

2005-06 SESSION

COMMITTEE HEARING RECORDS

Assembly Committee on Campaigns & Elections (AC-CE)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ **05hr_AC-CE_Misc_pt04**

➤ Record of Comm. Proceedings ... RCP

➤ **

Ethics Board's jurisdiction

LEGISLATIVE BRANCH

Legislators, legislative aides'
service agencies

EXECUTIVE BRANCH

Governor, Governor's
appointees, Secretaries,
deputies, administrators

District attorneys

JUDICIAL BRANCH

All judges

LOCAL

GOVERNMENT

Key officials

LOBBYISTS AND LOBBYING ORGANIZATIONS

A nonpartisan, independent Board

- 6 members
- 6-year, staggered term
- nonpartisan
- no government employment or office
- 4 votes required



= consistency and predictability



STATE OF WISCONSIN ETHICS BOARD

MISSION

The Ethics Board's mission is to further Wisconsin's tradition of clean and open government through its administration of Wisconsin's ethics code and lobbying law. The purposes of these laws are to:

- **Improve standards of governmental service.**
- **Strengthen citizens' confidence in the integrity of their state and local governmental officials**
- **Help preserve the integrity of the governmental decision-making process.**
- **Promote a full and fair opportunity for citizens to address governmental officials, either directly or through paid representatives, on the merits of issues.**

STATEMENT OF PRINCIPLES

In carrying out its mission, the Board strives to:

- **Administer Wisconsin's ethics code and lobbying law in a manner warranting the highest degree of public confidence in the Board's integrity, efficiency, fairness and non-partisanship.**
- **Administer the laws without delay and with great courtesy.**
- **Adhere to the meaning of the statutes entrusted to it without adopting a strained construction, and apply the laws in a reasonable, practical manner.**
- **Be vigorous without overreaching in requiring compliance with the law.**

GOALS

.: Foster ethical conduct

Foster ethical conduct of governmental officials, lobbyists and lobbying organizations.

.: Provide authoritative and timely advice

Give timely advice on questions about the application of the ethics code and lobbying law.

.: Identify interests influencing government

Identify for the public the businesses, organizations, and individuals attempting to influence governmental decisions, the issues in which they have an interest, and other pertinent information.

.: Identify conflicting interests

Provide information about governmental officials' financial interests to confirm for the public the absence of conflicting interests or to identify conflicts meriting attention.

.: Enforce statutory requirements

Investigate possible violations of the ethics code and lobbying law and seek appropriate remedies or exoneration as circumstances warrant.

.: Foster an Informed public

Provide the public with information about standards of conduct for governmental officials and lobbyists, lobbying efforts, and the Ethics Board's activities.

.: Review Statutes

Attempt to assure that statutes, rules, and proposed legislation are consistent with the furtherance of Wisconsin's tradition of clean and open government.

.: Foster commitment to vision and goals

Maintain a competent, enthusiastic board and staff, sharing a common vision and goals.

.: Use resources effectively

Effectively use personnel, financial, and technological resources to enable the Board to excel at fulfilling its mission and goals.

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

ITEMS SPECIFICALLY AUTHORIZED

Consistent with the statutes administered by the Ethics Board, *an elected state official or legislative employee may accept and retain:*

FROM ANY ORGANIZATION (EVEN A LOBBYING ORGANIZATION):

a. **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)¹ [§ 19.56(3)(a)];

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. [§13.625(2), *Wisconsin Statutes*];

c. **FOOD AND DRINK THAT THE OFFICIAL PURCHASES AT AN EVENT INTENDED FOR AND CONDUCTIVE TO THE DISCUSSION OF STATE GOVERNMENTAL PROCESSES, PROPOSALS, OR ISSUES.**

Food and drink that an official purchases at an event intended for and conducive to the discussion of state governmental processes, proposals, or issues if the official pays the highest of (i) the price charged others; (ii) the food and drink's true value, and (iii) the sponsor's cost;²

d. **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 on behalf of the state and primarily for the state's benefit, not for a private benefit³ [§ 19.56(3)(c)]; and

e. **INFORMATION.**

Informational materials of unexceptional value [§§ 13.625(6t) and 19.45(2)].

FROM ANY INDIVIDUAL OR ORGANIZATION OTHER THAN A LOBBYIST OR LOBBYING ORGANIZATION:

f. **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*];

g. **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, and (iii) the furnisher's cost [§§ 19.45(3m) and 19.56(3)(b) *Wisconsin Statutes*];

h. **ITEMS, SERVICES, AND REIMBURSEMENTS FROM CAMPAIGN COMMITTEES.**

Services, items, and reimbursements from campaign committees as permitted and reported under campaign finance laws [§ 19.56(3)(d)].

¹ In addition to expenses, an elected state official may also accept reasonable compensation for a talk from the organizer of an event, as long as the organizer is not a lobbyist or lobbying organization.

² Minutes, open session, Ethics Board, March 8, 1995.

³ Normally, in the case of a legislator, the certification of the committee on organization or the presiding officer of the appropriate house of the legislature that attendance at the event and the receipt of items is primarily for the benefit of the state, not for a private benefit.

This is a guide. For authoritative information consult Wisconsin Statutes. Prepared by the Wisconsin Ethics Board, July 1992. Rev. 6/05. Obtain updated edition after September 2005.

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

STATUTORY RESTRAINTS

Except as noted on the other side of the page, *an elected state official or legislative employee should not accept:*

- 1. TRANSPORTATION, TRAVELING ACCOMMODATIONS, OR COMMUNICATION SERVICES.**
Discounted transportation or traveling accommodation for which the supplier would usually charge [§946.11; Art. 13, §11, Const.].
- 2. ITEMS OR SERVICES FROM LOBBYISTS.**
Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from a lobbyist⁴, either directly or through an agent [§ 13.625(1)-(3)];
- 3. ITEMS OR SERVICES FROM ORGANIZATIONS THAT EMPLOY LOBBYISTS.**
Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from an organization that employs a lobbyist unless also made available to the general public on like terms and conditions⁵ [§ 13.625(2)]; and
- 4. FOOD, DRINK, OR TRAVEL OFFERED FOR A REASON RELATED TO HOLDING ANY PUBLIC POSITION.**
Food, drink, transportation, or lodging except when offered for a reason unrelated to the recipient's holding or having held *any* public position and the recipient can demonstrate that clearly and convincingly [§§ 19.45(3m) and 19.56(3)(b)];
- 5. OTHER ITEMS OR SERVICES OFFERED BECAUSE OF STATE POSITION.**
Any item or service of more than nominal value offered because of the person's holding a state public office [§ 19.45(2), *Wisconsin Statutes*];⁶
- 6. REWARDS FOR OFFICIAL ACTION.**
Anything of value that could reasonably be considered as a reward for the official's action or inaction [§ 19.45(3), *Wisconsin Statutes*];
- 7. ITEMS AND SERVICES THAT COULD INFLUENCE OFFICIAL ACTION.**
Anything of value that could reasonably be expected to influence the state public official's vote, official actions or judgment [§ 19.45(3), *Wisconsin Statutes*]; and

See also 

⁴ Unless the lobbyist and recipient are married to each other, are engaged to be married, reside in the same household, or are close relatives [§ 13.625(6)] or, in the case of an appointed official in the executive branch, the official's responsibilities do not include participation in the proposal, drafting, development, consideration, promulgation, amendment, repeal, or rejection of administrative rules.

⁵ In the case of a legislator, legislative employee, or state agency official, who also holds an *elected* position in a local government that employs a lobbyist, the local government may furnish the individual anything it normally furnishes to its other similarly situated elected officials. [§ 13.625(6g)(a)] If a legislator, legislative employee, or state agency official is *appointed* to a local government position compatible with the state position, the local government may furnish the individual a per diem or reimbursement of expenses up to the amount furnished to its other similarly situated elected officials. [§ 13.625(6g)(b)]

⁶ For more detailed information about **attending conferences, seminars, and receptions**, see Ethics Board Guideline Eth 222.

Wisconsin Ethics Board Publications

You may obtain these publications from the Ethics Board's website (<http://ethics.state.wi.us>) at no cost. Full text of Board Opinions are **not** available on the Ethics Board's website.

To order paper copies:

1. Check the box for each publication you wish to order.
2. Complete the order form, entering the total dollar amount of the publications in the space provided.
3. Mail, fax or phone your order to the Wisconsin Ethics Board.

\$.50 each (unless stated otherwise)

General Information

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| <input type="checkbox"/> Ethics Board: Members and staff | 102 | <input type="checkbox"/> Brief History of Wisconsin's Lobby Law | 105 |
| <input type="checkbox"/> Ethics Board: Members since origin | 103 | <input type="checkbox"/> Mission & Goals | 106 |

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Enforcement: investigations and complaints

- Yearly Summary of Enforcement Activity - specify year(s) _____

Lobbying Directories (costs in brackets)

Directory for current legislative session will be sent unless you request directory from earlier session(s).

- | | | | | | |
|---|-----|--------|--|-----|-------|
| <input type="checkbox"/> Directory of licensed lobbyists | 501 | [\$15] | <input type="checkbox"/> Lobbying expenditures by organization (expenditure) | 552 | [\$5] |
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Wisconsin Statutes

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| <input type="checkbox"/> Ethics Code for State Officials | 701 | [\$2] | <input type="checkbox"/> Ethics Code for Local Officials | 703 | [\$1] |
| <input type="checkbox"/> Lobby Law | 702 | [\$2] | | | |

ORDER FORM

Number of publications ordered _____ @ \$.50 each \$ _____

Cost of other publications ordered \$ _____

Shipping & handling (see box) \$ _____

Total amount enclosed \$ _____

Name _____

Address _____

City/State/Zip _____

Phone _____

Fax _____

E-Mail _____

Shipping & Handling	
Under \$4 order	\$0
\$4 - \$19	\$2.00
\$20 - \$39	\$4.00
\$40 and over	\$6.00

Mail to: Wisconsin Ethics Board
44 E Mifflin St, Ste 601
Madison, WI 53703-2800

OR

Fax: (608) 264-9319
E-Mail: ethics@ethics.state.wi.us

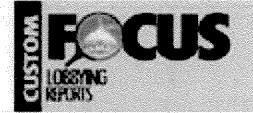
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**State of Wisconsin
Ethics Board**
http://ethics.state.wi.us



HELPING YOU KEEP AN
EYE ON LOBBYING
IN WISCONSIN



An added service from the Wisconsin Ethics Board,
click the FOCUS icon to learn more

2002 Public Integrity Award Winner

Selected by the Ford Foundation & Harvard University as one of the 25 most significant innovations in American government.

