A faint, light-colored illustration of the Wisconsin State Capitol dome and its surrounding portico with columns, serving as a background for the title text.

WISCONSIN LEGISLATOR
BRIEFING BOOK
2015-16

**CHAPTER 15 – ETHICS,
LOBBYING, ELECTIONS,
AND CAMPAIGN FINANCE**

The Government Accountability Board administers and enforces Wisconsin's ethics, lobbying, elections, and campaign finance laws. This chapter discusses the composition and duties of the Government Accountability Board, describes the Ethics Code and lobbying law requirements, particularly as they relate to legislators, and summarizes election and campaign finance laws.

Jessica Karls-Ruplinger, Senior Staff Attorney, and Katie
Bender-Olson, Staff Attorney
Wisconsin Legislative Council

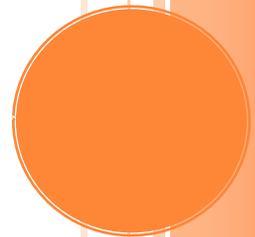


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THE GOVERNMENT ACCOUNTABILITY BOARD

The Government Accountability Board (GAB) is responsible for administering the state ethics, lobbying, elections, and campaign finance laws and has enforcement responsibilities as well.

The GAB consists of six members, each of whom must formerly have served as an elected judge of a court of record in Wisconsin. Members serve six-year terms.

Names of prospective nominees to the GAB are submitted to the Governor by the Government Accountability Candidate Committee (Candidate Committee). The Candidate Committee consists of one court of appeals judge from each of the court of appeals districts, chosen by lot by the Chief Justice of the Wisconsin Supreme Court.

The GAB administers and enforces the ethics, lobbying, elections, and campaign finance laws.

The Candidate Committee is required to meet when a vacancy occurs in the membership of the GAB that requires that nominations be submitted to the Governor. The number of nominations the Candidate Committee is required to submit per vacancy is specified by statute. Members of the GAB are nominated by the Governor from names submitted by the Candidate Committee and appointed with the advice and consent of 2/3rds of the members of the Senate present and voting. No person may be nominated by the Candidate Committee unless the person receives unanimous approval of the committee.

Any action by the GAB requires the affirmative vote of at least four of the six members.

The GAB's website is:
<http://www.gab.wi.gov/>

GAB members are not paid a salary but are eligible for a per diem equal to the amount paid circuit court reserve judges and for reimbursement of actual and necessary expenses.

State law imposes several limitations on GAB members relating to political activity. Members cannot hold another state or local public office, engage in specified partisan political activities, become a candidate for state or local elective office, make political contributions, or be a lobbyist or an employee of a person who employs a lobbyist. Limitations on political activities and certain contributions apply both during, and for the 12-month period preceding, a member's term. [ss. 5.05, 5.052, 15.07 (1) (a) 2. and (5) (m), and 15.60, Stats.]

Administrative Duties of the GAB

There are two divisions in the GAB, each of which is under the direction and supervision of an administrator appointed by the GAB: (1) the Ethics and Accountability Division; and (2) the Elections Division. The former has responsibility for administering campaign finance, lobbying, and ethics laws. The latter is responsible for the administration of

election laws. In addition, the GAB is required to employ, outside the classified service, legal counsel to perform legal and administrative functions for the board. [ss. 5.05 and 15.603, Stats.]

Enforcement Duties of the GAB

The GAB is required to investigate possible violations of laws it administers. If the GAB believes there is a reasonable suspicion that a violation has occurred, it may authorize a formal investigation, subject to specified conditions and procedures. The GAB, by rule, may prescribe categories of civil offenses that may be settled without formal investigation.

If the GAB finds probable cause that a violation has occurred, it may prosecute alleged civil violations of those laws. Alternatively, it may refer prosecution of alleged civil violations to the appropriate district attorney (which is the same prosecutor authorized to prosecute criminal violations).

The prosecution of alleged criminal violations investigated by the GAB may be brought only as follows:

- If the board finds there is probable cause to believe that a violation of laws it administers has occurred or is occurring, the board may refer the matter to the district attorney for the county in which the alleged violator resides.
- If the board discovers evidence of a potential violation of law that is not administered by the board arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation, the board may refer the matter to the district attorney for the county in which the alleged violator resides.
- If the district attorney to whom the potential violation is referred informs the GAB that he or she declines to prosecute or fails to commence a prosecution within 60 days of the board's referral, the board may refer the matter to the district attorney for a contiguous prosecutorial unit. If there is more than one such prosecutorial unit, the chair of the GAB must determine the district attorney to whom the matter is referred by publicly drawing lots at a meeting of the board. If the second district attorney declines or fails to prosecute, the GAB may refer the matter to the Attorney General.

Special provisions regarding who prosecutes apply if the defendant is a district attorney, circuit court judge, the Attorney General, or a candidate for those offices.

In general, a Wisconsin resident must be criminally or civilly prosecuted in the county of residence for violations of laws relating to the official functions of the subject of an investigation or to any matter involving elections, campaign finance, lobbying regulation, or ethics. However, a defendant may move to change the place of trial to the county where the offense was committed. [ss. 5.05 (2m), 801.50 (5t), 971.19 (12), and 971.223, Stats.]

Advisory Opinions

An important function of the GAB is to give advisory opinions. Any person may request an advisory opinion from the GAB regarding the propriety under the Ethics Code or lobbying law of any matter to which the person is or may become a party. The GAB may issue a formal advisory opinion or may authorize its legal counsel to issue an informal advisory opinion on behalf of the board. A person who disagrees with an advisory opinion may have a public or private hearing before the GAB for reconsideration of the opinion.

Any legislator may request written advice from GAB regarding the propriety of any matter to which the legislator is or may become a party.

No person acting in good faith upon an advisory opinion is subject to civil or criminal prosecution for so acting, if the material facts are as stated in the opinion request.

All requests for advisory opinions are confidential (unless confidentiality is waived). No member or employee of the GAB may make public the identity of the person requesting an advisory opinion on the application of the Ethics Code or of persons mentioned in the opinion. [s. 5.05 (6a), Stats.]

ETHICS CODE

Wisconsin legislators, as well as other state public officials, are subject to the Ethics Code, which is set forth in subch. III of ch. 19, Stats. The Ethics Code contains financial disclosure requirements, standards of conduct, enforcement procedures, and penalties for violations.

