record, or a reasonably diligent Internet search. If the final notice
12 is returned undeliverable or the registrant does not respond within 30 days after the
13 commission sends the notice, the commission may suspend the registrant and block
14 the registrant's access to the campaign finance website for registration and
15 reporting.

16 (3) The commission may not reinstate a registrant suspended as provided
17 under sub. (2) until the registrant has communicated with the commission and has
18 filed an amended registration statement that includes all the information that the
19 commission requires.

20 (4) A registrant that is suspended as provided under sub. (2) may not file a
21 termination report under s. 11.0105 until it is reinstated as provided under sub. (3).

22 (5) If a registrant is suspended as provided under sub. (2), the statute of
23 limitations under s. 893.93 (1m) for any potential violation committed within 3 years
24 prior to the date of the suspension is tolled. The commission or a district attorney

1 may commence an action to enforce such violations at any time during the 12-month
2 period following the date of reinstatement.

3 **SECTION 16.** 13.62 (12t) of the statutes is created to read:

4 13.62 (12t) “Special election” means an election other than a spring primary,
5 spring election, partisan primary, or general election that is called to fill a vacancy
6 in a state office, as defined in s. 5.02 (23). “Special election” includes an election to
7 fill a vacancy in a state office, as defined in s. 5.02 (23), that is being conducted
8 concurrently with a spring primary, spring election, partisan primary, or general
9 election.

10 **SECTION 17.** 19.55 (2) (e) of the statutes is created to read:

11 19.55 (2) (e) Except as authorized in sub. (5), records created in the course of
12 conducting an audit to identify a potential violation of this subchapter, ch. 11, or
13 subch. III of ch. 13.

14 **SECTION 18.** 19.55 (3) (e) 5. and 6. of the statutes are created to read:

15 19.55 (3) (e) 5. Any record of the action of the commission issuing a warning.
16 6. Any record of the action of the commission that indicates that, upon a finding
17 of a reasonable suspicion of a violation or probable cause to believe that a violation
18 has occurred or occurring, the commission decided to take no further action.

19 **SECTION 19.** 19.55 (5) of the statutes is created to read:

20 19.55 (5) The following audit records of the commission are open to public
21 inspection and copying under s. 19.35 (1):

22 (a) Any record containing a finding that there is no reasonable suspicion that
23 a violation of the law occurred.

24 (b) Any record containing a finding that no probable cause exists to believe that
25 a violation of the law occurred.

1 (c) Any record of an action of the commission that indicates that, upon a finding
2 of a reasonable suspicion of a violation or probable cause to believe that a violation
3 has occurred or occurring, the commission decided to take no further action.

4 (d) Any record of an action of the commission issuing a warning.

5 (e) Any record of an action of the commission authorizing the filing of a civil
6 complaint.

7 (f) Any record of an action of the commission referring a matter to a district
8 attorney or other prosecutor for investigation or prosecution.

9 **SECTION 20.** 19.851 (3) of the statutes is created to read:

10 19.851 (3) The commission shall convene in closed session for any of the
11 following purposes:

12 (a) To consider whether there is a reasonable suspicion or probable cause to
13 believe that a violation of the law occurred or is occurring based on a complaint and,
14 if received, a response to that complaint.

15 (b) To receive reports concerning audit findings and consider whether there is
16 a reasonable suspicion or probable cause to believe that a violation of the law
17 occurred or is occurring.

18 (END)

Draft Language to Address 72-Hour Reporting Express Advocacy Disbursement Reporting

Amend 11.0505(1) and (3) to read:

(1) DISBURSEMENTS.

