

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_pt16**

➤ Record of Comm. Proceedings ... RCP

➤ **



225-
3628

STATE OF WISCONSIN
ETHICS BOARD

ROTH JUDD
DIRECTOR

44 EAST MIFFLIN STREET, SUITE 601
MADISON, WISCONSIN 53703
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OFFICE OF THE DIRECTOR

Wisconsin Ethics Board

Steve —

I am having this
draft jacketed for
introduction in the Assembly
and am hoping that you
will be a sponsor on this
bi-partisan bill.

Roth
1-27-2006

Furthering Wisconsin's tradition of clean and open government

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<http://ethics.state.wi.us>



AB 996: Ethics Reform
February 22, 2006

Chairman Freese and committee members, thank you for hearing testimony on Assembly Bill 996 today. AB 996 and its companion, Senate Bill 553 prohibit state agency secretaries, deputy secretaries, executive assistants, division administrators and commissioners from fundraising on behalf of candidates for public office.

In Wisconsin, the vast majority of our state employees are civil servants who are hired based on merit. However, the approximately 160 employees affected by this legislation are appointed by and serve 'at the pleasure' of the governor. This is deliberate, because a governor needs people in place in state agencies to carry out the policy initiatives he or she was elected to fulfill.

Currently, state law does not prevent these top state officials from hosting fundraisers for candidates. However, when these top state appointees host fundraisers and invite people who wish to do business with their agency, it creates at least the appearance that they must make a political donation in order to do business with the state or get a state contract.

AB 996 and SB 553 are intended to maintain separation between state regulators and the people they regulate by prohibiting top state appointees from soliciting donations on a candidate's behalf. These officials would still be allowed to make political contributions to the candidate/s of their choice; they simply cannot solicit contributions from others on a candidate's behalf.

This bill is good public policy because it draws a clear line between regulators and those they regulate when soliciting political contributions. Under current law, fundraising solicitations from state officials are illegal only if they explicitly offer political favors in exchange for campaign contributions. This practice is sometimes known as "pay to play" and was banned last session by 2003 Act 39.

It makes sense for us to pass a law that says top state agency officials, who have a dual responsibility to the public and the governor they serve, should not jeopardize the public trust by soliciting funds on behalf of political candidates. I hope you will support this bipartisan legislation, including the two amendments described below:

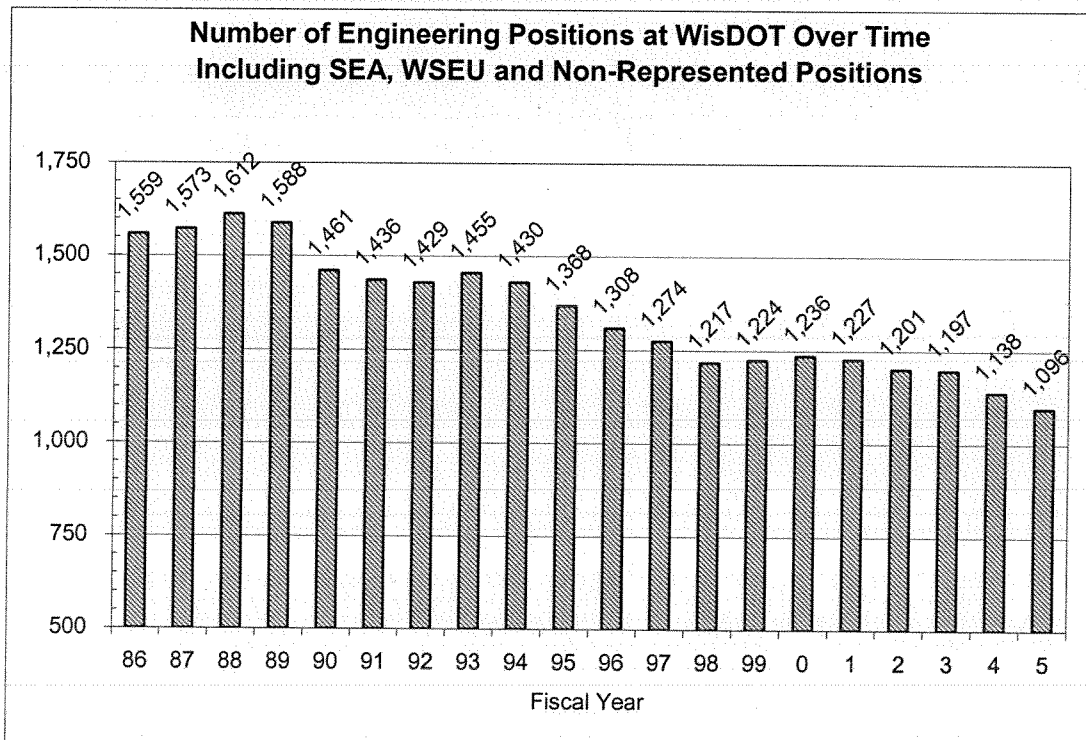
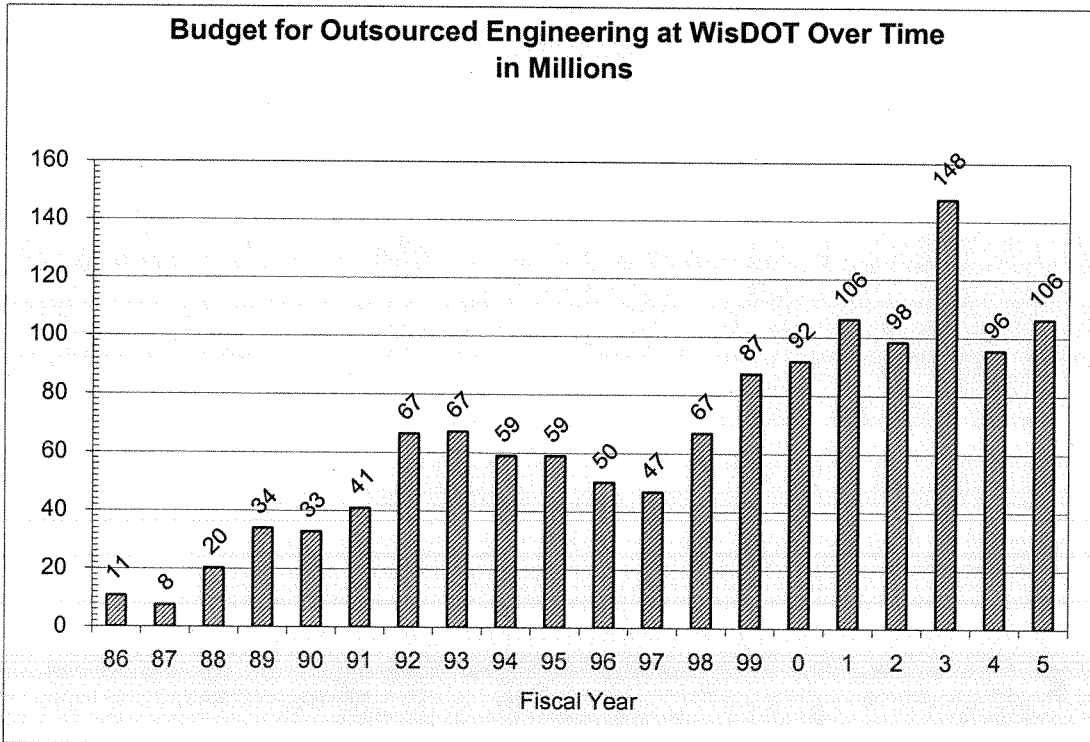
- The bill prohibits fundraising on behalf of a 'personal campaign committee' or 'authorized support committee.' We propose amending the bill to also ban state agency appointees from fundraising on behalf of the four legislative campaign committees: Committee to Elect a Republican Senate (CERS), State Senate Democratic Committee (SSDC), Republican Assembly Campaign Committee (RACC); and Assembly Democrat Campaign Committee (ADCC).
- The bill prohibits fundraising on behalf of state and national candidates. Because what's important is the relationship of the person asking for the money to the person being asked, we propose to extend the ban to all candidates running for office. This relationship exists regardless of the office any particular candidate is seeking.