The GAB administers and enforces the Ethics Code. [s. 5.05, Stats.] The standards of conduct under the Code are stated in the form of general principles, rather than as specific, detailed regulations. Consequently, predicting the possible application of the Ethics Code in a specific situation requires consideration of all relevant facts.

GAB guidelines are available at:
<http://www.gab.wi.gov/guidelines>

The comments regarding the Ethics Code contained in this section should be viewed only as a general description of, and guide to, the statutory provisions. The pertinent statutes and administrative rules, GAB opinion summaries, GAB guidelines, the GAB website, and the board itself (through the Ethics and Accountability Division and its staff) should be consulted when questions arise.

The key provisions of the lobbying law that relate to legislators are described later in this chapter. Similar conduct is addressed by both the Ethics Code and the lobbying law.

In general, this chapter neither identifies nor discusses laws outside the Ethics Code and lobbying, election, and campaign finance laws which also may apply to the conduct of a

legislator. For example, other restrictions are found in the Criminal Code provisions applicable to public officers and employees.

Disclosure of Financial Interests

The Ethics Code requires legislators to disclose annually the following information regarding financial interests relating to themselves and, in most cases, their immediate family:

- Management and financial relationships with certain organizations, such as being a director, officer, or trustee, holding a 10% or greater ownership interest, or being an authorized representative or agent.
- Securities held having a value of \$5,000 or more, categorized by whether the approximate value is less or greater than \$50,000.
- Names of creditors to whom \$5,000 or more is owed, categorized by whether the amount owed is less or greater than \$50,000.
- Interests in real property holdings in Wisconsin, other than a principal residence.
- Identity of direct sources of income of \$1,000 or more and certain indirect sources of income of \$10,000 or more.
- Identity of donors (nonrelatives) of gifts having a value over \$50.
- Lodging, transportation, money, or other items, having a value over \$50, that are received for a published work, presentation of a talk, or participation in a meeting. (See, also, the discussion of transportation and lodging below.)

Legislators must annually file a Statement of Economic Interests, which discloses certain financial interests of the legislator.

Financial interests that must be disclosed under the Ethics Code are set forth in a form called the “Statement of Economic Interests.” The GAB provides forms and instructions to incumbent legislators annually for updates and provides on its website or by mail forms and instructions for potential candidates.

For additional information on disclosure of financial interests, refer to GAB Guidelines GAB-1401, GAB-1402, GAB-1412, GAB-1421, and GAB-1422, available at:

<http://www.gab.wi.gov/guidelines>

A Statement of Economic Interests is retained by the board until three years after a person ceases to be a state public official; the board then destroys all of its copies of the filer’s statements. The statement is open for public inspection at the GAB offices while on file. The GAB must notify the person who filed the statement of the full name and address of any person who inspects his

or her statement.

A candidate for the Legislature must file the Statement of Economic Interests within three days after the deadline for filing nomination papers. Subsequent filings must be updated annually no later than April 30. [ss. 19.43, 19.44, and 19.48, Stats.]

Conduct Prohibited Under the Ethics Code

Summarized below are the general categories of conduct prohibited under the Ethics Code. The Ethics Code also separately addresses “conflicts of interests,” discussed later in the chapter.

Use of Office for Private Benefit

A legislator is prohibited from using the office of legislator to obtain financial gain or anything of substantial value for the private benefit of the legislator, the legislator’s immediate family, or organizations with which the legislator is associated. [s. 19.45 (2), Stats.]

A legislator is prohibited from using the office of legislator to obtain financial gain or anything of substantial value for the private benefit of the legislator; and from soliciting or receiving anything of value if it could reasonably be expected to influence or reward official actions.

“Anything of value” is defined under the Ethics Code as any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does **not** include: compensation and expenses paid by the state; fees and expenses otherwise allowed under the Code; political contributions that are reported under campaign finance law; or hospitality extended for a purpose unrelated to state business by a person other than an organization. [s. 19.42 (1), Stats.] While “anything of ‘substantial’ value” is not defined under the Code, the former Ethics Board has indicated that the term should be contrasted with the idea of “nominal,” or “token” value to determine whether, under a specific factual setting, anything of substantial value is involved.

For additional information on prohibited conduct, refer to GAB Guideline GAB-1201, available at:

<http://www.gab.wi.gov/guidelines>

Improper Influence or Reward for Official’s Actions

A legislator is prohibited from soliciting or receiving anything of value if it could reasonably be expected to influence or reward official actions. [s. 19.45 (3), Stats.]

Taking Official Action in Exchange for Political Contributions or Anything Else of Value (“Pay-to-Play”)

A legislator or candidate for legislative office is prohibited from taking official action in exchange for political contributions or anything else of value for the benefit of a candidate, political party, or any person making certain candidate-related communications.

More specifically, no legislator may, directly or by means of an agent, give or offer or promise to give, or withhold or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action on any proposed or pending matter, in consideration of, or upon condition that, any other person make or refrain from making a political contribution or provide or refrain from providing any service or any other thing of value, to or for the benefit of a candidate, political party, other registrant, or any person making certain candidate-related communications. [s. 19.45 (13), Stats.]

Use of Confidential Information for Private Gain

A legislator is prohibited from using confidential information, obtained by reason of or in the course of legislative activities, for the private gain of the legislator, the legislator's immediate family, or any other person. [s. 19.45 (4), Stats.]

Use of Office for Unlawful Benefits, Advantages, or Privileges

A legislator is prohibited from using the position of legislator to influence or gain unlawful benefits, advantages, or privileges for the legislator or others. [s. 19.45 (5), Stats.]

Entering Into State Contracts or Leases

A legislator is prohibited from entering into a contract or lease involving payments of more than \$3,000 within a 12-month period, which are made in whole or in part from state funds, unless certain written disclosure is made to the GAB and to the state department that is responsible for the contract or lease. This provision applies to state contracts or leases that may be entered into by the legislator, the legislator's immediate family, or any organization in which the legislator or any member of the legislator's immediate family has a 10% or greater interest. [s. 19.45 (6), Stats.]

Representation of Persons Before State Agencies

A legislator is prohibited from representing persons before state agencies in an unofficial capacity and for compensation, except under the following circumstances:

- In contested cases (as defined in ch. 227, Stats., Administrative Procedure and Review) that involve a party, other than the state, with interests adverse to the interests of the party represented by the legislator;
- At an open hearing at which a record is maintained;
- In a manner that involves only ministerial actions by the agency; or
- In a matter before the Department of Revenue or Tax Appeals Commission that involves representation of a client in connection with a tax matter.

