



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4222/1
JK:amn

2021 SENATE BILL 528

August 26, 2021 - Introduced by Senators LARSON, CARPENTER, ROYS, AGARD and JOHNSON, cosponsored by Representatives ANDERSON, SUBECK, BROSTOFF, SINICKI, HEBL, SHANKLAND, OHNSTAD, BALDEH, NEUBAUER, SNODGRASS, CABRERA, SPREITZER, MILROY, CONSIDINE, POPE, CONLEY, SHELTON and ANDRACA. Referred to Committee on Elections, Election Process Reform and Ethics.

1 **AN ACT to repeal** 11.1203 (2) (a) 1.; **to consolidate, renumber and amend**
2 11.1203 (2) (a) (intro.) and 2.; **to amend** 11.1203 (title) and 11.1203 (3) (intro.);
3 and **to create** 11.0101 (20), 11.0101 (20d), 11.0101 (20e), 11.0101 (20f) and
4 11.1203 (4) of the statutes; **relating to:** coordination of mass communications.

Analysis by the Legislative Reference Bureau

This bill prohibits a political action committee, independent expenditure committee, or other person from making expenditures for certain mass communications that are coordinated with a candidate or the candidate's agent or the legislative campaign committee or political party of the candidate's political party in violation of the contribution limits and source restrictions applicable to the candidate. Current law imposes this same prohibition on expenditures for express advocacy that are coordinated with a candidate, the candidate's agent, or an LCC or PP. Under current law, an expenditure is coordinated if either of the following applies: 1) the candidate, candidate's agent, LCC, or PP communicates directly with and specifically requests that the PAC, IEC, or other person make the expenditure and the PAC, IEC, or other person explicitly assents to the request before making the expenditure; or 2) the candidate, candidate's agent, LCC, or PP exercises control over the expenditure or the content, timing, location, form, intended audience, number, or frequency of the communication.

This bill eliminates the definition of coordination applicable to express advocacy expenditures and creates new definitions for coordination that apply to expenditures for express advocacy and to expenditures for a mass communication.

SENATE BILL 528

The bill provides that an expenditure for express advocacy is coordinated if the candidate, candidate's agent, LCC, or PP exercises control over or engages in substantial discussions or negotiations with the person making the expenditure regarding the content, timing, location, form, intended audience, or frequency of the communication. Similarly, the bill specifies that a mass communication is coordinated if the candidate, the candidate's agent, or the LCC or PP exercises control over or engages in substantial discussions or negotiations with the person making the expenditure regarding the content, timing, location, form, intended audience, or frequency of the mass communication.

The bill defines mass communication as a message that is disseminated by means of one or more communications media, a mass electronic communication, a mass distribution, or a mass telephoning, but not including a bona fide poll conducted for the purpose of objectively identifying or collecting data concerning the attitude or preference of electors. The bill requires the person making the disbursement to report information including the name and address of the person that received the disbursement and whether the person making the disbursement for the mass communication coordinated with the candidate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 11.0101 (20) of the statutes is created to read:

2 11.0101 (20) "Mass communication" means a message that is disseminated by
3 means of one or more communications media, a mass electronic communication, a
4 mass distribution, or a mass telephoning, but not including a bona fide poll
5 conducted for the purpose of objectively identifying or collecting data concerning the
6 attitudes or preferences of electors.

7 **SECTION 2.** 11.0101 (20d) of the statutes is created to read:

8 11.0101 (20d) "Mass distribution" means the distribution of 500 or more pieces
9 of substantially identical material.

10 **SECTION 3.** 11.0101 (20e) of the statutes is created to read:

11 11.0101 (20e) "Mass electronic communication" means the transmission of 500
12 or more pieces of substantially identical material by means of electronic mail or
13 facsimile transmission.

SENATE BILL 528**SECTION 4**

1 **SECTION 4.** 11.0101 (20f) of the statutes is created to read:

2 11.0101 (20f) “Mass telephoning” means the making of 500 or more telephone
3 calls conveying a substantially identical message.

4 **SECTION 5.** 11.1203 (title) of the statutes is amended to read:

5 **11.1203 (title) Coordination of expenditures for express advocacy;**
6 **coordination of expenditures for mass communications.**

7 **SECTION 6.** 11.1203 (2) (a) (intro.) and 2. of the statutes are consolidated,
8 renumbered 11.1203 (2) (a) and amended to read:

9 11.1203 (2) (a) For purposes of ~~this section sub. (1)~~, an expenditure for express
10 advocacy is coordinated if ~~any of the following applies: 2.~~ The ~~the~~ candidate,
11 candidate’s agent, legislative campaign committee of the candidate’s political party,
12 or the candidate’s political party exercises control over or engages in substantial
13 discussions or negotiations with the political action committee, independent
14 expenditure committee, other person, or individual making the expenditure or
15 regarding the content, timing, location, form, intended audience, number, or
16 frequency of the communication.

17 **SECTION 7.** 11.1203 (2) (a) 1. of the statutes is repealed.

18 **SECTION 8.** 11.1203 (3) (intro.) of the statutes is amended to read:

19 11.1203 (3) (intro.) None of the following are considered coordinated
20 communications prohibited under ~~this section sub. (1)~~:

21 **SECTION 9.** 11.1203 (4) of the statutes is created to read:

22 11.1203 (4) (a) No political action committee, independent expenditure
23 committee, other person required to report under s. 11.1001, or individual may make
24 an expenditure for a mass communication during the period beginning on the 60th
25 day preceding an election and ending on the date of that election that includes a

SENATE BILL 528**SECTION 9**

1 reference to a clearly identified candidate whose name is certified under s. 7.08 (2)
2 (a) or 8.50 (1) (d) to appear on the ballot at that election and that is susceptible of no
3 reasonable interpretation other than as an appeal to vote for the candidate or against
4 an opponent of the candidate that is coordinated with the candidate, candidate's
5 committee, or candidate's agent, nor with any legislative campaign committee of the
6 candidate's political party, or a political party, in violation of the contribution limits
7 under s. 11.1101 or the source restrictions under s. 11.1112.

8 (b) An expenditure for a mass communication is coordinated if the candidate,
9 candidate's agent, legislative campaign committee of the candidate's political party,
10 or the candidate's political party exercises control over, or engages in, substantial
11 discussions or negotiations with the political action committee, independent
12 expenditure committee, other person, or individual making the expenditure
13 regarding the content, timing, location, form, intended audience, or frequency of the
14 mass communication.

15 (c) If an expenditure for a mass communication is coordinated, but not in
16 violation of the coordination prohibitions under par. (a), all of the following apply:

17 1. The political action committee, independent expenditure committee, or other
18 person making the expenditure shall report the expenditure as required under this
19 chapter.

20 2. The candidate's committee shall report the expenditure as a contribution.

21 (END)