!! Ethics Board's Advice on Legislative Receptions !!

[click here to access
lobbying data from prior sessions.](#)

Who is lobbying 2005?

SEARCH BY:

- ORGANIZATION
- LOBBYIST
- STATE AGENCY (key officials and liaisons to the legislature)
- KEYWORD in organization's name, business interests, or lobbying interests
- CHANGES LAST 10 DAYS (new organization, lobbyists, and authorizations)

What are they lobbying about 2005?

SEARCH BY:

- ORGANIZATION
- BILL
- BUDGET BILL SUBJECT
- ADMINISTRATIVE RULE
- TOPIC of bill not yet introduced or rule not yet proposed by agency
- KEYWORD in proposals
- CHAPTER or STATUTE affected by bill

Lobbying Effort 2005-2006

SEARCH BY:

- ORGANIZATION
- BILL
- BUDGET BILL SUBJECT
- ADMINISTRATIVE RULE

REPORTS/GRAPHS OF GREATEST LOBBYING EFFORT:

- sorted by ORGANIZATION (all organizations)
- sorted by HOUR (all organizations)
- sorted by DOLLAR (all organizations)

BACK TO SCHOOL

- Does my organization need to register?
- Do I need a lobbying license?
- Online Tutorial

LIBRARY

- 2003-2004 Lobbying Report
- Lobbying by the numbers
- Lobbyists' campaign contributions
- Lobbyist Listing (to be removed from campaign mailings)
- Tickets & access to skyboxes
- Official's receipt of food, drink and favors
- Legislative receptions
- ...additional guidelines

ARCHIVES

- Lobbying data from prior sessions

PRINT SHOP

- Forms (registration and licensing forms)

Online Reporting Tools

FOR REGISTERED LOBBYING ORGANIZATIONS AND LOBBYISTS

- **2005-2006 Legislative Session Bills, rules, topics, and budget subjects on which you lobby**
 - **New Items** (due within 15 days of initial lobbying communication)
 - **Update positions and comments** on previously reported matters

- **Statement of lobbying activities and expenditures** July-December 2005 (due January 31, 2006)

FOR STATE AGENCIES

- Add/delete an official or liaison

INNOVATIONS IN AMERICAN GOVERNMENT



Ford Foundation; Harvard honor Wisconsin Ethics Board

From an initial field of 1,317 nominations, the prestigious Innovations in American Government Awards program sponsored by Harvard University and the Ford Foundation has selected the Wisconsin Ethics Board's Lobbyists-on-Line program as one of the 25 most significant innovations in American government in the year 2000 competition. The award recognizes the Ethics Board's use of the Internet to allow quick and easy access to information about who is seeking to influence public policy in Wisconsin.

Ethics Board chairman, James R. Morgan, said he was pleased about the national attention the Ethics Board's program has brought to Wisconsin.

"This unique program places on the Internet the names of lobbyists, the organizations they represent, and the subject of bills and rules in which they have an interest," said Morgan. "This information is useful to the news media, public officials, and citizens who want to know who supports or opposes legislation."

The Innovations program is recognized as one of the most prestigious public service award programs in the country. Started in 1986, the program is sponsored by the Ford Foundation and administered by Harvard University's John F. Kennedy School of Government in partnership with The Council for Excellence in Government.

In recognizing the Wisconsin Ethics Board, the Ford Foundation's program described Lobbyists-on-Line as combining "the spirit and principles of Wisconsin's lobbying law with the communications potential offered by new technologies." Only in Wisconsin may legislators, lobbyists, government agency officials, reporters, editorial writers, commentators, and the public learn, for every bill and proposed rule, the interests attempting to influence decision-makers *before* decisions are made. The program furthers Wisconsin's tradition of clean and open government by promoting a full and fair opportunity for citizens to address government officials on the merits of issues when it counts.

Morgan congratulated the Ethics Board's staff, noting especially the leadership of the Board's director, Roth Judd, for the vision and implementation of this innovative program.

For his part, Judd credited the support of Wisconsin legislators for the

program's implementation and the cooperation of Wisconsin's lobbyists and their employers for making the program work so well.



Public Integrity Award 2002

More acclaim for Ethics Board's Lobbying program *Four national groups join to honor Wisconsin's Ethics Board*

Four prestigious organizations have joined to name the Wisconsin Ethics Board the recipient of the 2002 Public Integrity Award. The Award pays tribute to an organization that has made outstanding contributions to responsible conduct in public service.

This year's award recognizes the Ethics Board's Eye on Lobbying program, which is unique in the country.

The Ethics Board's director, Roth Judd, explained that the Board's innovative program permits anyone with access to the internet to search for and identify a specific legislative proposal, discover the organizations trying to influence it, and learn their positions.

Judd said that the Board updates its easy-to-use website three times daily so that changes that occur today are on the web today. Said Judd, "Our aim is to provide the public, including legislators, reporters, news editors, and organizations interested in governmental action, information to help them participate fully in the public debate of issues."

The award selection committee is composed of representatives from each sponsor:

- the Council of State Governments,
- the American Society for Public Administration,
- the International City/County Management Association, and
- the Council on Governmental Ethics Laws.

This Public Integrity Award is the second national award the Wisconsin Ethics Board has received recently. The prestigious Innovations in American Government Awards program sponsored by Harvard University and the Ford Foundation selected the Ethics Board's Eye on Lobbying program as one of the 25 most significant innovations in American government in the year 2000 competition.


Ethics Board chairman, James R. Morgan congratulated Judd and his staff for their vision and implementation of this innovative program.

Eye on Lobbying is available on the internet at <http://ethics.state.wi.us>

Eye on Lobbying

Roth Judd, Director, Wisconsin Ethics Board

For the first time anywhere in the country, Wisconsin's "Eye on Lobbying" permits legislators, lobbyists, government agency officials, reporters, private sector interests, editorial writers, commentators, the public — everyone — to learn, for every bill and proposed rule, the interests attempting to influence decision-makers before decisions are made.



Wisconsin's "Eye on Lobbying" combines new technologies with the spirit and principles of Wisconsin's progressive lobbying law to shine a bright light on efforts to influence the development of public policy, and it is winning praise and support from legislators, lobbyists, editorial writers and reporters.

"Eye on Lobbying" permits anyone with access to the Internet to learn the legislative agenda of every organization that employs a lobbyist and, for any legislative proposal, who is trying to influence it. This is possible because now every business and organization that tries to influence a bill identifies its interest in a bill when it starts to lobby, and that information about who is lobbying on what is updated every business day on the Internet.

The effects are many, concrete, dramatic and significant. As the first step in undertaking a program audit of a state agency, the state auditor consults "Eye on Lobbying" to identify the organizations with special interest in the agency's actions. When preparing the fiscal analysis required of every bill and budget provision, analysts turn to "Eye on Lobbying" to identify affected groups that can explain the bill's financial implications. As a bill is passed, the governor, before deciding whether to sign the bill, may consult "Eye on Lobbying" to identify which interests are affected and how. "Eye on Lobbying" has become so important to decision-makers that the Wisconsin legislature has linked its internal computer system directly to the "Eye on Lobbying" web page so that as elected representatives on the floor

of the legislative chamber discuss and vote on a specific bill they have displayed before them the names of the organizations trying to influence it.

How it Works

Prior to or within two weeks after a lobbyist's first communication with a legislator, legislative staff or agency official about a bill, administrative rule, budget item, or subject of potential legislative activity, an organization retaining a lobbyist identifies its interest in the bill or rule to the Ethics Board. The organization reports the information by keying it into a form available on the Ethics Board's web site. Multiple times every business day the Board updates its web site, <http://ethics.state.wi.us>, to display the information that organizations have reported over the course of the day.

"Eye on Lobbying" can be searched:

- By bill or rule, to determine the organizations trying to affect it as well as its text, its status, and its history.
- By organization represented by a lobbyist, to learn the bills and rules it is trying to influence.
- By keyword of lobbying interest, to identify the businesses and organizations lobbying on a topic.
- By key word or phrase in a bill, to identify legislation affecting a matter.
- By subject in budget bill to learn which groups are trying to affect an agency's budget or operation.

Not only for Legislators

Businesses and organizations use "Eye on Lobbying" for knowledge of the legislative proposals that competitors and

kindred interests are trying to affect so that the organizations can decide how or whether to offer support or countervailing arguments. And an organization can readily spot and address a conflict arising from its lobbyist's retention by another organization with a different and antagonistic interest in a bill.

Reporters, editorial writers, and commentators have an on-line display of all the organizations trying to affect each bill and rule along with the name and telephone number and e-mail address for each organization's spokesperson.

Government agencies receive daily notice of the interests trying to modify agencies' programs and budgets and notice of the interests trying to promote, stall or modify administrative rules agencies have proposed.

The public has direct access to information about the many voices participating in and trying to affect the legislative process.

Anyone Can Do It

"Eye on Lobbying" is eminently replicable. Although now one of a kind, it possesses potential to become the norm. This program does not require: significant cost, unusual or complicated programming, computer hardware or software other than those commonly found in most offices, or additional employees (if a jurisdiction already has even a small office with lobbying responsibilities).

The Wisconsin Ethics Board inaugurated its initial version of "Eye on Lobbying" for about \$20,000 using readily available off-the-shelf software, and has found it can administer the program without significant increase of costs.

The implementing legislation could not have been simpler. All that was needed

for the program's start was legislation requiring an organization that employs a lobbyist to identify to the Ethics Board the number of any bill about which the organization's lobbyist communicated with a legislator or legislative employee. The Ethics Board, without requirement or prompting was eager to post the data to a web site as the Board received it.