Comparison of Engineering Positions at WisDOT and Budget for Outsourced Engineering

Testimony In Support of AB-996 and SB-553

February 22, 2006

Raw Data from WisDOT, Graphs Prepared by the State Engineering Association





STATE OF WISCONSIN **ETHICS BOARD**

Subject: **2005 Assembly Bill 996 and
Senate Bill 553, Limiting
appointees' solicitation of
campaign contributions**

The bill's thrust

This bill would foreclose the secretaries, deputies, executive assistants, and administrators of the state's departments, and commissioners, from soliciting campaign contributions for campaign committees other than their own.

Why this bill?

In blunt terms, "It's just plain unseemly for a person who holds a key government position to seek campaign contributions from interests regulated by or that do business with his or her department." That was the Ethics Board characterization in June 2002, when the Ethics Board first called for this change to the *Statutes*.

US government already protects contractors and regulated businesses from demands for campaign contributions

The Hatch Act [5 U.S.C. §7323; 5 CFR §734.303] forbids officers and employees of the federal government's executive branch (other than the President and Vice President) to solicit campaign contributions.

Should the bill's scope be limited to state-wide, legislative, or some subset of elections?

No. It is of no or little consequence that the campaign in question is for county executive, appellate judge, senator, mayor, or governor. It is the position of the person asking for money and the relationship to the person being asked that is important, not the race.

How many people will this bill affect?

About 160. About 3/1000^{ths} of one percent of Wisconsin's population of 5,500,000 or one person in 35,000.

Should the bill's scope be limited foreclosing a state official from seeking a contribution only from an individual that the official regulates or who is affiliated with a business or organization that the official regulates?

There is logic to limiting the bill in this matter, but doing so would make the law too complicated for officials to abide by and too complicated to enforce.

If one pursued this alternative, one might

- A. Forbid an appointee to seek money from an individual that the official or the official's agency licenses or regulates or with whom the agency transacts business and
- B. Forbid the appointee to seek money from:
 - a director,
 - officer
 - shareholder of more than 5%,
 - manager, or
 - representative or agent of a business or organization
 - that the official or the official's agency regulates or licenses or
 - with which the agency has or within the past 24 months has had contracts involving payments of \$10,000 or more during a 12-month period, or
 - that is now seeking or during the preceding 24 months has sought a grant or contact involving the payment of \$10,000 or more during a 12-month period
 - that holds a permit issued by the official's agency (unless issuance of the permit is a ministerial action), or
 - that is now in litigation or negotiation with the official's agency and
- C. Forbid the appointee to seek money from an officer, director, shareholder of a 5% or greater interest, agent, or representative of a business or organization that is a parent of or subsidiary of or is owned in whole or in part by, or owns in whole or in part, a business or organization identified under paragraph B.

This is a printer friendly version of an article from the **Appleton Post-Crescent**

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Editorial: DOT official didn't break law but still did wrong

January 27, 2006

Here's a message to state Department of Transportation official Ruben Anthony Jr. and Gov. Jim Doyle: Just because something's legal doesn't make it right.

Anthony held a campaign fundraiser for Doyle and invited officials from businesses bidding on state transportation contracts.

The state Ethics Board investigated Anthony and announced Wednesday that it found he did nothing illegal.

So Anthony comes out with a statement that says, "I am pleased that the Ethics Board has cleared me of any wrongdoing." And Doyle has a statement that says, "I'm pleased the Ethics Board has cleared Deputy Transportation Secretary Ruben Anthony Jr. of any wrongdoing."

Actually, gentlemen, that's not correct. The Ethics Board cleared Anthony of any illegality. But it has a different opinion about "wrongdoing."

Ethics Board Chairman James R. Morgan said, "While it may seem objectionable to some that a state official would organize and sponsor a fundraiser and invite to that fundraiser individuals who do business with the state agency with which the official is associated, Wisconsin Statutes do not prohibit or restrict that practice. The Ethics Board believes that statutes should prohibit this activity."

The board can only rule on legality according to the statutes it administers. But, to its credit, the board makes it clear that what Anthony did was wrong.

That's a message that doesn't seem to have gotten through to Anthony or Doyle.

Original URL: <http://www.jsonline.com/news/editorials/jan06/387901.asp>

Editorial: Outlaw staff fund-raisers

From the Journal Sentinel

Posted: Jan. 26, 2006

Let's say that this Editorial Board wants to throw a fund-raiser for a favorite charity, whatever that is.

