

2011-13 Sandy Pasch for Senate Campaign

2011-25 Sandy Pasch and Citizen Action of WI

Mr. Becker provided an oral and written report. Staff recommends dismissal of both complaints. The first complaint was about Ms. Pasch's picture appearing on the cover of the Shepherd Express weekly newspaper, which the campaign did not pay for, but was an editorial endorsement. The second complaint was about coordination because Ms. Pasch sits on the board of Wisconsin Citizen Action, which made independent expenditures in support of her campaign. Minutes of Citizen Action's board meeting indicate Ms. Pasch left the room when the independent expenditure was being discussed.

MOTION: To dismiss the complaints in cases 2011-13 and 2011-25, with staff to issue findings consistent with Board action. Moved by Judge Cane, seconded by Judge Vocke. Motion carried unanimously.

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 13, 2011 Board meeting

TO: The Government Accountability Board

FROM: Jonathan Becker

SUBJECT: In the Matter of Sandy Pasch for Senate, GAB Case #2011-13, and In the Matter of Sandy Pasch and Wisconsin Citizen Action, GAB Case #2011-25

In the Matter of Sandy Pasch for Senate, GAB Case #2011-13

The Government Accountability Board received a verified complaint, dated July 14, 2011 from Wisconsin GrandSons of Liberty, Inc. alleging that Sandy Pasch for Senate ran an ad in a Milwaukee weekly, the Shepherd Express; distributed a flyer for an event sponsored by Grass Roots North Shore; and posted materials on Facebook and another website without including a proper attribution statement identifying the sponsor of the communication in violation of §11.30(2)(b), *Wisconsin Statutes*. At its August 2 meeting, the Board authorized an investigation into this matter.

I spoke with Sandy Pasch who stated that her campaign had not purchased an ad in Shepherd's Express. I also spoke to Lou Fortis, the owner of Shepherd's Express, who confirmed this and stated that the front page picture and vote for Sandy Pasch message was an editorial endorsement. Finally, there is no report in her campaign finance filings that Ms. Pasch's campaign made any disbursements to Shepherd Express.

I also spoke with Jackie Boynton, Ms. Pasch's campaign treasurer. She had no memory of the campaign ever purchasing space in the Shepherd Express and no memory of the campaign creating a flyer for an event sponsored by Grass Roots North Shore. She stated that Grass Roots North Shore was a group of citizens active in campaigns.

In the Matter of Sandy Pasch and Wisconsin Citizen Action, GAB Case #2011-25

The Government Accountability Board received a verified complaint dated August 1, 2011 from the Republican Party of Wisconsin alleging that Sandy Pasch, a candidate for the State Senate, and Citizen Action of Wisconsin, Inc. had improperly coordinated campaign expenditures by Citizen Action in violation of §11.06 (7), *Wisconsin Statutes*. If true, Citizen Action would also have violated §11.38, *Wisconsin Statutes*, (prohibiting contributions by corporations) and Ms. Pasch and Citizen Action may also have violated campaign contribution limits. The basis for the complaint is that Ms. Pasch was a member of the Board of Directors of Citizen Action while she was a candidate. At its August 2 meeting, the Board authorized an investigation into this matter.

I spoke with Robert Kraig, Executive Director, and Matt Brusky, Deputy Director, of Citizen Action of Wisconsin. Mr. Kraig stated that the Citizen Action Board meets only four times a

year. At its May 13, 2011 meeting, staff requested the general authority to participate in the upcoming recall elections. Mr. Kraig stated that the Board gave staff that authority but there was no discussion about which races the organization would be involved in. According to Mr. Kraig, the Board does not “micromanage” and leaves most decisions to staff. Staff made the decision to make independent expenditures on behalf of Ms. Pasch.

Both Mr. Kraig and Mr. Brusky stated that Ms. Pasch left the room where the Board meeting was being held before the question of participation in the recalls was brought up. The minutes of the May meeting reflect this. Both Mr. Kraig and Mr. Brusky also stated that they had no conversations about the campaign with Ms. Pasch or anyone from her campaign until after the election.

Ms. Pasch confirmed that she left the Citizen Action Board meeting before any discussions about recall campaign activity and that she had no conversations with staff or other Board members about her campaign.

Jackie Boynton has been Ms. Pasch’s campaign treasurer for 4 years – since Ms. Pasch’s first run for the Assembly. Ms. Boynton was also on the Board of Directors of Citizen Action of Wisconsin. She stated that she attended the May Board meeting and did not leave the room. She said the Board was asked to approve the organization’s involvement in recall races. She thought that Ms. Pasch’s race was discussed. She stated that she was never involved in any discussions about specific activities or expenditures in Ms. Pasch’s race with any staff or directors (other than Ms. Pasch) of Citizen Action.

Recommendation

Staff recommends dismissal of both complaints.

There is no evidence that Ms. Pasch’s campaign purchased any ads in the Shepherd Express. It is true that there was no disclaimer on her Facebook page, but our approach in instances involving lack of disclaimers on web sites is simply to inform individuals of the obligation to create a disclaimer and to post it. The lack of disclaimer on the flyer appears de minimus and it is unclear who actually paid for it.

There is no evidence that Citizen Action of Wisconsin acted in cooperation or consultation with Ms. Pasch, Ms. Boynton, or anyone else associated with the Pasch campaign on any independent disbursements. In my view, Ms. Boynton’s presence at the May meeting does not amount to consultation or cooperation. Ms. Boynton’s statement that the Pasch race may have been mentioned at the May Board meeting does not comport with the statements made by Mr. Kraig or Mr. Brusky. Moreover, Ms. Boynton’s memory generally struck me as unreliable as she remembered almost nothing else.