



State of Wisconsin
2001 - 2002 LEGISLATURE

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**SENATE AMENDMENT 5,
TO 2001 SENATE BILL 2**

January 30, 2001 – Offered by Senators HUELSMAN and WELCH.

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

2 **1.** Page 1, line 3: after “regulation” insert “, prohibited contributions and
3 disbursements,”.

4 **2.** Page 4, line 6: after that line insert:

5 “**SECTION 6f.** 11.38 (title) of the statutes is amended to read:

6 **11.38 (title) Contributions and disbursements by corporations and,
7 cooperatives, and labor organizations.**

8 **SECTION 6h.** 11.38 (1) (a) of the statutes is amended to read:

9 11.38 (1) (a) 1. No foreign or domestic corporation, or association organized
10 under ch. 185, or labor organization, may make any contribution or disbursement,
11 directly or indirectly, either independently or through any political party, committee,
12 group, candidate or individual for any purpose other than to promote or defeat a
13 referendum.

1 2. Notwithstanding subd. 1., any such corporation ~~or~~, association, or labor
2 organization may establish and administer a separate segregated fund and solicit
3 contributions from individuals to the fund to be utilized by such corporation ~~or~~,
4 association, or labor organization for the purpose of supporting or opposing any
5 candidate for state or local office but the corporation ~~or~~, association, or labor
6 organization may not make any contribution to the fund. The fund shall appoint a
7 treasurer and shall register as a political committee under s. 11.05. A parent
8 corporation ~~or~~, association, or labor organization engaging solely in this activity is
9 not subject to registration under s. 11.05, but shall register and file special reports
10 on forms prescribed by the board disclosing its administrative and solicitation
11 expenses on behalf of such fund. A corporation, association, or labor organization not
12 domiciled in this state need report only its expenses for administration and
13 solicitation of contributions in this state together with a statement indicating where
14 information concerning other administration and solicitation expenses of its fund
15 may be obtained. The reports shall be filed with the filing officer for the fund
16 specified in s. 11.02 in the manner in which continuing reports are filed under s. 11.20
17 (4) and (8).

18 3. No corporation ~~or~~, association, or labor organization specified in subd. 1. may
19 expend more than a combined total of \$500 annually for solicitation of contributions
20 to a fund established under subd. 2. or to a conduit.

21 **SECTION 6j.** 11.38 (2) (b) of the statutes is amended to read:

22 11.38 **(2)** (b) This section does not prohibit the publication of periodicals by a
23 corporation ~~or a~~, cooperative, or labor organization in the regular course of its affairs
24 which advise the members, shareholders or subscribers of the disadvantages or

1 advantages to their interests of the election to office of persons espousing certain
2 measures, without reporting such activity.

3 **SECTION 6L.** 11.38 (2) (c) of the statutes is repealed.

4 **SECTION 6n.** 11.38 (3) of the statutes is amended to read:

5 11.38 (3) A violation of this section by an officer or employee of a corporation,
6 association, or labor organization is prima facie evidence of a violation by the
7 corporation, association, or labor organization.

8 **SECTION 6p.** 11.38 (4) of the statutes is amended to read:

9 11.38 (4) Any corporation, association, or labor organization which violates this
10 section shall forfeit double the amount of any penalty assessed under s. 11.60 (3).

11 **SECTION 6r.** 11.38 (5) of the statutes is amended to read:

12 11.38 (5) An action against a corporation, association, or labor organization
13 pursuant to a violation of this section may be brought either in the circuit court for
14 the county in which the registered office or principal place of business of the
15 corporation, association, or labor organization is located, or in the circuit court for the
16 county in which the violation is alleged to have occurred. The proceedings may be
17 brought by the district attorney of either such county, by the attorney general or by
18 the board.

19 **SECTION 6t.** 11.38 (8) of the statutes is amended to read:

20 11.38 (8) (a) A corporation or, association organized under ch. 185, or labor
21 organization which accepts contributions or makes disbursements for the purpose
22 of influencing the outcome of a referendum is a political group and shall comply with
23 s. 11.23 and other applicable provisions of this chapter.

24 (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any
25 disbursement on behalf of a political group which is promoting or opposing a

1 particular vote at a referendum and prior to accepting any contribution or making
2 any disbursement to promote or oppose a particular vote at a referendum, a
3 corporation ~~or~~, association organized under ch. 185, or labor organization shall
4 register with the appropriate filing officer specified in s. 11.02 and appoint a
5 treasurer. The registration form of the corporation ~~or~~, association, or labor
6 organization under s. 11.05 shall designate an account separate from all other
7 corporation ~~or~~, association, or labor organization accounts as a campaign depository
8 account, through which all moneys received or expended for the adoption or rejection
9 of the referendum shall pass. The corporation ~~or~~, association, or labor organization
10 shall file periodic reports under s. 11.20 providing the information required under
11 s. 11.06 (1).

12 (c) Expenditures by a corporation ~~or~~, association, or labor organization to
13 establish and administer a campaign depository account of a political group need not
14 be made through the depository account and need not be reported.”.

15 (END)