We invite folks we write about. If they come at all, will they do so because they believe in our charity or because they want us to think (and write) well of them and their projects and believe we will take note of their absences?

It's a no-brainer, right? Substitute any group that any other group of people wants to influence, and it would still be a no-brainer. Put a top public servant working for an agency that awards contracts worth millions in public dollars into the equation, and we've got the whiff of wrongdoing, even if the state Ethics Board tells us that it is essentially legal.

There oughta be a law.

The Ethics Board ruled Wednesday that Ruben Anthony Jr., the deputy transportation secretary, did nothing illegal in holding a Sept. 8 fund-raiser for Gov. Jim Doyle's re-election campaign even though he invited dozens of consultants who vie for engineering contracts from his agency. This isn't illegal, the Ethics Board says, because Anthony never indicated to the contractors that it was a quid pro quo arrangement: Come to my fund-raiser barbecue for my boss, and you'll get contracts. (Doyle attended the barbecue).

This technicality is, of course, similar to the difference between being hit over the head with a sledgehammer or a ball-peen. It simply is a stretch to believe that some or most of these consultants wouldn't have felt compelled to attend and give. But let's say that the consultants didn't totally believe they were being shaken down. If competitors are showing up, do you take the chance that your absence won't be held against you?

Any way you look at this, pressure is being brought to bear. Even without a law, both Anthony and the Doyle campaign should have at least asked the question about whether this was proper.

And the Ethics Board, while saying Anthony did nothing illegal, adds that this is quite improper, with the board chairman, James Morgan, saying further that this should, in fact, be illegal. We agree.

This is all part of the winking and nodding that is campaign financing in this state today.

There oughta be a law.

In fact, the Legislature should consider enacting a state version of the federal Hatch Act, which restricts many, though not all, political activities for federal employees. Such a prohibition would spare any future top state employees from having to have innocence dependent on what is merely improper.

From the Jan. 27, 2006, editions of the Milwaukee Journal Sentinel
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Original URL: <http://www.jsonline.com/news/state/nov05/369717.asp>

Doyle fund-raiser under review

DOT deputy invited people who do business with state

By PATRICK MARLEY
pmarley@journalsentinel.com

Posted: Nov. 10, 2005

Madison - The state Ethics Board is reviewing whether the No. 2 official at the Department of Transportation improperly solicited donations for Gov. Jim Doyle from people who do business with the state, and is writing legislation that would explicitly ban that practice.

"It would be unfair to characterize it as an investigation, but it would be fair to say we're gathering information to see if we need to do an investigation," said Jonathan Becker, legal counsel for the board.

"We're certainly going to be devoting our time and resources in the immediate future to this," he said late Thursday.

The agency will speak to Department of Transportation employees, those who helped organize the governor's Sept. 8 Middleton fund-raiser and engineers who do business with the state who attended the event, he said. Becker would not say whether the interviews had started.

DOT Deputy Secretary Ruben Anthony Jr. organized the barbecue fund-raiser for the Democratic governor and invited dozens of employees of companies that vie for the more than \$100 million a year in DOT engineering contracts.

The governor and Transportation Secretary Frank Busalacchi joined Anthony and about 90 others at the event, which had a \$500 suggested donation.

Anthony and aides to Doyle have insisted there was nothing wrong with Anthony's role in the fund-raiser because Anthony does not sign off on engineering contracts.

The quarterly schedule for soliciting engineering work shows that Anthony must "concur" with the decision to give business to particular companies before work can begin. Transportation officials say, however, that the document is poorly worded and that Anthony is merely informed of who is getting work. They cite as evidence another state document that does not show Anthony as having a role in the approvals.

Becker said his agency needed to gather information to determine whether to launch a full investigation into whether engineers were pressured to give to Doyle to get state business.

The Ethics Board inquiry comes three weeks after U.S. Attorney Steven Biskupic in Milwaukee announced he is investigating Doyle's administration for giving a \$750,000 contract to Milwaukee-based Adelman Travel, whose owner, Craig B. Adelman, gave Doyle's campaign \$10,000 around the time his firm got a state contract.

Fund-raiser defended

Engineering Contracts



Photo/File

Ruben Anthony Jr.

