

BEFORE THE  
FEDERAL ELECTION COMMISSION

Campaign Legal Center  
1640 Rhode Island Ave. NW, Suite 650  
Washington, DC 20036  
202-736-2200

v.

MUR No. \_\_\_\_\_

Wisconsin Right to Life, Inc.  
10625 W. North Ave, Suite LL  
Milwaukee, WI 53226,

2004 AUG 27 A 10:37

OPERATIONS CENTER

**COMPLAINT**

1. This complaint alleges a violation of the federal campaign finance laws by Wisconsin Right to Life, Inc., (hereafter "WRTL" or "Corporate Respondent"), is a nonprofit Wisconsin corporation recognized by the Internal Revenue Service as tax exempt under § 501(c)(4) of the Internal Revenue Code.<sup>1</sup> WRTL is the Wisconsin state affiliate of the National Right to Life Committee, Inc. As more fully explained below, Corporate Respondent has violated federal campaign finance laws by endorsing a federal candidate (*i.e.*, George W. Bush) beyond the restricted class of its membership and to the general public.

2. WRTL owns and operates a website at the following url address:

<http://www.wrtl.org>.<sup>2</sup>

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<sup>1</sup> See Exhibit 1, demonstrating that WRTL is a nonprofit corporation incorporated in Wisconsin as a 501c (4) corporation.

<sup>2</sup> WRTL claims it was "organized and exists for the ideological purpose of promoting respect for, and legal protection of, innocent individual human life from the time of fertilization until natural death." See Complaint of WRTL in *WRTL v. FEC*, No.04-1260 (D.D.C., July 26, 2004)(three-judge court). A copy of the home page off its corporate website is attached as Exhibit 2.

3. On left side of its website's home page, WRTL has a box in which it states "WRL-PAC ENDORSED CANDIDATES". That box also contains a head shot of President George W. Bush. A visitor to the website can click on that box and be linked to a page that allows the visitor to download a pdf file that shows by office and district the names of candidates endorsed by WRTL's PAC. President Bush is one of the candidate's endorsed by WRTL's PAC and is listed at the top of WRTL's PAC list that is downloadable from WRTL's website by any member of the general public.

4. A corporation may lawfully endorse a federal candidate and may communicate the endorsement in a publication limited to its executive and administrative personnel and their families, and to its stockholders and their families. *See* 11 C.F.R. § 114.4(c)(6). However, a corporation cannot endorse a federal candidate to the general public, except by means of a public announcement that an endorsement has been made and the reasons for it through a press release or press conference distributed only to the organization's usual media contacts. *See Id.* at § 114(c)(6)(i).<sup>3</sup>

5. Corporate Respondent has placed a picture of one of the candidates it has endorsed (George W. Bush) on the home page of its corporate, not PAC, website. As noted above, a copy of the home page from Corporate Respondent's website is attached as Exhibit 2. This information, which is accessible by and available to members of the general public, remains on the Corporate Respondent's website as of this date.

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<sup>3</sup> The pictured photo of George W. Bush as a WRL PAC ENDORSED CANDIDATE is not a press release distributed only to WRTL's usual media contacts. Indeed, WRTL's website's homepage has a menu which includes "News Room" as one of the items--from which any viewer may view past or current press releases. Moreover, the March 5, 2004, press release in which WRTL announced its PAC-endorsed candidates for office, a copy of which is attached as Exhibit 3, did not include pictures of any candidates and remains accessible on WRTL's website.

6. The communication to the general public by Corporate Respondents through its picturing of federal candidate George W. Bush on its corporate website as one of its PAC-endorsed candidates is not limited to the restricted class as required by law. See 11 CFR §114.3, *et seq.* Moreover, the posting of the photo of George Bush on the website of Corporate Respondents as one of its endorsed candidates was not limited in distribution to representatives of the news media that the corporation customarily contacts when making press announcements. See 11 CFR 114.4(c)(6). Consequently, Corporate Respondents has violated federal campaign finance laws by communicating its endorsement of George W. Bush to the general public on its corporate website.

7. While Corporate Respondent may make endorsements relating to federal candidates through its PAC or its PAC's website (provided access to the site is restricted to those members of the corporation or organization), it may not post such endorsements on its corporate (non-PAC) website. Moreover, Corporate Respondent has posted its electioneering communication on its corporate website within thirty (30) days of the convention of the Republican Party's nominating convention.

