

## Meeting of the Board

Tuesday, July 15 and Wednesday, July 16 2008

9:30 A.M.

Risser Justice Center, Room 150

120 Martin Luther King Jr. Blvd.

Madison, Wisconsin

Agenda

Open Session

**Tuesday, July 15, 2008****Page  
#****A. Call to order.**

Judge Thomas Cane

**B. Director's confirmation of appropriate notice of meeting.****C. Selection of Officers.****1****D. Approval of minutes of previous meeting.**

See attached minutes

**2****E. Public comment.****Break****F. Review of select former Elections Board operating procedures, opinions and/or rules related to:****7****1) Counting Votes****2) Election Costs****3) Election Administration Manuals****G. Review of select former Ethics Board opinions and/or guidelines related to:****13****1) Opinions & guidelines related to campaign activities and contributions (from last meeting)****2) Opinions related to soliciting and accepting items and services of substantial value****3) Opinions related to improper use of state resources****4) Post employment restrictions****5) Opinions related to Statements of Economic Interests****6) Guidelines related to: office management issues, special considerations for judges and district attorneys, changing jobs and leaving state service, statements of economic interests, general principles and other matters)****Break**

The Government Accountability Board may conduct a roll call vote, a voice vote, or otherwise decide to approve, reject, or modify any item on this agenda.

<b>H. Proposed Emergency Administrative Rule Related to Permitting Certain Voters to Cast a Provisional Ballot.</b>	<b>39</b>
<b>I. Director’s Report.</b>	
Elections Division-update – elections administration and SVRS	<b>43</b>
Ethics and Accountability Division update – campaign finance, state official financial disclosure, lobbying registration and reporting, contract sunshine.	<b>53</b>
Agency administration and legal issues – general administration and orders.	<b>61</b>
<b>J. Proposed 2009 Meeting Dates</b>	<b>64</b>
<b>K. Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation:</b>	
5.05 (6a) and 19.85 (1) (h)	[The Board’s deliberations on requests for advice under the ethics code, lobbying law, and campaign finance law shall be in closed session],
19.85 (1) (g)	[The Board may confer with legal counsel concerning litigation strategy],
19.851	[The Board’s deliberations concerning investigations of any violation of the ethics code, lobbying law, and campaign finance law shall be in closed session],

## **Wednesday, July 16, 2008**

### **Return to Open Session (*materials to be distributed at meeting*)**

- L. Elections Division Staff Report on Ballot Access Issues for the Fall Election**
- M. Nomination Paper Challenges**
- N. Certification of Candidates for Fall Election**
- O. Staff Memo, Davis v. FEC**

The Government Accountability Board has scheduled its next meeting for Thursday, August 28, 2008 at the Risser Justice Center, Room 150, 120 Martin Luther King Jr. Blvd., Madison, WI beginning at 9:30 a.m.

The Government Accountability Board may conduct a roll call vote, a voice vote, or otherwise decide to approve, reject, or modify any item on this agenda.

# State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For July 15, 16, 2008 Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel

**SUBJECT:** Selection of Board Secretary

Each state agency administered by a board must elect a chairperson, vice-chairperson and secretary at its first meeting of every year. §15.07(2), Stats. The Government Accountability Board is required to select its Chairperson by lot drawn by the current chairperson at the first meeting of the Board in January of each year. §15.07(2)(b), Stats. At its January 28 meeting, the Board determined to select all officers by lot.

The Vice-Chairperson acts when the Chairperson is not available. Similarly, the Secretary acts when the Vice-Chairperson is not available. This also establishes a process for filling vacancies. With the resignation of two original Board members, including the Chairperson selected in January, the Vice-Chairperson assumed the duties of the Chairperson for the balance of the term.

Similarly, the Secretary assumed the position of the Vice-Chair, with his elevation to the Chair. This leaves a vacancy in the office of Secretary. Because this is the first meeting with all Board members present since the two vacancies were filled, it is appropriate to fill the position of Secretary.

Following the procedure established by the Board at its January 28, 2008 meeting, I recommend the Board proceed with selecting a Secretary by drawing the name of one of the 4 Board members not currently serving as Chair or Vice-Chair.

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JUDGE THOMAS CANE  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD

Room 150, Risser Justice Building  
120 Martin Luther King, Jr. Boulevard.  
Madison, Wisconsin

June 9, 2008

9:30 a.m.

**DRAFT**

Not yet approved  
by the Board

### Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Adopted staff recommendations for ballot access challenge procedures.	2
B. Reaffirmed five opinions and five administrative rules, and declined to reaffirm three opinions, regarding contribution limits. Reaffirmed three opinions regarding source identification.	3
C. Reaffirmed one opinion and three administrative rules, and declined to affirm two opinions, regarding campaign spending.	3
D. Reaffirmed two opinions regarding absentee voting.	3
E. Reaffirmed two opinions, and reaffirmed and noted statutory changes to a third opinion regarding electioneering.	3
F. Postponed action on 29 opinions regarding campaign activity and contributions.	3
G. Adopted a staff recommendation pertaining to a guideline regarding officials attending events at a national party convention and requested affected public be notified.	3
H. Adopted proposed administrative rules establishing a settlement offer schedule.	4

**Present:** Judge Thomas Cane, Judge Michael Brennan, Judge William Eich, Judge Gordon Myse, Judge Gerald Nichol (by telephone)

**Staff present:** Kevin Kennedy, Jonathan Becker, Barbara Hansen, Sharrie Hauge, Kyle Richmond, Nat Robinson, Tommy Winkler

#### **A. Call to order**

Chairman Cane called the meeting to order at 9:37 a.m.

**B. Director's report of appropriate notice of meeting**

Kevin Kennedy reported that the meeting had been properly noticed.

**C. Approval of minutes of the previous meeting**

**MOTION:** Approve minutes of the May 5, 2008 meeting of the Government Accountability Board. Moved by Eich, seconded by Nichol. Motion carried.

**D. Public Comment**

1. **Gail Shea**, former State Campaign Finance and Elections Administrator, appeared to comment about auditing campaign finance reports and a memo to the G.A.B. regarding review of former Ethics Board guidelines from Attorney Mike Wittenwyler.
2. **Mike McCabe**, Wisconsin Democracy Campaign, appeared to comment on Section G of the G.A.B. agenda pertaining to the proposed campaign finance settlement offer schedule listed on page 57 of the G.A.B. meeting materials.
3. **Mike Wittenwyler**, Association of Wisconsin Lobbyists, appeared to comment on his memo to the G.A.B. regarding review of former Ethics Board guidelines.
4. **Maureen Bussalachi**, Smokefree Wisconsin, appeared to comment on guidelines and administrative rule-making for Wisconsin lobbyists.

Hearing no objections, the Chairman called a 10-minute recess and reconvened the meeting at 11:10 a.m.

**E. Proposed Ballot Access Challenge Procedures** (presented by Kevin Kennedy)

**MOTION:** Adopt staff recommendations set out on pages 14-15 of the G.A.B. meeting materials. Moved by Myse, seconded by Eich. Motion carried.

**F. Review of Elections Board Opinions and Administrative Rules**  
(Presented by Kevin Kennedy)

Board members asked staff to come back with proposed rules regarding joint-checking accounts and family contributions at a future meeting.

- 1) **Contribution Limits** and
- 2) **Source Identification (Disclaimers)**

**MOTION:** Adopt staff recommendations set out on pages 23-24 of the G.A.B. meeting materials. Moved by Myse, seconded by Nichol. Motion carried.

### **3) Campaign Spending**

**MOTION:** Adopt staff recommendations set out on page 24 of the G.A.B. meeting materials. Moved by Eich, seconded by Nichol. Motion carried.

### **4) Absentee Voting**

**MOTION:** Adopt staff recommendations set out on pages 23-24 of the G.A.B. meeting materials. Moved by Nichol, seconded by Brennan. Motion carried.

### **5) Electioneering**

**MOTION:** Adopt staff recommendations set out on page 24 of the G.A.B. meeting materials. Moved by Myse, seconded by Eich. Motion carried.

## **G. Review of Select Former Ethics Board Opinions and/or Guidelines** (presented by Jonathan Becker)

### **1) Opinions Related to Campaign Activity and Contributions**

**MOTION:** Postpone action until the July 15, 2008 G.A.B. meeting. Moved by Myse, seconded by Eich. Motion carried.

### **2) Guidelines Related to Scheduling, Solicitation, Campaign Contributions, Referendums, Lobbying, Attending Events at National Party Convention**

Board members asked staff to come back with proposed procedures by which guidelines will be handled at a future meeting.

**MOTION:** Adopt staff recommendation set out on pages 42 and 49 for guideline for attending events at a national party convention and notify affected public. Moved by Myse, seconded by Eich. Motion carried.

## **H. Review of Proposed Administrative Rules Establishing a Settlement Offer Schedule** (Presented by Jonathan Becker)

**MOTION:** Adopt staff recommendations set out on pages 50-61 of the G.A.B. meeting materials with the exception of number 12, which should be rewritten and presented at a future meeting. Moved by Eich, seconded by Nichol. Motion carried.

Hearing no objections, the Chairman called a lunch break and reconvened the meeting at 1:00 p.m.

## **I. Director's Report**

### **Elections Division Report**

(Presented by Nathaniel E. Robinson)

Report was presented for informational purposes; the Board took no action.

**Ethics and Accountability Division Report**

(Presented by Jonathan Becker)

Report was presented for informational purposes; the Board took no action.

**Agency Administrative Activities**

(Presented by Kevin Kennedy and Sharrie Hauge)

Report was presented for informational purposes; the Board took no action.

Judge Eich expressed his pleasure at the levels of confidence and enthusiasm exhibited by the Board's staff.

**J. Move to Closed Session**

**MOTION:** Move to closed session pursuant to Sections 5.05(6a), 19.85 (1) (c), (g), (h), and 19.851 Wis. Stats. to consider written requests for advisory opinions, the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; confer with counsel concerning pending litigation; and consider compensation and performance of Legal Counsel.

Moved by Nichol, seconded by Brennan. Motion carried unanimously.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Eich:	Aye	Myse:	Aye
	Nichol:	Aye		

Motion carried, 5-0.

The Board went into closed session at 2:20 p.m.

Summary of Significant Actions Taken in Closed Session

- A. Requests for Advice: Four items considered.
- B. Investigations: Three items considered; two items closed.

**MOTION:** Adjourn the meeting.

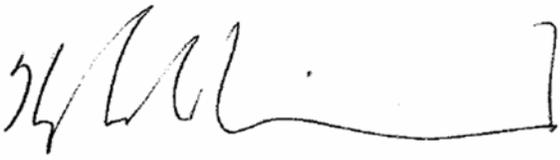
Moved by Eich, seconded by Myse. Motion carried unanimously.

The meeting was adjourned at 4:15 p.m.

###

The next meeting of the Government Accountability Board is scheduled for 9:30 a.m., Tuesday, July 15, 2008, and Wednesday, July 16, 2008 in Room 150 of the Risser Justice Center, 120 Martin Luther King Jr. Boulevard, Madison, Wisconsin.

June 9, 2008 Government Accountability Board meeting minutes prepared by:



\_\_\_\_\_  
Kyle R. Richmond

June 25, 2008

\_\_\_\_\_  
Date

June 9, 2008 Government Accountability Board meeting minutes certified by:

\_\_\_\_\_  
Judge Gerald Nichol, Board Vice Chair

July 15, 2008

\_\_\_\_\_  
Date

# State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For July 15, 16, 2008 Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel

**SUBJECT:** Review of Certain Formal Opinions of the State Elections Board Relating to Counting Votes and Election Costs and Election Administration Manuals

This memorandum presents 2 formal opinions of the State Elections Board presently in effect relating to counting votes and election costs for review and reaffirmation by the Government Accountability Board (GAB). Also included for review and reaffirmation are three election administration manuals that form the core of the Elections Division training program for municipal clerks and poll workers.

1. **Counting Votes:** 1 formal opinion.

### Opinion El.Bd. 77-5

*When a vote is not recorded on a voting machine for an elector who registers to vote on a referendum proposal, and there is no evidence that the absence of a recorded vote for the elector is the result of a machine malfunction, the elector should not be counted among the total of votes cast from which the majority necessary for passage of the proposal is calculated. (Issued to William Winch, July 21, 1977)*

This opinion reflects the proposition that the number of votes cast determines whether a referendum question passes or fails. The opinion rejects the view that the number of electors recorded as voting determines the amount necessary to constitute a majority of votes cast. This is consistent with the statute that provides if the number of votes cast for passage equals the number cast against, the question fails, §5.01 (4)(d), Wis. Stats. Similarly, when a board of canvassers certifies the results of a referendum question, it lists the total votes cast for and against any referenda questions. §§7.53 (3)(a); 7.60 (4)(a); Wis. Stats.

The number of persons recorded as voting does not determine passage. This permits a voter to choose not to vote on an issue without raising the threshold for passage of the referendum.

**Staff recommends the Board reaffirm the opinion.**

2. **Election Costs:** 1 formal opinion.

**Opinion EI.Bd. 94-1**

*Allocation of Election Administration Costs Among Governmental Entities: A municipality using lever voting machines for an election that includes county, state, or national offices, or county or state referenda may collect, from the county, a proportionate share of the costs of preparing the ballot for those machines and for the cost of supplies, notices, or other materials necessary in preparing or conducting the election, but is not entitled to reimbursement, from the county or the state for a share of the cost of technicians, messengers, tabulators, or canvassers employed in the election unless the decision to employ was made by the county or state. (Issued to Angeline D. Miller and Attorney John R. Orton, March 16, 1994)*

This opinion discusses the allocation of election costs among various levels of government. The opinion and an attached follow up opinion to the Wisconsin Towns Association apply still current statutes that specify which levels of government are responsible for the payment of specific costs with respect to the administration of elections.

The opinion is consistent with current statutes and provides the basis for advice that is dispensed regularly to local election officials. **Staff recommends the Board reaffirm the opinion.**

3. **Election Administration:** 3 informational manuals.

These three manuals have been developed over a period of years. They were substantially rewritten in the past few years and revised after the rewrites. The Board is required to prepare and distribute an election manual explaining the duties of election officials and keep it current. §7.08 (3), Wis. Stats.

**Staff recommends the Board reaffirm the current manuals.** We have included some suggestions on a short term response to some outstanding concerns that are discussed below.

**Election Administration Manual**

This informational manual is the basis for our training curriculum for municipal clerks. The manual covers municipal clerks' election administration duties and responsibilities. It is not the sole source of informational materials provided to clerks with respect to their election administration duties. The manual was revised in July, 2007. A copy of the manual can be viewed at the following link:

<http://elections.state.wi.us/docview.asp?docid=11811&locid=47>

Paul Malischke has submitted a letter to the staff with a series of suggestions on how the manual can be improved with respect to pre-election testing of voting equipment. He has also submitted a separate letter with comments on the need to provide more direction to Boards of Canvassers on how to conduct the post election canvass of election results.

A copy of Mr. Malischke's correspondence accompanies this memorandum. His suggestions have merit and deserve consideration. There are some steps the staff can initiate to address his concerns for the Fall elections. However, now is not the time to rewrite our manuals.

Time after time when a few or more clerks gather and provide feedback to us, they beg and plead with us not to send them a whole lot of new and/or material changes to directives, rules, regulations and guidance. Practically anything that remotely *seems* “new” will be viewed and perceived as new. Therefore, in keeping with the clerks’ mantra, for this upcoming Fall election season, we should not revise any of our manuals. It is too late for that.

