

Wisconsin Government Accountability Board

For municipal judges and members and officers of state authorities and VTAE districts

Officials' receipt of food, drink, favors, services, etc.

ITEMS SPECIFICALLY AUTHORIZED

Wisconsin law forbids a public officer to use free or discounted transportation, traveling accommodation, or communication services for which the supplier would usually charge [§946.11, Wisconsin Statutes; Art. 13, §11, Wisconsin Constitution], otherwise—

Consistent with the statutes administered by the Government Accountability Board, **a municipal judge or member or officer of a state authority or of a vocational, technical, and adult education district may accept and retain:**

- a. **ITEMS AND SERVICES UNRELATED TO PUBLIC POSITION.** Food, drink, transportation, lodging, items, and services which the recipient can clearly demonstrate are received for a reason unrelated to the recipient's holding or having held *any* public position [§§ 19.45 (3m) and 19.56 (3) (b), *Wisconsin Statutes*] and which could not reasonably be expected to influence an official's vote, official actions or judgment, nor reasonably be considered a reward for any official action or inaction;
- b. **ITEMS AND SERVICES MADE AVAILABLE TO THE GENERAL PUBLIC ON THE SAME TERMS.** Food, drink, transportation, lodging, items, and services at the same price, if any, charged others, when each of the following applies:
 - (i) the admission, items, or services are available to anyone who wants them at the same price;
 - (ii) the official is not given a preference or advantage in obtaining the items; and
 - (iii) there is no offer or notice of the event, item, or service directed to an official that would confer an advantage to the official. [§19.56 (3) (b), *Wisconsin Statutes*];
- c. **ITEMS AND SERVICES FOR WHICH THE RECIPIENT PAYS THE FULL COST.** Food, drink, transportation, lodging, items, and services if the official pays the highest of (i) the price charged others; (ii) the item's or service's true value, or (iii) the furnisher's cost [80 Op. Att'y Gen. 201 (1992)];
- d. **EXPENSES FOR TALKS AND PROGRAMS.** Payment or reimbursement by a meeting's sponsor of expenses an official or employee incurs for presenting a talk or program about state issues (including meal and travel costs) [§ 19.56 (3) (a)];
- e. **EXPENSES PROVIDED BY OR TO THE STATE.** Food, drink, transportation, lodging, or payment or reimbursement of costs that the official can clearly and convincingly demonstrate are provided by or for the state and for the state's benefit, not for a private benefit¹ [§ 19.56 (3) (c)];
- f. **INFORMATION.** Informational materials of unexceptional value;
- g. **SERVICES, ITEMS, AND REIMBURSEMENTS FROM CAMPAIGN COMMITTEES.** Services, items, and reimbursements from campaign committees as permitted and reported under campaign finance laws [§ 19.56 (3) (d)].

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¹ The certification of the chief justice or the director of state courts, a VTAE district board or director, or an authority's board or director that the cost or item or service would otherwise be paid by the state of Wisconsin is all that is normally needed to meet the statute's requirement that a cost be incurred for the benefit of the state, not for a private benefit.

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Restraints on officials' receipt of food, drink, favors, services, etc.

STATUTORY RESTRAINTS

Except as noted on the other side of this page, ***none of these officials should accept.***

- 1. FOOD, DRINK, OR TRAVEL OFFERED FOR A REASON RELATED TO HOLDING ANY PUBLIC POSITION.** Food, drink, transportation, or lodging except when the recipient can clearly and convincingly demonstrate that the items are offered for a reason unrelated to the recipient's holding or having held *any* public position [§§ 19.45 (3m) and 19.56 (3) (b), *Wisconsin Statutes*];* or
- 2. ITEMS OR SERVICES OFFERED BECAUSE OF PUBLIC POSITION.** Any item or service of more than nominal value offered because of the person's holding a public office [§ 19.45 (2)].
- 3. TRANSPORTATION, TRAVELING ACCOMMODATIONS, OR COMMUNICATION SERVICES.** Transportation or traveling accommodation for which the supplier would usually charge [§ 946.11; Art. 13, § 11, Const.].

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This is a guide. For authoritative information consult Wisconsin Statutes.

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