8. There is no indication that recipients of the endorsement on WRTL's corporate website homepage are "members" of Corporate Respondent, inasmuch as any member of the general public can log on to the website of WRTL and view this endorsement communication. Similarly, access to the listing of WRTL's PAC-endorsed candidates is not restricted to members of the Corporate Respondent and is accessible by any member of the general public without restriction.

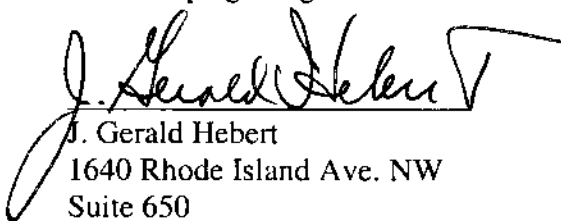
9. WRTL, Inc. has admitted that it is not a qualified nonprofit corporation within the definition of 11 C.F.R. §114.10. See *WRTL v. FEC*, No. 04-1260 (D.D.C. August 17, 2004)(three-judge court).

**Prayer for Relief**

Wherefore, the Commission should conduct an immediate investigation under 2 U.S.C. §437g, and should: 1) determine that the Corporate Respondent has violated and continues to violate 2 U.S.C. §§ 441b(a) and (b), as well as the implementing regulations promulgated by the Federal Election Commission and referenced herein; 2) impose appropriate sanctions for such violations; 3) enjoin Corporate Respondent from all such violations in the future; and 4) impose such additional remedies as are necessary and appropriate to ensure compliance with FECA and BCRA.

Respectfully submitted,

The Campaign Legal Center,



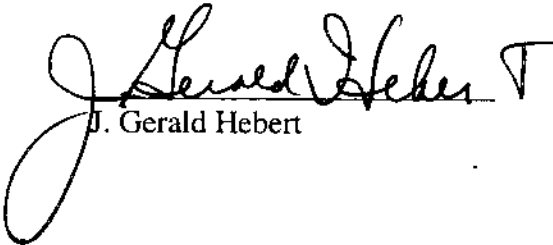
J. Gerald Hebert  
1640 Rhode Island Ave. NW  
Suite 650  
Washington, DC 20036  
202-736-2200

Verification

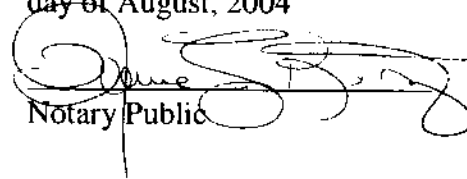
The complainant listed below hereby verifies that the statements made in the foregoing complaint are, upon information and belief, true.

Sworn to pursuant to 18 U.S.C. §1001.

**For Complainant Campaign Legal Center**

  
J. Gerald Hebert

Sworn to and subscribed before me this 26<sup>th</sup>  
day of August, 2004

  
Notary Public

**JEANNE G. KATZ**  
Notary Public of District of Columbia  
My Commission Expires December 14, 2007

41624246222

**CORPORATE RECORDS & BUSINESS REGISTRATIONS**

This Record Last Updated:10/22/2002  
Database Last Updated:07-26-2004  
Update Frequency:WEEKLY  
Current Date:07/29/2004  
Source:AS REPORTED BY THE SECRETARY OF  
STATE OR OTHER OFFICIAL SOURCE

**COMPANY INFORMATION**

Name:WISCONSIN RIGHT TO LIFE, INC.  
D&B DUNS:08-050-0168

**FILING INFORMATION**

Filing Date:07/22/1970  
State of Incorporation:WISCONSIN  
Date Incorporated:07/22/1970  
Status:RESTORED TO GOOD STANDING  
Status Attained Date:08/27/1987  
Corporation Type:NON-PROFIT  
Business Type:CORPORATION  
Registration ID#:6 W11994  
Where Filed:SECRETARY OF STATE  
30 W MIFFLIN ST 10TH FL  
MADISON, WI 53702

**REGISTERED AGENT INFORMATION**

Agent Name:BARBARA L LYONS  
Address:10625 W NORTH AVE  
MILWAUKEE, WI 53226

**ADDITIONAL DETAIL INFORMATION**

Additional Details:IN GOOD STANDING AS OF  
08/27/1987.