Second, Nat plans to initiate a “post-mortem” and revisit all of our election administration business practices in 2009. That is the time to take the suggestions that Mr. Malischke and others have made into consideration and implement with appropriate feedback from local election officials.

Staff will develop guidance for implementation by municipal clerks that provides additional direction on pre-election voting equipment testing. This guidance will be submitted for review by the Board at its August 28, 2008 meeting. Our staff has been planning to have sample test decks for the partisan primary available after the candidates have been certified.

The staff meets with the County Clerks 3 times a year in March, June and September. At each meeting, we recognize those clerks who have submitted a correctly prepared canvass with a gold or silver star. One of our performance measures in the budget process is reducing the number of errors on county canvasses. We provide directions before each election on how to properly complete the canvass report and what procedures to follow. In June 2004 and June 2005, State Elections Board staff made one hour presentations to the county clerks on how to conduct the county canvass.

Staff will take Mr. Malischke’s comments to add more detail and direction to the information we provide to county and municipal clerks on the conduct of the post-election canvass.

### **Election Day Manual**

This informational manual is the basis for our training curriculum for chief election inspectors and election inspectors (poll workers.) The manual covers poll worker duties and responsibilities. The manual was revised in January, 2008. A copy of the manual can be viewed at the following link:

<http://elections.state.wi.us/docview.asp?docid=12848&locid=47>

### **Election Day Voter Registration Manual**

This informational manual is the basis for our training curriculum for election officials with respect to registering voters at the polling place. The manual covers poll worker and special registration deputy’s duties and responsibilities. The manual was revised in August, 2006. A copy of the manual can be viewed at the following link:

<http://elections.state.wi.us/docview.asp?docid=6010&locid=47>

Date: June 22, 2008

To: Members, Wisconsin Government Accountability Board

From: Paul Malischke

Subject: Review of Clerk's Election Administration Manual for your July meeting

### **Board of Canvassers**

There is one section of the above manual that is strikingly inadequate. "Post Election Activities", pages 109 to 114, covers the Board of Canvassers. There are no details telling the Board of Canvassers what to do, beyond explaining how to fill out the certification form.

Are Canvassers expected to wade through the statutes to find out what to do, and each make their own interpretation of their duties? Do we have dozens of different canvassing procedures developed on an informal basis? Surely the certification of our elections deserves an effort towards clear written standards for certification.

In March 2005 it was revealed that the Milwaukee Board of Canvassers was falling well short in their duties. The March 25 newspaper article started "State Official: '04 Vote Bungled In Milwaukee. Milwaukee County certified its election results in the 2004 presidential race without reviewing key documents required under state law to verify the vote count in the city of Milwaukee, the state's top election official said Thursday." Three years later we have little written guidance for our Boards of Canvassers.

As an example of the vague instructions in the Election Administration Manual, page 109 states "The board of canvassers must review all election materials and correct any errors." Does this include records of pre-election testing of voting machines? Absentee ballot request forms?

Other questions:

- What materials must they physically have on hand for their meeting?
- What should they crosscheck?
- Should they compare the printout from the optical scan tabulators with the results reported by the Election Management Systems?
- Should they check for incidents reported in the pollworker reports?
- Is it sufficient to meet the bare minimum requirements of state law, or should they be doing more to ensure a proper canvass?
- Is the canvassing procedure important enough that the details should be in an administrative rule?

The certification form "Board of Canvassers Statement" EB-106 (last revised in 1998) should be reviewed by staff and improved if needed. Add a place for printed name of members of the Board of Canvassers, along with the existing line for signatures, which may be unintelligible.

As GAB staff formulates a detailed written procedure, they should visit actual meetings of the Canvassing Boards in multiple locations, and use these experiences to form a document based upon best practices.

Although you have required training for clerks, special registration deputies, and pollworkers, there is no requirement and no program for training members of the Board of Canvassers.

Date: July 5, 2008

To: Members, Wisconsin Government Accountability Board

From: Paul Malischke

Subject: Review of Clerk's Election Administration Manual Scheduled for Your July Meeting

**Significant improvement needs to be made to procedures in the section titled "Pre-Election Electronic Voting Equipment Testing", pages 73 to 75.**

These tests are the only way we have to ensure that the automatic tabulation of votes is correct votes and that the proper candidate is declared the winner. (Other verification methods, such as manual recounts of optical scan ballots, and manual audits that are reported before certification, are not done in Wisconsin).

Due to the importance of this testing, at the November 28th 2007 meeting of the State Elections Board, this motion was passed:

**"MOTION: DIRECT STAFF TO BEGIN TO DEVELOP ADMINISTRATIVE RULES FOR PRE-ELECTION TESTING AND PRE-RECOUNT TESTING OF VOTING EQUIPMENT."**

What efforts have been made to implement this, and what is the plan for upcoming action?

In Wisconsin, we have had two recent problems with programming the voting machines: Milwaukee in September 2006, and Medford in November 2004. The problem in Medford was not discovered until four months after the election. Proper pre-election testing would have caught these problems.

These essentials of thorough testing are missing from the manual:

1. Include a specific statement that each machine must be fully tested for every ballot style it is expected to receive on Election Day.
2. The test deck must have distinct tallies for different candidates, write-ins, and parties.
3. Specify that the overvote test for each contest be done with one overvote per ballot.
4. Page 74 states "Examples of sample test decks are available on the agency website." However, there are no samples on the agency website.
5. The test must include inspection for accuracy of each machine-generated voter-verifiable printed record from Direct Reading Electronic voting equipment.
6. Include checking that the ballot counter increments with each ballot.

7. Require inspection of the printed tally of total voters, particularly for machines that will be used for more than one ward.
8. Specify test techniques for devices for people with special needs, including audio, keypad, magnification, and languages.
9. Include calibration and testing of the accuracy of a touchscreen.
10. Check that internal clocks have the correct date and time.
11. Include any appropriate special requirements for central count machines.
12. Specify testing of Election Management Systems that accumulate results from many tabulators.
13. If equipment fails the initial test, the cause should be determined and corrected, and two consecutive errorless tests should be required before equipment is approved for use.
14. Include requirements for re-test if any hardware or software maintenance is done after testing.
15. Specify what records are to be kept.
16. GAB staff should prepare an informational guide explaining the process for observers, along with guidelines for observer conduct.
17. GAB staff should develop a checklist form to aid testers and to ensure proper procedures.
18. GAB staff should develop a Certificate of Public Testing form, such as Oregon has.

GAB staff should research and report on recommendations from the Election Assistance Commission, testing in other states, and outside academic analysis. Best practices should be incorporated into draft administrative rules, and subjected to public review.

# State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For July 15, 2008 meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Jonathan Becker, Administrator, Division of Ethics and Accountability

**SUBJECT:** Review of Ethics Board opinions and guidelines concerning solicitation and acceptance of items and services of value, improper use of state resources, post employment restrictions, and financial interest disclosure

Wisconsin's Ethics Code and lobbying law govern solicitation and acceptance of items by state officials. The Ethics Code also governs use of state resources for a non-public purpose, restrictions on officials after leaving State government, and yearly financial disclosure. The Ethics Board has issued dozens of opinions on these subjects over the years. The opinions for the Government Accountability Board to review at its July meeting are from 1990 through 2007. Older opinions will be presented at a future meeting.

Most of the opinions are rather straightforward and deal with the application of fairly clear language to a myriad of factual situations. Staff recommends that the Board affirm all but three of these opinions. 1991 Wis Eth Bd 1 and 1992 Wis Eth Bd 14 have been superseded by a statutory change (enacted at the behest of the Ethics Board) that permits a non-incumbent candidate for state office to continue to be employed by a lobbying principal during the individual's candidacy. 2007 Wis Eth Bd 12 stated that legislators and legislative employees could accept the opportunity to win a gift card valued at \$25 to \$30 for participating in a survey. I think this is a use of office to obtain something of substantial value for private benefit that is prohibited by statute.

Key opinions, copies of which are attached, are:

Solicitation on behalf of State Agencies

2003 Wis Eth Bd 11, 1998 Wis Eth Bd 5, 1998 Wis Eth Bd 2, 1995 Wis Eth Bd 7

Public Service Announcements

2007 Wis Eth Bd 7

Tickets to Sporting Events

2001 Wis Eth Bd 2, 1998 Wis Eth Bd 7

Subsidizing Legislators' Lawsuits

1992 Wis Eth Bd 23, 1992 Wis Eth Bd 24, 2002 Wis Eth Bd 6

Doing Business with a Lobbying Principal

1992 Wis Eth Bd 26, 1996 Wis Eth Bd 1, 1996 Wis Eth Bd 7, 2003 Wis Eth Bd 2, 2006 Wis Eth Bd 9, 2006 Wis Eth Bd 7, 2003 Wis Eth Bd 2

Accepting Expenses from a Principal

1996 Wis Eth Bd 6, 1999 Wis Eth Bd 4, 1999 Wis Eth Bd 6, 2002 Wis Eth Bd 3, 2004 Wis Eth Bd 7

Guidelines

Staff also recommends that the Board affirm each attached Guideline.

**ETHICS BOARD OPINIONS FOR REVIEW**

July, 2008 Meeting of the Government Accountability Board

**BOARDS, COMMISSIONS AND AGENCIES ..... 1997 Wis Eth Bd 2**

The Ethics Board advises that a state public official associated with a state agency (1) not invest in a privately owned company unless the investment opportunity has been offered independent of the official’s public position and (2) not use information gained through the official’s public position, that is not available to the public, or has not been made public, as a substantial basis for the official’s personal investment in a privately owned company.

The Ethics Board also recommends that other individuals associated with the agency follow this advice.

**BOARDS, COMMISSIONS AND AGENCIES ..... 1995 Wis Eth Bd 7**

Neither the lobbying law nor Ethics Code applies to every state agency employee. However, state employees are likely to report to, and act at the direction of, individuals subject to one or both of these statutes. Therefore, the Ethics Board advises that an agency may solicit and accept money from others to cover administrative expenses for its project as long as (1) individuals, businesses and organizations that are solicited for, or who make, contributions are not likely to be substantially affected by statutes and rules the agency administers and enforces; and (2) neither lobbyists nor organizations that employ lobbyists are solicited unless a specific exception pertains.

**CAMPAIGN ACTIVITIES ..... 1992 Wis Eth Bd 14**

A candidate for elective state office may not accept anything of pecuniary value, including salary or wages, from a business or organization that employs a lobbyist. An individual employed by a principal may, consistent with statutes administered by the Ethics Board, take a leave of absence from his or her employment during the candidacy as long as the employer does not furnish the candidate with any salary or other benefits that had not already vested in the candidate prior to the candidacy.

**GIFTS ..... 2007 Wis Eth Bd 12**

The Ethics Board advises that a legislator or legislative employee may accept from a state agency a chance to win a gift card valued at \$25 to \$30 for responding to a survey the agency conducted.

**GIFTS ..... 2006 Wis Eth Bd 5**

In determining whether a gift is of “substantial value,” the Ethics Board looks at the totality of the circumstances. Here, the value of the gifts is small in comparison to the time you devoted to the two organizations, the sentimental value of the gifts is greater than their monetary value, and the gifts are, in essence, commemorative in nature. In these circumstances, we conclude that the gifts are not of “substantial value” as that term is used in the Ethics Code, and you may keep them.

**GIFTS ..... 2006 Wis Eth Bd 4**

The Ethics Board advises that:

1. A state public official attending a conference or convention may accept educational or informational material or other item for the purpose of conveying it to the State of Wisconsin for the use or benefit of a state office or agency.
2. Except as just noted, a state public official should not accept from a lobbying principal or lobbyist anything of pecuniary value or from anyone else any item of more than token value. This is so, regardless of whether the official was to retain it or furnish it to another for other than governmental use.
3. A state official should not accept, without full payment, a meal or drink offered at a conference or convention unless it is provided, arranged, or sanctioned by the event's sponsor.

GIFTS ..... 1997 Wis Eth Bd 13

The Ethics Board advises:

A legislator should not accept a lobbying principal's offer of a commercial quantity of brochures containing a reproduction of the state highway map and commercial advertising.

GIFTS ..... 1996 Wis Eth Bd 2

In the case of an individual acting independently of Wisconsin's government and public officials, the Ethics Code does not restrict a private citizen's publishing information about Wisconsin's Legislature or about individual legislators on the internet's World Wide Web. If an individual or business offers to publish information on the internet at a legislator's behest, the legislator may, consistent with the Ethics Code, avail himself or herself of that opportunity if: (1) the Legislature has officially acted to accept that opportunity on behalf of the state; and (2) the legislator use the site to communicate about issues before the Legislature and state government processes and proposals, and not to publish information on private matters, including campaign matters.

GIFTS ..... 1993 Wis Eth Bd 11

A state public official may not use his or her office or position to obtain anything of substantial value for private benefit. The connection between an official's receipt of a prize at a conference and holding public office is too remote to conclude that public office was used to obtain the prize because (1) the prize was awarded by chance, (2) the prize was available to anyone attending the conference, and (3) the great majority of conference attendees were not Wisconsin public officials. An official must comply with any state policy to make available to the state items received at events attended on the state's behalf.

GIFTS ..... 1991 Wis Eth Bd 5

A state public official may retain items presented for participation in opening ceremonies of a not-for-profit sporting event if they are presented for a reason unrelated to holding public office or are only of inconsequential value.

GIFTS, IMPROPER USE OF OFFICE, LOBBYING .....2001 Wis Eth Bd 2

The Ethics Board advises:

***For state and local government officials***

Neither a state public official nor a local public official should accept or purchase a ticket or admission to an event or access to a loge, skybox, or other premium area unless the official can clearly and convincingly demonstrate that at least one of these conditions obtains:

- The ticket, admission, or access is offered for a reason unrelated to the official's holding or having held a public office;
- The ticket, admission, or access is available to the general public on the same terms and conditions as available to the official; or
- The ticket, admission, or access is without pecuniary value.

***In addition, for state officials and organizations that employ lobbyists***

A lobbying principal should not give, sell, or furnish or arrange for another to give, sell, or furnish to an elected state official, legislative employee, candidate for state office, or agency official a ticket or admission to an event or access to a loge, skybox, or other premium area unless the ticket, admission, or access is available to the general public on the same terms and conditions or the ticket, admission, or access is without pecuniary value.

An elected state official, legislative employee, candidate for state office, or agency official should not accept or purchase from a lobbying principal a ticket or admission to an event or access to a loge, skybox, or other premium area unless the ticket, admission, or access is available to the general public on the same terms and conditions or the ticket, admission, or access is without pecuniary value.

***In addition, for state officials and lobbyists***

A lobbyist should not give, sell, or furnish or arrange for another to give, sell, or furnish to an elected state official, legislative employee, candidate for state office, or agency official a ticket or admission to an event or access to a loge, skybox, or other premium area unless the ticket, admission, or access is without pecuniary value.

An elected state official, legislative employee, candidate for state office, or agency official should not accept or purchase from a lobbyist a ticket or admission to an event or access to a loge, skybox, or other premium area unless the ticket, admission, or access is without pecuniary value.

***Limited exception***

To the extent that an official's participation in an event is in furtherance of substantive or ceremonial governmental responsibilities appropriate to the official's government office so as to be clearly and convincingly for the benefit primarily of the state or a local government and any private benefit is merely incidental, then an individual or organization may provide admission to or accommodation at the event and a state or local public official may attend the event without payment or on terms not available to the general public.

GRANTS.....2004 Wis Eth Bd 02

There is likely to be a natural antagonism between certain elements of your department’s activities and the company’s interest in the program initiative it has offered to fund, but this conflict is not one addressed by statutes that the Ethics Board administers. This inherent conflict may cause you to decide against the department’s entering an accord with the company; or you may be able to separate functions within your department to mitigate the likelihood or effects of conflicts that may arise.