The prohibition regarding a legislator's representation of persons before state agencies is of particular relevance to legislators who are lawyers and to other legislators whose occupation may involve representation of clients (e.g., accountants). [s. 19.45 (7), Stats.]

Acceptance or Retention of Transportation, Lodging, Meals, Food, or Beverage

A legislator is prohibited from accepting or retaining any transportation, lodging, meals, food, or beverage, except as expressly permitted under the Code. [s. 19.45 (3m), Stats.]

Conflicts of Interests Under the Code

In addition to the prohibited conduct summarized previously, the Ethics Code contains prohibitions on conflicts of interest. Under the Code, except in accordance with the GAB's advice, a legislator may not:

- Take any official action substantially affecting a matter in which the legislator, the legislator's immediate family, or an organization with which the legislator is associated, has a substantial financial interest.
 - Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the legislator, the legislator's immediate family, or an organization with which the legislator is associated.
- The Code expressly provides that these prohibitions on conflicts of interests do not prohibit a legislator from:
- Taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses.
 - Taking official action on any proposal to modify state law or administrative rules (e.g., voting).

For additional information on conflicts of interest, refer to GAB Guideline GAB-1232 at:

<http://www.gab.wi.gov/guidelines>

A legislator may not take any official action substantially affecting a matter in which the legislator has a substantial financial interest; and may not use his or her office to produce a substantial benefit for the legislator.

[s. 19.46, Stats.]

Despite the plain statutory language stating that the conflict of interests prohibitions do not prohibit taking official action on any proposal to modify state law or administrative rules, the GAB takes the position that the Ethics Code may nonetheless prevent a legislator from taking official action, including voting, under certain circumstances.

In support of its position, the board cites the prohibition against using the office of legislator to obtain financial gain or anything of substantial value for the private benefit of the legislator, the legislator's immediate family, or certain organizations with which the legislator or the legislator's immediate family is associated. The latter prohibition appears independently of the conflict of interests prohibitions. Under the board's interpretation, the prohibition against using the office of legislator to obtain financial gain or anything of

substantial value may prohibit a legislator from taking official action on a state law or administrative rule unless:

- The legislator’s action affects a whole class of similarly situated interests and the legislator’s interest is insignificant when compared to all affected interests in the class; and
- The effect of the legislator’s actions on the legislator’s private interests is neither significantly greater nor less than on other members of the class.

Assembly and Senate rules require legislators to vote when present unless excused for “special cause.” [Assembly Rule 77; Senate Rule 73 (1).] When in doubt on the propriety of a vote or other official action, consultation with the GAB and legislative leadership is suggested. The board’s advice on potential conflicts of interests can be obtained by seeking an advisory opinion of the board.

Questions to Ask Concerning the Possible Application of the Code

The Ethics Code’s prohibitions may be difficult to apply on a case-by-case basis. One way legislators can ensure compliance is to be sensitive to those situations that might invoke the application of the Code.

The questions listed below should be kept in mind in evaluating the application of the Ethics Code to a specific action. An affirmative answer to any one of these questions should prompt further inquiry regarding the possible application of the Code.

- Am I, my immediate family, or an organization with which I am associated receiving anything of value for private benefit because I hold the office of legislator?
- Am I using the influence of my position as legislator to solicit something for the private benefit of me, my immediate family, or an organization with which I am associated?
- Am I taking official action in exchange for political contributions or anything else of value for the benefit of a candidate, political party, or any person making certain candidate-related communications?
- Am I, my immediate family, or an organization with which I am associated receiving from a nonrelative anything of value for which we have not paid?
- Will an official action on my part possibly result in private benefit to me, my immediate family, or an organization with which I am associated?
- Will the use of my staff or state facilities benefit me in my private capacity?
- Am I using the state’s time, resources, or facilities in my campaign for elective office?

Who Can Answer Questions Concerning Application of the Code

If questions concerning the application of the Ethics Code relate to an event for which there is a sponsor, the sponsor should be asked whether the event, and participation by

legislators, has been cleared with the GAB. If there is no sponsor or if the sponsor has not cleared the event with the GAB, the GAB itself should be consulted directly.

Civil Penalties for Violation of the Code

A violation of the Ethics Code that is not an intentional violation is subject to a forfeiture of not more than \$500 for each violation of the disclosure requirements and the provisions relating to reporting and acceptance of honorariums, fees, and expenses; or not more than \$5,000 for each violation of other provisions of the Code relating to prohibited conduct, including the pay-to-play prohibition.

Also, if the court determines that the violator has realized economic gain as a result of the violation, the court may order the person to forfeit the amount gained as a result of the violation.

A civil forfeiture imposed by a court for violations of the pay-to-play prohibitions may also include an amount equal to the amount or value of any political contribution, service, or any other thing of value wrongfully obtained or, if nothing of value is obtained (because, for example, a campaign contribution was withheld as a result of the violation), an amount equal to the maximum contribution authorized for the office held or sought. [s. 19.579, Stats.]

The Ethics Code contains both civil and criminal penalties for violations.

Criminal Penalties for Violation of the Code

In addition to the civil forfeitures described in the previous section, the Ethics Code contains criminal penalties. Any person who intentionally violates the Ethics Code may be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail, or both.

Violations of the pay-to-play prohibition are subject to a different penalty. An intentional violation is punishable as a Class I felony (\$10,000 maximum fine; three years and six months maximum imprisonment; or both).

A criminal penalty under the Code does not limit the power of either house of the Legislature to discipline its own members or to impeach a public official. [s. 19.58, Stats.]

Relationship of the Ethics Code to the Lobbying Law

The lobbying law is generally concerned with who is involved in an activity (i.e., a lobbyist or a lobbyist's employer), while the Ethics Code is concerned with what is done and with the underlying purpose or result of particular conduct. If receipt and retention of expense reimbursement for the presentation of a talk or participation in a meeting related to state government issues is permitted under the Ethics Code, it is also permitted under the lobbying law, regardless of whether it is reimbursed by a lobbyist or an employer of a

lobbyist. However, receipt of any other thing of value, including an honorarium, from a lobbyist or the lobbyist’s employer, is generally a violation of the lobbying law. [s. 13.625, Stats.]

If a lobbyist or employer of a lobbyist is involved in an action or activity, both the lobbying law and Ethics Code should be consulted. If a lobbyist or employer of a lobbyist is not involved, the lobbying law need not be consulted. (The lobbying law is described next in this chapter.)