TO ORDER ORIGINAL FILINGS OR OTHER RELATED DOCUMENTS, CALL 1-877-DOC-RETR  
(1-877-362-7387).

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**Exhibit 1**

# Wisconsin Right to Life

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Events](#)   [Find Your  
Chapter](#)   [Legislative  
Info Center](#)   [News  
Room](#)

## Tax deductability

Your donation has tax implications.

**The Wisconsin Right to Life, Inc. General Fund** operates under the provisions of federal tax code 501(c)(4) which states "...organizations not organized for profit but operated exclusively for the promotion of social welfare...and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes."

Because the General Fund is the entity which incorporates in-house lobbyists, contributions to the General Fund are "...disqualified for tax exemption...by reason of attempting to influence legislation..." under the provisions of federal tax code 170(c)(2)(D).

**The Wisconsin Right to Life Education Fund** operates under the provisions of federal tax code 501(c)(3) which states "...fund or foundation organized and operated exclusively for...educational purposes...and which does not participate in, or intervene in...any political campaign..." Because the Education Fund is the entity which operates under those provisions, contributions to the Education Fund are eligible for tax exemption under the provisions of federal tax code 170.

**The Veritas Society** - Because the *Veritas Society* is a restricted fund of the Wisconsin Right to Life Education Fund, contributions to the *Veritas Society* enjoy the same tax exemption privileges as those made to the Education Fund.

**Wisconsin Right to Life State PAC/Fed PAC** - Political Action Committees are "...disqualified for tax exemption because they "...participate in, or intervene in...any political campaign on behalf of (or in opposition to) any candidate for public office."

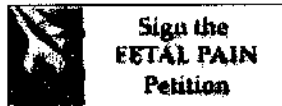
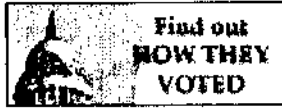
For professional counseling contact our staff. The above information should not be construed as legal advice. See your personal tax advisor for complete details.

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10625 W. North Avenue Suite LL - Milwaukee, WI 53226-2331 (414) 778-5780



# Wisconsin Right to Life

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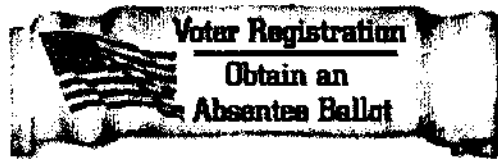
Every gift you buy helps support the Pro-Life cause!



## D.C. Court of Appeals Grants Expedited Briefing to Wisconsin Right to Life

To read more about Wisconsin Right to Life's challenge of McCain-Feingold, Visit [BeFair.org](#).

Wisconsin Right to Life's challenge to McCain-Feingold took an upward turn on August 24 with the District of Columbia Court of Appeals' positive response to the organization's request for an expedited briefing... Read more...



Click above image for Voter Information

## Fr. Frank Pavone to Speak in Green Bay & Milwaukee



Make plans now to attend either of the events with Father Pavone scheduled for Sept. 16, 2004. More...

### Key Pro-Life Links

- [Wisconsin Teens for Life](#)
- [National Right to Life](#)
- [Nightingale Alliance](#)
- [ProKnowledge](#)
- [Stand Up Girl](#)
- [Gravity Teen](#)

Wisconsin Right to Life 10625 W. North Ave., Ste LL, Milw, WI 53226 (414) 778-5780

Exhibit 2

# Wisconsin Right to Life

## Wisconsin Right to Life PAC NEWS RELEASE

10625 W. North Avenue, Milwaukee, WI 53226

414-778-5780 or toll free: 877-855-5007

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**For immediate release:** Thursday, July 28, 2004

**Contact:** Sue Armacost, Legislative Director

## Wisconsin Right to Life PAC Endorsements and Right to Life Voting Records

Now Available at [WWW.WRTL](http://WWW.WRTL)

The Wisconsin Right to Life Political Action Committee (WRL/PAC) today announced that the list of state and federal candidates endorsed by WRL/PAC for the primary election is available for viewing at [www.wrtl.org](http://www.wrtl.org). The list of endorsements will be modified after the September primary election for the November general election. To access the list of WRL/PAC endorsed candidates, click on "WRL/PAC Endorsements" which appears on the left side of the website's homepage.