In any event, the Department, guided by its own assessment of the factors at play, may decide without contradiction from the Ethics Board, whether or with what limitation or safeguard it will accept the company’s offer.

We understand that the company approached the Department with this proposal. This is important because you and officials of your department are not to solicit money, or grants, or assistance from businesses and organizations that, through paid lobbyists, try to affect our state’s laws or rules.

IMPROPER USE OF OFFICE .....2007 Wis Eth Bd 14

A legislator may appear in a lobbying principal’s video for employees and directors of the organization’s members on the importance of talking about how the member institutions serve members and communities but the lobbying organization should not disseminate the video proximate to an election in which the legislator is or is likely to be a candidate.

IMPROPER USE OF OFFICE .....2007 Wis Eth Bd 07

An organization that employs a lobbyist in Wisconsin may furnish an elected state official the opportunity to narrate a public service announcement and purchase airtime for its dissemination, when the dissemination is not proximate to an election at which the official is or is likely to be a candidate.

IMPROPER USE OF OFFICE .....2004 Wis Eth Bd 6

A legislator should not accept money from a private organization to affect the laws of other states and simultaneously participate in legislative discussions, consideration, or votes in Wisconsin on the same issues. The legislator may cure the conflict between the private employment and governmental responsibilities by forgoing one of those relationships. Short of eliminating the conflict, the legislator may mitigate it by withdrawing from legislative discussions, consideration, or votes on public policy issues in Wisconsin which the legislator is being paid to affect elsewhere.

IMPROPER USE OF OFFICE .....2004 Wis Eth Bd 04

Neither the lobbying law nor Ethics Code will be an obstacle to state officials taking advantage of the terms of the State of Wisconsin’s agreement with Microsoft that provides state employees with discounts on the purchase of computer products for home and personal use.

IMPROPER USE OF OFFICE .....2004 Wis Eth Bd 01

In order to comply with §19.45 (2), as modified by §19.45 (1), the Director should be in a position to demonstrate both: (a) that accepting employment with the Foundation

does nor interfere with the full and faithful discharge of the Director’s duties to the state and (b) that the Director is not using his or her state position to obtain a level of compensation that is greater than is commensurate with his or her duties for the Foundation. In order to do this, the following factors are important:

1. The Director’s work for the Foundation should not take so much time as to interfere with the Director’s responsibilities to the state agency.
2. The compensation that the Foundation pays the Director must be reasonable in light of the services that the Director renders to the Foundation.
3. The Director should not, in furtherance of his or her responsibilities to the Foundation, take an action antagonistic to the agency’s interest or use the agency’s resources, not normally available to anyone, to further an interest of the Foundation’s that is not in furtherance of the interests of the state agency. The Director should be neither a member of the Foundation’s board of directors nor have any responsibility for the supervision of the Foundation’s director or staff unless and except as it is clear both to the agency and to the Foundation that the Director’s role is to represent exclusively the interests of the agency.
4. The Director and Foundation should regularly document the work that the Director performs for the Foundation and spends on the Foundation’s behalf. The Attorney General, in his letter dated November 9, 2000, stressed the importance of this action; we take this opportunity to concur and to add our own admonition to this effect.

**IMPROPER USE OF OFFICE .....2003 Wis Eth Bd 15**

The Ethics Board advises that in general, neither the Ethics Code nor lobbying law restricts your employment in the circumstances you have described. The only restrictions are (1) that you not receive any payment from a lobbyist or from an organization that employs a lobbyist (including the local governmental unit if it is a lobbying principal) (§13.625, Wisconsin Statutes); (2) that you be able to demonstrate that you have not used the prestige or resources of your office to obtain or to perform consulting work (§19.45 (2), Wisconsin Statutes.); and (3) that you not represent the local government or consultant before a state agency unless it is a ministerial matter or a contested case which involves a party other than the state (§19.45 (7), Wisconsin Statutes).

**IMPROPER USE OF OFFICE .....2003 Wis Eth Bd 11**

The Ethics Board advises that a state public official may proceed with a plan to have another solicit assistance for operation of the official’s agency to the extent, but only to the extent, that the official could undertake the solicitation directly. Whether directly or through another acting at the official’s behest, the official may not solicit contributions of money, goods or service either from a lobbyist or from an organization that employs a lobbyist or from anyone if either the contribution or the failure to contribute could reasonably be expected to influence the official’s action or judgment or be considered a reward for the official’s action or inaction.

IMPROPER USE OF OFFICE, LOBBYING LAW .....2003 Wis Eth Bd 10

The Ethics Board advises that neither a state public official’s acceptance of cards for distribution to the public that provide health care information nor the company’s furnishing them to the state of Wisconsin will violate Wisconsin’s Ethics Code for state officials. This transaction will not subject the company to Wisconsin’s lobbying law or otherwise be considered a lobbying expense.

IMPROPER USE OF OFFICE, LOBBYING LAW .....2003 Wis Eth Bd 5

The Ethics Board advises that:

A state public official may serve as the honorary chair of a charitable event sponsored by a lobbying principal for which the official will receive no compensation and will pay the cost of dinner and golf.

IMPROPER USE OF OFFICE .....2003 Wis Eth Bd 4

The Ethics Board advises:

Laws administered by the Ethics Board are not an impediment to the Legislature’s reimbursing a legislator for costs the legislator incurred to purchase supplies for his or her legislative office.

IMPROPER USE OF OFFICE .....1999 Wis Eth Bd 11

The Ethics Board advises the responsibility for the care and use of grant funds lies in the first instance and primarily with the state agency that receives a grant. The agency’s officials have broad discretion to identify the agency’s interests and the means to further those interests.

1. State public officials. An agency’s state public officials should strive to assure that the agency’s expenditures related to an out-of-state event are not for their own personal advantage except to the extent any personal advantage is merely incidental to the officials’ specific activities at particular events in furtherance of substantial, well-articulated business purposes of the agency, in contrast, for example, to expenditures for undefined or ill-defined or tenuously related “representational” responsibilities.
2. Spouses, companions, and family members. With rare exception, the public purpose doctrine and §§19.45 and 19.46, *Wisconsin Statutes*, foreclose officials from authorizing the travel of their spouses and other family members to events at state expense, even if the source of the public funds is a grant rather than taxes. An expenditure for this purpose merits close scrutiny.
3. Others. Because officials subject to the Ethics Code may not use their positions to obtain unlawful benefits for others, the Ethics Board encourages them not to authorize the payment of expense for travel for employees, employees’ spouses, and others except as those expenses are in connection with specific activities at particular events in furtherance of substantial, well-articulated business purposes of the agency.

IMPROPER USE OF OFFICE ..... 1998 Wis Eth Bd 14

The Ethics Board advises:

- (1) That a state public official not accept compensation from the official's private clients for time spent serving as a state public official on a task force created by the Legislature to investigate and report on tax issues affecting the industry of which the clients are a part; and
- (2) That a state public official not participate as a member of the task force in matters that could have a substantial financial impact on the official's private clients or that could produce a substantial benefit for them.

IMPROPER USE OF OFFICE ..... 1998 Wis EthBd 12

The Ethics Board advises that:

- (1) A legislator may enter into a proposed agreement with a speakers bureau, without restriction from laws administered by the Ethics Board; and
- (2) The legislator should be able to demonstrate that either (a) speaking invitations are unrelated to the legislator's use of office, including the title or prestige of office; or (b) compensation the legislator receives for a talk on state government issues, processes, or proposals is reasonable.

IMPROPER USE OF OFFICE ..... 1998 Wis Eth Bd 9

The Ethics Board advises that a legislator and spouse may accept the offer of free membership in a not-for-profit organization that is not a lobbying principal as long as there is no benefit from membership apart from receiving the organization's newsletter and membership cards of unexceptional value.

IMPROPER USE OF OFFICE ..... 1998 Wis Eth Bd 8

The Ethics Board advises that a member of the legislature may authorize a company to use the legislator's name and likeness in advertising tours that would include a meeting between the legislator and tour members, but recommends that a legislator permit this only so long as the legislator neither solicits nor accepts a campaign contribution or anything of substantial value from the company or individuals affiliated with it and that the company and individuals affiliated with it do not furnish campaign contribution or items of more than inconsequential value to the legislator and do not independently make campaign expenditures on the legislator's behalf.

IMPROPER USE OF OFFICE ..... 1998 Wis Eth Bd 6

The Ethics Board advises that a legislator should not authorize an organization to draw on the title and prestige of the legislator's state government office to solicit financial contributions if the organization [1] is a lobbying principal that tries to influence legislation and spends money in support of or in opposition to candidates for election to state offices, or [2] is an organization with which the legislator is associated.

IMPROPER USE OF OFFICE ..... 1998 Wis Eth Bd 5

The Ethics Board advises, consistent with laws it administers, that:

- (1) a state agency may use state resources in connection with its hosting of a convention of a national organization in Wisconsin; and
- (2) state public officials associated with the agency, and the agency's employees may not, either orally or in writing, personally solicit contributions from a

lobbyist, an employee of a lobbying organization, or an employee of a business or organization that is regulated by or does business with the agency.

**IMPROPER USE OF OFFICE** ..... 1997 Wis Eth Bd 11

The Ethics Board recommends that a state public official neither (1) hire or promote as an employee of the official's government office, nor (2) advocate the office's employment or promotion of, nor (3) exercise jurisdiction, supervision, or direction over the official's spouse.

**IMPROPER USE OF OFFICE** ..... 1997 Wis Eth Bd 4

A legislator may use a library service offered to legislators by several public libraries only in connection with his or her legislative duties and responsibilities.

**IMPROPER USE OF OFFICE** ..... 1997 Wis Eth Bd 2

The Ethics Board advises that a state public official associated with a state agency (1) not invest in a privately owned company unless the investment opportunity has been offered independent of the official's public position and (2) not use information gained through the official's public position, that is not available to the public, or has not been made public, as a substantial basis for the official's personal investment in a privately owned company.

The Ethics Board also recommends that other individuals associated with the agency follow this advice.

**IMPROPER USE OF OFFICE** ..... 1996 Wis Eth Bd 15

A legislator may accept an offer from an organization funded by the federal and state governments to fly the legislator in its aircraft over the legislator's district, in the event of a disaster, so that the legislator can help in assessing damage and directing disaster relief to areas of greatest need.

**IMPROPER USE OF OFFICE** ..... 1995 Wis Eth Bd 5

Neither the Ethics Code nor lobbying law is an impediment to the production and airing of a videotape about a public official as long as the video production company can clearly and convincingly demonstrate that (1) the production is not at the behest of or initiation of the official and (2) editorial direction is independent of the official and others operating on his or her behalf, including his or her appointees and campaign committee.

Neither the Ethics Code nor lobbying law is an impediment if the funding is appropriately treated as a campaign contribution, complies with the lobbying law's timing restrictions, and is permitted and reported under Wisconsin's campaign finance laws.

**IMPROPER USE OF OFFICE** ..... 1994 Wis Eth Bd 9

An elected state official may accept compensation for participating as a commentator on state government issues on a weekly television program as long as the company that owns the television station operates independent of its corporate parent, which is a lobbying principal. Unless an official has evidence to the contrary, he or she may rely on the television station's representation that in asking the official to appear on the television program it has not acted in consultation or cooperation with, or at the request or suggestion of, the parent company that is a principal.

IMPROPER USE OF OFFICE ..... 1994 Wis Eth Bd 8  
A municipal judge should not refer to his or her position as a municipal judge in private law firm letterhead.

IMPROPER USE OF OFFICE ..... 1994 Wis Eth Bd 3  
The Ethics Board advises that the lobbying law does not pose an obstacle to an official's spouse's employment as a lobbyist. However, an official should avoid placing himself or herself in a position in which a conflict of interest may arise. In instances of occasional and infrequent conflicts, an official can avoid a violation of the Ethics Code by refraining from any official discussions or votes on matters on which the spouse's employer lobbies or has a demonstrated interest before the official's agency. An official should also refrain from extending any special access or assistance to his or her spouse or spouse's employer in agency matters. If conflicts are frequent and continuing, public policy may best be served by divesting either the private interest or the public responsibilities.

IMPROPER USE OF OFFICE ..... 1994 Wis Eth Bd 2  
Statutes administered by the Ethics Board are not an impediment to a municipal judge's serving as a mediator, arbitrator, or mini-trial judge in dispute resolution as long as: (1) the official does not serve in matters over which the official, as a municipal judge, might have jurisdiction; (2) the official does not use his or her public position to obtain private employment; and (3) the official does not use the municipality's time, facilities, supplies, or services not generally available to the public in pursuing the official's private endeavors.

IMPROPER USE OF OFFICE ..... 1994 Wis Eth Bd 1  
A state public official may use his or her official letterhead to solicit contributions on behalf of a not-for-profit organization with which the official has no other connection. The solicitation should be structured so that it is evident that a contribution would be unlikely to influence the official's judgment. It would be unreasonable for anyone to believe the official's judgment would be influenced if the identities of who contributes and who does not are unknown to the official. The solicitation letter may not be sent to lobbyists or lobbying principals.

IMPROPER USE OF OFFICE ..... 1993 Wis Eth Bd 5  
A legislator should not accept payment for consulting work if the legislator's firm is being retained because he or she holds a position as a legislator, as opposed to simply having desirable political experience and insight. §§ 19.45(2) and 19.46(1)(b), *Wisconsin Statutes*.

Second, a legislator should not accept payments for consulting work if that employment could reasonably be expected to influence the legislator's official judgment or actions. § 19.45(3), *Wisconsin Statutes*. A legislator's acceptance of payments from an organization with a substantial and demonstrated interest in issues likely to be addressed by Wisconsin's Legislature could reasonably be expected to affect his or her official judgment and actions in a manner sympathetic to the client. The standard imposed by the statute is an objective one. It is not enough that a legislator and his or her client are philosophically aligned. Rather, the question is whether a reasonable person would expect that the legislator's employment would influence his or her official judgment. For this

reason, the Board recommends that a legislator not accept payments for offering consultation, advice, or strategy on issues if there is a reasonable possibility that they will be addressed by Wisconsin's Legislature.

IMPROPER USE OF OFFICE ..... 1993 Wis Eth Bd 4

A legislator may not accept anything of pecuniary value from a lobbying principal. To the extent that a referendum committee is an intermediary, agent, or alter ego for a lobbying principal, a legislator should treat the referendum committee as if it were a lobbying principal and be guided by the advice given in 1992 Wis Eth Bd 26.

A legislator should not bid or negotiate for, nor should anyone offer him or her, work on behalf of a referendum committee if it involves a matter on which the legislator is authorized to take any discretionary action unless the Legislature has completed its final action on that matter.

Because referenda are part of the work of the Legislature, we recommend that a legislator not take pay to work on a referendum unless the legislator is confident that he or she can demonstrate that the employment is unrelated to being a member of the Legislature and is unlikely to influence the judgment the legislator exercises as a state official.

IMPROPER USE OF OFFICE ..... 1992 Wis Eth Bd 23

- a. A legislator should not solicit or accept contributions from any organization that employs a lobbyist.
- b. A legislator should not solicit or accept contributions of legal services or money to pay for legal services if the contributions could reasonably be expected to influence the legislator's judgment or actions or be considered a reward for past action.
- c. A legislator should not accept legal services or contributions to defray the legislator's legal expenses unless the legislator can demonstrate, clearly and convincingly, that the contribution is made primarily for a reason that is independent of holding a public office.
- d. A legislator may, consistent with the statutes the Ethics Board administers, solicit contributions permitted and reported under §11.23 and even use the title and prestige of office to do that. However, a legislator may not both use public position to solicit contributions to an individual or group under §11.23 and then permit the group to pay for legal costs the legislator incurs; to do so would be to use your official position to solicit a private benefit.