Recent Coverage

11/2/05: DOT official's role murky

10/28/05: DOT official's fund-raiser questioned

Archive Coverage



Section: More state politics coverage

Anthony declined to take questions over the phone Thursday, saying he wanted questions submitted in writing "to prevent being misquoted."

He said in an e-mail response to questions that he had not spoken with the Ethics Board and did not know of any DOT employees who had. He said he did not solicit any political donations on state property or by using state resources.

Doyle was in the Czech Republic on a trade mission and unavailable for comment late Thursday, but aide Dan Leistikow said there was nothing wrong with Anthony's participation in the fund-raiser.

"Ruben Anthony is a person of great integrity who followed the letter and spirit of the law and no one has even suggested otherwise," he said. "The Ethics Board is welcome to look at this, but I'm sure they'll find everything was done appropriately."

The agency has long been concerned about top political appointees raising money for politicians because it could put "undue pressure" on contractors to donate and undermine public confidence by creating the perception that state business is doled out to contributors, Becker said.

Tighter rules sought

The Ethics Board legislation would ban department secretaries, deputy secretaries, executive assistants, administrators and commissioners from soliciting political donations. That would mean no full-time political appointee could seek contributions, though it would not apply to the people appointed to the state's numerous part-time boards.

The bill should be drafted by next week, Becker said. Ethics Board officials would then seek legislators to introduce the bill, he said.

Rep. Steve Freese (R-Dodgeville), chairman of the Assembly's Committee on Campaigns and Elections, said he had not yet seen the legislation but that such an idea had merit because it would restore people's faith in government contracting.

"If a DOT employee, an appointee of the governor, invites people who do business with the state, I mean, those people who are invited have the realization that if they don't go, they probably don't have a chance to do business," he said. "That may not be the intent of it, but that's clearly the perception they have, and the public believes that's exactly why they were invited. That's very troubling."

No attendee of the Doyle fund-raiser has publicly said he or she felt pressured to give to the governor. Doyle does not have to report his recent donors to the state Elections Board until the end of the year.

The proposed Ethics Board legislation comes as another reform bill is moving through the Legislature.

The state Senate last week passed a bill that would merge the Ethics Board and Elections Board into a new regulatory body with broader investigative and prosecutorial powers. Supporters say the new Government Accountability Board would be more effective at rooting out corruption, while detractors say it would create a prosecutor who could trample the rights of elected officials.

Freese's committee will soon review that proposal. The committee is tied up with work on a major campaign finance reform and is close to reaching compromises on some key issues, he said.

Assembly Speaker John Gard (R-Peshtigo) said he has asked the bill's author and lead cheerleader, Sen. Mike Ellis (R-Neenah), to speak with some Republican members who have concerns about the bill. Ellis said he will do so, but added that there's a limit to changes that could be made to the bill.

"If they kill the enforcement division, they may as well kill the bill," Ellis said.

Stacy Forster of the Journal Sentinel staff contributed to this report.

Vote Record

Committee on Campaigns and Elections

Date: 2/22/06

~~2/22/06~~
~~2/22/06~~

Moved by: _____ Seconded by: _____

AB 996 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1

2443/1

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

UNANIMOUS CONSENT

A/S Amdt _____ to A/S Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Representative Stephen Freese, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robin Vos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	_____	_____	_____	_____

Vote Record Committee on Campaigns and Elections

Date: 2/22/06

Moved by: _____

Seconded by: _____

AB 996

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt 2

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____

UNANIMOUS CONSENT

a2444/1

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robin Vos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____ _____ _____ _____

Motion Carried

Motion Failed

Vote Record

Committee on Campaigns and Elections

Date: _____

Moved by: _____

Seconded by: _____

AB _____

994

SB _____

SJR _____

AJR _____

AR _____

SR _____

Clearinghouse Rule _____

Appointment _____

Other _____

2443/1

A/S Amdt _____

A/S Amdt _____

to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____

to A/S Sub Amdt _____

A/S Amdt _____

to A/S Amdt _____

to A/S Sub Amdt _____

Be recommended for:

Passage

Adoption

Confirmation

Concurrence

Indefinite Postponement

Introduction

Rejection

Tabling

Nonconcurrency

Committee Member

Representative Stephen Freese, Chair

Aye

No

Absent

Not Voting

Representative Mark Gundrum

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Representative Robin Vos

Representative David Travis

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Totals:

Motion Carried

Motion Failed

Vote Record
Committee on Campaigns and Elections

Date: 2/22/06

Moved by: K

Seconded by: F

AB 996

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt 2 _____

A/S Amdt _____ to A/S Amdt _____

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A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

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Aye

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Totals:

Motion Carried

Motion Failed

Vote Record Committee on Campaigns and Elections

Date: 2/22/06

Moved by: W

Seconded by: K

AB 996

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

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- Passage
 Adoption
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Original URL: <http://www.jsonline.com/news/state/nov05/369717.asp>

Doyle fund-raiser under review

DOT deputy invited people who do business with state

By **PATRICK MARLEY**
pmarley@journalsentinel.com

Posted: Nov. 10, 2005

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Fund-raiser defended

Engineering Contracts



Photo/File

Ruben Anthony Jr.

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Section: More state politics coverage

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The bill should be drafted by next week, Becker said. Ethics Board officials would then seek legislators to introduce the bill, he said.

Rep. Steve Freese (R-Dodgeville), chairman of the Assembly's Committee on Campaigns and Elections, said he had not yet seen the legislation but that such an idea had merit because it would restore people's faith in government contracting.

"If a DOT employee, an appointee of the governor, invites people who do business with the state, I mean, those people who are invited have the realization that if they don't go, they probably don't have a chance to do business," he said. "That may not be the intent of it, but that's clearly the perception they have, and the public believes that's exactly why they were invited. That's very troubling."

No attendee of the Doyle fund-raiser has publicly said he or she felt pressured to give to the governor. Doyle does not have to report his recent donors to the state Elections Board until the end of the year.

The proposed Ethics Board legislation comes as another reform bill is moving through the Legislature.

The state Senate last week passed a bill that would merge the Ethics Board and Elections Board into a new regulatory body with broader investigative and prosecutorial powers. Supporters say the new Government Accountability Board would be more effective at rooting out corruption, while detractors say it would create a prosecutor who could trample the rights of elected officials.

Freese's committee will soon review that proposal. The committee is tied up with work on a major campaign finance reform and is close to reaching compromises on some key issues, he said.

Assembly Speaker John Gard (R-Peshtigo) said he has asked the bill's author and lead cheerleader, Sen. Mike Ellis (R-Neenah), to speak with some Republican members who have concerns about the bill. Ellis said he will do so, but added that there's a limit to changes that could be made to the bill.

"If they kill the enforcement division, they may as well kill the bill," Ellis said.

Stacy Forster of the Journal Sentinel staff contributed to this report.

PHONE CALL

FOR	<u>Terri</u>	DATE	<u>3/22</u>	TIME	A.M. P.M.
M	<u>Katie Plonk</u>				
OF					
PHONE/ MOBILE	<u>6-9709</u>	FAX			
MESSAGE	<u>LRB# is 4240; you have permission to work with drafts</u>				
SIGNED	<u>a</u>	1154			

- TELEPHONED
- RETURNED YOUR CALL
- PLEASE CALL
- WILL CALL AGAIN
- CAME TO SEE YOU
- WANTS TO SEE YOU

Griffiths, Terri

From: Henderson, Patrick - Office of Governor Jim Doyle
Sent: Wednesday, February 08, 2006 2:01 PM
To: Griffiths, Terri
Subject: Ethics Reform Draft

Attachments: Ethics Reform Draft Legislation.pdf

Hi Terri,

Attached is a copy of the ethics reform draft that we got back from the drafter this afternoon. Please let me know if there is anything in here that is not right or needs to be changed. Just to make sure it is clear, the draft does include the provision about prohibiting the use of campaign contributions or tax dollars for paying legal fees - not the forfeitures but the legal defense lawyer fees. If the Representative has concerns over that we can certainly discuss it quickly and make a decision. It would be good to get this circulated as soon as possible. I've been talking with Senator Erpenbach on introducing a companion bill in the Senate.

I'll be around this afternoon and most of the day tomorrow to talk about this.



Ethics Reform
Draft Legislatio...

Patrick Henderson
Office of Governor Jim Doyle
Legislative Director
(608) 266-1338

A large, stylized handwritten signature in blue ink, consisting of several overlapping loops and curves.