In addition, the site includes the right to life voting records of state legislators for the 2003-04 and the 2001-02 legislative sessions. A link to the right to life voting records of Wisconsin's U. S. Senators and members of the U. S. House Representatives is also provided. To access the voting records, click on "Find Out How They Voted" which appears on the left side of the website's homepage.

# Wisconsin Right to Life

Wisconsin Right to Life 10625 W. North Ave., Ste LL, Milwaukee, WI 53226--2331  
(414) 778-5780 [www.wrtl.org](http://www.wrtl.org) Email: [legis@wrtl.org](mailto:legis@wrtl.org)

## ***Endorsed Pro-Life Candidates***

### ***For the Tuesday, September 14, 2004 Primary Election***

The Wisconsin Right to Life PAC (Political Action Committee) has endorsed the candidates listed below. In some races, more than one candidate has been endorsed. Candidates noted with an asterisk (\*) have received a qualified endorsement. A candidate who is seeking re-election to the same office is identified as an "Incumbent." Additional endorsements may be made after the September 14 Primary Election.

**President** — George W. Bush (R) Incumbent

**U.S. Senate** —

Bob Welch (R)  
Russ Darrow (R)\*  
Tim Michels (R)

**U.S. House of Representatives** —

1<sup>st</sup> CD — Paul Ryan (R) Incumbent  
2<sup>nd</sup> CD — Ron Greer (R)  
3<sup>rd</sup> CD — Dale Schultz (R)\*  
4<sup>th</sup> CD — Corey Hoze (R)  
— Gerald H. Boyle (R)  
  
5<sup>th</sup> CD — F. James Sensenbrenner, Jr. (R) Incumbent  
6<sup>th</sup> CD — Tom Petri (R) Incumbent  
8<sup>th</sup> CD — Mark Green (R) Incumbent

**Wisconsin State Senate**

2<sup>nd</sup> State Senate District — Robert Cowles (R)\* Incumbent  
10<sup>th</sup> State Senate District — Sheila Harsdorf (R)\* Incumbent  
12<sup>th</sup> State Senate District — Roger Breske (D) Incumbent  
— Tom Tiffany (R) endorsed for primary election only  
  
14<sup>th</sup> State Senate District — Luther Olsen (R)  
— Roger Cross (R)  
  
16<sup>th</sup> State Senate District — Eric Peterson (R)  
18<sup>th</sup> State Senate District — Carol Roessler (R) Incumbent  
20<sup>th</sup> State Senate District — Glenn Grothman (R)  
22<sup>nd</sup> State Senate District — Reince Priebus (R)  
28<sup>th</sup> State Senate District — Mary Lazich (R) Incumbent  
30<sup>th</sup> State Senate District — David Steffen (R)  
— Gary Drzewiecki (R)  
32<sup>nd</sup> State Senate District — Dan Kapanke (R)

## **Wisconsin State Assembly**

- 1<sup>st</sup> Assembly District — Garey Bies (R) Incumbent
- 2<sup>nd</sup> Assembly District — Frank Lasee (R) Incumbent
- 3<sup>rd</sup> Assembly District — Al Ott (R) Incumbent
- 4<sup>th</sup> Assembly District — Phil Montgomery (R) Incumbent
- 5<sup>th</sup> Assembly District — Becky Weber (R) Incumbent
- 7<sup>th</sup> Assembly District — Peggy Krusick (D)\* Incumbent
- 13<sup>th</sup> Assembly District — Matt Adamczyk (R)
  - W. Scott Nelson (R)
  
- 14<sup>th</sup> Assembly District — Leah Vukmir (R) Incumbent
- 15<sup>th</sup> Assembly District — Tony Staskunas (D) Incumbent
- 21<sup>st</sup> Assembly District — Mark Honadel (R) Incumbent
- 22<sup>nd</sup> Assembly District — R. Jay Hintze (R)\*
- 23<sup>rd</sup> Assembly District — Curt Gielow (R) Incumbent
- 25<sup>th</sup> Assembly District — Bob Ziegelbauer (D) Incumbent
- 27<sup>th</sup> Assembly District — Steve Kestell (R) Incumbent
- 28<sup>th</sup> Assembly District — Mark Pettis (R) Incumbent
- 29<sup>th</sup> Assembly District — Andy Lamb (R)\*
- 30<sup>th</sup> Assembly District — Kitty Rhoades (R)\* Incumbent
- 31<sup>st</sup> Assembly District — Steve Nass (R)\* Incumbent
- 32<sup>nd</sup> Assembly District — Thomas Lothian (R) Incumbent
- 33<sup>rd</sup> Assembly District — Daniel Vrakas (R) Incumbent
- 34<sup>th</sup> Assembly District — Dan Meyer (R) Incumbent
- 35<sup>th</sup> Assembly District — Don Friske (R) Incumbent
- 36<sup>th</sup> Assembly District — Jeffrey Mursau (R)
  - Steven Paul Kircher (R)
  - Robert Jones II (R)
  
