

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Ethics Commission

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

Monday, August 7, 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 May 9, 2023 Page 3
 - 2. Open Session Minutes for Special Meeting on July 13, 2023 Page 7
- D. Personal Appearances
- E. Adoption of Guidance Document
 - 1. Guidance for Acceptance and Reporting of Anonymous Contributions Page 9
- F. Staff Report Page 15
- G. Consideration of Future Agenda Items
- H. Closed Session
 - 1. Requests for Advice
 - 2. Complaints and Investigations
 - 3. Litigation
 - 4. Personnel Matters
- I. Adjourn

Future Ethics Commission Meetings Scheduled:

- 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

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Wisconsin Ethics Commission

101 East Wilson Street, St. Croix Room
Madison, Wisconsin
May 09, 2023, 9:00 a.m.

Open Session Minutes

Present: Pat Strachota, Maryann Sumi, Timothy Van Akkeren, Andrew D. Weininger, Carousel Bayrd and Gerald Ptacek.

Staff Present: Daniel Carlton, David Buerger, Sathya Sivaji, Richard Bohringer, Harry Broderick, Coleman Maberry and Adam Harvell.

A. Call to Order

Commission Chair Pat Strachota called the meeting to order at 9:15 a.m. A quorum was present.

B. Report of Appropriate Meeting Notice – Administrator

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

C. Approval of Minutes of Prior Meetings

1. Open Session Minutes for Meeting on February 22, 2023

MOTION: To approve the minutes. Moved by Vice Chair Sumi, seconded by Commissioner Van Akkeren. 5-0 Motion carried unanimously.

D. Personal Appearances

There were no personal appearances.

E. Legislative Recommendations

2023-24 Legislative Session Legislation Recommendations.

Administrator Daniel Carlton presented the memo on page 7 of the meeting materials.

1. Campaign Finance Recommendation

MOTION: To approve the draft language for the Commission’s legislative recommendations 23-24. Moved by Vice Chair Sumi, seconded by Commissioner Bayrd. 5-0 Motion carried unanimously.

F. 2023 and 2024 Commission Meeting Dates.

Administrator Daniel Carlton presented the memo on page 33 of the meeting materials.

For the 2023 meeting date.

MOTION: To cancel June meeting. Moved by Commissioner Weininger, seconded by Commissioner Van Akkeren. 5-0 Motion carried unanimously.

MOTION: To add August meeting. Moved by Commissioner Van Akkeren, seconded by Commissioner Bayrd. 5-0 Motion carried unanimously.

For the 2024 meeting dates.

MOTION: To adopt five meeting schedules for 2024 by changing date from 27th February to 20th February. Moved by Commissioner Van Akkeren, seconded by Vice Chair Sumi. 5-0 Motion carried unanimously.

Commissioner Ptacek joined the meeting at 9:45 AM.

G. Delegation of Authority – New Campaign Finance System

Administrator Daniel Carlton presented the memo verbally.

MOTION: To authorize the Commission Administrator to delegate authority to enter contract to Campaign Finance Information System after review of the contract by the Chair and Vice Chair. Moved by Commissioner Bayrd, seconded by Commissioner Van Akkeren. 6-0 Motion carried unanimously.

H. Ethics Commission Staff Report

Administrator Daniel Carlton presented the Staff Report on page 37 of the meeting materials.

No action taken.

Administrator Daniel Carlton introduced the Ethics Specialist, Coleman Maberry, to the Commission.

Commission Chair Strachota asked the new Commissioners Commissioner Bayrd and Commissioner Ptacek to introduce themselves to the Commission and the staff.

I. 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, investigations, and personnel matters. Moved by Commissioner Van Akkeren seconded by Commissioner Ptacek. 6-0 Motion carried unanimously.

Back into Open Session 3:59PM

J. Appointment of Commission Administrator for 2023-2027 Term.

MOTION: To nominate, reappoint and confirm Ethics Commission Administrator position to Daniel Carlton for the term 2023-2027, senate to reconfirm. Moved by Commissioner Van Akkeren seconded by Commissioner Ptacek. 6-0 Motion carried unanimously.

Compensation and Salary for 2023-2027 term.

MOTION: Compensation and Salary for the term beginning July 1, 2023, will initially be \$111,612.80, with specified increases for 2024, 2025, 2026 and 2027. Moved by Commissioner Van Akkeren seconded by Vice Chair Sumi. 6-0 Motion carried unanimously.