The Wisconsin experience is instructive because it demonstrates how quickly and completely the affected parties coalesced to promote the innovation – even in spite of initial misgivings. After initial resistance “Eye on Lobbying” was endorsed by the Association of Wisconsin Lobbyists and by Common Cause in Wisconsin, has the enthusiastic support of every interest it has touched, and was approved by the unanimous vote of the Republican Assembly and Democratic Senate.

Enforcement and Compliance

Compliance has been high. And why shouldn't it be? First, this web site, much visited by legislators, is a lobbyist's dream. It is an opportunity for an organization to express its support or opposition to a bill or to recommend an amendment. Moreover, the legislator sees the organization's position when that bill has the legislator's attention and is seeking information about it, perhaps to make a decision affecting its scheduling or passage. Second, noncompliance carries not only a legal penalty, but perhaps even more significantly, the risk of being discredited and shunned by his or her colleagues in the lobbying corps if the lobbyist is discovered to be engaged in stealth lobbying.

Who Uses “Eye on Lobbying”?

Traffic to the Ethics Board's web site has surpassed expectations. However measured — average number of visits each day: 375; unique visitors per month: 4,500; average number of pages viewed each day: 8,000; or hits per month: 425,000 — use of “Eye on Lobbying” has been impressive.

Legislature's Acceptance and Support

So enthusiastic has been the Wisconsin legislature's acceptance and support of

“Eye on Lobbying” that the legislature, for the benefit of its members, has linked the “Eye on Lobbying” web page directly to the legislature's own home page. Moreover, the Assembly has linked the Ethics Board's lobbying information to the Assembly's in-session page that Representatives use in the legislative chamber to follow a day's proceedings.

Further evidence of the legislature's enthusiasm arrived during the first legislative session of the program's operations. Initially, lobbyists were obliged to identify only proposed rules and bills that had been introduced and assigned a number. Soon, however, legislators were asking for information about the nature of all those meetings and hallway conversations, not about bills already before the legislature, but about bills that might be offered and about items that might be included in the budget bill by amendment. Even before the legislature had completed its first session with “Eye on Lobbying,” the legislature had refined the initial legislation to say that when a lobbyist communicates with a legislator or legislative employee about a legislative proposal that has not yet been assigned a number, the lobbyist must describe the topic of the lobbying communication with reasonable specificity, sufficient to identify the lobbying communication's subject matter.

By the time that legislators arrived at the capitol to be sworn into office for the following term, lobbyists had already identified to the Ethics Board and had posted on the “Eye on Lobbying” web site nearly 1000 proposals for legislation. “Eye on Lobbying” revealed the extent and nature of lobbying that went on when it appeared to many that the legislature was not in session. More importantly, it had permitted legislators, opinion leaders and the 650 organizations employing lobbyists to know the legislative agendas of various lobbying interests and to participate in the shaping of legislation even before the first bill of the session had been introduced.

What's Next?

The Ethics Board is now offering to anyone interested in the legislative agenda the ability to receive notification by e-mail whenever new lobbying activity on a topic

or bill of special interest is reported to the Ethics Board. For example, a legislator might receive an e-mail alerting him whenever an organization registers its intention to affect a bill that the legislator has authored. A lobbyist tracking a bill will receive an e-mail whenever an organization starts to lobby on that bill or an organization changes its position or updates its comment on the proposal. The e-mail will identify the new or changed information. A transportation company might receive a notice whenever a bill is introduced referring to “highway”, “gasoline tax”, “trucking” or other keyword that the organization selects.

Many states register lobbyists and collect information about how much a business or organization spends to influence legislators. Wisconsin does that too; but the Wisconsin Ethics Board has overthrown the traditional system of collecting information about how much money organizations spent to lobby last month or last year and has rededicated its efforts to disseminating information about the issues and efforts in the legislature today, next week and next month.

The American Society for Public Administration, the Council on Governmental Ethics Laws, the International City/County Management Association and The Council of State Governments conferred the 2002 Public Integrity Award on the Wisconsin Ethics Board for its conceiving and implementing this innovative program.

Bio

Roth Judd has been an observer of ethics boards and commissions since 1974 when he was appointed director of Wisconsin's nonpartisan Ethics Board. He is among the founders of the Council on Governmental Ethics Laws, an association of ethics boards and commissions of the states, provinces and cities of North America. (608) 266-8123. ethics@ethics.state.wi.us.

Becker, Jonathan

From: Steven.Biskupic@usdoj.gov
Sent: Monday, March 08, 2004 4:08 PM
To: 'jonathan.becker@ethics.state.wi.us'
Subject: WisPolitics Comments

Jonathan:

Thanks for the email message. I had previously put in a plug to the Milwaukee Journal reporter about the work you, Doug and Brian did; but they were less interested than WisPolitics. I also realize that your budget depends on the public acknowledgement of your successes, so I am happy to give credit to three people who really deserve it. If there was ever any question about your impact, all you have to do is look at Gary George's reaction. He was more mad at you guys than the FBI!!!

Steve

NEWS RELEASE
For Immediate Release

Contact: Terry Norton or Jay Stewart
312.427.8330 / jstewart@bettergov.org

Wisconsin ranks 1st in Integrity Index

Eighty-year old citizens' organization releases first independent, comprehensive report on integrity in the 50 states

Today the Better Government Association ("BGA") released the BGA Integrity Index, a ranking of all fifty states based on the relative strength of laws that protect against corruption and promote integrity in the operations of state government. The Index was released simultaneously with the Chicago Tribune's November 10th, 2002 early edition article about Integrity Index.

"In light of all the recent scandals that have engulfed many institutions in the United States, one lesson has been drawn clearly, loose standards, secretiveness and the lack of accountability are a recipe for disaster" said BGA Executive Director Terrance A. Norton. "We wanted to determine which states are best prepared to fight corruption and which are vulnerable," said Norton.

The top five states in the BGA Integrity Index were Wisconsin, Rhode Island, Kentucky, Hawaii and California. The bottom five were Louisiana, Alabama, New Mexico, Vermont and South Dakota.

The BGA Integrity Index is an in depth analysis of five laws that play a direct role in ensuring integrity and combating the corruption of government. The laws analyzed were: freedom of information laws; whistleblower protection laws; campaign finance laws; gifts, trips and honoraria laws; and conflict of interest laws. "We chose those laws because they reflect three principles that are central to open and honest government - transparency, accountability and limits," said Norton.

For each type of law the BGA identified critical elements that could be measured across all fifty states. Then a grading scale was applied that rewarded laws which promote openness in governmental processes and accountability for public officials and place strong and clear limits on public servants.

Each state's law was then graded according to how it stacked up to the best practices that currently exist on the state level. The BGA's scoring methodology was reviewed by Northwestern University Professor David Messick, Co-Director of the Ford Motor Company Center for Global Citizenship.

The BGA, a Chicago based government watchdog group, embarked on creating the index in reaction to a wide ranging corruption scandal that has engulfed state government and had led to the Governor's doorstep. "One reason for the

corruption in Illinois is the fact that the political and governmental environment is like that of the Wild, Wild West with weak or virtually non-existent laws regarding integrity or ethics. We simply wanted to know if Illinois' laws were worse, better or the same as other states."

Wisconsin ranked first overall in the Integrity Index. Its rankings in the individual areas of law were as follows: freedom of information law (23); whistleblower protection (17); campaign finance (4); gifts, trips and honoraria law (2); and conflict of interest law (6).

"From our study it appears that even the best states have rather mediocre standards and the lower ranking states haven't even achieved that modest level of effort," said Norton. The cautionary tales of Enron, WorldCom and Arthur Anderson have highlighted the importance and need for strong and clear regulations and the pitfalls that can befall institutions when the leadership is unaccountable to anyone. "Public institutions have an even higher duty than private corporations to make sure they are taking all the necessary steps to protect the integrity of their operations because governments exist to serve the common good."

The BGA hopes that the BGA Integrity Index will spur all states, not just the weak performers, to upgrade the laws which impact transparency, accountability and limits. "All of our grading scales were based on provisions of laws that currently exist on the books in some state, proving that all of our standards are achievable. The problem is that nobody has consistently put all the best parts of existing laws together in one package."

The BGA Integrity Index can be viewed in its entirety at http://www.bettergov.org/IntegrityIndex_10.22.02.pdf.

About the Better Government Association

For more information about the BGA you can visit our web site at www.bettergov.org. If you would like the BGA Integrity Index to be emailed to you, please contact us at (312) 427-8330 or send us an email at bettergovernmentassociation@hotmail.com. Anyone wishing more information or further commentary should contact either Terrance A. Norton or Jay E. Stewart at the number above.

Background

In fiscal years 74-75, 75-76, 76-77, 77-78, 78-79, 79-80, and 80-81 the Legislature established for the Ethics Board a separate budget line for costs of investigations. The Legislature in 1981 repealed that separate budget line and directed the Ethics Board to fund investigations, to the extent it could, from its general operations budget and to request additional funds under § 13.10, if necessary. In recent years total investigation costs and funding source have been:

Fiscal Year	Total Costs Incurred	Amount by Source
2003-04	\$61,139	\$13,400 102 Investigation Appropriation \$47,739 § 13.10 funded
2002-03	\$76,504	\$76,504 § 13.10 funded
2001-02	\$17,949	\$17,949 § 13.10 funded
2000-01	\$2,557	\$2,557 § 13.10 funded
1999-00	\$9,779	\$9,779 Ethics Bd.GenOpBudget
1998-99	\$7,495	\$7,495 Ethics Bd.GenOpBudget
1997-98	\$6,121	\$6,121-Ethics Bd. Sup. & Serv.
1996-97	\$10,174	\$10,174 Ethics Bd. Sup. & Serv.
1995-96	\$12,518	\$12,000-Ethics Board's general program revenue available because of staff vacancy; \$518 - Ethics Bd. Sup & Serv
1994-95	\$37,740	\$37,000-§ 13.10; \$740-Ethics Bd. Sup&Serv
1993-94	\$28,600	\$28,600-§ 13.10 [1/2 from Ethics Board's program revenue appropriation; 1/2 from Joint Committee on Finance appropriation]
1992-93	\$12,700	\$12,700-§ 13.10
1991-92	\$743	\$743-Ethics Bd. Sup&Serv
1990-91	\$0	\$0
1989-90	\$3,900	\$3900-Ethics Bd. Sup&Serv
1988-89	\$36,100	\$1,900-Ethics Bd. Sup&Serv \$34,200-§ 13.10
1987-88	\$900	\$900-Ethics Bd. Sup&Serv
1986-87	\$35,000	\$5,100-Ethics Bd. Sup&Serv (transfer from Fringe Benefits) \$29,900-Dept. of Justice § 14.11)
1985-86	\$6,300	\$6,300-Ethics Bd. Sup&Serv
1984-85	\$3,500	\$3,500-Ethics Bd. Sup&Serv
1983-84	\$0	\$0