LOBBYING LAW

Wisconsin legislators are directly and indirectly affected by the lobbying law, which is set forth in subch. III of ch. 13, Stats. The GAB is responsible for administering the state lobbying law. [s. 5.05, Stats.]

Legislators are directly affected by the prohibited practices section of the law, which prohibits a legislator from soliciting or accepting anything of pecuniary value from a lobbyist or the person employing the lobbyist (the principal). [s. 13.625, Stats.]

GAB guidelines that relate to lobbying are available at:

<http://www.gab.wi.gov/guidelines/lobbying>

Legislators are indirectly affected by the regulatory features of the law (registration, licensing, and reporting) because constituents may or may not be subject to these requirements if constituents attempt to influence the legislative process. Legislators need to understand the regulatory aspects of the law in

order to answer questions from their constituents regarding whether constituents’ lobbying activities are covered by the law.

Purpose of the Lobbying Law

The lobbying law is designed to maintain the integrity of state government decision-making by regulating the activities of persons who are hired to influence legislative and executive actions. The lobbying law also promotes open and responsible government by requiring public disclosure of the identity, expenditures, and activities of those persons. [s. 13.61, Stats.]

Definition of Lobbying

“Lobbying” is attempting to influence the legislative or administrative decisions of state government by oral or written communication with any elective state official, agency official, or legislative employee. Lobbying includes the time spent in preparation for such communication; appearances at meetings or public hearings; or service on a committee in which such preparation or communication occurs. [s. 13.62 (10), Stats.]

Persons Subject to the Lobbying Law

The persons directly subject to the regulatory requirements of the lobbying law are “lobbyists” and “principals.”

A “lobbyist” is an individual who either: (1) is employed by a principal; or (2) contracts for or receives payment, other than reimbursement for actual expenses, from a principal and whose duties include lobbying on behalf of the principal. If an individual’s duties on behalf of a principal are not limited exclusively to lobbying, the individual is a lobbyist only if he or she makes lobbying communications on each of at least five days within a six-month reporting period. (The reporting periods are January 1 to June 30 and July 1 to December 31.)

A “principal” is any person, association, corporation, limited liability company, or partnership that employs a lobbyist. The individual officers, employees, members, shareholders, or partners of an association, corporation, limited liability company, or partnership that employs a lobbyist are not considered to be principals.

The law requires all lobbyists to be licensed by the GAB. Principals must be registered and must file semi-annual lobbying expense reports with the GAB.

Employees of state agencies who engage in lobbying also are subject to the lobbying law, and special restrictions and reporting requirements apply to them. Elective state officials, local officials, tribal officials, and employees of the Legislature are not subject to the licensing or reporting requirements of the lobbying law when acting in an official capacity. [ss. 13.62 (11), (12), and (12r), 13.621, 13.65, 13.68, and 13.695, Stats.]

Conduct Prohibited Under the Lobbying Law

The “prohibited practices” provisions of the lobbying law generally prohibit lobbyists and principals from giving anything of value to legislators and prohibit legislators from soliciting or accepting anything of value from lobbyists or principals. These provisions are described below according to the three categories of persons to whom they apply: legislators; private lobbyists and principals; and state agency lobbyists. There are certain exceptions to these prohibitions, which are set forth later in this chapter.

Actions of Legislators Prohibited or Restricted Under the Lobbying Law

Under the lobbying law, a legislator may not solicit or accept anything of pecuniary value from a lobbyist or a principal, except as provided in the exceptions to the general prohibitions, as described below. Violation of this prohibition is punishable by a civil forfeiture not to exceed \$1,000. [ss. 13.625 (3) and 13.69 (6), Stats.]

A legislator may not solicit or accept anything of value from lobbyists or principals.

To protect himself or herself from violating this prohibition, a legislator should ask any person who offers something of value whether or not the person is listed as a lobbyist or principal in the registry maintained by the GAB.

Actions of Private Lobbyists and Principals Prohibited or Restricted Under the Lobbying Law

The lobbying law imposes numerous restrictions on lobbyists and principals. In particular, it prohibits lobbyists and principals from furnishing any of the items listed below to legislators or to other elective state officials, agency officials, legislative employees, or candidates for elective state office:

- Lodging.
- Transportation.
- Food, meals, beverages, or money.
- Any other thing of pecuniary value.

[s. 13.625 (1) (b), Stats.]

Actions of State Agency Lobbyists Prohibited or Restricted Under the Lobbying Law

Each state agency must file a semi-annual statement with the GAB identifying agency officers and employees whose regular duties include lobbying. These officers or employees are prohibited from using state funds to provide lodging, transportation, food, meals, beverages, money, or any other thing of pecuniary value to any legislator or other elective state official, legislative employee, or candidate for elective state office.

This restriction on agencies does not prohibit an agency officer or employee from doing any of the following:

- Authorizing salaries and other payments authorized by law.
- Authorizing property or services of the agency to be provided for official purposes or other purposes authorized by law.
- Providing information at the request of a member or employee of the Legislature, or a legislative committee.

[ss. 13.621 (1) (c) and 13.695, Stats.]

Exceptions to the General Prohibition

Several exceptions apply to the prohibition against a lobbyist or principal giving, and a legislator accepting, anything of pecuniary value.

A principal may give and a legislator may accept anything of pecuniary value that is also made available to the general public.

A lobbyist or principal may give and a candidate for legislative office may accept campaign contributions, provided the contributions comply with state campaign finance law (ch. 11, Stats.), and the time limitations of the lobbying law. Under the lobbying law, a lobbyist may make a campaign contribution from his or her personal funds, and a candidate for legislative office may accept such contribution, in the year of the election between April 15 and the day of the general election, but only if the Legislature has concluded its final floorperiod and is not in special or extraordinary session. A lobbyist may deliver or convey a contribution on behalf of another organization or person, and a candidate for legislative office may accept such contribution, at any time. These restrictions also apply to campaign contributions made to the personal campaign committee of a candidate for legislative office.

A legislator may receive reimbursement or payment of actual and reasonable expenses from a lobbyist or principal for a published work or for the presentation of a talk or participation in a meeting, under certain circumstances authorized under the Ethics Code. (See, generally, the section of this chapter on the Ethics Code.)

A legislator may accept food, meals, beverages, or entertainment provided by the Governor when acting in an official capacity.

A legislator may accept anything of pecuniary value furnished by a principal or lobbyist who is a relative of the legislator or resides in the same household as the legislator.