(a)

1. For express advocacy that will occur during the period beginning 60 days prior to the spring primary and ending on the date of the spring election, a political action committee spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the spring primary or spring election shall submit statements to the commission under par. (b) for express advocacy.
2. For express advocacy that will occur during the period beginning 60 days prior to the partisan primary and ending on the date of the general election, a political action committee spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the partisan primary or general election shall submit statements to the commission under par. (b) for express advocacy as follows:
 - a. During the period beginning 60 days prior to the partisan primary and ending on the date of the partisan primary.
 - b. During the period beginning 60 days prior to the general election and ending on the date of the general election.
3. For express advocacy that will occur during the period beginning 60 days prior to a special primary and ending on the date of the special election, a political action committee spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the special primary or special election shall submit statements to the commission under par. (b) for express advocacy.

(b) A political action committee required to report under this section shall submit statements to the commission providing all of the following information:

1. The dates on which the committee incurred the obligations or made the disbursements.
2. The name and address of the obligees or persons who received the disbursements.
3. The purpose for making the disbursements or incurring the obligations.
4. The amount spent or incurred for each act of express advocacy.
5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.
6. An affirmation, made under oath, that the political action committee will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.

7. The name and mailing and street address of the political action committee's designated agent in this state.

...

(3) TIMING. A political action committee that is required to report under this section shall submit the report to the commission no later than 72 hours after ~~making the disbursement.~~ the earliest of the following:

(a) The date the obligation for express advocacy is incurred, if the political action committee has the information required to be reported by sub (1)(b);

(b) The date the express advocacy is aired; broadcast; printed; or otherwise disseminated to individuals other than the political action committee's administrator; treasurer; volunteer; producer; consultant; media production partner; focus group; or officer or employee of the political action committee's sponsoring organization; or

(c) The date of the disbursement.

Amend 11.0605(1) and (3) to read:

(1) DISBURSEMENTS.

(a)

1. For express advocacy that will occur during the period beginning 60 days prior to the spring primary and ending on the date of the spring election, an independent expenditure committee spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the spring primary or spring election shall submit statements to the commission under par. (b) for express advocacy.

2. For express advocacy that will occur during the period beginning 60 days prior to the partisan primary and ending on the date of the general election, an independent expenditure committee spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the partisan primary or general election shall submit statements to the commission under par. (b) for express advocacy as follows:

a. During the period beginning 60 days prior to the partisan primary and ending on the date of the partisan primary.

b. During the period beginning 60 days prior to the general election and ending on the date of the general election.

3. For express advocacy that will occur during the period beginning 60 days prior to a special primary and ending on the date of the special election, an independent expenditure committee spending \$2,500 or more in the aggregate on express

advocacy for one or more candidates at the special primary or special election shall submit statements to the commission under par. (b) for express advocacy.

(b) An independent expenditure committee required to report under this section shall submit statements to the commission providing all of the following information:

1. The dates on which the committee incurred the obligations or made the disbursements.
2. The name and address of the obligees or persons who received the disbursements.
3. The purpose for making the disbursements or incurring the obligations.
4. The amount spent or incurred for each act of express advocacy.
5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.
6. An affirmation, made under oath, that the independent expenditure committee will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.
7. The name and mailing and street address of the independent expenditure committee's designated agent in this state.

...

(3) TIMING. An independent expenditure committee that is required to report under this section shall submit the report to the commission no later than 72 hours after ~~making the disbursements.~~ the earliest of the following:

(a) The date the obligation for express advocacy is incurred, if the independent expenditure committee has the information required to be reported by sub (1)(b);

(b) The date the express advocacy is aired; broadcast; printed; or otherwise disseminated to individuals other than the independent expenditure committee's administrator; treasurer; volunteer; producer; consultant; media production partner; focus group; or officer or employee of the independent expenditure committee's sponsoring organization; or

(c) The date of the disbursement.

Amend 11.1001(1) and (3) to read:

(1) DISBURSEMENTS.

(a)

1. For express advocacy that will occur during the period beginning 60 days prior to the spring primary and ending on the date of the spring election, any person, other than a committee, spending \$2,500 or more in the aggregate on express

advocacy for one or more candidates at the spring primary or spring election shall submit statements to the commission under par. (b) for express advocacy.