Composition and Qualifications Wisconsin Ethics Board – Wisconsin Elections Board

	Wisconsin Ethics Board	Wisconsin Elections Board
Current Law:	<p>15.62 Ethics board; creation. There is created an ethics board consisting of 6 residents of this state appointed for staggered 6-year terms subject to the following conditions:</p> <p>(1) No member may hold any other office or employment in the government of this state or any political subdivision thereof or in any department.</p> <p>(2) No member, when appointed, for one year immediately prior to the date of appointment or while serving on the board, may have been a member of a political party, an officer or member of a committee in any partisan political club or organization or a candidate for any partisan elective public office. No member may become a candidate for or hold any such office while serving on the board.</p> <p>(3) Each member of the board shall be a U.S. citizen and a resident of this state</p>	<p>15.61 Elections board; creation. There is created an elections board consisting of persons who shall be appointed by the governor for 2-year terms as follows: one member selected by the governor; one member each designated by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot under s. 5.62(1)(b) or (2) whose candidate for governor received at least 10% of the vote in the most recent gubernatorial election.</p>
Appointment/Designation of member	<p>Appointment by the Governor and confirmation by the Senate permits both the Legislature and the executive branch to participate in the selection process.</p>	<p>Designations by the chairs of the major political parties, by the leader of the partisan caucuses of each house of the legislature, and by the chief justice of the Supreme Court.</p>
Term	<p>6-year term – Long term provides institutional memory and consistency of enforcement over time. Long term causes member to concentrate on policy instead of short-term solutions, thereby enhancing predictability of Board's decisions. Six-year term allows member to accumulate and employ a wealth of experience with law, procedure and practical considerations before term expires.</p>	<p>2 year term – Terms are the length of legislative session.</p>
Nonpartisan/Partisan	<p>Removes partisan considerations from enforcement.</p>	<p>Members are designated because of political partisanship.</p>
No government position	<p>Removes other political and bureaucratic considerations from enforcement.</p>	
Votes required	<p>4 votes required. Aids reflective, collegial decision-making; prevents rapid shift of opinion and variances that could result from split votes. Leads to consistency and predictability of decisions</p>	<p>A simple majority of the quorum is required to decide an issue. As few as 3 members may decide issue if 3 of the eight members are absent [3 of 5 voting]</p>

**770 LOBBYISTS AND
670 PRINCIPALS
SUBJECT TO THE
LOBBYING LAW**

**2,500 STATE PUBLIC
OFFICIALS SUBJECT TO
THE ETHICS CODE**

ETHICS BOARD

**500
POLITICAL COMMITTEES
OF STATE PUBLIC
OFFICIALS SUBJECT TO THE
ETHICS CODE**

**2,400
POLITICAL COMMITTEES
REPORTING TO THE
ELECTIONS BOARD**

ELECTIONS BOARD

1,157 State Candidate Committees (500 of these are State Public Officials)
232 Federal Candidate Committees
262 Political Party Committees
4 Legislative Campaign Committees
476 Political Action Committees
8 Referendum Groups
154 Corporate Registrants
127 Conduits

2,400 Political Committees

Wisconsin Elections Board

David Anstaett	May 2003 to May 2007
Kirby Brant	May 2003 to May 2007
Shane W. Falk	May 2003 to May 2007
Patrick J. Hodan	June 2002 to May 2007
Carl D. Holborn	September 2003 to May 2007
Sherwin Hughes	June 2005 to May 2007
Robert Kasieta	May 2005 to May 2007
John P. Savage	May 1999 to May 2007
John C. Schober	May 2001 to May 2007
Donald R. Goldberg	May 2003 to May 2005
Martha Love	May 2003 to May 2005
Gordon Myse	May 2003 to May 2005
Daniel D. Blinka	June 2002 to May 2003
Adam Dick	December 2002 to May 2003
David Halbrooks	May 1995 to August 2003
Brenda Lewison	May 2001 to May 2003
Steven V. Ponto	May 2001 to May 2003
Jeralyn Wendelberger	May 2001 to May 2003
R.J. Johnson	May 2001 to February 2002
Jeffery P. Knight	March 2002 to June 2002
Christine M. Wiseman	May 1997 to May 2002
Gregory J. Paradise	May 1995 to May 2001
Don M. Millis	May 1997 to May 2001
Randall L. Nash	May 1999 to May 2001
Judd David Stevenson	May 1997 to May 2001
Michael D. Brennan	May 1997 to May 1999
J. Curtis McKay	May 1991 to May 1999
Gregory J. Paradise	May 1997 to May 1999
Walter J. Dickey	May 1995 to May 1997
Barbara Kranig	May 1991 to May 1997
John H. Niebler	May 1979 to May 1997
Kit E. Sorenson	May 1989 to May 1997
Mark E. Sostarich	May 1987 to May 1997
Gordon B. Baldwin	May 1993 to May 1995
Brandon R. Scholz	May 1993 to May 1995
Brent Smith	May 1993 to May 1995
Peter R. Dohr	May 1985 to May 1991
Thomas P. Godar	May 1987 to May 1991
David W. Opitz	May 1989 to May 1991
Brent Smith	May 1989 to May 1991
Robert L. Turner	May 1987 to May 1991
Donald L. Moecker	May 1987 to May 1989
Frederic E. Mohs, Jr.	May 1987 to May 1989
Evan Zeppos	May 1985 to May 1989
Robert M. Elconin	May 1985 to May 1987

Election Board Members Since Origin
Page Two

Sam Hay	May 1985 to May 1987
Esther A. Kaplan	May 1981 to May 1987
Peggy Lautenschlager	May 1985 to May 1987
Ron Monat	May 1985 to May 1987
Gary Aamondt	May 1981 to May 1985
Gregory B. Conway	May 1979 to May 1985
William A. Mattka	May 1981 to May 1985
Ron Monat	May 1981 to May 1985
Helen Sigmund VanProoyen	May 1981 to May 1985
Paul J. Swain	May 1981 to May 1985
Stephen Beyer	May 1983 to May 1985
Eric Halvorson	May 1983 to May 1985
Joseph J. Hasler	May 1983 to May 1985
Randall Knox	May 1983 to May 1985
James Murphy	May 1983 to May 1985
Thomas Palay	May 1983 to May 1985
Carol Skornicka	May 1979 to May 1981
Michael Varda	May 1979 to May 1981
Esther A. Kaplan	July 1974 to May 1979
James Klauser	July 1974 to May 1979
J. Curtis McKay	July 1974 to May 1979
Kenneth J. Merkel	July 1974 to May 1979
David Walsh	May 1975 to May 1979
Joanne Wells	July 1974 to May 1979
David W. Adamany	July 1974 to May 1977
Leland E. Mulder	May 1975 to May 1977
Charles Goldberg	July 1974 to May 1976
John Oestreicher	July 1974 to May 1976

Wisconsin Ethics Board

Courtney L. Hunt	April 2005 to May 2009
Richard Warch	June 2004 to May 2008
Dorothy C. Johnson	December 1993 to May 2004*
James R. Morgan	November 1980 to May 2001*
Paul M. Holzem	May 1988 to May 2000*
David L. McRoberts	May 1987 to May 2005
Joanne R. Orr	October 1991 to May 2003
Gordon B. Baldwin	April 2000 to January 2003
Robert G. Borgwardt	April 1991 to October 1999
Thomas S. Smith	October 1973 to April 1993
Diane B. Conway	May 1985 to October 1991
Joseph F. Flanagan	March 1986 to June 1991
Marion C. Viste	January 1976 to May 1988
Freddie L. Wright	April 1983 to May 1987
Dorothy W. Austin	May 1984 to January 1986
Robert G. Borgwardt	January 1981 to May 1985
Gerald P. Boyle	June 1978 to May 1984
Richard F. Mooney	October 1974 to December 1982
Annrita Lardy	October 1973 to January 1981
Wilber G. Katz	April 1977 to May 1979
Grace McDonald	October 1973 to June 1978
Naseby "Pete" Rhinehart	October 1973 to October 1975
Gerald J. Boileau	October 1973 to April 1975
James L. McCamy	October 1973 to August 1974

* Date term expires. A member continues to hold office until a successor is nominated and, with the Senate's consent, appointed.

Wisconsin Ethics Board

Except in limited, well-defined instances, a Wisconsin official may not accept a meal or travel or gift offered because of the official's public position; and neither a lobbyist nor an organization that employs a lobbyist may furnish anything of value to any state official or employee. The result is a straightforward rule that is easy to understand, to remember, and to administer. The Wisconsin rule is free from what can be confusing exceptions and reporting formulas encountered in other jurisdictions. The whole system benefits from a freedom from bureaucracy, paperwork, and reports because there are few payments to officials to be reported. Lobbyists know they can speak to officials about the issues on their merits without fear that other interests are purchasing access to the official.

STANDARDS OF CONDUCT. The thrust of Wisconsin's Ethics Code is to forbid a state official from using public position to obtain anything of more than insignificant value for the private benefit of the official, the official's family, or the official's business. In addition, specific provisions prohibit an official's representation of a client before a state agency and limit an official's representation of private interests before the official's former agency during the first 12 months after leaving office.

Wisconsin's lobbying law forbids lobbyists and the organizations that employ them to furnish anything of value to a state official or employee except in a limited number of well-defined circumstances.