IMPROPER USE OF OFFICE ..... 1992 Wis Eth Bd 19

Section 19.45, *Wisconsin Statutes*, does not prohibit a legislator from publicly opposing a proposed private project or from representing a person before a department if he or she receives no compensation therefore beyond the salary and other compensation or reimbursement to which the legislator is entitled by law, and neither the official, the official's family or an associated organization will financially benefit from the defeat of the proposal.

IMPROPER USE OF OFFICE ..... 1992 Wis Eth Bd 15

The Board advises that statutes administered by the Ethics Board do not prevent a state legislator from using legislative staff and facilities to communicate with the news media about the legislator's lawsuits against the State of Wisconsin concerning issues involving the operation of state government.

**IMPROPER USE OF OFFICE** ..... 1991 Wis Eth Bd 2

An official of a state agency may continue to receive income from a former partnership where the income is unrelated to the official's holding public office. The income is reportable but is not a security if it is derived from the former partner's share of receivables. The official need not disqualify from matters before the agency in which the former partnership is involved as long as the official has no economic interest in those matters.

**JUDGES**..... 1994 Wis Eth Bd 8

A municipal judge should not refer to his or her position as a municipal judge in private law firm letterhead.

**LEGISLATORS**..... 1992 Wis Eth Bd 26

The lobbying law is not an impediment to a business' continuing to pay an elected official a regular salary or wage even if the employer derives a portion of its income from the provision of professional services to a principal, as long as the business can clearly and convincingly demonstrate that (1) the official's level of compensation is unrelated to the employer's having one or more principals as clients; (2) the principal's purchase of services is unrelated to the official's hiring or continued employment; and (3) in the case of the official's provision of professional or technical services of a type customarily charged on an hourly or project basis, the official does not perform any work or services specifically for a principal.

**LEGISLATORS**..... 1992 Wis Eth Bd 18

Statutes administered by the Ethics Board do not restrict a legislator's service as a member of a corporation's board of directors, even for pay, as long as the legislator is asked to serve for reasons independent of and unrelated to holding state office. If the legislator is asked to serve because of membership in the legislature, or if the corporation should employ a lobbyist at any time, then the legislator may continue to serve but may not accept any fees or compensation for the service.

**LEGISLATORS**..... 1991 Wis Eth Bd 11

The Ethics Code does not forbid a legislator from participation in a foreign study tour if such participation is authorized by the Senate Committee on Organization or by the Speaker of the Assembly.

LOBBYING.....2006 Wis Eth Bd 9  
The Ethics Board advises that consistent with the statutes that the Ethics Board administers:

1. As long as a business that employs a lobbyist accords the privilege of serving clients on its premises and using its facilities to all members of a legislator's profession living in the area of the business, and the legislator remains a member of that profession, the business may continue to extend that privilege to the legislator.
2. For a lobbying principal's sibling corporation, the members of whose board of directors are identical to the principal's board of directors, to furnish salary, compensation, or payment to a legislator, these two conditions must be present:
  - a. Any salary, compensation, or payment that a sibling corporation provides or arranges for the legislator is independent of any services he provides for, at the behest of, or for the benefit of the lobbying principal.
  - b. The principal's sibling corporation must arrive at its decisions about whether to employ the legislator, and to determine his salary and compensation, and the nature, scope and hours of his employment, independent of the principal. As long as both organizations are under the direction and control of boards of directors comprising the same people, the Ethics Board thinks it likely that as a matter of law, the sibling corporation cannot meet this condition.

LOBBYING.....2006 Wis Eth Bd 8  
The Ethics Board advises:

1. That the lobbying law does not prohibit an elected state official's acceptance of a salary as president of a union paid to the official by a business on the union's behalf, even if the business employs a lobbyist;
2. That the lobbying law does not prohibit the business to pay an official's salary related to the official's union duties; and
3. That the business may not pay the official, and the official may not accept, a salary for work performed for the business while the business employs a lobbyist in Wisconsin.

LOBBYING.....2006 Wis Eth Bd 7  
The Ethics Board advises:

1. An elected state official may accept compensation from a joint venture if the official is providing professional services to the joint venture for its use; and
2. An elected state official may not accept compensation for professional services the official provides directly to a lobbying principal regardless of whether the lobbying principal pays the official directly or the joint venture pays the official.

LOBBYING 2002 Wis Eth Bd 06  
The Ethics Board advises:

A legislator is free to commence a lawsuit to challenge the constitutionality of a law and to seek and retain legal counsel to represent himself or herself.

If a legislator wants to join an existing lawsuit, the Ethics Board recommends that the legislator direct a letter to the Court asking that he or she be permitted to join the plaintiffs as a party or as amicus curiae, representing himself or herself.

The Board further advises that a legislator not permit a lobbying organization to pay or arrange for legal services for the legislator.

LOBBYING..... 1998 Wis Eth Bd 11

The Ethics Board advises that an agency official not, while the individual continues to serve, enter into an agreement for employment with a lobbyist or with an organization that employs a lobbyist. An official may, however, short of receiving or accepting a promise of future employment, explore possibilities for and circumstances of future employment or business relationships.

LOBBYING..... 1996 Wis Eth Bd 7

A lobbying organization may, consistent with Wisconsin's lobbying law, purchase services from a business wholly owned by a state legislator only if the organization's offer to purchase can reasonably be said to be available to the general public. This means that the organization should be able to demonstrate clearly and convincingly that its purchase of services is the result of an orderly, established competitive bidding process open to a substantial number of similar businesses, not unduly limited geographically, that gives no special advantage to a business owned by a state official. Even if the organization can demonstrate that its offer to purchase is available to the general public, the better course would be for the organization not to engage in business with a company wholly owned by a state legislator unless the organization is satisfied that its doing so would not undermine the public's confidence in the legislator's financial independence from the organization.

LOBBYING..... 1996 Wis Eth Bd 6

1. The lobbying law does not proscribe an agency official's membership on a lobbying organization's Board of Directors, or the official's participation in its affairs; and
2. The lobbying law forbids an agency official elected to a lobbying organization's board of directors to accept reimbursement from the organization for expenses incurred in attending meetings of the organization's directors because the organization does not reimburse the general public for those expenses.

LOBBYING..... 1992 Wis Eth Bd 5

The lobbying law prohibits a legislator from selling shares of stocks of a closely-held corporation to an organization that employs a lobbyist but not to a corporation owned by an individual who owns other corporations that employ lobbyists.

- LOBBYING..... 1992 Wis Eth Bd 3  
 A candidate for elective state office may not receive a salary from an organization that employs a lobbyist but may continue to receive a pension and may participate in a group health plan if the candidate pays the premiums.
- LOBBYING AND LOBBYISTS..... 1999 Wis Eth Bd 10  
 The Ethics Board advises that a lobbyist not form an investment club with legislative employees or agency officials.
- LOBBYING AND LOBBYISTS..... 1999 Wis Eth Bd 9  
 The Ethics Board advises that legislative employees and agency officials not form an investment club with a lobbyist.
- LOBBYING AND LOBBYISTS..... 1999 Wis Eth Bd 6  
 The Ethics Board advises that an agency official may not accept compensation, or any other thing of pecuniary value, for serving on the board of directors of a business corporation that is a wholly-owned subsidiary of another corporation that is a lobbying principal if the corporate parent controls the official's selection to the subsidiary's board.
- LOBBYING AND LOBBYISTS..... 1999 Wis Eth Bd 4  
 The Ethics Board advises that an organization that employs a lobbyist may (1) neither directly pay reimbursement of expenses to a member of its board of directors who is an agency official under the lobbying law (2) nor arrange for another organization to pay expenses arising from the official's activities as a member of the organization's board.
- LOBBYING AND LOBBYISTS..... 1998 Wis Eth Bd 7  
 The Ethics Board advises that a lobbying principal not give or sell its sports stadium luxury box tickets to an elective state official, candidate for elective state office, state agency official, or legislative employee.
- LOBBYING AND LOBBYISTS..... 1998 Wis Eth Bd 2  
 The Ethics Board advises, consistent with laws it administers, that:
- (1) a division of a state Department may use state resources in connection with its sponsorship of the annual conference of an association of state regulatory agencies;
  - (2) the Department's employees may not solicit contributions to help host the conference from a lobbyist or a lobbying principal or from individuals or entities that are likely to be materially affected by laws or rules which the Department is called upon to interpret or apply or that do business with the Department;
  - (3) the Department's employees may solicit attendance at the conference by any person other than a lobbyist or a lobbying principal; and
  - (4) the Department's employees may prepare and send written notices of the conference to lobbyists and lobbying principals.
- LOBBYING AND LOBBYISTS..... 1997 Wis Eth Bd 20  
 The Ethics Board advises that a legislator not accept from a local government that is a lobbying principal reimbursement of expenses the legislator incurred in

traveling to Washington, D.C. on the local government's behalf to meet with the state's Congressional representatives to lobby for federal money for a local project.

LOBBYING AND LOBBYISTS..... 1996 Wis Eth Bd 1

With respect to a legislator whose company has already entered into a contract with a lobbying organization:

- (1) The better course would have been that the company not have entered into the contract;
- (2) In the future, the legislator should not simultaneously serve in the Legislature and enter into a financial relationship with a business or organization that pays lobbyists to try to influence state government; and
- (3) Although public policy normally favors a legislator's voting on all matters properly addressed by the Legislature, for the remainder of the legislative session the legislator should not participate in discussions or votes on proposals that would specifically affect the lobbying organization.

LOBBYING AND LOBBYISTS..... 1991 Wis Eth Bd 3

An elected state official may not accept a lobbyist's offer to buy stock in a non-publicly held corporation in which the lobbyist is a major investor.

LOBBYING AND LOBBYISTS..... 1991 Wis Eth Bd 1

A candidate for elective state office may not accept salaried employment from a principal.

LOBBYING AND LOBBYISTS..... 1992 Wis Eth Bd 26

The lobbying law is not an impediment to a business' continuing to pay an elected official a regular salary or wage even if the employer derives a portion of its income from the provision of professional services to a principal, as long as the business can clearly and convincingly demonstrate that (1) the official's level of compensation is unrelated to the employer's having one or more principals as clients; (2) the principal's purchase of services is unrelated to the official's hiring or continued employment; and (3) in the case of the official's provision of professional or technical services of a type customarily charged on an hourly or project basis, the official does not perform any work or services specifically for a principal.

LOBBYING LAW ..... 2007 Wis Eth Bd 11

The Ethics Board advises that an individual employed by an organization that lobbies in Wisconsin may, consistent with Wisconsin's lobbying law:

- (1) remain employed as a lobbyist by the organization while the individual is a candidate for election to the Legislature.
- (2) engage in campaign activities for others that are consistent with the lobbying law while the individual is a lobbyist for the organization and a candidate for elective state office.

The Ethics Board also advises that upon assuming office in January 2009, the individual may no longer accept compensation or anything else of pecuniary value from the organization except to the extent that the individual may be contractually entitled to continue to receive benefits from an employment contract that predates your candidacy.

LOBBYING LAW .....2005 Wis Eth Bd 08

The Ethics Board advises that a candidate for the Legislature may, consistent with Wisconsin's lobbying law:

- (1) remain employed as a lobbyist by the candidate's employer while a candidate for election to the Legislature;
- (2) engage in campaign activities while on paid vacation time, holidays, and compensatory time in accordance, and consistent with, the employer's treatment of other employees' use of leave time; and
- (3) continue, while a candidate and prior to taking office, to receive benefits paid in part by the employer consistent with the organization's policy for other employees.

The Ethics Board also advises that upon assuming office, a legislator may no longer accept compensation or anything else of pecuniary value from the organization except to the extent that the legislator, as a former employee, may be contractually entitled to continue to receive benefits from an employment or union contract that predates the candidacy.

LOBBYING LAW .....2005 Wis Eth Bd 07

The Ethics Board advises that a legislative employee not rent an apartment or a house with a lobbyist unless (1) the lobbyist is the employee's relative or (2) the employee and the lobbyist are part of the same domestic unit.

LOBBYING LAW .....2005 Wis Eth Bd 06

The Ethics Board advises that a member of a state board should either (1) not accept employment by a business or organization that employs a lobbyist or (2) notify the board of which the official is a member that the official is withdrawing from any participation in the modification of the board's rules.

LOBBYING LAW .....2004 Wis Eth Bd 08

A member of a state board should not participate in the consideration of issues on which the member lobbies on his or her employer's behalf or on matters, which affect those issues. If conflicts arise only occasionally, they may be satisfactorily addressed by abstaining, but when a conflict is regularly occurring and substantial, the conflict's cure can come only from the board member divesting himself or herself of public position or of the private interest that conflicts with public responsibilities.

We also advise that a member of a state board not, on behalf of his or her employer, lobby state government on issues before, or affecting the state board.

LOBBYING LAW .....2003 Wis Eth Bd 2

A legislator should not accept compensation from an organization that employs a lobbyist even for services the legislator has provided to the organization; and

In the case of two affiliated organizations, one employing a lobbyist and the other not, a legislator may accept compensation for services from the latter only if the organization can demonstrate that it acts independently of its affiliate.

LOBBYING LAW ..... 2002 Wis Eth Bd 8

Neither the Ethics Code nor lobbying law appears to restrict a legislator's working as a consultant to a company that is a broker-dealer that assists institutional money managers in identifying investment opportunities

LOBBYING LAW ..... 2002 Wis Eth Bd 3

The Ethics Board advises that §13.625, Wisconsin Statutes, prohibits a lobbying principal to reimburse expenses of a member of its board of directors who is an agency official.

LOBBYING LAW ..... 2000 Wis Eth Bd 3

The Ethics Board advises that:

(1) Consistent with statutes that the Ethics Board administers, a company that employs a lobbyist in Wisconsin and its employee may honor a union contract pre-dating the employee's candidacy for election to state government office, that provides for the company to credit an employee for up to two years of seniority during an unpaid leave of absence permitted under the contract.

(2) The company should not credit the employee with and the employee should not accept credit for more than two years of seniority in connection with a leave of absence granted or taken in connection with the employee's service as a state government official.

LOBBYING LAW; SOLICITATION ..... 2003 Wis Eth Bd 6

The Ethics Board advises:

An employee of the Legislature should not solicit lobbyists or lobbying organizations for contributions to a community organization on whose board the employee sits. Nor should the employee use the status or prestige of office to solicit contributions to the organization.

LOBBYING LAW AND LOBBYISTS ..... 1996 Wis Eth Bd 8

A lobbying principal may not furnish a legislator transportation to visit a facility in another state. A principal may make transportation available to the state under either of the following circumstances: (1) the State pays the full cost of the transportation; or (2) the State procures the transportation, at any or no cost, for a governmental purpose neither at the behest of a specific governmental official-beneficiary nor with the intention of a specific governmental official's benefiting from the procurement.

LOBBYING LAW AND LOBBYISTS ..... 1991 Wis Eth Bd 9

The lobbying law does not prohibit a lobbying principal from awarding a scholarship to the child of an elected state official as long as the scholarship is available to the general public. The scholarship should be reported as a gift on the official's Statement of Economic Interests.

LOBBYING, IMPROPER USE OF OFFICE ..... 2002 Wis Eth Bd 6

The Ethics Board advises:

A legislator is free to commence a lawsuit to challenge the constitutionality of a law and to seek and retain legal counsel to represent himself or herself.