K. Consideration of Future Agenda Items

None.

L. Adjourn

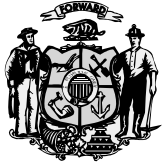
Commissioner Sumi left the call.

MOTION: To adjourn the meeting. Moved by Commissioner Van Akkeren, seconded by Commissioner Ptacek. 6-0 Motion carried unanimously. Meeting adjourned at 4:03 P.M.

Sathya Sivaji, Office Management Specialist August 07, 2023

May 09, 2023, Wisconsin Ethics Commission meeting minutes certified by:

MaryAnn Sumi, Vice Chair August 07, 2023



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Wisconsin Ethics Commission

101 East Wilson Street, Pecatonica Room
Madison, Wisconsin
July 13, 2023, 2:00 p.m.

Open Session Minutes

Present via Teams: Pat Strachota, Maryann Sumi, Andrew D. Weininger, Carousel Bayrd and Gerald Ptacek.

Staff Present: Daniel Carlton, David Buerger, and Colette Greve

A. Call to Order

Commission Chair Pat Strachota called the meeting to order at 2:00 p.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. Closed Session

1. Complaints and Investigations

MOTION: To go into closed session to discuss complaints and investigations. Moved by Commissioner Ptacek, seconded by Commissioner Sumi. 5-0 Motion carried unanimously.

Commissioner Sumi left the call during closed session.

Back into Open Session 2:43PM

D. Adjourn

MOTION: To adjourn the meeting. Moved by Commissioner Bayrd, seconded by Commissioner Ptacek. 4-0 Motion carried unanimously. Meeting adjourned at 2:44 p.m..

Wisconsin Ethics Commissioners

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

Administrator

Daniel A. Carlton, Jr.

July 13, 2023, Wisconsin Ethics Commission meeting minutes prepared by:

Colette C. Greve, Assistant Administrator

August 07, 2023

July 13, 2023, Wisconsin Ethics Commission meeting minutes certified by:

MaryAnn Sumi, Vice Chair

August 07, 2023



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DATE: For the Commission Meeting on August 7, 2023
TO: Members, Wisconsin Ethics Commission
FROM: Colette Greve, Assistant Administrator
SUBJECT: Guidance for Acceptance and Reporting of Anonymous Contributions

FOR COMMISSION ACTION

The Commission may:

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

Background

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

Applicable Law

The existing statutory framework is as follows:

[Wis. STAT. § 11.0103\(1\)\(a\)](#)

Each committee and conduit required to register under this chapter shall be subject to the reporting requirements applicable to that committee or conduit. Each committee and conduit required to file a report under this chapter shall make a good faith effort to obtain all required information.

[Wis. STAT. § 11.1108](#)

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

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

[Wis. STAT. § 11.0204\(1\)\(a\)](#)¹

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

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

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

Reporting of Anonymous Contributions

The Commission and staff have observed that the above laws are commonly misunderstood to allow committees to accept contributions of \$10 or less without making a good faith effort to obtain the name and address of the contributor. Additionally, staff is aware that it is a common practice among committees to collect small contributions at meetings or have cash boxes/baskets at their headquarters or events. Commonly, committees engage in this practice and report the total contributions received from these means of collection, rather than itemizing these contributions individually. Additionally, committees have been advised to ensure that these means of collection clearly indicate that no more than \$10.00 should be contributed. For example, committees have placed a note on a cash box/basket or announced at a meeting that contributions collected may be

¹ Each type of committee has a different statutory section that provides the same itemization requirement for anonymous contributions. All statutory sections are cited in the attached guideline.

anonymous if under \$10.00. Staff has advised that if there is a sale of an item, such as a ticket or other tangible item, where the money is collected by an individual who is able to obtain the name and address of the contributor, they should attempt to obtain this information. However, if the item is \$10.00 or less, the contributor may choose to remain anonymous per statute.

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

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

Guidance Document

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

Commission Action

A guideline can only communicate and explain existing legal requirements. It cannot create new requirements. As drafted, the guideline is limited to existing statutory requirements and prohibitions and best practices for complying with those statutes. The Commission can adopt the attached guidance, add this topic to the Commission's legislative agenda for potential statutory clarification or changes, or begin rulemaking.

