

521-ETHICS COMMISSION

Dept #: 521/ Department Name: ETHICS COMMISSION

RDA # RDA Title Retention Disposition PII

00002000. **ETHICS GUIDELINES** **EVT+6**

Series relates to initiation and development of guidelines on matters of general interest regarding ethics, campaign finance, or lobbying. Research and choice of subjects may be directed by statute, or may be by staff or commission direction.

The policy papers and study files of the Secretary of State which transferred to the Ethics Board on July 1, 1990 have been incorporated into the record disposition schedule of this series.

RETENTION: EVENT (Adoption of new or revised guideline) + 6 years and transfer to State Archives (WHS)

00003000. **FORMAL ADVISORY OPINIONS** **EVT+6**

These records include ethics, campaign finance, and lobbying law advisory opinion requests, responses, and related materials under Wis. Stat. § 19.46(2) and are confidential pursuant to Wis. Stat. §§ 19.46(2) and 19.55(4), except as specifically provided in Wis. Stat. § 19.55(4)(b). The Ethics Commission will publish the formal advisory opinion and records obtained in connection with the request for formal advice replacing the identity of any person, organization, or governmental body on whose behalf the formal opinion is requested with generic, descriptive terms as required by Wis. Stat. § 19.55(4)(c).

Transfer to WHS is subject to Wis. Stat. § 16.61(13)(d).

RETENTION: EVENT (Withdrawal of opinion) + 6 years and transfer to State Archives (WHS)

00004000. **INFORMAL ADVISORY OPINIONS** **EVT+6**

These records include ethics, campaign finance, and lobbying law informal opinion requests, responses, and related materials under Wis. Stat. § 19.46(2) and are confidential pursuant to Wis. Stat. §§ 19.46(2) and 19.55(4), except as specifically provided in Wis. Stat. § 19.55(4)(b).

This new RDA provides a separate event from the RDA for Formal Advisory Opinions; these records are stored and maintained separately.

RETENTION: EVENT (Date opinion issued) + 6 years and destroy confidential

00005000. **ACTIONED COMPLAINT CASE FILES** **EVT+6**

Series contains all records of complaints that resulted in action. This may include authorizations for investigation, subpoenas, affidavits, findings of fact and conclusions, resolutions, and correspondence which are related to possible violations of ethics, campaign finance, or lobbying laws. All information remains confidential except as specifically provided in Wis. Stat. §§ 19.50(2) and 19.55(3).

Those records that were transferred to the Ethics Board from the Secretary of State on July 1, 1990 are all open to the public. These investigations were all closed before July 1, 1990. Former Ethics Board investigation records are confidential pursuant to Wis. Stat. § 19.55(2)(b) (2005-06).

Any new investigation initiated by the Ethics Commission will be closed to the public unless the exceptions prescribed in Wis. Stat. §§ 19.50(2) or 19.55(3) are met. Transfer to WHS is subject to Wis. Stat. § 16.61 (13)(d).

RETENTION: EVENT (Complaint closed) + 6 years and transfer to State Archives (WHS)

00006000. **NON-ACTIONED COMPLAINT CASE FILES** **EVT+6**

Series contains all records of investigations where action was not taken. All information remains confidential except as specifically provided in Wis. Stat. §§ 19.50(2) and 19.55(3).

Those records that were transferred to the Ethics Board from the Secretary of State on July 1, 1990 are all open to the public. These investigations were all closed before July 1, 1990. Former Ethics Board investigation records are confidential pursuant to Wis. Stat. § 19.55(2)(b) (2005-06).

Any new investigation initiated by the Ethics Commission will be closed to the public unless the exceptions prescribed in Wis. Stat. §§ 19.50(2) or 19.55(3) are met.

This RDA allows for the destruction of complaint records that are submitted to the Commission, but where no action is taken. There is limited value in maintaining records that did not result in any action.

RETENTION: EVENT (Complaint closed) + 6 years and destroy confidential

00007000. **SETTLEMENT AGREEMENTS** **EVT+6**

Series contains settlement agreements reached after an alleged violation of Wis. Stat. ch. 11 Campaign Financing, Wis. Stat. ch. 13

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subchapter III Regulation of Lobbying, or Wis. Stat. ch. 19 subchapter III Code of Ethics for Public Officials and Employees, and signed by the individual or a representative of the organization, and the Administrator of the Ethics Commission. The series also contains settlement agreements that were issued, but not signed by either party, and either terminated by the Commission or referred for civil action.