A principal that is a local governmental unit may give certain things of pecuniary value to a legislator who also serves as an elected official of the local governmental unit in an amount not exceeding the amount given to other similarly situated elected officials of the local governmental unit.

A lobbyist or principal may provide educational or informational material to legislators.

Under certain circumstances, a principal may provide compensation or employee benefits to an employee who is a candidate for elective state office but who does not hold an elective state office. [s. 13.625, Stats.]

A lobbyist may provide uncompensated personal services to a legislator's campaign for reelection. Although this exception is not set forth in the statutes, a 1993 decision of the U.S. District Court for the Western District of Wisconsin held that the Free Speech Clause of the First Amendment to the U.S. Constitution guarantees lobbyists the right to provide uncompensated personal services on behalf of candidates for elective office. [*Barker v. Wisconsin Ethics Board*, 841 F. Supp. 255 (W.D. Wis. 1993).]

Bribery

Bribery is a criminal activity that is not directly dealt with under the lobbying law. However, the solicitation or acceptance by a legislator of something of pecuniary value from a lobbyist or principal may amount to a violation of the bribery statute in s. 946.10, Stats., if it is done with the understanding that the legislator will officially act in a certain manner or will do or omit to do any act in violation of a lawful duty.

The crime of bribery is a Class H felony. If a legislator is found guilty of this crime, his or her office becomes vacant and he or she is subject to a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

Legislator Advice to Constituents

Legislators are frequently asked by constituents whether their activities subject them to the regulatory requirements of the lobbying law. When asked, a legislator may wish to explain that the purpose of the lobbying law is not to hinder citizens' rights to express freely their opinions on legislation or other policy decisions of their government.

Constituents can be told that the only persons who are subject to licensing and regulation as lobbyists are those who are paid to lobby. Further, a legislator may wish to inform the constituent that the law does not apply to or interfere with the right of any person to engage in lobbying in either of the following manners:

- Solely on his or her own behalf.
- By communicating solely with the legislator who represents the Senate or Assembly district in which the person resides, whether or not the communication is made on behalf of the person or on behalf of another person.

[s. 13.621 (6), Stats.]

Thus, for example, a sole proprietor of a business, who engages in lobbying solely on his or her own behalf, may compensate himself or herself for these lobbying activities without being subject to regulation under the law. Also, a person who is compensated for lobbying on behalf of another is exempt from coverage by the law, if his or her lobbying communications are restricted solely to the legislators who represent the Senate and Assembly districts in which the person resides.

If a constituent is unsure whether or not his or her lobbying activities or employment status makes him or her subject to regulation as a lobbyist, a legislator should advise the constituent to contact the GAB.

As the state agency responsible for the administration of the lobbying law, the GAB is in a position to give specific authoritative advice to the constituent on whether or not he or she is subject to regulation. Any individual may request an advisory opinion from the GAB with respect to his or her authority or responsibility under the lobbying law.

The GAB can advise an individual on whether or not the individual is subject to regulation under the lobbying law.

The GAB also can inform the constituent of the numerous exceptions to regulation. By taking advantage of these exceptions, a constituent can limit the regulatory impact of the law on his or her particular lobbying activities.

Please note that this chapter describes the key provisions of the Ethics Code that relate to legislators. Similar conduct is addressed by both the lobbying law and the Ethics Code.

ELECTION AND CAMPAIGN FINANCE LAW

State election and campaign finance laws are administered and enforced by the GAB. Specifically, the Elections Division of the GAB administers election laws, and the Ethics and Accountability Division of the GAB administers campaign finance laws. [s. 5.05, Stats.]

Federal law contains various election and campaign finance laws. Candidates for national office, such as candidates for the U.S. Congress, must comply with federal campaign finance laws. State campaign finance laws apply to candidates who receive votes at an election in the state, other than candidates for national office. [s. 11.01 (1), Stats.] In addition, the federal Help America Vote Act (HAVA) of 2002 requires states to comply with certain requirements regarding the administration of elections. A full discussion of federal campaign finance law and HAVA is beyond the scope of this chapter.

Elections

State election laws govern various issues related to elections. This section highlights some of the significant state election laws regarding candidates, referenda, eligible voters, voting, post-election activities, and recall.

Candidates

To qualify as a candidate for an elected office, an individual must file nomination papers. In some cases, a caucus procedure may be used to nominate candidates for town or village office, instead of nomination papers. The number of signatures that is required on nomination papers is determined by the office that the candidate is seeking to fill. For example, the number of signatures required for the Office of State Senator is not less than 400 but not more than 800, and for the Office of State Representative, not less than 200 but not more than 400. The signatures must be of electors who reside in the district or jurisdiction that the candidate, if elected, will represent.

An individual generally must file nomination papers and a declaration of candidacy to become a candidate for an elected office.

For the Spring Election, nomination papers may be circulated beginning on December 1 preceding the election and generally must be filed by 5 p.m. on the first Tuesday in January before the election (or the following day if that Tuesday is a holiday). For the partisan primary, nomination papers may be circulated beginning on April 15 preceding the election and generally must be filed by 5 p.m. on June 1 preceding the partisan primary.

A candidate must file a declaration of candidacy with the nomination papers. If the candidate has not filed a registration statement, as required under the campaign finance law, the candidate must file a registration statement with the nomination papers. If the candidate is a candidate for state office or municipal judge, the candidate must also file a Statement of Economic Interests with the GAB by 4:30 p.m. on the third day after nomination papers are due. [ss. 8.10 and 8.15, Stats.]

Referenda

Generally, all proposed constitutional amendments and other questions or measures to be included on the election ballot must be filed with the official who prepares the ballots for an election no later than 70 days before the election. [s. 8.37, Stats.]

Voter Qualifications and Disqualifications

To be eligible to vote, an individual must be a U.S. citizen at least 18 years old and must reside in an election district or ward for 28 consecutive days prior to the election in which the individual will vote. An individual is disqualified from voting if the individual was convicted of a felony, treason, or bribery or was adjudicated incompetent. An individual who is disqualified from voting by reason of a felony, treason, or bribery conviction will have his or her right to vote restored after receiving a pardon or after completing the sentence. [ss. 6.02, 6.03, and 304.078 (3), Stats.]

An individual must be a U.S. citizen at least 18 years old and must reside in an election district or ward for 28 consecutive days prior to an election in order to be eligible to vote in the election.

Voter Registration

An individual generally must register before voting in an election. However, the registration requirement does not apply to the following individuals:

- New Wisconsin residents who will vote only in the presidential election.
- Former Wisconsin residents who will vote only in the presidential election.
- Military electors.