If a legislator wants to join an existing lawsuit, the Ethics Board recommends that the legislator direct a letter to the Court asking that he or she be permitted to join the plaintiffs as a party or as amicus curiae, representing himself or herself.

The Board further advises that a legislator not permit a lobbying organization to pay or arrange for legal services for the legislator.

**OFFICERS, DIRECTORS, AND MEMBERS**

**OF ORGANIZATIONS ..... 1992 Wis Eth Bd 32**

A state public official should not accept a paid position as a member of a private company's advisory board unless:

- a. the official's appointing authority has determined the private pursuit will not conflict with his or her official duties or reflect adversely upon the official's agency and
- b. the official can demonstrate that the position is offered primarily for reasons independent of holding a state public office.

If the official accepts the private position, the official should not:

- a. use the state's time or resources while engaging in company-related activities;
- b. use his or her official position to benefit the company;
- c. participate in an official decision that will affect the company in a way significantly different from the way the decision affects other companies; or
- d. use confidential information the official acquires from his or her state job to help the company.

**OFFICERS, DIRECTORS, AND MEMBERS**

**OF ORGANIZATIONS ..... 1992 Wis Eth Bd 18**

Statutes administered by the Ethics Board do not restrict a legislator's service as a member of a corporation's board of directors, even for pay, as long as the legislator is asked to serve for reasons independent of and unrelated to holding state office. If the legislator is asked to serve because of membership in the legislature, or if the corporation should employ a lobbyist at any time, then the legislator may continue to serve but may not accept any fees or compensation for the service.

**POST EMPLOYMENT ..... 2007 Wis Eth Bd 13**

A former state official may not for compensation act on behalf of an organization other than the State of Wisconsin in connection with a federal agency's resolution of a matter in which the official personally and substantially participated in negotiations on behalf of the official's former agency to resolve the matter. This is so even if the official redirects the compensation or the compensation is paid directly to the official's employer or to any other individual or organization.

**POST EMPLOYMENT ..... 2007 Wis Eth Bd 04**

The Ethics Board advises that, because a former agency head did not participate in a proceeding, contract, claim, or charge involving the legality of a company's business practice, the Ethics Code does not restrict the former official's accepting

compensation for preparing to testify about the agency's determination that the company's business practice did not violate Wisconsin law.

POST EMPLOYMENT ..... 2003 Wis Eth Bd 12

The Ethics Board advises that §19.45 (8), Wisconsin Statutes, prohibits a former state public official appearing as a paid representative of a private entity before the agency to which the responsibilities of the official's former agency were transferred (1) until twelve months after the official has left office on matters that involve applications, contracts, claims, or other quasi-judicial matters or proceedings under the official's responsibility while the official was with the official's former agency or (2) ever on applications, contracts, claims, or other quasi-judicial matters or proceedings in which the official participated personally and substantially as a public official. Apart from these restrictions, §19.45 (8) (a), Wisconsin Statutes, does not limit a former official's appearing as a paid representative of a private entity before the agency to which the responsibilities of the official's former agency were transferred.

POST EMPLOYMENT ..... 1998 Wis Eth Bd 13

The Ethics Board advises that:

(1) Consistent with statutes administered by the Ethics Board, a public official may negotiate terms and conditions of employment with a new employer, even a lobbying principal, after the effective date of the official's resignation from the official's state agency even though the official is scheduled to continue to receive salary for accumulated vacation and sabbatical leave until a later date.

(2) The revolving door provisions of §19.45(8)(a) prohibit a state public official's representing a private organization for compensation before either the agency or board with which the official was associated as a state public official prior to one year after the official's resignation.

POST EMPLOYMENT ..... 1997 Wis Eth Bd 17

The Ethics Board advises:

That, for twelve months after a state public official leaves the official's state public office at a state agency, neither the official nor anyone working in concert with the official or under the official's direction, supervision, or control, should appear before or negotiate with an officer or employee of the agency acting in an official capacity.

POST EMPLOYMENT ..... 1996 Wis Eth Bd 16

The Ethics Code permits a former state public official to testify on behalf of a private party, for compensation, before an agency of another jurisdiction in a proceeding on issues in which the former official did not have personal and substantial involvement as a member of the governing body of a state agency.

If a former official testifies in a proceeding in another jurisdiction on issues with respect to which the official was personally and substantially involved as a state public official in Wisconsin, the official should accept no compensation for such testimony unless the official can clearly and convincingly demonstrate that the official is being compensated solely for the official's testimony on other issues.

The Ethics Code does not restrict a former official's attempting to influence legislation or administrative rules of state agencies other than the official's former agency if the official does not communicate with officers or employees of the official's former agency in connection with the official's lobbying efforts; and

The Ethics Code does not restrict a former official's speaking to groups and individuals on matters that may have been before the official's former agency when the official held office, but the former official should not use or disclose information gained as a result of the official's holding office if the information has not been communicated to the public or is not public information.

**PUBLIC CONTRACTS.....2005 Wis Eth Bd 3**

The Board advises:

1. That you notify the Ethics Board and the appropriate state agency before entering a contract with a local Wisconsin government in which the local government is acting as the state's agent; and
2. You need not provide notification to anyone if the contract is paid from shared revenues or other funds the state provides the local government over which the state has ceded control.

**REWARD FOR OFFICIAL ACTION ..... 1999 Wis Eth Bd 5**

The Ethics Board advises that a not-for-profit foundation not furnish an annuity to the director of a state agency in response to its concern about the director's level of compensation and retirement benefits.

**SOLICITATION..... 1998 Wis Eth Bd 6**

The Ethics Board advises that a legislator should not authorize an organization to draw on the title and prestige of the legislator's state government office to solicit financial contributions if the organization [1] is a lobbying principal that tries to influence legislation and spends money in support of or in opposition to candidates for election to state offices, or [2] is an organization with which the legislator is associated.

**SOLICITATION..... 1996 Wis Eth Bd 14**

A state agency may solicit donations for the agency's gifts and grants account as long as the agency solicits donations only from individuals, businesses, and organizations that do not do business with the agency, are not regulated by the agency, and are neither lobbyists nor lobbying principals. The agency should not use solicited funds for rewarding state public officials. Consistent with statutes administered by the Ethics Board, the agency may use solicited funds to reward other employees for exceptional accomplishment or outstanding performance as long as the use of such funds does not conflict with applicable collective bargaining agreements or with statutes or rules administered by the Department of Employment Relations.

**SOLICITATION..... 1996 Wis Eth Bd 11**

A state agency, pursuant to provisions of the *Wisconsin Statutes*, that has created a specific program that permits the agency to solicit and accept funds from a business engaged in a project that is part of the program, may solicit and accept financial and other contributions from a business that is participating in a project to which the funds will be applied, even if the business is likely to be substantially

affected by statutes and rules the agency administers and enforces and employs a lobbyist.

SOLICITATION..... 1995 Wis Eth Bd 7

Neither the lobbying law nor Ethics Code applies to every state agency employee. However, state employees are likely to report to, and act at the direction of, individuals subject to one or both of these statutes. Therefore, the Ethics Board advises that an agency may solicit and accept money from others to cover administrative expenses for its project as long as (1) individuals, businesses and organizations that are solicited for, or who make, contributions are not likely to be substantially affected by statutes and rules the agency administers and enforces; and (2) neither lobbyists nor organizations that employ lobbyists are solicited unless a specific exception pertains.

SOLICITATION..... 1994 Wis Eth Bd 1

A state public official may use his or her official letterhead to solicit contributions on behalf of a not-for-profit organization with which the official has no other connection. The solicitation should be structured so that it is evident that a contribution would be unlikely to influence the official's judgment. It would be unreasonable for anyone to believe the official's judgment would be influenced if the identities of who contributes and who does not are unknown to the official. The solicitation letter may not be sent to lobbyists or lobbying principals.

SOLICITATION..... 1991 Wis Eth Bd 6

You may solicit contributions for a foundation if: (1) you do not invoke the title or prestige of your office to solicit; (2) you do not rely upon the state's time, facilities, supplies or services not generally available to all Wisconsin citizens; (3) any response to your solicitations could not reasonably be expected to influence your official judgment or be considered a reward for past actions; and (4) you do not solicit any lobbyist or lobbyist's employer.

STATEMENTS OF ECONOMIC INTERESTS ..... 2003 Wis Eth Bd 7

The Ethics Board advises:

1. that a state employee in the classified service appointed to act as a division administrator is a state public official subject to the substantive requirements of the Ethics Code; and
2. that the individual is required to file a Statement of Economic Interests.

STATEMENTS OF ECONOMIC INTERESTS ..... 1993 Wis Eth Bd 7

Section 19.44(1)(a), *Wisconsin Statutes*, requires a state public official who is a lawyer to identify on the individual's Statement of Economic Interests those clients of the individual's law firm for which the individual provides representation in dealings with third parties or for which the individual is authorized to act as part of overall supervisory responsibility for the firm's providing those services. An official need not identify clients of the official's firm for which the official did not act as an authorized representative or agent in dealings with third parties or act in a supervisory capacity with respect to other attorneys in the firm who did provide such services.

STATEMENTS OF ECONOMIC INTERESTS ..... 1991 Wis Eth Bd 9

The lobbying law does not prohibit a lobbying principal from awarding a scholarship to the child of an elected state official as long as the scholarship is

available to the general public. The scholarship should be reported as a gift on the official's Statement of Economic Interests.

STATEMENTS OF ECONOMIC INTERESTS ..... 1991 Wis Eth Bd 2

An official of a state agency may continue to receive income from a former partnership where the income is unrelated to the official's holding public office. The income is reportable but is not a security if it is derived from the former partner's share of receivables. The official need not disqualify from matters before the agency in which the former partnership is involved as long as the official has no economic interest in those matters.

USE OF STATE'S TIME, FACILITIES,  
SUPPLIES AND SERVICES ..... 1998 Wis Eth Bd 12

The Ethics Board advises that:

- (1) A legislator may enter into a proposed agreement with a speakers bureau, without restriction from laws administered by the Ethics Board; and
- (2) The legislator should be able to demonstrate that either (a) speaking invitations are unrelated to the legislator's use of office, including the title or prestige of office; or (b) compensation the legislator receives for a talk on state government issues, processes, or proposals is reasonable.

USE OF STATE'S TIME, FACILITIES,  
SUPPLIES AND SERVICES ..... 1997 Wis Eth Bd 7

The Ethics Board advises:

- (1) that neither the Ethics Code nor lobbying law restrict an individual from running for a partisan elective state office nor establishing a personal campaign committee for the individual's candidacy while the individual is a full-time appointed state public official;
- (2) that the lobbying law provides that an individual may not solicit or accept from a lobbyist or a lobbying principal a contribution for the individual's candidacy for a partisan elective state office except between June 1 and the day of the general election in the year of the candidate's election;
- (3) that the Ethics Code provides that a state public official may not rely on the state's time, facilities, services, or supplies in soliciting campaign contributions;
- (4) that although not compelled by the Ethics Code, a state public official should not solicit or accept campaign contributions from individuals, businesses, or organizations that (a) are subject to regulation by, or apply for contracts with, or grants or loans from, the official's agency; (b) are members of the immediate family of such individuals; or (c) are associated with such businesses or organizations as principal shareholders, officers, or directors; and
- (5) that although not compelled by the Ethics Code, a full-time appointed state public official should not simultaneously hold appointed state public office and seek election to a different government position without first obtaining the appointing authority's informed consent that the individual's candidacy will neither unduly affect the performance of official duties nor adversely and unduly affect the effectiveness of the individual's agency.

USE OF STATE'S TIME, FACILITIES,  
SUPPLIES AND SERVICES ..... 1996 Wis Eth Bd 4

A state public official may, consistent with statutes the Ethics Board administers, accept compensation from a publisher for a book the official will write on public policy and politics as long as (1) the official does not, in writing the book, rely upon the state's time, facilities, services, or supplies not generally available to everyone; (2) the terms of the contract are standard in the industry and were arrived at through an arms-length transaction; and (3) in the event that lobbyists, lobbying principals, or others having business before the official's agency arrange for significant purchases, outside the normal course of their business, the official turns over royalties arising from those purchases either to the state or to a charity with which the official is not associated.

USE OF STATE'S TIME, FACILITIES,

SUPPLIES AND SERVICES ..... 1992 Wis Eth Bd 15

The Board advises that statutes administered by the Ethics Board do not prevent a state legislator from using legislative staff and facilities to communicate with the news media about the legislator's lawsuits against the State of Wisconsin concerning issues involving the operation of state government.

## **GUIDELINES: GENERAL PRINCIPLES**

[Ethics Board Guideline 201](#)

[Ethics Board Guideline 203](#)

[Ethics Board Guideline 231](#)

## **GUIDELINES: OFFICE MANAGEMENT ISSUES**

[Ethics Board Guideline 233](#)

[Ethics Board Guideline 234](#)

[Ethics Board Guideline 247](#)

## **GUIDELINES: JUDGES AND DISTRICT ATTORNEYS; SPECIAL CONSIDERATIONS**

[Ethics Board Guideline 260](#)

[Ethics Board Guideline 283](#)

## **GUIDELINES: CHANGING JOBS AND LEAVING STATE SERVICE**

[Ethics Board Guideline 238](#)

[Ethics Board Guideline 239](#)

[Ethics Board Guideline 270](#)

## **GUIDELINES: OTHER MATTERS**

[Ethics Board Guideline 236](#)

[Ethics Board Guideline 244](#)

[Ethics Board Guideline 245](#)

[Ethics Board Guideline 281](#)

## **GUIDELINES: STATEMENTS OF ECONOMIC INTERESTS**

[Ethics Board Guideline 401](#)

[Ethics Board Guideline 402](#)

[Ethics Board Guideline 412](#)

[Ethics Board Guideline 421](#)

[Ethics Board Guideline 422](#)

# State of Wisconsin\Government Accountability Board

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**KEVIN J. KENNEDY**  
Director and General Counsel

## MEMORANDUM

**DATE:** July 16, 2008

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel  
Wisconsin Government Accountability

Prepared and Presented by: Nathan Judnic  
Elections Specialist

**SUBJECT:** Proposed Emergency Administrative Rule  
(Issuance of Provisional Ballots to Electors Failing a HAVA Check)

### Background

The Help America Vote Act of 2002 (HAVA) requires the chief election official of each state to implement a “single, uniform, official, centralized, interactive computerized statewide voter registration list.” That list is to be “defined, maintained, and administered at the state level” and must contain the “name and registration information of every legally registered voter in the state.” HAVA Section 303 (a)(1)(A). To assist in maintaining the accuracy of the official list “[t]he chief State election official and official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.” HAVA Section 303 (a)(5)(B)(i). §5.056, Wis. Stats. A similar information matching agreement with the Social Security Administration (SSA) is required for voters that do not have a current and valid Wisconsin driver’s license number and provide the last 4 digits their Social Security number on their registration form. HAVA Section 303 (a)(5)(B)(ii).

The GAB staff has defined this required matching/interface process with the Department of Transportation (DOT) and SSA as a “HAVA Check.” The implementation or “turning on” the HAVA Check interface is one of the final steps in achieving HAVA compliance for the State of Wisconsin.

Based on voluntary guidelines issued from the United States Election Assistance Commission (EAC), recent court rulings in other states and current Election Day practices in Wisconsin, it is recommended that the Board approve the attached emergency administrative rule that authorizes the issuance of a provisional ballot to a voter that fails a “HAVA Check” is marked as “ID Required” on the poll list, and is unable to provide the required proof of residence document

allowed under s. 6.34(3), Wis. Stats. A voter fails a “HAVA Check” when they do not achieve a “Complete Match” as defined by the proposed rule.

