



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2158/1
JTK:all:ph

**SENATE AMENDMENT 2,
TO 2011 SENATE BILL 292**

January 19, 2012 – Offered by Senator ERPENBACH.

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

2 **1.** Page 1, line 3: after “contributions” insert “ and political disbursements and
3 obligations by corporations, cooperative associations, and labor organizations, and
4 the scope of regulated activity and reporting of certain activity under the campaign
5 finance law”.

6 **2.** Page 1, line 4: before that line insert:

7 **“SECTION 1b.** 11.01 (12v) of the statutes is created to read:

8 11.01 (12v) “Mass communication” means a message that is disseminated by
9 means of one or more communications media, a mass electronic communication, a
10 mass distribution, or a mass telephoning, but not including a bona fide poll
11 conducted for the purpose of objectively identifying or collecting data concerning the
12 attitudes or preferences of electors.

13 **SECTION 1c.** 11.01 (12w) of the statutes is created to read:

1 11.01 (12w) “Mass distribution” means the distribution of 500 or more pieces
2 of substantially identical material.

3 **SECTION 1e.** 11.01 (13) of the statutes is created to read:

4 11.01 (13) “Mass electronic communication” means the transmission of 500 or
5 more pieces of substantially identical material by means of electronic mail or
6 facsimile transmission.

7 **SECTION 1g.** 11.01 (14) of the statutes is created to read:

8 11.01 (14) “Mass telephoning” means the making of 500 or more telephone calls
9 conveying a substantially identical message.

10 **SECTION 1i.** 11.01 (16) (a) 3. of the statutes is created to read:

11 11.01 (16) (a) 3. A mass communication, other than a communication that is
12 exempt from reporting under s. 11.29, that is made during the period beginning on
13 the 60th day preceding an election and ending on the date of that election, and that
14 includes a reference to a candidate whose name is certified under s. 7.08 (2) (a) or 8.50
15 (1) (d) to appear on the ballot at that election.

16 **SECTION 1k.** 11.05 (3) (s) of the statutes is created to read:

17 11.05 (3) (s) In the case of a registrant that has made a mass communication
18 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
19 11.06 (1) with respect to any obligation to make a disbursement incurred or any
20 disbursement made for the purpose of making such a communication prior to
21 registration.”.

22 **3.** Page 1, line 4: delete “**SECTION 1**” and substitute “**SECTION 1p**”.

23 **4.** Page 1, line 7: after that line insert:

24 “**SECTION 1q.** 11.06 (1) (n) of the statutes is created to read:

1 11.06 (1) (n) In the case of a corporation, cooperative association organized
2 under ch. 185 or 193, or labor organization that makes disbursements or incurs
3 obligations to make disbursements without cooperation or consultation with a
4 candidate, or any authorized committee or agent of a candidate, and not in concert
5 with, or at the request or suggestion of, any candidate, or any authorized committee
6 or agent of a candidate, during a period when a finding of unenforceability under s.
7 11.38 (9) is in effect, a statement that a majority of the members of the board of
8 directors, executive council, or other governing body of the corporation, association,
9 or organization has expressly voted during the 365-day period preceding the date on
10 which the disbursement is made or the obligation is incurred to authorize the
11 disbursement to be made or the obligation to be incurred.

12 **SECTION 1r.** 11.06 (2) of the statutes is amended to read:

13 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
14 sub. (1), if a disbursement is made or obligation incurred by an individual other than
15 a candidate or by a committee or group which is not primarily organized for political
16 purposes, ~~and~~ the disbursement does not constitute a contribution to any candidate
17 or other individual, committee, or group, and the disbursement is not made or the
18 obligation is not incurred for the purpose of making a mass communication specified
19 in s. 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only
20 if the purpose is to expressly advocate the election or defeat of a clearly identified
21 candidate or the adoption or rejection of a referendum. The exemption provided by
22 this subsection shall in no case be construed to apply to a political party, legislative
23 campaign, personal campaign, or support committee.