An individual may register in person or by mail prior to Election Day or at the polling place on Election Day.

When an individual registers to vote, he or she must provide proof of residence unless the individual is a military or overseas elector. Table 1 lists the documents that are considered proof of residence if they contain a current and complete name and residential address, except that a university, college, or technical college ID card is not required to contain a residential address. [ss. 6.15, 6.18, 6.22, 6.27, and 6.34, Stats.]

Table 1: Proof of Residence
<ul style="list-style-type: none"> • Current and valid Wisconsin driver’s license. • Current and valid Wisconsin ID card. • Any other official ID license or card issued by a Wisconsin governmental unit or body. • ID license or card issued by an employer in the normal course of business, excluding a business card, that contains a photograph of the elector. • Real estate tax bill or receipt for the current or previous year. • Residential lease (except for electors registering by mail). • University, college, or technical college ID card that includes a photograph of the elector, accompanied by certain other documentation. • Utility bill for the period beginning not earlier than 90 days prior to the date of registration. • Bank statement. • Paycheck. • Check or other document issued by a governmental unit.

Registration in person closes at 5 p.m. on the third Wednesday prior to the election. An individual may register in person at the municipal clerk’s office, county clerk’s office, office of the board of election commissioners, or other designated registration locations. However, an individual may register in person after the close of registration until the Friday before an election at the municipal clerk’s office. [ss. 6.28 (1), 6.29 (2) (a), and 6.30 (1), Stats.]

An individual may register to vote in person or by mail prior to Election Day or at the polling place on Election Day.

Registrations by mail must be delivered to the municipal clerk’s office or postmarked on or before the third Wednesday prior to the election.

[ss. 6.28 (1) and 6.30 (4), Stats.]

An individual may obtain a registration form from the municipal clerk or at:
<http://www.gab.wi.gov/elections-voting/voters/registration-voting>

An individual may register to vote at the polling place on Election Day. The individual must fill out a registration form and an election inspector must sign the form, indicating that the registration form has been accepted.

Any qualified elector who is registered to vote may vote by absentee ballot.

[s. 6.55, Stats.]

Absentee Voting

Any qualified elector who is registered to vote may vote

by absentee ballot. A registered elector may obtain an absentee ballot by applying, in writing, through several methods, including by mail, in person at the municipal clerk’s office, or by e-mail or fax. If an elector applies for an absentee ballot by mail, the application must be received by 5 p.m. on the fifth day prior to the election. If an elector applies in person, the application must be made no earlier than the third Monday preceding the election and no later than 7 p.m. on the Friday preceding the election. An in-person application may only be received Monday to Friday between 8 a.m. and 7 p.m. and cannot be received on a legal holiday.

An elector who applies for an absentee ballot must provide proof of identification (also known as “voter ID”) with the application, unless the elector is exempt from the proof of identification requirement. Table 2 lists the documents that qualify as proof of identification, if the documents satisfy certain requirements.

Table 2: Proof of Identification (“Voter ID”)	
<ul style="list-style-type: none"> • Wisconsin driver’s license. • Wisconsin identification card. • U.S. uniformed service identification card. • U.S. passport. • Certificate of U.S. naturalization. • Driving receipt. • Identification card receipt. • Wisconsin tribal identification card. • University or college identification card. 	

Upon receipt of an application for an absentee ballot, the municipal clerk must verify that the name on the proof of identification conforms to the name on the application and, if the elector applies in person, the clerk must verify that any photograph on the proof of identification reasonably resembles the elector. If the application is complete, the clerk must mail or deliver the absentee ballot to the elector. For a military or overseas elector, the clerk may transmit the absentee ballot to the elector by email or fax.

For additional information on the proof of identification requirement, refer to Legislative Council Information Memorandum 2011-12 at:

<http://www.legis.wisconsin.gov/lc>

The elector must complete the certification on the envelope of the absentee ballot before an adult witness who is a U.S. citizen and must mark the ballot. The elector must then fold the ballot and insert it into the envelope, along with proof of residence, if

required. The envelope is sealed and mailed or delivered to the clerk. The absentee ballot must be received by the clerk by 8 p.m. on Election Day, except that an absentee ballot

received by mail and that is postmarked no later than Election Day is counted if it is received by the clerk no later than 4 p.m. on the Friday after the election.

At the polling place on Election Day, the election inspectors announce the name of an absent elector. The inspectors verify that the certification was properly executed; the elector is a qualified elector of the election district or ward; and the elector has not voted in the election. On the poll list, the inspectors note that the elector voted by absentee ballot. Then, the inspectors open the ballot and verify that the ballot has been endorsed by the clerk and that proof of residence is enclosed, if required. Finally, the inspectors insert the ballot into the ballot box and enter the elector's name or voting number after the elector's name on the poll list.

Some of the absentee voting procedures for military and overseas electors and for residents of certain residential care facilities and retirement homes differ from the procedure described above. [ss. 6.20, 6.22, 6.24, 6.86 to 6.88, and 7.515, Stats.]

Voting on Election Day

An elector must vote at the polling place for the elector's residence. Polling places are open from 7 a.m. to 8 p.m. on Election Day. Any elector waiting to vote when the polls close must be permitted to vote.

Polling places are open from 7 a.m. to 8 p.m. on Election Day.

Each election ward has two poll lists containing information about electors. An elector provides his or her full name and address, and the election officials verify that the name and address are the same as that in the poll list. An elector may not vote if he or she does not provide his or her name and address, unless the elector has a confidential listing. In addition, an elector must present proof of identification, unless the elector is exempt from the proof of identification requirement. The election officials must verify that the name on the proof of identification conforms to the name on the poll list and that any photograph on the proof of identification reasonably resembles the elector. Then, the elector must sign the poll list, unless exempt from the signature requirement due to physical disability.

The officials enter a serial number for the elector next to the elector's name in the poll list and provide the elector with a slip listing the serial number. The elector will then receive a ballot.

If the poll list indicates that an elector is required to provide proof of residence, the officials must require that the elector provide proof of residence. The officials must verify the name and address on the document and record the type of document. If the poll list indicates that an elector is not eligible to vote because of a felony, treason, or bribery conviction, the officials must notify the elector of the elector's ineligibility. If the elector insists that he or she is eligible to vote, the officials must allow the elector to vote and then challenge the ballot.

