

# United States District Court

EASTERN DISTRICT OF WISCONSIN

WISCONSIN RIGHT TO LIFE, INC., and  
WISCONSIN RIGHT TO LIFE STATE  
POLITICAL ACTION COMMITTEE,

Plaintiffs

v.

**JUDGMENT IN A CIVIL CASE**

Case No. 10-C-0669

THOMAS BARLAND, in his official capacity  
as chair and member of the Wisconsin  
Government Accountability Board;  
HAROLD FROEHLICH, in his official capacity as  
vice chair and member of the Wisconsin  
Government Accountability Board;  
JOHN FRANKE, ELSA LAMELAS,  
GERALD NICHOL, and TIMOTHY VOCKE, in their  
official capacities as members of the Wisconsin  
Government Accountability Board; and  
JOHN CHISHOLM, in his official capacity  
as Milwaukee County District Attorney,

Defendants.

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This action came before the court, the issues have been decided and a decision  
has been rendered. Now, therefore,

IT IS ORDERED and ADJUDGED as follows:

- Wisconsin's limit on contributions to political committees, Wis. Stat. §11.26(4), is unconstitutional as applied to contributions to independent-expenditure committees.
- Wisconsin's corporate-disbursement ban, Wis. Stat. § 11.38(1)(a)1, is facially unconstitutional.

- Wisconsin’s statutory political-purposes definition, Wis. Stat. § 11.01(16), and Wisconsin’s regulatory political-committee definition, Wis. Admin. Code § GAB 1.28(1)(a) (“GAB 1.28”), are unconstitutionally vague. To resolve this vagueness “as applied to political speakers other than candidates, their campaign committees, and political parties, the statutory political-purposes and regulatory political-committee definitions are limited to express advocacy and its functional equivalent as those terms were explained in *Buckley v. Valeo*, 424 U.S. 1 (1976), and *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. 449 (2007).
- The second of two sentences in GAB 1.28(3)(b) is unconstitutionally vague.
- To resolve as-applied and facial overbreadth, Wisconsin’s statutory committee-or-political-committee definition, Wis. Stat. § 11.01(4); GAB 1.28; and Wis. Admin. Code § GAB 1.91, apply only to “organizations” that (a) are under the control of a candidate or candidates in their capacities as candidates or (b) have the major purpose of express advocacy.
- Wisconsin’s regulatory attribution and disclaimer requirements, Wis. Admin. Code § GAB 1.42(5), are overbroad as applied to radio speech of 30 seconds or fewer.
- Wisconsin’s limit on what organizations spend to solicit contributions to their own political committees, Wis. Stat. § 11.38(1)(a)3, is facially unconstitutional.

APPROVED: s/ C.N. CLEVERT, JR.  
 C.N. CLEVERT, JR.  
 U.S. District Judge

1/30/2015  
 Date

JON W. SANFILIPPO  
 Clerk

s/ C. Fehrenbach  
 (By) Deputy Clerk