2. For express advocacy that will occur during the period beginning 60 days prior to the partisan primary and ending on the date of the general election, any person, other than a committee, spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the partisan primary or general election shall submit statements to the commission under par. (b) for express advocacy as follows:

a. During the period beginning 60 days prior to the partisan primary and ending on the date of the partisan primary.

b. During the period beginning 60 days prior to the general election and ending on the date of the general election.

3. For express advocacy that will occur during the period beginning 60 days prior to a special primary and ending on the date of the special election, any person, other than a committee, spending \$2,500 or more in the aggregate on express advocacy for one or more candidates at the special primary or special election shall submit statements to the commission under par. (b) for express advocacy.

(b) A person required to report under this section shall submit statements to the commission providing all of the following information:

1. The dates on which the person incurred the obligations or made the disbursements.

2. The name and address of the obligees or persons who received the disbursements.

3. The purpose for making the disbursements or incurring the obligations.

4. The amount spent or incurred for each act of express advocacy.

5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.

6. An affirmation, made under oath, that the person will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.

7. The name and mailing and street address of the person's designated agent in this state.

...

(3) TIMING. A person who is required to report under this section shall submit the report to the commission no later than 72 hours after ~~making the disbursements.~~ the earliest of the following:

(a) The date the obligation for express advocacy is incurred, if the person has the information required to be reported by sub (1)(b);

(b) The date the express advocacy is aired; broadcast; printed; or otherwise disseminated to individuals other than:

1. The person, if an individual;

2. The person's officers, directors, partners, employees, or volunteers, if the person consists of two or more individuals; or

3. The person's producer; consultant; media production partner; or focus group.

(c) The date of the disbursement.

Conduit Filing Fee Draft Language

Amend Wis. Stat. § 11.0102(2) to read:

(2)

- (a)** Except as provided in pars. (c) and (d), each conduit or committee that is required to register and file with the commission under sub. (1)(a) shall annually pay a filing fee of \$100 to the commission. The commission may accept payment under this subsection by credit card, debit card, or other electronic payment mechanism, and may charge a surcharge to that conduit or committee to recover the actual costs associated with the acceptance of that electronic payment.
- (b)** A conduit or committee that is subject to par. (a) shall pay the fee specified in par. (a) together with the report filed by that conduit or committee on the 15th day of the month of January in each year. If a conduit or committee that is subject to par. (a) registers under this chapter or changes status so that par. (a) becomes applicable to the conduit or committee during a calendar year, the conduit or committee shall pay the fee for that year with the filing of the conduit or committee's registration statement or at any time before the change in status becomes effective.
- (c)** Paragraph (a) does not apply to a candidate committee.
- (d)** Paragraph (a) does not apply to any committee for any year during which the committee does not make disbursements exceeding a total of \$2,500.
- (e)** Paragraph (a) does not apply to a conduit that does not release contributions exceeding a total of \$2,500.



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
101 E. Wilson Street | Suite 127 | P.O. Box 7125 | Madison, WI 53707-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

DATE: For the Commission Meeting on May 9, 2023

TO: Members, Wisconsin Ethics Commission

FROM: Daniel A. Carlton, Jr., Administrator

SUBJECT: 2023 and 2024 Commission Meeting Dates

FOR COMMISSION ACTION

For the 2023 meeting date the Commission may:

1. Cancel the previously scheduled June and September 2023 meetings; or
2. Adopt a different schedule in accordance with today's discussion.

For the 2024 meeting schedule the Commission may:

3. Adopt the schedule discussed herein; or
4. Adopt a different schedule in accordance with today's discussion.

2023 Meeting Schedule

As part of the 2023 meeting schedule adopted at its meeting on August 30, 2022, a meeting was scheduled on June 20, 2023. At its meeting February 22, 2023, the Commission added a meeting on May 9, 2023. If the Commission no longer intends to meet in June, the Commission should vote to cancel this meeting.