### Current Provisional Ballot Authorization

In Wisconsin, provisional voting is only authorized by statute or administrative rule in two situations:

- 1) If an individual is a first-time voter, who registered by mail and has failed to provide the required proof of residence, he or she may vote provisionally. The poll list will contain the notation “ID Required” to identify those first-time voters who registered by mail and who must show proof of residence before being allowed to vote. If an individual fails to provide the required proof of residence, and cannot register at the polling place by using a corroborator to attest to the elector’s residency, he or she may vote provisionally. ss. 6.34(2) and 6.97(1), Wis. Stats.
- 2) If an individual who registers on Election Day has a current and valid Wisconsin driver’s license, but is unwilling or unable to provide the license number, he or she may vote provisionally. Individuals who have a Wisconsin driver’s license may not use the last 4 digits of their Social Security number or Wisconsin State ID card to register. In addition, individuals may vote provisionally if the driver’s license number is the only missing registration element. If an individual is also missing required proof of residence or corroboration, they may not register to vote.  
Ch. GAB 3.04(2), Wis. Admin. Code

### Effect of Proposed Emergency Rule

The proposed emergency rule would authorize a third category of voters who could receive a provisional ballot on Election Day using the procedures set forth in s. 6.97, Wis. Stats. The statewide voter registration system contains the ability to automatically mark a voter’s record on the poll list with the notation of “ID Required” if they fail a HAVA Check. The same notation is also used for first-time voters that register by mail and fail to provide acceptable proof of residence to the clerk prior to appearing at the polls on Election Day. As indicated above, poll workers are already accustomed to issuing a provisional ballot if proof of residence is not provided in this situation. The issuance of a provisional ballot in the failed HAVA Check situation would be consistent with this current practice, and would need no additional training of poll workers because they would be unable to distinguish the reason for a voter’s record being marked as “ID Required.”

### Justification of Emergency Administrative Rule

- The September Partisan Primary is scheduled for September 9, 2008 and the November General Election is scheduled for November 4, 2008. The GAB staff believes it is imperative to implement these procedures before the upcoming elections, and believe the emergency administrative rule attached is the only option available to achieve this goal.

- The GAB staff is poised to implement the HAVA Check matching process, and seek authorization to move forward and achieve full HAVA compliance as soon as possible, but no later than the September Partisan Primary.
- Sufficient time prior to the upcoming elections is needed to train and inform clerks of the new technical and procedural requirements associated with the HAVA Check. The GAB staff believes the emergency administrative rule process will allow sufficient time to train and communicate these new requirements to the clerks and other election officials to ensure provisional ballots are issued correctly.

Action Requested:

- Approve emergency administrative rule as drafted, and authorize legal counsel to take steps necessary to promulgate emergency rule as soon as practicable.

Attachment:

- Proposed Emergency Administrative Rule GAB 3.01(5g), GAB 3.01(5r), GAB 3.01(6g), GAB 3.01(6r), GAB 3.01(15m), GAB 3.05

## **Proposed Emergency Administrative Rule – Provisional Ballots and Failed HAVA Checks**

### **GAB 3.01 Voter Registration**

In this chapter:

- 3.01(5g)** “Complete match” means a voter’s name, date of birth, DOT issued driver’s license number or DOT-issued identification card number or last 4 digits of Social Security number completely matches records maintained by the DOT or SSA.
- 3.01(5r)** “DOT” means the Wisconsin Department of Transportation.
- 3.01(6g)** “HAVA” means the Help America Vote Act of 2002.
- 3.01(6r)** “HAVA check” means the process by which a self-provider or provider submits a voter’s information through the statewide voter registration system to be matched against the DOT or the SSA records to validate the information provided by the voter.
- 3.01(15m)** “SSA” means the Social Security Administration.

**3.05 Provisional Ballots and Failed HAVA Checks.** Voters that do not achieve a complete match following a HAVA check as defined by GAB 3.01(5g) and GAB 3.01(6r) and are unable to provide proof of residence as defined in s. 6.34 (3), Stats., shall be permitted to vote a provisional ballot using the procedures under s. 6.97, Stats. Individuals provisional ballots shall be given the written information required under s. 6.97(1), Stats. If the person voting a provisional ballot provides a required proof of residence document set forth in s. 6.34(3), Stats. to the municipal clerk in person not later than 4:00 p.m., on the day following the day of the election, the person’s ballot shall be counted.

# State of Wisconsin\Government Accountability Board

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JUDGE THOMAS CANE  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** July 7, 2008

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel  
Wisconsin Government Accountability Board

Prepared and Presented by: Nathaniel E. Robinson, Administrator  
Elections Division

**SUBJECT:** Elections Division Activities

### Elections Administration Update

#### Introduction

Since the June 9, 2008, GAB meeting, the Elections Division continued to focus on preparing for the fall elections – the September 9 primary and the November 4 general election. Below is a summary of our activities.

1. Meeting with County Clerks: The Elections Division Administrator led a team of colleagues who made a 4-hour presentation to County Clerks during their 103rd Annual Symposium on June 24 in Manitowoc, WI. The team was comprised of Diane Lowe, our Lead Elections Administration Specialist, Barbara Hansen, Director of our Statewide Voter Registration System, and Ross Hein, our Elections Specialists who focus is Voting Systems and Training of Municipal Clerks and Chief Inspectors.

Note that we will make a presentation at the 1,851 Municipal Clerks' summer gathering in Stevens Point in August. We will also make a presentation at the Wisconsin Towns Association's convention in October in Appleton.

2. Special Registration Deputy Training: Interests in our Special Registration Deputy Training and other registration drives continue to significantly grow. Over 225 students have taken our training and have been certified since the GAB June 9 meeting. These Special Registration Deputies (SRDs) and related drives are registering voters throughout the state in record numbers. For example, in May (the most current data we have), some 195,893 voter verification postcards were mailed to voters who registered by mail, through an SRD, registration drive, or registered on Elections Day. The cost for mailing these verification cards was \$40,215.76.

3. Informing Major Ballot Parties of SRD Training: We are in the process of informing the major ballot political parties by mail, about the availability of our SRD training sessions.
4. Clerks May now Conduct SRD Training for Statewide Registrations: Clerks have always been able to train SRDs for their jurisdictions only. However, under 2005 Wisconsin Act 451, in addition to the GAB staff, clerks are now able to train SRDs for any municipality in Wisconsin during periods of open voter registration. In order for the clerks SRD training materials to be consistent with ours, we made available training materials on our Web Based Election Training System (WBETS). The materials include the required forms, oath, and certificate, along with step-by-step instructions for tracking Special Registration Deputies in SVRS.
5. Training for Municipal Clerks and Chief Inspectors Set: A series of training sessions for Municipal Clerks and Chief Inspectors is now scheduled at various locations around the state during July and August. Similarly, interface training in our Statewide Voter Registration System (SVRS) for clerks to learn how to check for felon, deceased and matches with the Wisconsin Department of Transportation records is now available for clerks online, on our Web Based Election Training System (WBETS).
6. Voter Registration Form for Hmong and Spanish Speaking Voters Updated: We updated our voting registration form and as a result, we updated (translated) it in the Hmong and Spanish language versions as well.
7. Promoting Early Registration/Encouraging would-be-voters to Register Now: Our Communications Team has recommended various ways and strategies for consideration for informing and encouraging would-be-voters and registered voters who have had a change in their name or address, etc., to register now rather than waiting until election day. The Communications Team has submitted a number of excellent ideas for increasing our voter education efforts and these suggested activities are under consideration.
8. Poll Worker Recruitment: Poll Workers are sorely needed for the fall elections, especially for November 4 general election. We had an estimated 20,000 poll workers for Wisconsin's February 19, 2008, Presidential Preference Primary. By all estimates, we may need more, some estimate as many as 10,000 more for November 4. As we reported last month, one stumbling block is that as the current law now reads, poll workers are only allowed to work within the jurisdiction in which they are registered to vote. Nevertheless, ideas that you, members of the GAB (last three) and our Communications Team have suggested include:
  - Letter from OSER Director to heads of state agencies reminding their staffs they can be poll workers
  - Notice to state employees through payroll checks, possibly encouraged by a letter from Gov. Doyle
  - Mailing/poll worker notice to utility customers arranged through larger Wisconsin utilities
  - Notice included in a mailing from the State Treasurer's office
  - Local news release included in the Local Election Officials' G.A.B. media kit for fall elections
  - Elections Division letter to UW System schools, Wisconsin Technical Colleges and others about students' opportunities to be poll workers

- Letter to high school social studies/civics teachers in Wisconsin about high school student recruitment (through DPI? CESAs?)
- Letter to local government entities (towns, villages, cities or counties) encouraging them to remind municipal workers that they can serve as poll workers
- Work with the state's ballot political parties
- Ask local service clubs to recruit poll workers
- Ask for volunteers from Wisconsin Public Radio

All of these are viable ideas that we are pursuing. We are looking into the feasibility of hiring a University of Wisconsin senior-level or graduate journalism or communications student to assist with developing these initiatives.

9. Date of Births for Registered Voters: In their November 2007 Report, "Wisconsin's Compliance with State and Federal Election Laws," the Legislative Audit Bureau recommended that dates of birth for voters with default dates of birth (01-10-1900) in the Statewide Voter Registration System (SVRS) be corrected. In November 2006, almost 500,00 default dates of birth were in the system. In January 2008, 153,529 remained. Currently, we have about 124,000 such records; however, the City of Milwaukee Election Commission is conducting its own drive and asked to be omitted from our efforts. We continue to focus on the most effective and efficient ways to get over 89,000 voters to share their date of birth so our SVRS voter data may be updated. The mail costs alone is estimated at over \$61,000.00.
10. A potential problem: It has been brought to our attention that Pierce County may have been unable to use its Voting Technologies International (VTI) VOTWARE DRE Electronic Voting Systems for the April 1, 2008, election for disabled voters. We have requested information from the Pierce County Clerk and will provide additional information at the July 15 and 16 GAB meeting.
11. During the past two weeks especially, we provided a lot of hands-on assistance to walk-ins and technical assistance via the telephone to candidates regarding nominations papers for partisan office for the November 4 general election. Candidates could legally commence circulating nominations papers on Sunday, June 1, for the November 4 general election, and the deadline for filing is Tuesday, July 8, 5:00 p.m. A separate report will be provided, summarizing Ballot Access for the 2008 General Election.
12. The Elections Division Administrator coordinated preparation for the Director and General Counsel's briefing for a 22-member African Delegation who are interested in Wisconsin's elections administration and ethics. The meeting was scheduled for Thursday, June 19. Kyle Richmond, our Public Information Office, deserves special commendation for his contribution.

### **Key Metrics**

Training, technical assistance and public information/education initiatives to our customers, constituents and partners continued.

1. Training

## 2. Public Information/Education

### **Attachment # 2.**

#### **Noteworthy Activities**

1. Jumpstarting Implementation of the \$2 Million Election Data Collection Grant: A lot of time and effort has been expended getting the competitive data collection grant application for \$2 million dollars up and going. In addition to working behind the scenes such as requesting position authority, writing position descriptions, responding to media and the public inquiries, and spending time with vendors (consultants) who are interested in assisting us with implementation, we had our organizational meeting on June 18, including partners from the University of Wisconsin Department of Political Science (for the evaluation component) and the University of Wisconsin-Extension (for an online training module).

A reminder..... The purpose of the grant is to improve election day data collection during the November 4, 2008 general election. We are one of five states to receive a \$2 million no-match grant. The other Great Lakes, Big Ten Athletic Conference States are: Minnesota, Illinois, Ohio and Pennsylvania.

2. County and Municipal Clerks Ad-Hoc Committee to Advise on Voter Registration Rules: An ad-hoc committee comprised of County and Municipal Clerks to advise on proposed Administrative Rules on Voter Registration, was appointed and has had two meetings; three more are planned.
4. In-House Staff Ad-Hoc Committee to Advise on Accessibility Administrative Matters: We continue to meet with the GAB Accessibility Advisors to revise our Disability Accessibility Survey. However, as we are gearing up for the fall elections, we need to decide how to monitor and verify whether accessibility infractions and deficiencies identified by our February 19 and April 1 onsite inspections have been done. We also need to determine how to proceed with new onsite accessibility assessment during the September 9 and November 4 elections. An in-house staff ad-hoc committee is being asked to advise the Division Administrator who will make recommendations to the Director and General Counsel.
5. State Illinois Legislature Considering an Election Day Registration Bill: The State of Illinois has a fact-finding commission comprised of legislators and citizens who are conducting fact-finding on whether Illinois should consider Election Day Registration legislation. Barbara Hansen had made a presentation on Election Day Registration on May 8 in Bloomington, IL to the Association of Election Commission Officials of Illinois. However, on June 25, Ms. Hansen and Mr. Neil Albrecht, Deputy Director of the City of Milwaukee Election Commission, traveled to Chicago and made a presentation to the fact-finding committee.

#### **30-day Forecast**

1. Continue to work the aforementioned initiatives and plan and prepare for the fall elections.
2. Continue to manage implementation process of our \$2 million data grant.

3. Continue to meet with the GAB Accessibility Advisors to finalize the draft accessibility survey.
4. Also, we are poised to achieve Help America Vote Act (HAVA) compliance with SVRS.
5. Convene meeting of the GAB Elections Administration Council and apply for an additional \$2.1 million Federal dollars due Wisconsin.

## **Statewide Voter Registration System Update**

Barbara A. Hansen, SVRS Project Director

### **Introduction**

This section updates the preparations within the Statewide Voter Registration System (SVRS) Project to implement the HAVA-required Interfaces since the GAB's June 9 meeting. A successful implementation of the HAVA-required Interfaces will make Wisconsin HAVA compliant.

### **SVRS Application**

In our last update, we reported that the SVRS application version 6.4 and infrastructure was upgraded during the weekend of May 31 – June 1, 2008. As a result of the upgrade, improvement in the overall processing, generation of reports and mailings that will be used to support the business process for the HAVA-required data interfaces.

Our technical staff continues working to further refine the SVRS application. Version 6.5 gives Clerks the ability to track the issuance of absentee ballots in large municipalities, and generate reports that reflect the correct number of absentee voters and their status. With version 6.5, Clerks will also be able to track requests for absentee ballots and issuance and return of those ballots with confidence in the integrity of the information in the system. Note that the Absentee functionality which was one of the issues raised in the November 2007 LAB report, is now addressed by successful improvements made in version 6.5 of the SVRS application.

On June 12, 2008, SVRS staff met with a group of 15 municipal clerks who have used the absentee functionality in SVRS for past elections and demonstrated the absentee enhancements proposed for SVRS version 6.5. The Clerks provided comments and suggestions for enhancements that will ensure the application better meets their needs for the fall elections.

It is planned that the benefits of version 6.5 will be available for clerks to begin accessing and using in mid-August, prior to the September Primary. Based on our best assessment, these improvements and others that are on the way, will position us to have SVRS serve our Clerks well for the fall election cycle.

### **Status of HAVA-Required Interfaces**

The Help America Vote Act (HAVA) of 2002 required states to establish a statewide voter registration system that would interface with other state agencies to improve the quality of the voter list. The SVRS is designed to interface with the Department of Transportation (DOT) to validate voter information based on driver license, state ID or social security numbers, the Department of Corrections (DOC) for felon information, and the Department of Health and Family Services (DHFS) for data on deceased voters. The SVRS application has continued to

be tested over the last several months to improve the functionality of these HAVA-required Interfaces. Clerk users of SVRS are currently not able to use the Interfaces.