ADVISORY OPINIONS. The rendering of advisory opinions to officials and others asking about their own conduct is one of the Board's key functions. As an inducement to officials and others to obtain advice before an issue becomes a problem the legislature has created specific exceptions to Wisconsin's otherwise stringent open records and open meetings laws. Officials may pose questions to the Board about their own conduct knowing that both their inquiry and the Board's reply will remain confidential unless the requestor makes the correspondence public. An official or lobbyist who seeks and relies on the Board's advice is immune from later charges of misconduct. The Board publishes summaries of these opinions after modifying them so as not to identify anyone associated with the request. These published summaries are good indicators of the nature of questions posed and demonstrate that the Board gives like advice to like questions.

STATEMENTS OF ECONOMIC INTERESTS. Most state government officials and candidates for election to state offices file Statements of Economic Interests for public inspection at the time they enter the public arena and update them annually. Creditors, investments, real estate, and names of commercial clients are identified, but not amounts. The idea is to identify to which businesses and individuals an

official is tied financially, not to discourage people from government service because of wealth or lack of it. The Board has reported a 100% compliance rate for several years.

LOBBYING REGISTRATIONS AND REPORTS. Each lobbyist and each organization that employs a lobbyist must register once during the Legislature's 2-year term. The organization identifies to the Ethics Board each bill, rule, topic, and budget subject it intends to try to influence (within 15 days of its first lobbying communication on that item). For each 6-month period a lobbyist's employer reports to the Board the time and money it devoted to lobbying-related activities. The report identifies the portion of the organization's total lobbying-related time associated with each bill, rule, topic, and budget subject on which the organization hoped to influence action and accounts for all lobbying expenditures including costs of research, studies, and compilation of statistics, costs of encouraging citizens to communicate views to state officials, and compensation paid to lobbyists.

JURISDICTION. Wisconsin is one of the few jurisdictions to apply its statutory standards of conduct to officials of all 3 branches of government. The Ethics Code applies to Wisconsin's key policy makers and executives, a group comprising officials chosen in state-wide elections, legislators, judges, all of the governor's appointees including members of citizen boards, and agency executives. These key officials are, in turn, responsible for maintaining high standards of conduct within the offices and agencies they direct. Similar standards of conduct apply to local officials.

QUALIFICATIONS AND ORGANIZATION OF ETHICS BOARD. Unlike many states that have created bipartisan commissions, Wisconsin is probably unique in insisting that its Ethics Board be nonpartisan. By statute, a member of the Ethics Board may not be a member of a political party or be affiliated with a partisan club or organization. A member may not hold any other office or employment in either state or local government. The Board is widely and highly regarded as free from partisan infighting. This has given its judgments credibility. Moreover, officials seeking advice about their own conduct readily turn to the Board knowing that in doing so they are not revealing confidences to partisan opponents.

Roth Judd, Director
Wisconsin Ethics Board
44 East Mifflin Street, Suite 601
Madison, Wisconsin 53703-2800
608-266-8123

For text of Wisconsin's Lobby Law see Subchapter III of Chapter 13, *Wisconsin Statutes*.
For text of Wisconsin's Code of Ethics for Public Officials, see Subchapter III of Chapter 19, *Wisconsin Statutes*.

Please visit the Ethics Board's Web site: <http://ethics.state.wi.us>

Wisconsin Ethics Board

Members: James R. Morgan, Chair
Paul M. Holzem, Vice Chair
Dorothy C. Johnson, Secretary

Richard Warch
Courtney L. Hunt
Vacancy

Roth Judd, Director

Jonathan Becker
Erik Hayko
Helena Huddleston
Carol Wibralski
Cindy Kreckow

Legal Counsel
Lobbying Administrator
Administrative Services Manager
Financial Disclosure Administrator
Ethics Support Specialist

The Board consists of 6 members appointed by the Governor with the advice and consent of the Senate for staggered 6-year terms. No member may be a candidate for partisan office, a member of a political party or partisan political organization, or an officer or employee of state or local government. The Board's executive director oversees the daily administration of the Ethics Code and lobbying laws.*

Appointment of 6 members

Appointment by the Governor and confirmation by the Senate permit both the Legislature and the executive branch to participate in the selection process.

6 year staggered term

The six-year staggered term (one term expires each year) provides institutional memory and consistency of enforcement over time. It also encourages the Board's deliberations to be based on long-term policy considerations rather than relying on short-term solutions, thereby enhancing the predictability of the Board's decisions.

Nonpartisan

This removes partisan considerations from application and enforcement of the law.

No government employment or office

This removes other political and bureaucratic considerations from the law's enforcement and application.

4 votes required

Any action by the Board, except an action relating to the procedure of the Board, requires the affirmative vote of four of its members. This aids reflective, collegial decision-making.

* § 15.62, *Wisconsin Statutes*, provides:

15.62 Ethics Board; creation. There is created an ethics board consisting of 6 residents of this state appointed for may hold any other office or employment in the government of this state or any political subdivision thereof or staggered 6-year terms subject to the following conditions:

- (1) No member in any department.
- (2) No member, when appointed, for one year immediately prior to the date of appointment or while serving on the board, may have been a member of a political party, an officer or member of a committee in any partisan political club or organization or a candidate for any partisan elective public office. No member may become a candidate for or hold any such office while serving on the board.
- (3) Each member of the board shall be a U.S. citizen and a resident of this state.

INNOVATIONS AND ACCOMPLISHMENTS

Wisconsin Ethics Board

2003-2004

During the 2003-2004 legislative session the Ethics Board's staff has:

Foster ethical conduct

- Provided instruction on the ethics code and lobbying law to the **governor's staff, cabinet secretaries, their deputies, and executive assistants**
- Conducted ethics/lobbying seminars for **legislative staff** [January 2003; June 2004]
- Schooled **new legislators** on the requirements of Wisconsin's Ethics code and lobbying law;
- Presented numerous seminars to **lobbying organizations and lobbyists**
- Tutored new **district attorneys** on standards of conduct for local officials
- Created, updated, and disseminated **guidelines** on the application of the ethics code and lobbying laws to specific matters, including these titles:
 - *What candidates should know about Wisconsin's lobbying law*
 - *Attending events at a political party's national convention*
 - *Attending Conferences, Seminars, and Receptions when not a speaker*
 - *Compensation for Talks*
 - *Lame duck travel*
 - *Deferred prosecution agreements*
 - *Legal defense funds*
 - *Disposition of gifts*

Provide authoritative and timely advice

- Dealt with 51 **written requests for advisory opinions** and scores of oral requests

Identify interests influencing government

- Maintained the Board's web site as the **premier lobbying web site in the nation** and world
- Devised and put online a new service whereby any citizen may **search bills by the statute or statutory chapter** they affect
- Established an **all new** public service by which reporters, officials, lobbyists, and the public can identify **administrative rules** being considered for adoption very early in the rulemaking procedure, thereby permitting interested parties to network and to make their interests known
- Introduced and evaluated the concept and practicality of **on-line reporting** of semi-annual lobbying reports all with good result and prepared to introduce, this June, on-line reporting to all lobbying organizations
- Provided a cleaner look to the Board's already nationally recognized lobbying page

Roth Judd
Director
State of Wisconsin Ethics Board

Roth Judd has been an observer of ethics boards and commissions since 1974 when he was appointed director of Wisconsin's Ethics Board.

Roth was one of seven directors of then newly organized ethics boards and commissions who met at the Watergate Hotel, District of Columbia, in autumn 1974 to create a forum for exchange of information about best practices for agencies charged with improving standards for government service and fostering confidence in government.

Roth was the reporter and principal drafter for the committee commissioned to write the Council on Governmental Ethics Law's initial by-laws. He has provided over a dozen presentations to the Council's audiences and for six years prepared and presented an annual update of ethics legislation and litigation in the states and Canadian provinces.

Apart from professional interests, Roth has been vice president of a seven million dollar charitable foundation based in Madison and is a past president of a 500 member association of Madison's business and civic leaders. He is both a trustee of Madison Opera, Inc., and president of the United States Log Rolling Association [that's the sport, not the crime].

Roth has led a Junior Great Books discussion program for academically talented primary school students and has been president both of Vilas Neighborhood Association and Capitol Neighborhoods of Madison, Inc.

He has chaired or participated in various taskforces for the City of Madison on transportation, parking policy, and housing.

Roth is a lawyer, Juris Doctor, *cum laude*, University of Wisconsin Law School. B.A., linguistics; Lawrence University, Appleton, Wisconsin.

Awards
for the Wisconsin Ethics Board

Public Integrity Award 2002

presented by the American Society for Public Administration, Council of State Governments, Council on Governmental Ethics Laws, and the International City/County Management Association

Innovations in American Government 2000

presented by the Kennedy School of Government at Harvard University and Council of Excellence in Government; funded by the Ford Foundation

Presentations for the Council on Governmental Ethics Laws and its precursors

- Model Lobbying Web Site Revolutionizes Lobbying* (Ottawa, 2002)
- Ethics Codes and Commissions: Legislation, Litigation, and Administrative Update 1995* (Washington, 1995)
- Ethics Codes and Commissions: Legislation and Litigation in 1993* (Minneapolis, 1993)
- Ethics Codes and Commissions: Legislation and Litigation in 1992* (Toronto, 1992)
- Ethics Codes and Commissions: Legislation and Litigation in 1989* (New Orleans, 1989)
- Ethics Codes and Commissions: Legislation and Litigation in 1988* (Orlando, 1988)
- Ethics Codes and Commissions: Legislation and Litigation in 1987* (Quebec, 1987)
- Entertainment of Public Officials--Gifts and Expenses: What Should be the Rule of Law?* (Hartford, 1986)
- Why Ethics Codes Don't Work (And Why They Do.)--How We Know? Who Is Best Positioned to Judge?* (Chicago, 1985)
- Ethics Boards' Advisory Opinions: 10 Rules* (Seattle, 1984)
- Developing Legislative Proposals [for Ethics Codes]* (San Diego, 1980)
- Improving Complaint and Enforcement Procedures for Ethics Boards and Commissions* (Washington, 1979)
- An Outsider's View of Ethics Commissions--Seeing Ourselves as Others See Us* (sponsored by the National Municipal League, Foundation of COGEL, Minneapolis, 1978)
- Complaint and Hearing Procedures* (sponsored by the National Municipal League, New Orleans, 1977)
- Enforcement, Fairness, and the Appearance of Fairness* (sponsored by the National Municipal League, San Francisco, 1976)
- Enforcement of Ethics Codes* (sponsored by the National Municipal League, Denver, 1975)
- Ethical Standards for Government Officials* (sponsored by the National Municipal League, Denver, 1975)
- Conference of directors of ethics boards and commissions (Watergate Hotel, Washington, D.C., 1974)