A voting booth may be occupied by only one voter at a time, except if accompanied by a minor child or ward or an individual who is providing assistance to the voter. If a voter spoils or incorrectly marks a ballot, the voter may receive another ballot. However, a voter may not receive more than three ballots because of spoiled or incorrectly marked previous ballots. A voter must be given a reasonable amount of time to vote. [ss. 6.77 to 6.80, Stats.]

Election Days

The **spring primary** is held on the third Tuesday in February to nominate nonpartisan candidates for the spring election. The **spring election** is held on the first Tuesday in April to elect judicial, municipal, and educational officers, nonpartisan county officers, and sewerage commissioners and to express preferences for presidential candidates.

The **partisan primary** is held on the second Tuesday in August to nominate candidates for the general election. The **general election** is held on the Tuesday after the first Monday in November in even-numbered years to elect presidential electors, U.S. Senators and Representatives, State Senators and Representatives, state officers (except judicial officers and State Superintendent), county officers (except county supervisors and executives), and district attorneys. [s. 5.02 (5), (12s), (21), and (22), Stats.]

Canvass

For additional information on canvassing procedures, refer to:

<http://www.gab.wi.gov/clerk/education-training/election-administration-manual>
and
http://www.gab.wi.gov/sites/default/files/publication/65/county_canvass_manual_6_2012_pdf_19416.pdf

A canvass is conducted after an election to certify the official results of the election. The canvass process may consist of a municipal, county, state, or school district canvass, or a combination thereof, depending on the offices that are elected at the election. A board of canvassers conducts any municipal, county, or school district canvass. For a municipal canvass, the board of canvassers must meet no later

than 9 a.m. on the Monday following the election. For a county or school district canvass, the board of canvassers must meet no later than 9 a.m. on the Tuesday following the election. For a state canvass, the GAB chairperson, or the chairperson's designee, must canvass the returns on or before the 2nd Tuesday following a spring primary, May 15th following a spring election, the 3rd Wednesday following a partisan primary, or December 1 following a general election.

A recount cannot be requested until the canvass is completed. If a recount is not requested for an office, the certificate of election for that office is issued to the person declared elected to that office immediately after the expiration of the time allowed to file a recount petition. If a recount is requested, the certification of election is not issued until the recount has been completed and the time allowed for filing an appeal has passed, or, if appealed, until the appeal is decided. [subch. II of ch. 7, Stats.]

Recount

For additional information on recount procedures, refer to:

http://www.gab.wi.gov/sites/default/files/publication/65/recount_manual_23968.pdf

The recount procedure is the exclusive remedy to test the results of an election against an alleged defect, irregularity, or mistake. A candidate voted for at an election or an elector who voted on a referendum question may petition for a recount.

A recount petition must be filed by 5 p.m. on the third business day after the last meeting of the board of canvassers that determines the election for that office or on that referendum question. The petition must state the following:

- The petitioner was a candidate or voted on a referendum question at the election.
- The petitioner believes that a mistake or fraud has occurred in the counting and return of votes or that another irregularity, illegality, or defect has occurred.

After the petition is filed and any required fee is paid, the board of canvassers conducts the recount. The recount determination may be appealed to the circuit court. [s. 9.01, Stats.]

Recall

An incumbent elective official of a state, county, congressional, legislative, judicial, city, village, town, town sanitary district, prosecutorial unit, or school district office may be subject to the recall process if qualified electors petition for the recall of that official. Qualified electors must file a petition signed by a certain number of electors demanding the recall of the official. For city, village, town, town sanitary district, or school district officials, a statement of the reason for recall that is related to the official's responsibilities must be included in the recall petition.

An official is not subject to recall during the first year of the official's term of office.

For additional information on recall, refer to:

<http://www.gab.wi.gov/elections-voting/recall>

No recall petition may be offered for filing during the first year of an official's term of office. In addition, no subsequent recall petitions may be filed against an official during the official's term of office after one recall petition and election has occurred.

The filing official must determine whether the recall petition is sufficient and record that in the certificate attached to the petition. If the petition is sufficient, the official or governing body, depending on the type of office subject to the recall petition, must call for a recall election. The official subject to recall is a candidate at the recall election without nomination unless he or she resigns within 10 days after the date that the petition is filed. Other candidates for the recall election are nominated by

filing nomination papers and declarations of candidacy. A recall primary is held if more than two candidates compete for the office. [s. 9.10, Stats; and Wis. Const. art. XIII, s. 12.]

Campaign Finance

State campaign finance laws, which are set forth in ch. 11, Stats., and ch. GAB 1, Wis. Adm. Code, govern various issues, including contributions, registration, and reporting. This section briefly highlights some of the significant state campaign finance laws.

Political Purposes

In general, communications that are made for “political purposes” are subject to regulation under ch. 11, Stats.

An act is for “political purposes” when the act is done to influence the election or nomination of any individual to state or local office, to influence the recall from or retention in office of an individual holding state or local office, to pay expenses incurred in a recount, or to influence a particular vote at a referendum. Acts that are for “political purposes” include: (1) making a communication that expressly advocates the election, defeat, retention, or recall of a clearly identified candidate or a particular vote at a referendum; and (2) attempting to influence an endorsement or nomination to be made at a political party convention regarding a campaign for state or local office. [ss. 11.01 (16), 11.05, and 11.06, Stats.]

Communications made for “political purposes” are generally subject to regulation under state campaign finance laws.

Further, the Wisconsin Administrative Code provides that a communication is for “political purposes,” and thus subject to regulation under ch. 11, Stats., if one of the following applies:

1. The communication contains terms such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Assembly,” “vote against,” “defeat,” or “reject,” or their functional equivalents; references a clearly identified candidate; and unambiguously relates to that candidate’s campaign.
2. The communication is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

[s. GAB 1.28, Wis. Adm. Code.]

Registration and Reporting Requirements

Every candidate and certain individuals, committees, and groups must file a registration statement. A registrant must report all contributions, disbursements, and obligations, and each report must include certain information about contributions, disbursements, and obligations. For example, a registrant must report the name and address of each individual who has made a contribution of more than \$20. [ss. 11.05 and 11.06, Stats.]

For a list of information that a registrant must report, refer to s. 11.06 (1), Stats.

Contribution Limits

State law limits the amount of contributions that an individual or committee may contribute to a candidate for state or local office. The contribution limits apply cumulatively to the candidate’s campaign for the primary and general election. A candidate is not bound by the contribution limits for personal contributions that the candidate makes to his or her campaign. Table 3 lists the limits, by office, that an individual or committee, other than a legislative campaign committee or political party committee, may contribute to candidates for state office. [s.

