



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBa1112/1
JTK:nwn:rs

**SENATE AMENDMENT 6,
TO 2009 SENATE BILL 40**

November 5, 2009 – Offered by Senator ELLIS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 15: after that line insert:

3 “**SECTION 1g.** 11.001 (1m) of the statutes is created to read:

4 11.001 **(1m)** The legislature finds and declares that the function of judges and
5 justices, who must independently apply the law, is fundamentally distinct from that
6 of elective legislative and executive branch officials who take positions on issues that
7 are influenced by, and represent the will of, their constituencies. The legislature
8 therefore finds that because it is improper for a mass communication to seek to
9 persuade a judge or justice to take a position on an issue, any such communication
10 should be deemed to have been made for a political purpose.

11 **SECTION 1r.** 11.01 (16) (a) 4. of the statutes is created to read:

12 11.01 **(16)** (a) 4. A mass communication that refers to a judicial office and either
13 focuses on and takes a position for or against a judicial candidate’s position on an

1 issue or takes a position on that judicial candidate’s character, qualifications, or
2 fitness for office.”.

3 **2.** Page 7, line 9: after that line insert:

4 “**SECTION 13m.** 11.38 (1m) of the statutes is created to read:

5 11.38 **(1m)** No corporation or association specified in sub. (1) (a) 1. may make
6 a disbursement for the purpose of making a mass communication that is made by
7 means of one or more communications media, other than a communication that is
8 exempt from reporting under s. 11.29, and that refers to a judicial office and either
9 focuses on and takes a position for or against a judicial candidate’s position on an
10 issue or takes a position on that judicial candidate’s character, qualifications, or
11 fitness for office.”.

12 (END)