Presentations for state governments

- Tennessee Citizens Advisory Group, testimony on effective administration of lobbying and ethics laws (Blountville, September 2005)
- Arkansas Ethics Commission, consultation on administration and proposed rules for state of Arkansas (Lake Ouchita, October 1996)
- Kansas Special Committee on Governmental Standards, testimony concerning gifts to and entertainment of state legislators (September 1995)
- Kansas Select Commission on Ethical Standards, testimony on legislation concerning lobbying laws and standards of conduct for public officials (October 1990)
- Minnesota Senate Committee on Governmental Operations, testimony on legislation concerning standards of conduct for public officials (Saint Paul, 1988)
- Pennsylvania House Judiciary Committee, testimony on Pennsylvania's ethics act (Harrisburg, 1987)

Around North America

"Eye on Lobbying," in *State and Local Government 2005-2006*, Kevin B. Smith, editor, published by CQ Press, 2005

"Eye on Lobbying," *Spectrum, The Journal of State Government, Volume 76, Number 1, Winter 2003*

Using Technology to Shed Light on Lobbying (Heartland Conference, Minneapolis, 2002)

Peeking Behind the Political Curtain: Using Technology to Shed Light on Lobbying, American Society for Public Administration (Phoenix, 2002)

Ethics Laws and Regulations: Status report on all levels and branches of government, American Society for Public Administration (Washington, D.C., 1989)

Ethics in Government: The State and Local Experience, University of Michigan, Institute of Public Policy Studies (Ann Arbor, 1989)

Identifying and Controlling Conflicting Interests in Local Land Use Decisions, Georgia Institute of Technology, Atlanta-Fulton Chapter of the League of Women Voters, and the Georgia Chapter of the American Planning Association (Atlanta, 1988)

Badger Boys State School of Instruction on Lobbying (Ripon, WI, 1997)

Wisconsin's Code of Ethics for Public Officials and the Judiciary (Madison, 1982)

International events

Seminaire de formation portant sur "L'ethique dans les Services Public (Rabat, Morocco, September 2003)

Elements of Standards of Conduct and Financial Disclosure for Government Officials, Study tour of representatives from governments of El Salvador and Nicaragua; sponsored by American Council of Young Political Leaders (September 2003)

Elements of Standards of Conduct and Financial Disclosure for Government Officials, Study tour of representatives Transparency Greece; (June 2003)

Seminars for visiting delegations from many nations including: Bolivia, Ghana, Italy, Mali, Mexico, Nigeria, Ukraine.

Conflict of Interest: Defining Structures that Work, International Conference on Ethics in Government (sponsored by U.S. Office of Government Ethics and U.S. Information Agency, Washington, DC, 1994)

Parliament of New South Wales, Australia: Study Tour to USA, Canada, United Kingdom and Ireland; Conference with delegation (July 1996)

Budget Development and Analysis (sponsored Center for International Programs in Government, University of Wisconsin at Madison; Conference with delegations from Indonesia and Thailand (October 1995)

Amendment 1: **Number and terms of members of the board**

Current law: **Ethics Board:** strictly nonpartisan. Member may not be member of political party or hold an office or position in state government. Six members, each appointed for a staggered 6-year term. Four votes required to transact business.

Elections Board: members designated by political parties (Democratic, Libertarian, Republican) and by elected officials (Speaker, Assembly Minority Leader, Senate Majority and Minority Leaders, Governor, Chief Justice). Nine members appointed for 2-year terms. All terms expire simultaneously.

Current language of the bill: Under the bill, the board is composed of four members serving for staggered four-year terms who are nominated by the governor and appointed with the advice and consent of the Senate. Each of the members must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of the Chief Justice of the Supreme Court, the dean of the University of Wisconsin law school, and the dean of the Marquette University law school. A unanimous vote of the committee is required to nominate a candidate. No member of the Government Accountability Board may hold a position that is subject to the code of ethics for state public officials or the code of ethics for local public officials. No member, for one year immediately prior to the date of appointment, may have been, and no member while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, a candidate for any partisan office or an officer or employee of a registrant under the campaign finance law. No member may be a lobbyist or an employee of an organization that employs a lobbyist.

Amendment: **Amend the bill to establish a 6-member board, each member serving a staggered 6-year term, and require four or more affirmative votes to act.**

Rationale:

- a. ***Decisions on policy, not on politics.*** Increasing the term to six years makes the term longer than most election cycles, thereby reinforcing for the Board's members, affected officials, candidates, and the public that decisions are made for reasons of longer-term public policy, not just for the next election.
- b. ***Institutional memory.*** Longer, staggered terms facilitate institutional memory. For officials and citizens this fosters the extremely important objectives of consistency and predictability of decision-making.

c. **Number of members.** Four members is an insufficient number. Weather, personal and business obligations, and occasional vacancies can mean that either a quorum cannot be attained or that a significant action can be left to a 2-to-1 decision. A smaller number limits the diversity of geography, ethnicity, and experiences represented on the board. More voices should participate in matters before the board, but more than six brings its own problems of logistics and ability for meaningful discussion.

d. **Collegial decision-making; consistency of opinion supported by requirement for 2/3 or better vote.** The Ethics Board strongly counsels that action needs four of six votes. This requirement:

- Fosters collegiality of decision-making among the board's members.
- Furthers the twin interests of consistency and predictability.
- Does not permit a minority to block a decision; but assures that every decision will be supported by two-thirds or more of the board's members.

A close vote of a board having an odd number of members, e.g., a 4-to-3 or 5-to-4 vote would undermine confidence in decisions. What message would a closely divided vote send to citizens and to people subject to laws that the board administers? that even the board's members were divided on the law's application? that the law is unclear and its application uncertain?

e. **Proven model of success.** The Ethics Board's thirty years of experience demonstrates the wisdom and success of the 6-year, staggered term model recommended.

Amendment 2: **Provision for confidential advisory opinions**

Current law: The Wisconsin Ethics Board regularly issues advisory opinions to state public officials and those who deal with them about the application of Wisconsin's ethics code and lobbying law to matters to which the requestor is or may become a party. As an inducement to people to secure advice before an issue becomes a problem, state law provides that the Board guard in confidence the identity of the person seeking the advice. The Ethics Board publishes summaries of the advice after modifying them so as not to identify the requestor.

Current language of the bill: The bill withdraws authority to issue advisory opinions from the board and reassigns that authority to the board's executive director. The bill continues the current practice of permitting people to seek written advisory opinions about the application of the ethics code and lobbying laws in confidence, but neglects to extend that privilege to advice about the application of campaign finance laws.

Amendment: **Amend the bill**

- [1] to restore the provision of law that provides for advisory opinions to be issued by the board, not by the executive director [except, as currently provides, in instances in which delay would be a substantial detriment or inconvenience to the requestor, in which case the executive director may, with the chair's concurrence, issue the advice subject to later ratification by the board].**
- [2] to permit campaign committees and other interested people and organizations to seek and obtain in confidence advisory opinions about the application of campaign finance laws to specific circumstances.**

Rationale:

- a. **Encourage, not exclude advice of citizen board.** An earlier version of this bill populated the board with representatives of political parties. Because the board would have been populated with political operatives, the board was excluded from the business of issuing advisory opinions. Now that the Legislature has amended the bill to provide for a non-partisan board, this vestige of the earlier draft should be removed to provide that the board, not the executive director, provides advice.
- b. **Confidence and confidentiality essential.** The time to address violations of campaign finance laws is before they occur not after. For this to occur, campaign committees and advisors must have utter confidence that they can seek and obtain advice without telegraphing their intentions to political opponents.

c. **Omission of provision dealing with confidentiality of campaign finance questions must have been inadvertent.** Key among the Ethics Board's responsibilities is offering advise to officials about specific circumstances that confront them and that are addressed by:

- Standards of conduct for state officials
- Financial disclosure requirements
- Registration, licensing, and reporting required by the lobbying laws
- Restraints on lobbyists and their employers.

This proven model has been so successful, that we surmise that the bill's failure to extend it to campaign finance issues must not have been intentional.

Amendment 3: Integration of the administration of ethics, lobbying, and campaign finance laws into an effective framework

Current language of the bill: All employees and functions of the Ethics Board are re-characterized as employees and functions of an Ethics Division. All employees and functions of the Elections Board are re-characterized as employees and functions of an Elections Division.

Amendment: To respect different functions and to realize synergies, **amend the bill to provide for the board's designation of a Chief Elections Officer to administer the conduct of elections (Chapters 5 – 10, *Wisconsin Statutes*) and integrate remaining functions:**

- fostering good conduct through guidelines, advice, and outreach;
- collection and dissemination of records;
- enforcement; and
- administration.

Rationale:

- a. **Realize synergies.** The current version of Senate Bill 1, guards campaign finance and ethics laws in separately administered silos. Instead of keeping campaign finance laws separate from ethics and lobbying laws, integrate them for more effective administration of all three sets of laws.
- b. **Administration of elections is largely unrelated to administration of laws aimed at curbing inappropriate influences on governmental policies.** This administration of Elections is hugely important, but not closely tied to other functions of the board.
- c. **Redirect appropriations to enforcement, not management layers.** By organizing functionally, rather than hierarchically, the bill can re-deploy dollars that would be spent on a new management layer to enforcement and to the work of the agency.

Amendment 4: Provision of adequate resources for operations, including enforcement

Current language of the bill: Deletes all appropriations to Ethics Board and Elections Board for all staff and operations, including enforcement.

Amendment: **Amend the bill to provide adequate appropriations for operations, including enforcement.**

Mechanics of Elections

Board on Gov. Integrity

Dir. of Gov. Integrity

Dir. of Elections

- ballots
- referenda
- recounts
- voting machines
- poll workers
- recalls
- voter registration
- nomination papers
- vote counts
- municipal clerks
- etc.