State law limits the amount that an individual or committee may contribute to a candidate for state or local office.

11.26, Stats.]

For additional information on contribution limits for candidates for state or local office, refer to:
<http://www.gab.wi.gov/campaign-finance/limits-deadlines>

Table 3: Contribution Limits		
	Individual	Committee
Governor	\$10,000	\$43,128
Lieutenant Governor	\$10,000	\$12,939
Attorney General	\$10,000	\$21,560
Secretary of State	\$10,000	\$ 8,625
State Treasurer	\$10,000	\$ 8,625
State Superintendent	\$10,000	\$ 8,625
Supreme Court Justice	\$ 10,000	\$ 8,625
Court of Appeals Judge (District I)	\$ 3,000	\$ 3,000
Court of Appeals Judge (Districts II, III, & IV)	\$ 2,500	\$ 2,500

	Individual	Committee
Circuit Court Judge (Milwaukee, Dane, & Waukesha Counties)	\$ 3,000	\$ 3,000
Circuit Court Judge (Other Counties)	\$ 1,000	\$ 1,000
District Attorney (Milwaukee, Dane, & Waukesha Counties)	\$ 3,000	\$ 3,000
District Attorney (Other Counties)	\$ 1,000	\$ 1,000
State Senator	\$ 1,000	\$ 1,000
State Representative	\$ 500	\$ 500

Constitutional Issues

Campaign finance laws have frequently been challenged under the First Amendment to the U.S. Constitution. The landmark decisions in campaign finance law include *Buckley v. Valeo*, 424 U.S. 1 (1976); *McConnell v. Federal Election Commission (FEC)*, 540 U.S. 93 (2003); *FEC v. Wisconsin Right to Life*, 551 U.S. 449 (2007); *Citizens United v. FEC*, 130 S. Ct. 876 (2010); and *McCutcheon v. FEC*, 134 S. Ct. 1434 (2014). Recently, in *Wisconsin Right to Life v. Barland*, the U.S. Court of Appeals for the Seventh Circuit held that several Wisconsin campaign finance statutes and administrative rules are unconstitutional under the First Amendment.

In *Buckley*, the U.S. Supreme Court held that contribution limits and reporting and disclosure requirements are constitutional and that expenditure limits and limits on the use of personal funds by a candidate in the Federal Election Campaign Act (FECA) of 1971 violate the First Amendment. The Court also developed a “magic words” test, which indicated that communications using “vote for,” “vote against,” “elect,” “reject,” or similar words, may be regulated.

For further information see the following Legislative Council Information Memoranda (IM):

- *Wisconsin Right to Life (IM-2007-04)*
- *Citizens United (IM-2010-02)* at:

<http://www.legis.wisconsin.gov/lc>

In *McConnell*, the U. S. Supreme Court upheld the regulation of “issue ads” in the Bipartisan Campaign Reform Act (BCRA) of 2002, even though the communications did not use the “magic words” from *Buckley*. Later, in *FEC v. Wisconsin Right to Life*, the Court’s principal decision held BCRA’s “issue ads” provision unconstitutional as applied to specific ads but did not explicitly overturn the *McConnell* decision.

In *Citizens United*, the U.S. Supreme Court held that government may not prohibit corporations from using their general treasury funds to make independent expenditures, overturning *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990), and, in part, *McConnell*. However, the Court upheld federal law’s disclosure and disclaimer requirements on corporate political speech.

In *McCutcheon*, the U.S. Supreme Court held that aggregate limits on how much a contributor may contribute to all candidates, parties, or committees are unconstitutional under the First Amendment.

In *Barland*, the Seventh Circuit held that Wisconsin's ban on a corporation using its general treasury to make independent expenditures and the cap on the amount that a corporation could spend to raise money for the corporation's affiliated committee are unconstitutional under *Citizens United*. In addition, the court held that "political purposes," as it applies to speakers other than candidates, candidate committees, and political parties, is limited to express advocacy and the functional equivalent of express advocacy. The court also held that several administrative rules are unconstitutional, including a disclaimer on independent communications, a portion of the definition of "political purpose," and the application of statutory reporting requirements to certain independent organizations.

ADDITIONAL REFERENCES

1. The GAB has various manuals and forms available at: <http://www.gab.wi.gov/publications/manuals> and <http://www.gab.wi.gov/forms>.
2. The U.S. Federal Election Commission has information on federal campaign finance laws available at: <http://www.fec.gov>.
3. The Legislative Reference Bureau prepares publications on election law. Those publications may be found at: <http://www.legis.wisconsin.gov/lrb/>.
4. The Legislative Audit Bureau prepares audits of various state programs. For examples, see *Compliance with Election Laws* (Audit Report 07-16), and *Voter Registration* (Audit Report 05-12), at: <http://www.legis.wisconsin.gov/lab>.
5. The National Conference of State Legislatures has information on election and campaign finance laws in other states available at: <http://www.ncsl.org/research/elections-and-campaigns.aspx>.

GLOSSARY

Canvass: The process conducted after an election to certify the official results of the election.

Ethics Code: The state law that governs the conduct of state and local officials and contains financial disclosure requirements, standards of conduct, enforcement procedures, and penalties for violations.

General election: The election held on the Tuesday after the first Monday in November in even-numbered years to elect presidential electors, U.S. Senators and Representatives, State Senators and Representatives, state officers (except judicial officers and State

Superintendent), county officers (except county supervisors and executives), and district attorneys.

Government Accountability Board (GAB): The state agency that administers and enforces the ethics, lobbying, elections, and campaign finance laws.

Lobbying law: The state law that regulates the activities of persons who are hired to influence legislative and executive actions.

Partisan primary: The election held on the second Tuesday in August to nominate candidates for the general election.

Recall: The process by which qualified electors petition for the recall of an elected official and, if the petition is sufficient, an election is held between the official subject to recall and any other qualified candidates.

Recount: The exclusive remedy to test the results of an election against an alleged defect, irregularity, or mistake.

Spring Election: The election held on the first Tuesday in April to elect judicial, municipal, and educational officers, nonpartisan county officers, and sewerage commissioners and to express preferences for presidential candidates.

Spring Primary: The election held on the third Tuesday in February to nominate nonpartisan candidates for the spring election.

Statement of Economic Interests: A statement that must be filed annually by state officials that contains information regarding the financial interests of the official.

Wisconsin Legislative Council

One East Main Street, Suite 401
Madison, WI 53703-3382
Phone: (608) 266-1304