During the testing phase, two of the three HAVA required interfaces (felon and deceased records) are working well. Clerks will be able to compare and match voters to felon and death records. The process will search for duplicate records so they may be merged. However, we are unable to completely and successfully engage the third HAVA-required interface (records matched with the Wisconsin Department of Transportation) until the “middleware” performs correctly and reliably.

A critical part of the data interfaces’ recent upgrade included the installation of the “middleware” developed by the Wisconsin Department of Administration, Division of Enterprise Technology (DET). “Middleware” moves the data between other State agencies and the SVRS. DET also recently updated software that detects records from DHFS or DOC that cannot be imported into SVRS due to data problems. An error report can be produced and sent to agencies for investigation. Our staff continues to meet with DET management on a regular basis to ensure that the interfaces will run properly and that the SVRS infrastructure is sound for the fall election cycle.

The interface with the Department of Transportation (DOT) records is testing successfully with smaller and lighter data loads, but not with continuously heavier loads. We are preparing to test with a higher load of data to ensure it will function properly during the high-volume November election. We anticipate turning on the DOT interface after successful testing of the larger data load in mid-July.

#### HAVA-related Interfaces Training

The curriculum for training Clerks on the data interfaces was announced on June 27, 2008. The training uses a website broadcast and hands-on SVRS training modules through our Web-Based Election Training System (WBETS). Clerks will be able to take the course from their workstations on their own schedule. SVRS staff have the ability to monitor their usage of the website. Questions and answers about the training materials will be posted on a Clerks’ forum on the training website. Clerks are expected to learn about and start using the interfaces during July.

#### Other Clerk-support Activities

A staff committee of Election Specialists developed a process to collect actual dates of birth from 89,000+ registered voters in Wisconsin who have a default date of birth of 1/1/1900 in the Statewide Voter Registration System (SVRS). These are voters who were converted from legacy voter registration systems maintained by municipalities before dates of birth were required. They expect to have this mailing sent by mid-July and SVRS staff will update the date of birth information for all voters who respond, before the poll books are printed for the September primary election.

The SVRS staff have been forwarding thousands of voter registration applications to municipal clerks. These applications were delivered to the Government Accountability Board (GAB) from Statewide special registration deputies and special interest groups such as Women's Voices Women's Votes.

#### Action Items

No action is required of the Board at this time. 48

**ATTACHMENT #1**

GAB Election Division's Training Initiatives  
6/10/2008-7/16/2008

<b>Training Type</b>	<b>Description</b>	<b>Class Duration</b>	<b>Target Audience</b>	<b>Number of Classes (since 6/10/2008)</b>	<b>Number of Students (since 6/10/2008)</b>
SVRS "Initial" Application and Election Management	Instruction in core SVRS functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	16 hours	New users of the SVRS application software.	1 class conducted in Green Bay. Future classes pending in Madison. Additional classes scheduled on an "as needed" basis.	8
SVRS "Advanced" Election Management	Instruction for those who have taken "initial" SVRS training and need refresher training or want to work with more advanced features of SVRS.	3 types of classes: Election Management; Absentee Process; Reports, Labels & Mailings; 4 hours each	Experienced users of the SVRS application software.	Seven "series" of classes to be conducted in August.	0
Voter Registration	Basic training in adding voter registration applications, searching for voters, updated voters.	3 hours	Municipal and county clerks, staff and temp workers who provide election support only.	The WBETS site is available to train temporary workers.	Ongoing, self-directed training is available online.
Business Process	Instruction in voter registration and election management roles and responsibilities	3 hours	Municipal and county clerks and staff.	0	0
Absentee Workshops	Advanced training in using the absentee function of SVRS.	5 hours	Users of the SVRS application who use the absentee functionality.	Classes currently being scheduled for August.	0

**ATTACHMENT #1**

GAB Election Division's Training Initiatives  
6/10/2008-7/16/2008

Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	1851 Municipal clerks; other staff.	4 new classes currently are being scheduled in late July/August as "make-up" classes for non-compliant clerks and new clerk training. After reviewing survey feedback from clerks, classes are currently being scheduled in August and September statewide.	1789 clerks completed training; 64 non-compliant.
Chief Inspector	Instruction for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.		0
Special Registration Deputy	2005 Wisconsin Act 451 allows a qualified elector of Wisconsin to be appointed as a Special Registration Deputy (SRD) for the purpose of registering electors of any municipality in Wisconsin during periods of open voter registration.	2 hours	Qualified electors in Wisconsin.	10 classes conducted, including Madison for League of Women Voters convention, Milwaukee, Rhinelander and Green Bay.	225
WisLine	Series of 10 programs designed to keep local government officers up to date on the administration of elections in Wisconsin.	80 minute conference call, hosted by the UW Extension, conducted by Elections Division staff.	Clerks and chief inspectors; campaign treasurers and candidates.	None	n/a

**ATTACHMENT #1**

GAB Election Division's Training Initiatives  
6/10/2008-7/16/2008

WBETS	Web Based Election Training System. Still under development. Reference materials were made available to the clerks in February; voter registration training made available to clerks 3/24/2008.	Varies	County and municipal clerks and their staff.	Phase 1 of eLearning training plan close to completion; Phase 2 under discussion.	Site is available for clerks to train temp workers in data entry; reliers are also able to access the site upon request.
Interfaces	Instruction in the use of the interface functionality in SVRS to check death records, felon records, DOT records and duplicate records against voter records as part of HAVA compliance requirements.	2 hours	All clerks (staff as determined by clerk).	Elections Division staff has developed training that resides on the WBETS web site. Clerks will begin self-paced training for their staffs and their reliers in July.	Eventually 2000+
Other Activities	Recruitment has started to fill a vacant trainer position in the Elections Division.	n/a	n/a	n/a	n/a
	The Elections Division Training Coordinator and finance staff completed a study which analyzed the costs to transport computerized training equipment and staff to Court Houses and City Halls in Wisconsin. Vehicles will be reserved for the remainder of 2008.	June, July	n/a	n/a	n/a

**ATTACHMENT #2**

**GAB Elections Division  
Communications Initiatives  
June 10 – July 15, 2008**

<b>Topic</b>	<b>Message</b>	<b>Media</b>	<b>Audience</b>	<b>Follow-up Activities</b>
The Government Accountability Board: Its Mission and Duties	The G.A.B. is at work: Here is its charge and how it functions.	Draft brochure: 6/10/08.	General public.	(Distribution being planned as work on G.A.B. logo and mission statement continues.)
Common Cause voter education survey of 10 swing states	Here are Wisconsin's current and future efforts to educate voters.	Survey response: 6/18/08.	Common Cause, the Century Foundation and LCCR Education Fund.	
Marquette University's Democracy and Government Training Program	Elections and ethics in Wisconsin are very important to State government.	2-hour presentation: 6/19/08	20-member delegation of civil servants and others from Ghana, Mali and Nigeria.	(This is a continuing program conducted for several years with the former Elections Board.)
"Wisconsin Elections Division Announces New Non-English Voter Materials" 53	Spanish and Hmong voter registration forms updated; five new U.S. EAC Asian language glossaries available	News release: 6/23/08	General public, Legislature, local election officials.	Answering questions from legislators and local officials about use of the updated forms.
Wisconsin County Clerks 103 <sup>rd</sup> Annual Symposium in Manitowoc	Be prepared for fall elections; the Elections Division is available for consultation and to help.	Four Elections Division presentations: 6/24/08	County clerks	
"Political Campaign Workers and Government Employees Should Remember Wisconsin's Rules"	The State prohibits use of State resources for campaign work, and solicitation in government buildings.	News release: 6/25/08	General public, Legislature, candidates, news media.	
Candidate deadlines, SVRS data interfaces, municipal SRD training, driver's license info	More information for local election officials as the fall elections approach.	<i>Election Update: 7/4/08</i>	Municipal and county clerks.	Posted to the website.
Mailing to Wisconsin voters with default dates of birth in the SVRS.	Please help the State update your voter information.	Letter to individual voters: 7/15/08	Voters with incorrect dates of birth on record.	Correction of voter records through municipal clerks.

# State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY  
Director & General Counsel

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## MEMORANDUM

**DATE:** July 15-16, 2008 Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Legal Counsel  
Wisconsin Government Accountability Board

Prepared by: Jonathan Becker, Administrator  
Ethics and Accountability Division

**SUBJECT:** Ethics and Accountability Division Activities

### Campaign Finance Update

Sharrie Hauge, Special Assistant to the Legal Counsel

#### Introduction

Under Chapter 11 of the Wisconsin State Statutes, the Campaign Finance Section administers the campaign finance reporting system, which includes:

- Auditing Campaign Finance reports for compliance;
- Notifying registrants of filing requirements;
- Administering the Wisconsin Election Campaign Fund Program; and,
- Creating a Campaign Finance Database to ensure public disclosure.

#### Key Metrics

##### 1. **Audits**

Staff completed 6 conduit audits this reporting period. One committee was terminated and three committees were put on "R" status. The committees on "R" status are no longer required to file campaign finance reports, however, they are required to be available to answer questions and resolve any violations prior to termination being granted.

##### 2. **July 2008 Continuing Report Filing Notices**

Staff sent approximately **1771** filing notices to all registrants (Candidates, PACs, Parties, Referendum Committees, Conduits and Corporations) for the July 2008 continuing report, which is due in the GAB office on July 21, 2008. This report covers activity from January 1, 2008, through June 30, 2008.

Also included in the mailing was a notice about the new Campaign Finance Information System. We informed registrants of new filing procedures effective with their January 2009 continuing report and asked all registrants to provide us with an e-mail address for future notices (see attached notice).

Noteworthy Activities

1. **Wisconsin Election Campaign Fund (WECF)**

The Wisconsin Election Campaign Fund receives its money from a \$1 voluntary check off by Wisconsin taxpayers on individual tax returns. The fund provides grants for candidates for statewide and legislative office. Interested candidates must apply for the grants and meet certain qualifications.

The deadline to apply for a WECF grant is July 8, 2008. To date, staff has received 20 applications.

2. **Campaign Finance Information System**  
Project Accomplishments

Significant progress continues to be made in the implementation of the Campaign Finance Information System (CFIS). The project is on time and in budget.

The final version of the Functional Requirements Document (FRD) has been received and accepted. The FRD is the document that *contractually* defines how the system should perform. Thus, if the GAB needs to assert a warranty claim, for example, we will go to the FRD and require the vendor to fix the system according to the specifications in that document.

The GAB team received “Segment 4” of the new system. This segment is the first version of the complete application (excluding change orders). This segment was received on schedule. Staff are testing the application and working with the vendor to ensure that corrections are made.

The next version of the software is scheduled for July 18. With this version, GAB staff will conduct formal User Acceptance Testing. That testing is scheduled for the weeks of July 21 and July 28. Testing will be done using the computer lab facilities at Edgewood College.

The GAB team has made significant progress on data conversion. Initial steps have been made to convert registrant data from the existing SWEBIS system to the new system.

We added a third Edgewood College intern, Keith McDonald, whose responsibilities center on writing the content of the help screens and user manuals. Keith will also be involved in testing the system.

The team made a very seamless transition with DET when the lead contact, Max Babler, left State employment. A meeting was held with DET to provide orientation to our new DET contacts. DET’s support in this effort has been superb.

We have been in contact with Committees regarding the roll out of the new system. The system will go-live (officially) on November 5, 2008. The 2009 January Continuing Report will be the first report submitted using the new system.

Training plans are being developed. Training will be done in November and December, based on the successful roll out of the new system.

All agencies engaged in major IT projects are required to submit a Dashboard report to the Division of Enterprise Technology monthly. On June 30<sup>th</sup>, staff submitted its sixth CFIS Dashboard report. The report summarizes the schedule status, scope status, budget status and risk status of the project.

### Looking Ahead

The following activities are in process for the next three months.

- User Acceptance Testing will occur July 21 through August 1.
- A revised version of code is scheduled for delivery in middle August with another week of User Acceptance Testing to be conducted the subsequent week.
- Data conversion (of the SWEBIS system and the transaction files) will begin in August.
- Pilot testing of the new system will be in September. Some committees will be assisting in the pilot test.

### Action Items

No action is required of the Board at this time.

## **Contract Sunshine Update**

Tommy Winkler, Contract Sunshine Program Director

### Introduction

Wisconsin's Contract Sunshine Act (2005 Act 410) calls for the creation and maintenance of an Internet site at which anyone may access information about every state contract, purchase, and solicitation of bids or proposals that involves an annual expenditure of \$10,000 or more. *Wisconsin Statutes* direct the Wisconsin Government Accountability Board to create and maintain this site. In enacting the Contract Sunshine Act, the Legislature's intention was to enhance citizens' confidence in the State's procurement process by providing a one-stop Internet location where citizens, the press, vendors, and others can learn about current procurement activities. The legislature intended that the Act provide potential vendors of goods and services with ready access to information about the State's purchases and confirm that the State's procurement programs are operating fairly and efficiently.

### Key Metrics

- \$75,000,000** The estimated upper boundary value of the largest contract reported to the Contract Sunshine website. The contract is a Department of Transportation contract for road salt that is procured with three different vendors. The contract's range is between 35,000,000 and 75,000,000.
- 619** The number of vendors state agencies have contracted with and reported to the Government Accountability Board using the Contract Sunshine website.

### Milestones

Government Accountability Board staff completed a user acceptance testing and review process for the new version of the Contract Sunshine application. Staff also solicited feedback on the new version of the application from procurement officials at DOA. Upon receiving this feedback, staff will submit the final system modifications to Sundial Software Corporation developers. GAB staff has also asked the system's

developers to prepare to construct an import/export function that will allow users to more efficiently enter large amounts of data into the Contract Sunshine application.

### Looking Ahead

After Sundial implements the final changes and releases the updated version of the website, GAB staff will meet with DOA personnel to train procurement staff in reporting information using the updated version of the program. After completing this training, correspondence will be sent to all agencies communicating the changes made to current version of the application; the updated version of the application will be released for all agencies to use. It is staff's goal to have all agencies required to report information to the GAB under the Contract Sunshine law do so using the new website by the end of Summer 2008.

### Action Items

None.

### **Financial Disclosure Update**

Tommy Winkler, Financial Disclosure Program Director

### Introduction

State officials and candidates file Statements of Economic Interests under Chapter 19 of Wisconsin Statutes. These statements are filed on an annual basis with the Government Accountability Board, and they are open for public inspection at the time they are filed. A statement identifies a filer's, and his or her immediate family's, employers, investments, real estate, commercial clients, and creditors. The idea is to identify which businesses and individuals an official is tied to financially. The focus is on identifying a filer's financial relationships, not on identifying the individual's wealth. This information is entered into an online index that is managed by Government Accountability Board staff.

### Key Measurements

- 193** The number of challengers as of July 7, 2008 who indicated they are running for a partisan fall office. Challengers for partisan fall offices are required to file a Statement of Economic Interests with the Government Accountability Board by 4:30 p.m. on July 11, 2008 in order to have their name appear on the ballot.
- 73** The number of candidates running for a partisan fall office who have filed a Statement of Economic Interests with the Government Accountability Board as of 8:00 a.m. on July 7, 2008.
- 107** The number of state agencies and boards who received a legislative liaison report from the Government Accountability Board on July 1, 2008. State agencies are required to identify to the Board those officials who engage in lobbying activity. They do so by filing legislative liaison reports on a bi-annual basis. The reports are due by 4:30 p.m. on July 31, 2008.
- 34** The number of State of Wisconsin Investment Board members required to complete a Quarterly Transaction report filed with the Government Accountability Board. These reports are reviewed by the Legislative Audit Bureau to ensure an absence of any conflict of interests between the Investment Board member's investment decisions on behalf of the State of Wisconsin and their personal financial interests. These statements are due by July 31, 2008.