Administration

Records

Enforcement

Conduct

Campaign Finance

Forces in financing government activities / business interests

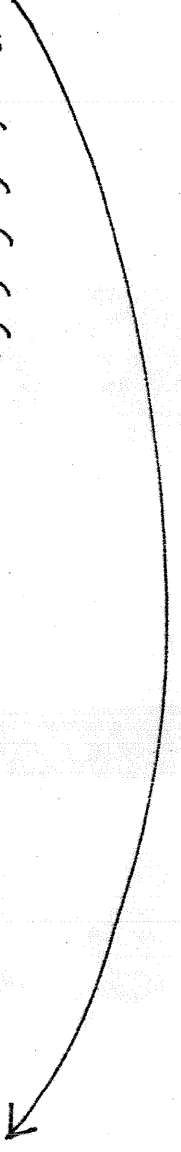
- Campaign Finance / Business Interests
- Lobbying Contributions
- Personal Finance

Chapters

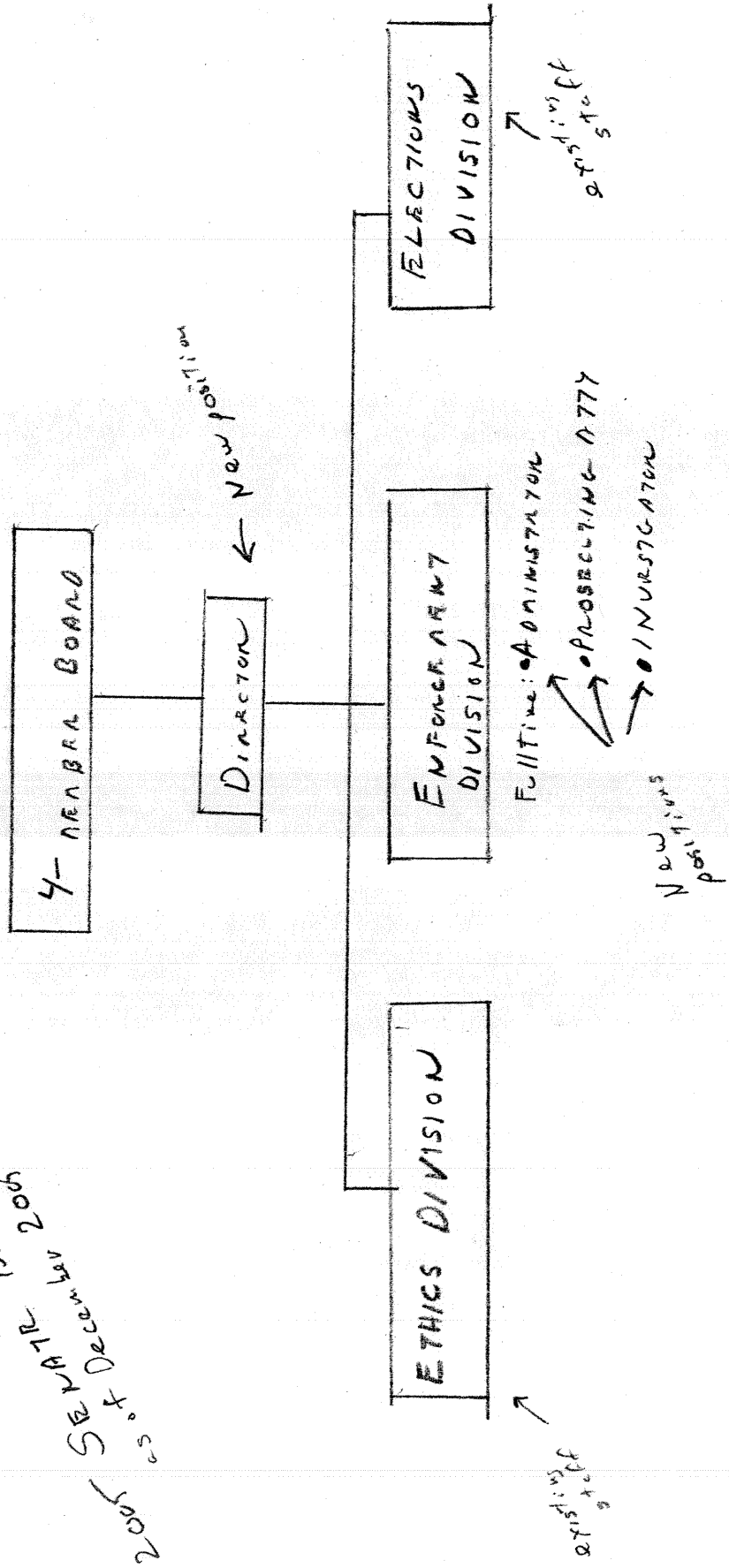
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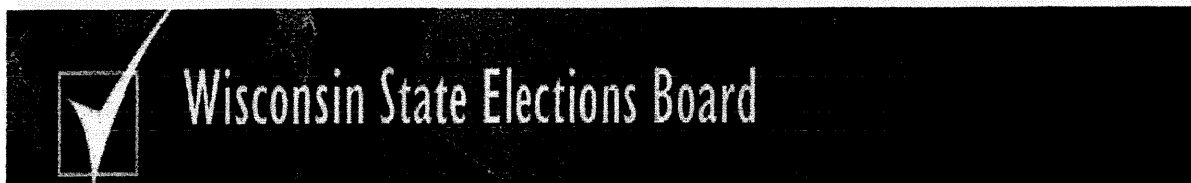
Chapters

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December





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IN SEARCH OF THE TOUGHEST STATE ETHICS LAW

Just how far can states go in restricting activities of public officials in the name of ethics?

BY JOYCE BULLOCK

Since 1990, 15 states have passed major ethics reform measures - many of them toughening up existing laws. The more sweeping reform measures have followed big scandals - among them Arizona, Kentucky and South Carolina. While the passage of a strong new ethics law may not restore public confidence, it helps clear the table for other issues.

But weaker efforts can drag out recovery after a scandal. One example is Alabama, which in September 1993 became the fourth state in as many years to call a special session on ethics reform. Meeting in the wake of its governor's conviction of ethics violations, the Legislature hammered out what seemed to be a solid ethics measure. But the state's new governor vetoed the bill under media pressure and claims by critics that it would, among other things, weaken the State Ethics Commission's investigatory authority.

That leaves many in government wondering what is solid ethics legislation, and how feasible it is to construct a tough law. And how can we evaluate laws when they vary so much from state to state? Each year, The Council of State Governments

receives hundreds of ethics inquiries from legislators, staff, ethics agencies and reporters. Most are in

search of the "toughest" state ethics law. But what are the common assumptions of toughness in ethics reform? Here's what to look for when evaluating an ethics law:

Telling all

Disclosure regulations are becoming synonymous with openness and accountability in government. Currently, 40 states require public employees to file financial disclosure reports at least annually. What must be reported varies from specific dollar amounts to narrow or broad categories for assets, income, financial transactions, loans and gifts.

For example, the Connecticut State Ethics Commission reviews more than 1,000 reports each year from state legislators and employees who are in key decision-making positions or earn more than \$60,000 annually. The reports contain information on sources of assets, loans and outside business interests. Selected portions of the reports, such as the sources of credit indebtedness and business interests of immediate family members are confidential. The remaining contents are open to the public.

A 1993 Iowa law calls for disclosure reports from upper-level executive branch departments and



ARIAIL in *The State*, Columbia, S.C.

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agency heads and employees. The law requires disclosure of sources, as opposed to amounts, of compensation to identify or avoid potential conflicts of interests.

Reporters who examine such state reports alert the public to questionable activities. Just the thought of how an activity or gift might appear if splashed across the front page of a newspaper is enough to make officials think twice before accepting favors.

"State officials are finding that perks, such as fact-finding trips paid for by lobbyists, are falling by the wayside due to media scrutiny and open records," said Dan Mollway, executive director of the Hawaii State Ethics Commission.

To make disclosure information more easily available to the public, many states are experimenting with electronic means, while others remain bogged down in the paper flow of thousands of completed forms. Many states are copying and modifying the Washington Public Disclosure Commission's reporting software to improve filing and access. In most states, it is up to the media to delve through the completed forms, and most media searches are limited to the constitutional officers and legislative leadership.

In the meantime, the issue of confidential records is becoming obsolete. "There is no such thing as confidential disclosure records," said Mollway. "Not all of Hawaii's records are open, however any entity with subpoena power such as the FBI or the local prosecutors' office can still obtain them." In Hawaii's case, disclosure information includes financial information on spouses, which also can be subpoenaed.

Potent agencies

Tougher laws provide for an enforcement structure that is authorized to issue subpoenas, initiate an investigation on its own volition, conduct administrative hearings, file independent court actions, im-

pose administrative fines or penalties, and issue declaratory rulings. Thirty-nine states empower ethics agencies to conduct investigations on their own volition, and 42 states authorize them to issue advisory opinions, declaratory rulings or interpretive statements. Recent ma-

through," said John Contino, director of the Pennsylvania Ethics Commission. He said the enforcement authority must be an independent commission or risk losing public confidence in the process. If a state agency or legislative committee investigating a scandal just refers it to

