

Wisconsin Government Accountability Board

For State Agencies, Offices, Boards, Commissions, Councils
and the University of Wisconsin System

Inviting state officials to attend state-sponsored events

A Guide to Wisconsin Law

This guideline provides general advice about a state government official's¹ attending a seminar or reception sponsored by a state agency at which the official is not a featured speaker or part of a formal program. For situations in which the official is a featured speaker or program participant, see Government Accountability Board Guidelines 1211 and 1212.

General rules

1. **Public funds for a public purpose.** An agency or office of Wisconsin's government may spend money only for a public purpose, not for a private purpose, regardless of the fund's source.²
2. **Educational and informational material and seminars.** Statutes that the Government Accountability Board administers are not an impediment to an agency's or office's providing an official of Wisconsin's government with educational or informational materials, conferences, or seminars at reduced cost or no cost, if the official's receipt, attendance, or participation is clearly primarily for a government purpose.
3. **Meals, drinks, receptions.** A state public official may accept a state agency's or office's offer of food, meals, beverages, and even transportation and lodging as long as the official can demonstrate *by clear and convincing evidence* EITHER:
 - a. that the food and drink or other items or services offered are received primarily for the benefit of the state of Wisconsin and not primarily for the private benefit of a state official or anyone else OR
 - b. that the agency extended the offer to the recipient for reasons unrelated to the recipient's holding or having held *any* governmental position. [§19.45 (3m) and §19.56 (3) (c), *Wisconsin Statutes*].

Presumptions

The Government Accountability Board presumes that a state agency's sponsorship of a business meeting, educational conference, seminar, or event intended for and conducive to the discussion of state government processes or issues is primarily for the state's benefit. The Government Accountability Board presumes that a reception, athletic contest, concert, entertainment, or social event is not primarily for the state's benefit.

Attendance at University of Wisconsin athletic events, the State Fair, and other athletic, artistic and entertainment events. A state official should attend a state-sponsored athletic, artistic, or entertainment event at a state agency's invitation, only if the state makes the same or comparable tickets available to the general public and the official pays the same price as that charged to a member of the public.³ The official may not enter a skybox, luxury suite, or other premium area unless admission or access is available to the general public on the same terms and conditions as made available to the official.

¹ This guide applies to elected state officials and to others holding state public offices identified under §19.42 (13), *Wisconsin Statutes*.

² When an agency or office accepts money from an underwriter, sponsor, support group, or related foundation, the money becomes public funds and may be spent only in furtherance of a public purpose.

³ Section 36.39, *Wisconsin Statutes*, also provides that complimentary and reduced price tickets to University of Wisconsin system athletic events are generally prohibited.

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

Prepared by the Wisconsin Government Accountability Board, 212 E. Washington Ave, 3rd Floor, Madison, WI 53703 (608) 266-8005.

Website: <http://gab.wi.gov> October 2006. Revised 12/12.

GAB 1237

Exception: A state or local public official may attend an event of the nature just described, without payment or on terms not available to the general public, to the extent that

1. the official's attendance is clearly and convincingly for the benefit primarily of state government as demonstrated by the official's furtherance of a substantial, well-articulated governmental purpose or prominent, public ceremonial activity appropriate to the official's governmental office and
2. any private benefit is merely incidental to the governmental purpose [§19.56(3)(c)].

Examples of an appropriate governmental purpose include: a) specific fundraising, business development, or recruitment responsibilities; b) active participation in oversight responsibilities; and c) examination of government programs and operations related to the official's governmental duties.⁴

Attendance at receptions and social events. If a state agency sponsors a social event or reception, at which there is no formal program related to state issues or that is predominantly of a social nature, then a state official should pay the greatest of:

- the price of entertainment, food, and drink charged others;
- the true per-person cost of entertainment, food, and drink provided the official; or
- the true per-person value of entertainment, food and drink provided the official.

Other circumstances in which acceptance of items is permitted. An official may accept:

- a. **Items offered for a reason unrelated to the official's holding a government office.** Transportation, lodging, food, meals, or beverages that the official can show by clear and convincing evidence were offered for a reason unrelated to the official's holding or having held a government office. [§19.56(3)(b)]
- b. **Items and services made available to the general public.** Admission, transportation, lodging, food, meals, or beverages when each of the following applies:
 1. the admission, items, or services are available to anyone who wants them;
 2. the official is not given a preference or advantage in obtaining admission, items, or service;
 3. 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)(c)]
- c. **Items and services from the Department of Tourism.** Anything of value that the Department of Tourism provides for the purpose of hosting individuals to promote tourism. [§19.56(3)(em) and (f)]
- d. **Items and services from the Department of Commerce.** Anything of value that the Department of Commerce provides for the purpose of:
 1. the Department's sponsorship of a trip to a foreign country primarily to promote trade between that country and this state that the Department can demonstrate by clear and convincing evidence is primarily for the benefit of the state, or
 2. hosting of individuals in order to promote business, economic development, tourism, or conferences sponsored by multistate, national, or international associations of governments or governmental officials. [§19.56(3)(e) and (f)]

Reporting receipt of ticket or admission

An official, when filing a Statement of Economic Interests with the Government Accountability Board, must identify in the Statement each state office or agency that gave the official tickets or admissions valued at more than \$50 during the prior year unless, but for the agency's providing it, the agency of which the official's position is a part would reimburse the official for the ticket or admission. Unless the official returned the ticket or admission unused, the official should identify the office or agency even if the official has redirected the ticket or admission to another person, organization, or office or agency or has applied it to the benefit of the state or a local government.

⁴ A state agency's supplying a ticket to an official's spouse merits close scrutiny. It will be difficult for an agency or official to demonstrate that a spouse's attendance is primarily for the benefit of the state. The test is whether the free or reduced-cost admission for an official's spouse is in connection with the spouse's specific activities at the event in furtherance of substantial, well-articulated business purposes of the state.