Additionally, the Commission requested the addition of a meeting on August 7, 2023. As part of the 2023 meeting schedule adopted at its meeting on August 30, 2022, a meeting was scheduled on September 12, 2023. The Commission should move to formally adopt the meeting on August 7, 2023. Also, due to the abbreviated period between meetings, the Commission may choose to cancel the meeting scheduled for September 12, 2023.

2024 Meeting Schedule

Pursuant to [WIS. STAT. § 15.06\(5\)](#), the Wisconsin Ethics Commission is required to meet at least 4 times each year. Between 2017 until 2020, the Commission met at least 7 times per year. In 2021, the Commission met 5 times. In 2022, the Commission had 5 meetings scheduled, but only met 4 times. In 2023, the Commission is scheduled to meet at least 4 times.

Staff examined known election dates, filing deadlines, and other important dates for the year. Staff has included two proposed schedules. One with 4 meetings and one with 5 meetings. The

Commission is not bound to these proposed dates and can select alternative dates. The Commission can add additional meetings if necessary.

Staff proposes the following meeting dates for the year 2024:

Commission Meeting Date	Materials Deadline ¹
March 12, 2024	February 29, 2024
June 18, 2024	June 6, 2024
September 24, 2024	September 12, 2024
December 17, 2024	December 5, 2024

Commission Meeting Date	Materials Deadline
February 27, 2024	February 15, 2024
May 14, 2024	May 2, 2024
July 23, 2024	July 11, 2024
October 15, 2024	October 3, 2024
December 17, 2024	December 5, 2024

Attachments: Attachment: 2024 Important Dates Calendar

¹ While there is no statutory requirement to provide materials to the Commissioners by a particular time, staff practice has been to send meeting materials to the Commission members approximately two weeks prior to the next meeting. These dates are subject to change and are provided for reference only. If an alternate meeting date is suggested, it is important to also consider any events occurring two weeks prior to the alternate date.



2024 Ethics Commission Calendar

Calendar for year 2024 (United States)

January

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March

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					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April

S	M	T	W	T	F	S
	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May

S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June

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						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August

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				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September

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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October

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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- | | | | |
|------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------|---------------------------------------------------|
| Jan 15 ● Dr. Martin Luther King, Jr. Day | Mar 25 ● Spring Pre-Election 2024 Filing Deadline | Jul 15 ● July Continuing 2024 Filing Deadline | Oct 14 ● Columbus Day |
| Jan 16 ● Jan. Continuing 2024 Filing Deadline | Mar 31 ● Easter | Jul 31 ● SLAE Deadline | Oct 28 ● Fall Pre-Election Report Deadline |
| Jan 31 ● SLAE Deadline | Apr 30 ● SEI Deadline | Aug 5 ● Fall Pre-Primary Report Deadline | Nov 28 ● Thanksgiving |
| Feb 12 ● Spring Pre-Primary Filing Deadline | May 27 ● Memorial Day | Sep 2 ● Labor Day | Dec 25 ● Christmas |
| | Jul 4 ● Independence Day | Sep 30 ● September Report Deadline | Dec 31 ● New Year's Eve |



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DATE: For the Commission Meeting on May 9, 2023
TO: Members, Wisconsin Ethics Commission
FROM: Ethics Commission Staff
SUBJECT: Ethics Commission Staff Report

Commission Administration

The Ethics Specialist vacancy has been filled. Staff is pleased to introduce the new Ethics Specialist, Cole Maberry. Mr. Maberry started on April 10, 2023.

The Administrator continues to advocate for the Commission's budget request. The Administrator is also advocating for the Commission's legislative recommendations.

Trainings

Since the last Commission meeting, Staff Counsel Buerger conducted a brief ethics refresher at the Chief Legal Counsel meeting on April 6, 2023. This training was approved by the Wisconsin Board of Bar Examiners for 1.0 CLE credit. Additionally, Assistant Administrator Greve presented a training session for the Republican Women of Waukesha County on April 20, 2023.