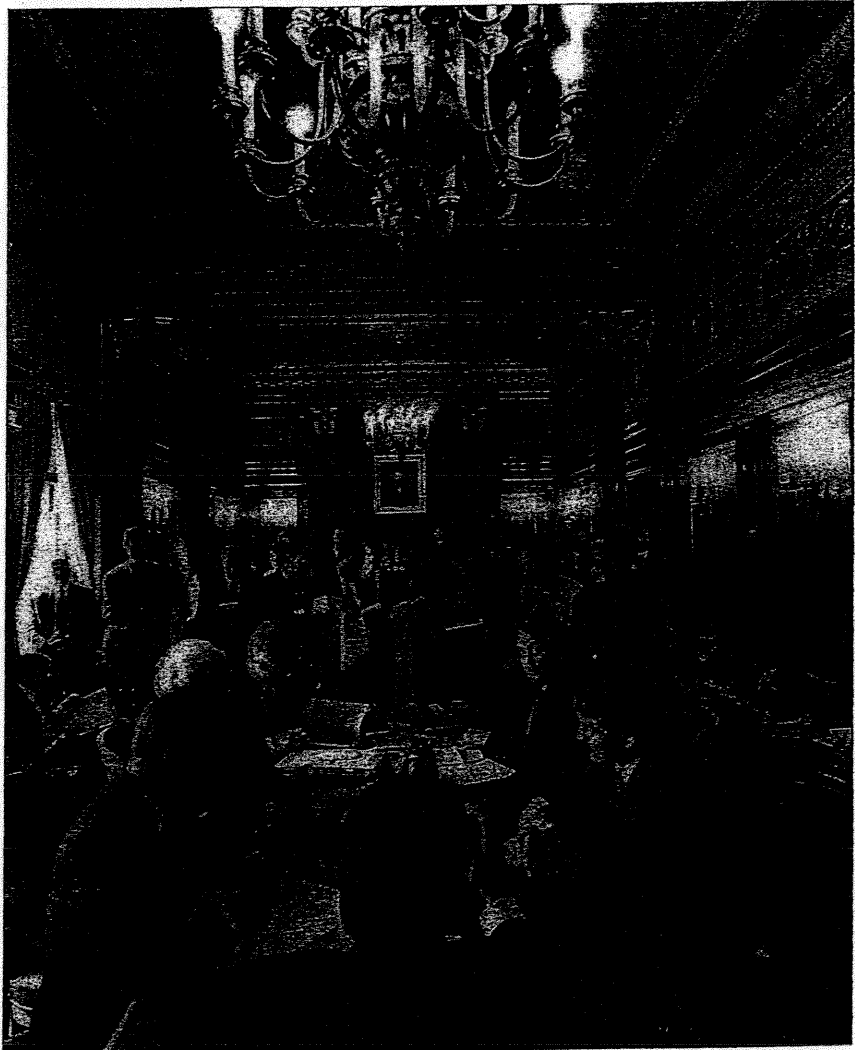


Photo: Richard C.B. Hanson II, Senate Photographs

Wisconsin is commonly thought to have the toughest state ethics laws. Here the Rules Committee meets in the Senate Parlor.

major scandals in Arizona, Kentucky and South Carolina have resulted in this type of authority for their state agencies, while West Virginia became the first to provide for a special prosecutor in 1989.

"Codes of conduct, disclosure mechanisms and compliance authority are meaningless without an aggressive commission to follow

the governor's office or legislative chambers for action, the public can question whether the process is impartial.

"The independent commission process safeguards against such questions," said Contino.

One such long-standing agency is the Massachusetts Ethics Commission, which was established in 1978.

STINGS & SCANDALS

The commission can levy civil fines or bring civil action against individuals failing to comply with the state's conflict-of-interest and disclosure laws, and refers cases or investigates cases with the Massachusetts Attorney General's Office or district attorneys.

A newer agency with similar authority is the Iowa Ethics and Campaign Disclosure Board, which was

established in 1993. The board replaces the Iowa Campaign Finance Disclosure Commission and has the authority to initiate investigations, whereas the former commission could investigate only the filing of a formal complaint. The new board also has power to issue both informal and formal advisory opinions and has jurisdiction over lobbyists who lobby executive branch agencies.

Conflict of interest

The purpose of a conflict-of-interest statute is to prevent public officials from abusing or appearing to abuse their status and power for private gain. During the early 1980s, the following six areas were identified as core elements of outlawing such conflicts. Most states restrict or ban officials from: (1) abusing an official position for personal gain, (2) providing benefits to influence official actions, (3) using confidential government information, (4) taking part in outside business activities that conflict with public service responsibilities, (5) nepotism, and (6) giving government contracts to their own companies or to friends or relatives.

While those elements are enshrined in most state ethics laws, states are going even further.

"There is a movement towards zero tolerance with regard to conflict-of-interest standards at the state level. It's happening provision by provision," said Mollway.

Newer provisions address post-employment or the "revolving door" of former public officials lobbying the legislative bodies or agencies on which they served. Many states require at least a one- or two-year wait. (See "Ethics fact sheet" table)

The toughest conflict-of-interest laws ban officials from accepting even token benefits that might be construed as influencing them. South Carolina joined Wisconsin in enacting a "no-cup-of-coffee" provision (nothing of value even if it is as inexpensive as a cup of coffee).

Iowa now bans all gifts to officials except food and drink valued at \$3 or less and consumed in one sitting. Twenty-two states set limits ranging from \$10 to \$100 per official per year and couple the restraints with disclosure requirements.

"These new provisions are also part of a movement to remove a double standard that legislators are not subject to the same ethics restrictions as other public employees," said Mollway, referring to similar

Why Wisconsin is tough

Usually, everyone mentions Wisconsin when asked about tough ethics legislation. While some states' provisions may be stricter, the Wisconsin program is a force to be reckoned with.

General prohibitions. A Wisconsin official may not accept a financial or other benefit because of the official's public position or lobbyist and their employees are prohibited from furnishing anything of value to any state official or employee unless it is furnished in the general public with like circumstances.

Standards of conduct. The code forbids a state official from using public position to obtain anything of more than insignificant value and the law is enforced by the official, the official's spouse or the official's family. An official is prohibited from representing a client before government. There is a one-year revolving door restriction during which time an official is prohibited from lobbying.

Financial disclosure. All officials and candidates file statements of financial interest or public inspection of the time they enter the public service and file them annually. Creditors, investments, real estate and holdings of commercial checks are identified, but amounts are not. The board has reported a 100 percent compliance rate of filed reports for several years.

Lobbying disclosure. Candidates and reporting lobbyists and their employees must file a one-page disclosure statement every two years. For 18 months the lobbyist's employer files a report containing the information used to influence legislation, a gubernatorial veto or an administrative rule. The report identifies by number and subject each bill and rule on which the organization hoped to influence action and a committee or all lobbying expenditures (including costs of research, audits, and compilation of statistics, costs of encouraging citizens to communicate views to state officials and compensation paid to lobbyists).

Jurisdiction. The standards of conduct apply to officials in all three branches. The ethics code applies to all key state policy makers and executives, a group comprising officials chosen in statewide elections, legislators, judges and all of the governor's appointees, including members of citizen boards and agency executives. Local officials also are covered.

Board member qualifications. By statute, a member of the State Ethics Board may not be a member of a political party or be affiliated with a partisan club or organization. A member may not hold any other office or employment in either state or local government.

Source: Wisconsin Ethics Board

limits that have long applied to executive branch officials in many states.

Further crackdowns on lobbying

Increased restrictions of lobbyists' contributions to elected officials and increased itemization of their expenditures support Mollway's statement. Colorado, Kentucky, South Carolina and Vermont now completely ban lobbyists from contributing to officials' or candidates' campaigns. An additional 22 states prohibit such contributions during a legislative session. Most states have passed these provisions since 1988.

Since 1990, 10 states extended lobbyists reporting requirements to include itemization of expenditures over a certain amount. Lobbyists, too, must report on their lobby-related expenditures in 40 states.

Walking the talk

Most states require commissions to publish reports or handbooks that explain their jurisdictions' ethics code. Florida, Hawaii, Illinois, Indiana and South Carolina have developed videos to explain their codes. As ethics laws become more complex, public officials will need more guidance and informal channels to seek answers to gray-area concerns. California, Kentucky and Wisconsin now mandate ethics training for public officials. Arizona instituted annual training for legislators after its scandal. In Wisconsin, lobbyists are required to attend ethics training sessions.

Which state is toughest? Ten state ethics administrators who have each tracked changing ethics provisions for many years were polled to identify the toughest state ethics law. Responses were mixed, but Wisconsin emerged as the winner due to its well-known, strong lobbying provisions. The respondents also mentioned Connecticut, Kentucky, Massachusetts, Pennsylvania, South Carolina and Texas.

Three administrators recommend watching Oklahoma and Rhode Island as potential up-and-comers. Both states' independent ethics commissions have constitutional authority to develop the code of conduct for public servants in their states, although Oklahoma's is subject to legislative review. Both commissions have faced and won challenges to their authority at the state supreme court level since 1990.

Looking ahead, the media and

interest groups will continue to press for new reforms in keeping with the movement toward zero tolerance and no double standards. Experts conservatively estimate that each year five states will pass major ethics reform measures. And if Rhode Island and Oklahoma are successful in setting the future standard of toughness in ethics reform, we can expect to see media pressure for such authority in states with an initiative process. □

Ethics fact sheet

• **Term limits** — Since 1990, voters in 14 states have passed term limitations on state legislators and/or members of Congress. Arizona, Arkansas, California, Colorado, Florida, Maine, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Washington, and Wyoming. Maine's action applies to state executives as well.

• **No contributions from lobbyists** — Four states completely ban lobbyists from contributing to campaigns at any time. Colorado, Kentucky, South Carolina and Vermont.

• **No contributions from lobbyists during legislative sessions** — Twenty-two states prohibit lobbyists from making contributions during legislative session. Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota (also applies to caucuses), Nevada, New Mexico, North Carolina, Oregon, South Carolina, Texas, Utah, Vermont, Washington and Wisconsin.

• **Post-employment restrictions** — Thirty-five states have set post-government employment restrictions, many of which have been passed since 1990. Seventeen of these restrictions are for one or two years following employment.

• **Gifts and lobbyists expenditures limitations** — Thirty-nine states restrict the monetary value of gifts a public employee may receive. Five states also hold lobbyists accountable for not making gifts in excess of the following thresholds to state officials: California (\$10 per month per official), Connecticut (\$50 per gift per year, \$50 for food/drink per year), Michigan (\$37 per month per official), South Carolina (nothing of value) and Wisconsin (nothing of value). Seven states also restrict the dollar amounts lobbyists may spend per official per year: Iowa (\$3/day), Kansas (\$40), Kentucky (\$100), Nevada (\$100), South Carolina (nothing of value), Texas (\$300) and Wisconsin (nothing of value).

• **Investigatory authority** — Agencies that may initiate an investigation on their own volition result in 40 times the number of investigations per year as those which may only investigate in response to a formal complaint.

(Sources: *The Book of the States, 1994-95* (available July 1994) and the COGEL Bluebook (1993). Both books are published by The Council of State Governments.)