24 **SECTION 1s.** 11.12 (7) of the statutes is created to read:

1 11.12 (7) If any registrant makes or incurs an obligation to make a
2 disbursement of more than \$500 cumulatively for the purpose of making a
3 communication specified in s. 11.01 (16) (a) 3. later than 60 days prior to a primary
4 or other election without cooperation or consultation with any candidate or agent or
5 authorized committee of any candidate who is supported or opposed, and not in
6 concert with or at the request or suggestion of any such candidate, agent, or
7 committee, the registrant shall, within 24 hours after making the disbursement or
8 incurring the obligation to make the disbursement, inform the appropriate filing
9 officer of the information required under s. 11.06 (1) in such manner as the board may
10 prescribe. The registrant shall also include the information in the next regular
11 report of the registrant under s. 11.20. For purposes of this subsection,
12 disbursements and obligations cumulate beginning with the day after the last date
13 covered on the registrant's immediately preceding report and ending with the day
14 before the election. If a registrant has not filed a previous report, disbursements and
15 obligations cumulate beginning on the date of the registrant's registration. A
16 disbursement that was previously reported in a report under this subsection as
17 obligated to be made shall not be included in the cumulative total. Upon receipt of
18 a report under this subsection, the filing officer shall, within 24 hours of receipt,
19 transmit a copy of the report to all candidates for any office in support of or opposition
20 to one of whom a disbursement identified in the report is made or obligated to be
21 made.

22 **SECTION 1t.** 11.38 (title) of the statutes is amended to read:

23 **11.38 (title) Contributions and disbursements by corporations and,**
24 **cooperatives and labor organizations.**

25 **SECTION 1u.** 11.38 (1) (a) 1. of the statutes is amended to read:

1 11.38 (1) (a) 1. ~~No~~ Except as authorized in sub. (9), no foreign or domestic
2 corporation, or association organized under ch. 185 or 193, may make any
3 contribution or disbursement, directly or indirectly, either independently or through
4 any political party, committee, group, candidate or individual for any purpose other
5 than to promote or defeat a referendum.

6 **SECTION 1v.** 11.38 (3e) of the statutes is created to read:

7 11.38 (3e) Each corporation, cooperative association organized under ch. 185
8 or 193, or labor organization that wishes to make disbursements or to incur
9 obligations to make disbursements without cooperation or consultation with a
10 candidate, or any authorized committee or agent of a candidate, and not in concert
11 with, or at the request or suggestion of any candidate, or any authorized committee
12 or agent of a candidate, during a period when a finding of unenforceability under sub.
13 (9) is in effect may do so only if a majority of the members of the board of directors,
14 executive council, or other governing body of the corporation, association, or
15 organization expressly votes to authorize the disbursements to be made or the
16 obligations to be incurred during the 365-day period preceding the date on which the
17 disbursement is made or the obligation is incurred.

18 **SECTION 1w.** 11.38 (9) of the statutes is created to read:

19 11.38 (9) If a court with jurisdiction in this state finds in a reported decision,
20 whether or not applicable in this state, that a prohibition against the making of
21 political expenditures by corporations or similar entities is not enforceable for
22 constitutional reasons, or if any such court later finds in a reported decision that such
23 a prohibition is enforceable, the board shall promptly publish a finding to that effect
24 in the Wisconsin Administrative Register. The prohibition against disbursements

1 under sub (1) (a) 1. does not apply whenever a finding of unenforceability is in effect
2 if the corporation or association making a disbursement complies with sub. (3e).”

3 **5.** Page 2, line 3: after that line insert:

4 “(2) The treatment of sections 11.01 (12v), (12w), (13), (14), and (16) (a) 3. and
5 11.06 (2) of the statutes first applies with respect to contributions received,
6 disbursements made, and obligations incurred on or after the effective date of this
7 subsection.”

8 **(END)**