### Milestones

As of 4:30 p.m. on Monday, July 7, 2008, 99.8% of those state public officials required to file a Statement of Economic Interests with the Government Accountability Board did so. Those officials who have yet to file a Statement are:

Anthony L. Brown	WHEDA
Allan K. Kehl	Wisconsin Technical College System Board
Thomas P. Shields	University of Wisconsin System
Robert Smith	WHEDA
Linda Stewart	WHEDA
Kristin Walker	WHEDA

Of the six filers listed above, only two of the filers are currently active (Brown, and Stewart). Brown is very ill and has been on medical leave for several months and Stewart's location cannot be determined. At the board's previous meeting it was determined not to follow up with these two individuals in order to receive a filed copy of their Statement of Economic Interests. Staff has contacted the remaining officials yet to file via the contact information we were able to obtain. We received a response from Thomas Shields who informed staff he was going to file but has yet to do so. Alan Kehl was reached by phone and claimed to never have received the original mailing nor any follow up reminders. He was sent a new form via e-mail and will mail it to us as soon as possible. Alternative methods for obtaining a completed copy from the outstanding filers are being evaluated and staff hopes to have a resolution as to how we can handle these five officials filing status by the next board meeting.

### Looking Ahead

Government Accountability Board staff will begin preparing for the 2009 annual filing and Spring 2009 election. Changes to the filing forms, reports, and database application need to be made by October in order to provide adequate time to construct and mail the necessary materials to potential candidates/filers in the upcoming calendar year. Additionally, staff will continue to work with SunDial Software Corporation on changes to the Eye on Financial Relationships website application in order to improve efficiency in reporting information to the online index. A major part of the proposed enhancement to the website is allowing filers the ability to file their Statements of Economic Interests online.

### Action Items

None.

### Lobbying Update

Katharine Lang, Assistant Lobbying Administrator

### Introduction

Wisconsin has some of the most structured lobbying laws in the country. Lobbyists and organizations that employ lobbyists are governed under Chapter 13 of the *Wisconsin* Statutes. They are required to complete a Statement of Lobbying Activities and Expense Report every 6 months. The report for January – June is due July 31 and the report for July – December is due January 31. They are also required to report within 15 days of lobbying on a specific legislative and administrative proposal and topic.

In addition to the Statement of Lobbying Activity and Expense Reports managed by our agency, all state agencies are required to file Legislative Liaison reports to the Government Accountability Board (the 'Board') every 6 months. Key staff and agency officials who are authorized to affect legislation and administrative rule-making notify the Board of their annual salary and the percentage of time spent on lobbying matters.

### Key Metrics

- 782** The number of principal lobbying organizations registered with the Government Accountability Board.
- 693** The number of lobbyists registered to lobby on behalf of one organization.
- 144** The number of lobbyists registered to lobby on behalf of more than one organization.
- 1,773** The number of individual authorizations of lobbyists representing a principal organization.

### Noteworthy Activities

Staff is contacting principals and lobbyists required to file Statements of Lobbying Activities and Expenditures and Lobbying Time Reports, respectively. These filings are due July 31, 2008.

Katharine continues to work on an analysis of the FOCUS subscriptions and evaluating the service based on promotional effectiveness, breadth and depth of content, usability/functionality, cost, and distributional efficiency. She is looking at similar subscriptions in other states, notably Arkansas' "Bill Watch" and Virginia's "Lobbyist-In-A-Box" services.

In addition, Katharine is working on reformatting the FOCUS informational brochures, including redesigning the logo. She hopes to send out surveys to subscribers in order to receive feedback on how FOCUS may be improved.

### Looking Ahead

Katharine will be working on the 2007-2008 Lobbying Report due in late August.

### Action Items

No action is required of the Board at this time.

## **IMPORTANT NEW FILING INFORMATION PLEASE READ**

### **Candidates, Political Action Committees, Political Parties and Legislative Campaign Committees Notice of Requirement to File a July 2008 Continuing Campaign Finance Report**

As a committee registered with the Government Accountability Board, you are required to file a July Continuing Campaign Finance Report. This report covers financial activities during the period January 1, 2008, or the ending date of your last report (e.g., Spring 2008 Pre-Election Report), through June 30, 2008.

#### **Electronic Filing Requirement**

All committees with receipts of \$20,000 or more during a campaign period are required to file reports electronically. If a committee has filed a report electronically in the past, it must continue to file all subsequent reports electronically. *Every committee is urged to file electronically – it's easy, fast, and free.*

#### **New Campaign Finance Information System**

The Government Accountability Board is in the final stages of creating a new on-line electronic filing system and web site that will make filing and viewing campaign finance information easier and more valuable than ever. For this report, you are being asked to use a new format that will enable the Board to transfer the information you provide to the new system. **There are some significant changes from past filing procedures – please read the instructions below.** *We anticipate that the new Campaign Finance Information System will be fully operational and in use by January 1, 2009.*

#### **How to File Electronically**

There are two ways to electronically file this report:

1. You can use the new spreadsheet file format. The new spreadsheet and instructions for using it can be found on the Board's website at <http://elections.wi.gov> by choosing "[Campaign Finance](#)" and "[Electronic Filing](#)". Using this format will save the GAB a significant amount of time and effort in converting the data to the new format. **If you use the new format, you do not need to submit a paper copy of the report.**
2. You can use the old spreadsheet file format. Because we are converting to a new system, we prefer all files in an Excel format. **If you submit a report in a format other than Excel, you will be required to resubmit the report in the new format prior to December 1, 2008.** If you use the old spreadsheet file format, you also need to submit a paper copy of the report.

**Please note: After November 4, 2008, you will no longer be able to submit information using the old file format. You may use the new on-line reporting system to record and file information. Or you may use any software and export your information to the new format.**

**The new system will hold all of your data in a "pending status" that will not be accessible to anyone but you until you submit it to the GAB. While data is "pending," you will be able to view it and edit it as needed. Complete instructions and training will be available later this year.**

**What else do you need to do?**

1. The new system relies heavily on electronic communication. The old system did not capture e-mail addresses. You need to provide an e-mail address to the Board so that you may receive a password to obtain access to the Campaign Finance Information System for future filings and so that you will receive important notices, forms, and other communications in the future. Choose an e-mail address that you anticipate you or your campaign will use in the foreseeable future. **We are asking ALL committees to provide this information, regardless of whether you file campaign finance reports electronically or use paper reports.**

If you use the new spreadsheet file format, you can provide this information on the worksheet labeled "Cover".

If you will use the old spreadsheet file format, please download the file "Cover Only.xls" from the GAB web site at <http://elections.wi.gov> by choosing "[Campaign Finance](#)" and "[Electronic Filing](#)". Complete this file and send it to the GAB, along with your report.

2. The new system will create an electronic signature, part of which uses a code based on the bank account number that you use for your campaign finance funds. The old system did not capture bank account information. **We are asking ALL committees to provide this information, regardless of whether you file campaign finance reports electronically or use paper reports.**

If you use the new spreadsheet file format, you can provide this information on the worksheet labeled "Cover".

If you will use the old spreadsheet file format, please download the file "Cover Only.xls" from the GAB web site (<http://elections.state.wi.us>). Complete this file and (electronically) send it to the GAB.

3. Request for volunteers. The GAB is seeking volunteers to help pilot the new Campaign Finance Information System prior to the January 2009 Continuing Report. If you are interested in being a Good Samaritan, please contact Richard Bohringer at 608-267-7735 or [richard.bohringer@wi.gov](mailto:richard.bohringer@wi.gov). **If your committee will not be participating in the Fall Elections, you could be of tremendous assistance. If you are running unopposed in the Fall Elections, you could be of tremendous assistance.**

**The July Continuing Report covers the period January 1, 2008, or the ending date of your last report, through June 30, 2008**

***This report is due by July 21, 2008.***

Wisconsin law makes filing campaign finance reports on time an important obligation of each registrant. It requires the Government Accountability Board to make a list of late filers available for inspection by the press and public. The penalties for neglecting or refusing to file a report on time are set out in §§11.60 (1) and (2) and 11.61 (1) (c), *Wisconsin Statutes*.

**GOVERNMENT ACCOUNTABILITY BOARD**

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# State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the July 15 and July 16, 2008 Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel  
Wisconsin Government Accountability Board

Prepared by: Kevin J. Kennedy, Director and General Counsel  
Sharrie Hauge, Special Assistant to the Director

**SUBJECT:** Administrative Activities

### Agency Organization

#### Introduction

This has been an extraordinarily busy time. The primary administrative focus has been on space planning, preparing a funding request to the Legislative Joint Committee on Finance, the FY-08 Budget Reconciliation, preparing for the submission of the agency's 2009-2011 biennial budget request and recruiting for the two vacant attorney positions.

#### Noteworthy Activities

##### 1. Space Planning

We are making steady progress on finding new space. On Friday, May 23 a Request for Proposal for lease space was issued. The due date for proposals was June 26, 2008. We received five proposals from four different companies. A five-member evaluation committee was established (4-GAB staff and 1-DOA staff) and evaluation criteria/benchmarks for evaluating the proposals was determined before review of the proposals. On July 1 and July 3 site visits were conducted. On Tuesday, July 8, staff submitted their scores to DOA for tabulation. DOA staff will tabulate the scores and incorporate the cost rates into the evaluation matrix. Once the scores have been tabulated, we focus on the top one to two scoring companies to begin negotiations.

We're moving at a very fast pace to ensure we are poised to go before the Building Commission at their August meeting. We will need to present a ready to be signed lease with costs. Once the building Commission approves our request, the new landlord will begin remodeling the space to ensure a December 1, 2008 or February 1, 2009 move in date.

2. Legislative Joint Committee on Finance (JCF) 13.10 Funding Request

On June 6, 2008 staff submitted a Section 13.10 request to the Legislative Joint Committee on Finance to release \$107,500 from its appropriation under Section 20.865 (4)(a) to continue to pay for internal Project Management costs associated with the Campaign Finance Information System (CFIS).

The Committee met on June 24 and approved the agency request.

3. FY-08 Budget Reconciliation

Since the close of FY-08 on June 30, it has been extremely busy for the agency's financial staff. We are in the process of reconciling the agency's FY-08 operating budget. This process includes reconciling the general program revenue (GPR), program revenue (PR) and federal program balances (expenses and revenue), liquidating purchase orders and filing several year-end reports.

In preparation for FY-09, individual budget spreadsheets have been created to track the operating budget(s) per funding source. Staff is also working on budget projections for FY-09.

4. 2009-2011 Biennial Budget Request

On June 25, 2008 staff received Major Budget Policies and Budget instructions for preparing its 2009-2011 biennial budget request. Most agencies are required to hold their overall fiscal year GPR budgets to fiscal year 2008-09 levels. In addition to zero growth for the 2009-2011 biennium agencies need to plan for operations reductions similar to the amounts required in the 2007-2009 biennium. GAB was required to lapse \$24,200 in each year of the 2007-2009 biennium.

In addition to the standard biennial budget request, GAB is required to conduct a base budget review of all its programmatic activity for the last three fiscal years. The review consists of a description of each programmatic activity and its expenditures for each activity area. Expenditures need to be reported for the last three fiscal years, with detailed breakouts of expenditures occurring in the third and fourth quarters of those fiscal years.

The budget submission and base budget review is due to the State Budget Office and the Legislative Fiscal Bureau on September 15, 2008.

5. Staffing

The recruitment process for the two-attorney positions is moving along. We posted the vacant positions for hire on the state's transfer list and received 8 applicants. Additionally, we posted the positions on WisJOBS under an open recruitment. The deadline to apply for the positions is July 14, 2008.

## 6. Presentations

On June 18, 2008 Tommy Winkler and I made a presentation to members of a delegation from Africa sponsored by the U.S. State Department and the Aspin Institute at Marquette University. The delegation included members from Mali, Ghana and Nigeria. I also made a presentation on recent developments in election litigation to the National Association of State Election Directors (NASED) on June 28, 2008. Nate Judnic and Jon Becker made separate presentations to the Municipal Attorney Association of the League of Wisconsin Municipalities in Sturgeon Bay on June 27, 2008.

### Looking Ahead

In the next month, we will be working diligently on finalizing a new lease for space. We will also be working on the 2009-2011 biennial budget request. Board members will receive a preliminary report on the proposed budget at the August 28, 2008 meeting.

The staff will also be preparing for the August 28, 2008 meeting. There are a number of key subject areas for review including former State Elections Board informal opinions on MCFL organizations, formal opinions related to campaign finance solicitation along with formal opinions and administrative rules related to the Wisconsin Election Campaign Fund. Formal opinions and guidelines of the former State Ethics Board related to acceptance of fees and honoraria, registration and reporting, accepting meals, gifts, employment will also be presented for review. Staff plans to present revised administrative rules related to voter registration and election observers at the meeting.

### Action Items

None.

# State of Wisconsin\Government Accountability Board

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**KEVIN J. KENNEDY**  
Director and General Counsel

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**DATE:** For the July 15, 16, 2008 Meeting

**TO:** Government Accountability Board Members

**FROM:** Kevin J. Kennedy, Legal Counsel

**SUBJECT:** Proposed 2009 Meeting Dates

The attached schedule lists, in bold type, proposed meeting dates for the Government Accountability Board in 2009. The list takes into account the schedules submitted by Board members with their 2009 travel plans. Attached is a spread sheet with member travel information. (Note this is a separate item that will not be posted on the website)

I have set out a list of proposed meeting dates beginning in January. There are 8 suggested meeting events. I have placed them in the context of other events on the agency calendar. I identified weeks rather than specific days. This allows Board members some flexibility in choosing a meeting date. I suggest Board Members consider meeting for two days in March, May and June in order to resolve any outstanding review items. The Board can choose to adjust the schedule based on the anticipated workload.

In some cases, depending on the number and/or complexity of the issues, the Board may consider holding short teleconference calls between in-person meetings. Also, the Board may wish to consider holding some of its 2009 meetings in venues other than Madison.

## **Government Accountability Board Proposed 2009 Meeting Dates**

### **January**

Tuesday, January 6, 2009 – Deadline for Filing Nomination Papers for Spring Election

Friday, January 9, 2009 – Deadline for Filing Statements of Economic Interests

**Week of January 19 or 26, 2009 – Proposed Meeting**

Thursday, January 31, 2009 - Deadline for Filing Semi-Annual Campaign Finance Reports

Thursday, January 31, 2009 - Deadline for Filing Semi-Annual Lobby Reports

### **February**

Monday, February 9, 2009 - Deadline for Filing Pre-Primary Campaign Finance Reports

Tuesday, February 17, 2009 –Spring Primary Election

**No Meeting Proposed**

### **March**

Monday, March 30, 2009 - Deadline for Filing Pre-Election Campaign Finance Reports

**Week of March 23 or 30, 2009 – Proposed Meeting**

### **April**

Tuesday, April 7, 2009 –Spring Election

Thursday, April 30, 2009 – Deadline for Filing Statements of Economic Interests

**No Meeting Proposed**

### **May**

**Week of May 18 2009 – Proposed Meeting**

### **June**

**Week of, June 22, 2009 – Proposed Meeting**

### **July**

**No Meeting Proposed**

## **August**

**Week of August 10, 2008 – Proposed Meeting Date**

## **September**

**No Meeting Proposed**

## **October**

**Week of October 5 or 12, 2009 – Proposed Meeting**

## **November**

**Week of November 16, 2009 – Proposed Meeting**

## **December**

**Week of December 14, 2009 – Proposed Meeting**