



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
101 East Wilson Street | Suite 127 | P.O. Box 7125 | Madison, WI 53703-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

REPORT

OF

ETHICS COMMISSION

Clearinghouse Rule 18-047

ETH 1

Wisconsin Administrative Code

The Wisconsin Ethics Commission proposes an order to repeal ETH 1.02, 1.04, 1.05, 1.06, 1.10, 1.11, 1.15, 1.26 (3), 1.26 (4), 1.28, 1.30, 1.34, 1.36, 1.38, 1.42, 1.43, 1.44, 1.45, 1.455, 1.46, 1.50, 1.56 (4), 1.65, 1.655, 1.75, 1.85 (1), (2), (4), (5), (6), (7), 1.91 related to campaign finance.

ANALYSIS

1. **Proposed rule:** see proposed order attached immediately following this report.
2. **Statutes interpreted:** Chapter 11, Stats.
3. **Statutory authority:** The Wisconsin Ethics Commission is specifically directed to promulgate rules to administer Chapter 11 pursuant to s. 11.1304(17), Stats.

11.1304 Duties of the ethics commission. The commission shall:
(17) Promulgate rules to administer this chapter.

The Commission also has general authority for the promulgation of rules to carry out the requirements of Chapters 11, 13, and 19.

s. 19.48(1), Stats.:

19.48 Duties of the ethics commission. The commission shall:

(1) Promulgate rules necessary to carry out ch. 11, subch. III of ch. 13, and this subchapter.

s. 227.11(2)(a), Stats.:

227.11 Extent to which chapter confers rule-making authority.

(2) Rule-making authority is expressly conferred on an agency as follows:

(a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

Wisconsin Ethics Commissioners

Mac Davis | David R. Halbrooks | Katie McCallum | Tamara Packard | Pat Strachota | Timothy Van Akkeren

Administrator

Daniel A. Carlton, Jr.

4. **Explanation of agency authority:** The Ethics Commission is required to promulgate rules to administer Chapter 11, Stats. The Legislature's repeal and re-creation of Chapter 11 by 2015 Act 117 required the Government Accountability Board to conduct a full review of all administrative rules promulgated by the Government Accountability Board that were affected by the provisions of the Act and required that any administrative rule found inconsistent with the Act could not be enforced. The Government Accountability Board did not take steps to repeal these inconsistent provisions before it was dissolved. The Ethics Commission now seeks to repeal these provisions.
5. **Related statute(s) or rule(s):** Chapters ETH 6 and 26.
6. **Plain language analysis:** The rule repeals the parts of Chapter ETH 1 that have been ruled unconstitutional or have been deemed inconsistent with the new campaign finance law created by 2015 Act 117.
7. **Summary of, and comparison with, existing or proposed federal regulations:** N/A
8. **Comparison with similar rules in adjacent states:** N/A
9. **Summary of factual data and analytical methodologies:** N/A
10. **Analysis and supporting documentation used to determine effect on small businesses:**
N/A
11. **Effect on small business:** N/A
12. **Agency contact person:**

David P. Buerger
David.Buerger@wisconsin.gov
(608) 267-0951
13. **Place where comments are to be submitted and deadline for submission:**

Written comments on the proposed rule will be accepted and receive consideration if they are received by August 21, 2018. Written comments should be addressed by mail to: David Buerger, P.O. Box 7984, Madison, WI 53707-7984; or by email to: eth.rulecomments@wi.gov.
14. **List of persons who appeared or registered for or against the proposed rule at any public hearing held by the agency:** No persons appeared for or against the proposed rule at the hearing held by the agency on August 21, 2018.
15. **Summary of public comments to the proposed rule and the agency's response to the comments:** No public comments were received by the agency.

16. **Explanations of modifications to the proposed rule as a result of the public comments or testimony received at public hearings:** N/A
17. **Legislative Council staff clearinghouse report:** See Clearinghouse report to Agency attached immediately following this report.
18. **Response to Legislative Council staff recommendations in the clearinghouse report:** The Ethics Commission agrees with and adopts the suggested changes presented in the Legislative Council report.