Event = Date settlement agreement is signed by both parties, or the agreement is terminated by the Ethics Commission, or civil action is filed.

Signed settlement agreements are open for public review per Wis. Stat. § 19.49(1)(b). Unsigned settlement agreements are confidential, per Wis. Stat. § 19.50, 19.55(3).

Reason for creation: These records were identified as unique to the agency, and not easily maintained using existing agency RDAs.

RETENTION: EVENT (Date settlement agreement is signed by both parties, or the agreement is terminated by the Ethics Commission, or civil action is filed)+ 6 years and Transfer - State Archives (WHS)

0008000. **STATEMENTS OF ECONOMIC INTERESTS** **EVT+3**

Series contains information on successful and unsuccessful candidates and other state public officials filing of Statements of Economic Interest. Copies of correspondence, mailing lists, telephone call logs if appropriate. Series also contains written requests to examine officials Statements of Economic Interest. These forms contain the full name and address of the requester and the name and address of the person the requester represents. This information is required to allow the Ethics and Accountability Division to comply with Wis. Stat. Sec. 19.48(8), which requires that the official be notified of the examination of the official's statement. Series also contains Investment Board Quarterly Reports per Sec. 19.43(5). This records series excludes any database electronic records.

Event = receipt of the Statements of Economic Interest by the Board and pursuant to Wis. Stat. Sec. 19.48(4)(a-c), destroy after: (a) upon the expiration of 3 years after an individual ceases to be a state public official, unless the former state public official otherwise requests, (b) upon the expiration of 3 years after any election at which a candidate for state public office was not elected, unless the individual continues to hold another position for which he or she is required to file a statement or unless the individual otherwise requests, (c) upon the expiration of 3 years from the action of the Senate upon a nomination for state public office at which the Senate refused to consent to the appointment of the nominee, unless the individual continues to hold another position for which he or she is required to file a statement or unless the nominee otherwise requests (sub (c) does not apply to anyone appointed to state public office under Wis. Stat. 17.20(2).)

RETENTION: EVENT (See description) + 3 years and destroy confidential

00014000. **LOBBYING LICENSES AND PRINCIPAL SUBJECT FILES** **EVT+6**

Series contains lobbying license requests, correspondence relating to issuance of the license, license revocation information, principal registration forms, authorization for specific lobbyists to lobby on a principal's behalf, principal's withdrawal of an authorization, statements of lobbying expenses and all correspondence relating to a principal's information. This records series excludes any database electronic records.

Event = the end of a Legislative Session. Retain 6 years from end of Legislative Session to which the records apply and transfer to WHS.

RETENTION: EVENT (End of legislative session) + 6 years and transfer to State Archives (WHS)

00022000. **CAMPAIGN FINANCE REPORTS, REGISTRATION STATEMENTS, AUDIT RECO** **CR+6**

This records series includes campaign finance reports, registration statements, audit records, and correspondence required or authorized by Wis. Stats. Secs. 5.02(2), 11.05, 11.06, 11.12, 11.19, 11.20, and 11.23.

This records series includes the following statements and reports: GAB-1 Campaign Finance Registration Statement, GAB-2 Campaign Finance Report, GAB-3 Special Report of Late Contribution, GAB-4 Conduit Special Report of Late Contribution, GAB-6 Oath of Independent Disbursements, GAB-7 Report of Independent Disbursements, GAB-9 Conduit Registration, GAB-10 Conduit Campaign Finance Report, GAB-11 Sponsoring Organization Campaign Registration Statement, GAB-12 Sponsoring Organization Campaign Registration Statement, GAB-40 Registration on Nonresident Political Action Committee.

The reports identified above contain financial information including receipts and expenditures of candidates for statewide legislative and judicial elections, political party committees, political action committees, legislative campaign committees, referenda, corporations, and conduits. This records series includes paper and electronic copies of form or data to be uploaded, but excludes any database electronic records from the Campaign Finance Information System (CFIS).

RETENTION: EVENT (Creation) + 6 years and transfer to State Archives (WHS)