Attachments:

- A. Draft Guideline for Acceptance and Reporting of Anonymous Contributions

Wisconsin Ethics Commission

For candidate committees, political party committees,
legislative campaign committees, political action
committees, independent expenditure committees,
referendum committees, and recall committees

Acceptance and Reporting of Anonymous Contributions

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

ACCEPTANCE OF ANONYMOUS CONTRIBUTIONS

Wisconsin Statutes allow committees to accept anonymous contributions not exceeding \$10.¹

REPORTING OF ANONYMOUS CONTRIBUTIONS

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

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

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

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

¹ [WIS. STAT. § 11.1108.](#)

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

³ [WIS. STAT. § 11.0103\(1\)\(a\)](#).

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

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

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

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

EXCESS ANONYMOUS CONTRIBUTIONS

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

CONTRIBUTIONS THAT SHOULD NOT BE REPORTED AS ANONYMOUS

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

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

ADDITIONAL INFORMATION AND RESOURCES

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

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



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DATE: For the Commission Meeting on August 7, 2023

TO: Members, Wisconsin Ethics Commission

FROM: Ethics Commission Staff

SUBJECT: Ethics Commission Staff Report

Commission Administration

Trainings

Since the last Commission meeting, Staff Counsel Buerger presented an ethics training for new board members of various DSPS-attached boards on June 5, 2023. He also conducted a joint presentation with the Wisconsin Elections Commission on July 17, 2023, at the UW-Green Bay Clerks and Treasurers Institute to approximately 136 municipal clerks.

Staff Counsel Buerger is scheduled to present an ethics training to the SWIB Board of Trustees on September 13th. He is also scheduled to teach a class on campaign finance law at the UW-Green Bay Presidential Election Academy on November 8th.

Administrative Rules

The Commission's proposed rule to amend ETH 21 – Practice and Procedure moved through the Legislature without action and is expected to be published in the Administrative Register at the end of July. The rule will then take effect on August 1st.

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

Campaign Finance

State candidates for the 8th Senate District special election were required to file a Post-Election report by May 19, 2023. This report was also required for all committees supporting or opposing a candidate for the Special Election. Both candidates filed the report on time.

The July Continuing reports were due July 17, covering all activity from January 1, 2023, or the date of the committee's last report, through June 30, 2023. This report was required of every committee not claiming exemption as of June 30, 2023, as well as any candidates on the Spring 2023 ballot (even if they claimed exemption). There were a total of 1054 committees required to file the report. We received 883 reports by the July 17 deadline, with an additional 72 reports filed late so far. There are still 99 reports not filed. Staff has sent reminders to file and will be sending warnings and settlements as the reports are filed late.

The special election for the 24th Assembly District was held July 18, 2023. There was no primary since there was only one Democrat and one Republican on the ballot. The Pre-Election report was due July 10 but only covered activity from July 1-3 since the July Continuing report covered all activity through June 30. Both candidates filed on time. All committees giving to either candidate will be required to file a Post-Election report by September 1, 2023, for the period July 4, 2023, through August 9, 2023.

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

Staff met twice a week with our IT support during June and July to update our new computer system requirements. They have also been reviewing the current system to understand which tables data is currently stored to facilitate data migration to the new system. As of the writing of this memo, staff continues to work with DET and the Bureau of Procurement to prepare a contract. Per the Commission's instructions, staff will have the Chair and Vice Chair review it prior to executing the contract. We are looking forward to having a vendor and working with them to design a new campaign finance filing system.

Lobbying

2023-2024 Legislative Session

Registration for the current session is available on the Commission's lobbying website. As of July 24, 2023, there are 623 lobbyists licensed, 798 principals registered, and 1,801 lobbyist authorizations.

Code of Ethics and Financial Disclosure

Statements of Economic Interests (SEIs)

The annual SEI for approximately 2,500 state public officials was due by May 1, 2023. Staff sent four email reminders before the deadline and two emails, two phone calls, and one mailing before May 16, 2023, the deadline for officials to file without penalty. Although there were approximately 150 filers who filed after May 1, all but 7 people filed by May 16. Staff will continue to follow up with late filers as appropriate.

State of Wisconsin Investment Board Quarterly Reports

The 2023 second quarter reports covering April to June were due by May 1, 2023, along with an annual SEI from each SWIB filer. All required reports were received before May 16th and copies have been provided to the Legislative Audit Bureau. The third quarter reports will be due by July 31st.