

NOTICE OF PROPOSED GUIDANCE DOCUMENT

ETHICS GUIDELINE ETH-1231

Pursuant to s. 227.112, Wis. Stats., the Wisconsin Ethics Commission is hereby seeking comment on ETH-1231, a proposed guidance document. This guideline replaces the earlier guideline of the same number.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Ethics Commission until August 12, 2019, by:

1. Emailing ethics@wi.gov, or
2. Mailing written comments to:
P.O. Box 7125
Madison, WI 53707-7125

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at <https://ethics.wi.gov/Pages/Resources/ResourcesOverview.aspx> to allow for ongoing comment.

AGENCY CONTACT PERSON

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Wisconsin Ethics Commission

For State Public Officials

Solicitations

General Limitation on Solicitation

A state public official should not use his or her public position or office to solicit something of substantial value for himself or herself, his or her immediate family, or an organization with which he or she is associated. A state public official should not use his or her public position or office to solicit a thing of value from anyone for an organization with which the official or the official's spouse or legal dependent is an officer, director, employee or authorized representative or agent. [WIS. STAT. § 19.45\(2\)](#). "Associated," when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10 percent of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent. [WIS. STAT. § 19.42\(2\)](#).

However, there is a narrow exception that allows a "candidate," as that term is defined in [WIS. STAT. § 11.0101\(1\)](#), to engage in certain solicitations. Specifically, a candidate, including a state public official, may solicit a donation for a non-profit organization with which the candidate is "associated." [WIS. STAT. § 11.0206](#).

Other Limitations on Solicitation

A state public official should not solicit a thing of value from any person if it could be reasonably expected to influence his or her vote, official actions or judgment, or it could be seen as a reward for officials actions the official has taken. [WIS. STAT. § 19.45\(3\)](#).

A candidate for state elective office or a state public official should not solicit a charitable or other contribution for any organization from a lobbyist or from an organization that employs a lobbyist. [WIS. STAT. § 13.625\(3\)](#).

A candidate for state elective office or a state public official should not solicit anything of pecuniary value for a state agency or state program from a lobbyist or from an organization that employs a lobbyist. [WIS. STAT. § 13.625\(3\)](#).

Solutions For Instances When Solicitation Is Not Permitted

GOVERNMENT-RELATED EVENTS. A state agency seeking private support for a government-related activity may request assistance from the Wisconsin Economic Development Corporation to solicit support for a multi-state or national association with which the agency is affiliated. [WIS. STAT. 19.56\(3\)\(e\)2](#). An agency may also request the Wisconsin Economic Development Corporation to solicit support for events promoting economic development or tourism and for conferences of multistate, national, or international associations of government officials. *Id.* Additionally, an agency may request the Department of Tourism to solicit support for events promoting tourism. [WIS. STAT. 19.56\(3\)\(em\)](#).

LETTERHEAD AND LETTERS OF SUPPORT. An official affiliated with a private organization may permit the appearance of their name and title within the private organization, but not their public office, on the organization's letterhead in the same style and prominence in which others similarly affiliated with the organization are identified. An official may also write a letter of endorsement for an organization that the organization may include in a fundraising solicitation, even if it is sent to a lobbyist or lobbying principal, as long as the endorsement letter does not solicit, urge, or endorse contributing to the organization. *See* [1991 Wis Eth Bd 06](#).



Wisconsin Ethics Commission

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CERTIFICATION OF AGENCY HEAD

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink, appearing to read 'D. Carlton, Jr.' with a stylized flourish at the end.

Daniel Carlton, Jr.
Commission Administrator
Wisconsin Ethics Commission

Wisconsin Ethics Commissioners

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

Administrator

Daniel A. Carlton, Jr.