Staff Counsel Buerger is scheduled to present an ethics training for new board members of various DSPS-attached boards on June 5, 2023. He is also scheduled to conduct a joint presentation with the Wisconsin Elections Commission at the UW-Green Bay Clerks and Treasurers Institute on July 17, 2023.

Administrative Rules

The Commission's proposed rule to amend ETH 21 – Practice and Procedure moved through the Legislature without action. The last step will be to submit the final rule to LRB for publication in the Administrative Register. The rule will then take effect on the first day of the month following publication.

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

Commission staff submitted the 2023 Administrative Rules Review report to JCRAR on behalf of the Commission on March 31, 2023. This report confirmed that the Commission has determined that none of its rules are unauthorized, restricted, obsolete, rendered unnecessary, or economically burdensome. The report did note a potential inconsistency between WIS. ADMIN. CODE ETH 1.26(5) and WIS. STAT. §§ 11.0103(2)(b), 11.0104(5)(b), and 11.1110(2)(b). Commission staff

Wisconsin Ethics Commissioners

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

Administrator

Daniel A. Carlton, Jr.

plan to review this issue in more detail and will report back to the Commission if further action is necessary.

Campaign Finance

All state candidates for the April 2023 election were required to file a Pre-Primary report by February 13, 2023, and a Pre-Election report by March 27, 2023. There was 1 candidate that failed to file the Pre-Primary report by the 2/13/23 due date. The candidate filed a “No Activity Report” one day late. For the Pre-Election Spring report, there were 6 candidate reports not filed by the due date. Four of these were filed 1 day late. Two candidates have not yet filed the report. The non-filers both claimed the exemption from filing reports, but due to statutory changes effective January 3, 2023, state candidates are required to file reports in the year of their election.

The next scheduled report is the Post-Election report for the Senate District 8 special elections. This report covers all activity from 3/21/23 through 4/26/23. The report is due by 5/19/23. There will be a special election in the 24th State Assembly District. The date for that special election has not been set. The next report for all registered committees will be the July Continuing 2023. This report will cover all activity through 6/30/23. It is due by 7/17/23.

Lobbying

2023-2024 Legislative Session

Registration for the current session is available on the Commission’s lobbying website. As of April 25, 2023, there are 581 lobbyists licensed, 766 principals registered, and 1,593 lobbyist authorizations.

Code of Ethics and Financial Disclosure

Statements of Economic Interests (SEIs)

In April 2022, the SEI statutes changed to require departing officials to file a final SEI when they left their positions. This raised some questions. For example, should officials moving to another SEI-filing position have to file a final SEI when there is only a brief gap in service? Should the standard settlement schedule for late SEIs be updated to treat final SEIs differently? Staff now plans to present these questions at the August meeting. This will allow us to present a full year’s worth of data to the Commission to inform the Commission’s decisions.

Staff updated the SEI website on November 17, 2022, to allow for filing and tracking of final SEIs, and to update the SEI forms and instructions now that certain securities no longer have to be reported. Staff continues to make minor updates as needed.

Candidates on the April 2023 ballot had to file an SEI by January 6, 2023. Newly elected officials and appointees beginning a new term on January 3, 2023, had to file an SEI by January 24, 2023. All of these officials filed within 15 days of the deadline.

The annual SEI for approximately 2,500 state public officials will be due by May 1, 2023. Staff sent out the initial email notice to all filers on February 2, 2023. Staff also sent a reminder on April 5, 2023. Staff will continue to follow up as appropriate.

State of Wisconsin Investment Board Quarterly Reports

The 2023 first quarter reports covering January to March are due by May 1, 2023. Staff has already notified filers they are required to file these reports. Staff will continue to follow up until all reports are filed and will provide copies to the Legislative Audit Bureau.