- 37<sup>th</sup> Assembly District — David Ward (R)\* Incumbent
- 38<sup>th</sup> Assembly District — Joel Kleefisch (R)
  - Ron Counsell (R)
  - Kenneth Berg (R)
  
- 39<sup>th</sup> Assembly District — Jeff Fitzgerald (R) Incumbent
- 40<sup>th</sup> Assembly District — Jean Hundertmark (R) Incumbent
- 41<sup>st</sup> Assembly District — Joan Ballweg (R)
  - Lance Buchholtz (R)
  - Mike Gustin (R)
  - Matt Metoxen (R)
  - Dan Priske (R)
  - Peter Sensenbrenner (R)
  - Rich Slate (R)
  - Marv Wagner, Jr. (R)
  - Leon Zuehls (R)
  
- 42<sup>nd</sup> Assembly District — J.A. Hines (R) Incumbent
- 43<sup>rd</sup> Assembly District — Debi Towns (R) Incumbent
- 45<sup>th</sup> Assembly District — Brian Brown (R)
- 46<sup>th</sup> Assembly District — Hariah Hutkowski (R)
  - Nick Voegeli (R)

47<sup>th</sup> Assembly District — Eugene Hahn (R) Incumbent  
49<sup>th</sup> Assembly District — Gabe Loeffelholz (R) Incumbent  
50<sup>th</sup> Assembly District — Sheryl Albers (R) Incumbent  
51<sup>st</sup> Assembly District — Stephen Freese (R) Incumbent  
52<sup>nd</sup> Assembly District — John Townsend (R)\* Incumbent  
53<sup>rd</sup> Assembly District — Carol Owens (R) Incumbent  
56<sup>th</sup> Assembly District — Terri McCormick (R) Incumbent  
57<sup>th</sup> Assembly District — Steve Wieckert (R) Incumbent  
58<sup>th</sup> Assembly District — Rick Karshna (R)  
— Pat Strachota (R)

59<sup>th</sup> Assembly District — Dan LeMahieu (R) Incumbent  
60<sup>th</sup> Assembly District — Mark Gottlieb (R) Incumbent  
63<sup>rd</sup> Assembly District — Robin Vos (R)\*  
66<sup>th</sup> Assembly District — Samantha Kerkman (R) Incumbent  
67<sup>th</sup> Assembly District — Jeff Wood (R) Incumbent  
68<sup>th</sup> Assembly District — Terry Moulton (R)  
69<sup>th</sup> Assembly District — Scott Suder (R) Incumbent  
70<sup>th</sup> Assembly District — Daniel Mielke (R)  
75<sup>th</sup> Assembly District — Chris Serio (R)  
82<sup>nd</sup> Assembly District — Jeff Stone (R) Incumbent  
83<sup>rd</sup> Assembly District — Scott Gunderson (R) Incumbent  
84<sup>th</sup> Assembly District — Mark Gundrum (R) Incumbent  
85<sup>th</sup> Assembly District — Ed Gale (R)  
86<sup>th</sup> Assembly District — Jerry Petrowski (R) Incumbent  
87<sup>th</sup> Assembly District — Mary Williams (R) Incumbent  
88<sup>th</sup> Assembly District — Judy Krawczyk (R) Incumbent  
89<sup>th</sup> Assembly District — John Gard (R) Incumbent  
90<sup>th</sup> Assembly District — Karl Van Roy (R) Incumbent  
91<sup>st</sup> Assembly District — David Anderson (R)  
93<sup>rd</sup> Assembly District — Rob Kreibich (R)\* Incumbent  
94<sup>th</sup> Assembly District — Mike Huebsch (R) Incumbent  
96<sup>th</sup> Assembly District — Judy Schmirler (R)  
— Todd Allbaugh (R)  
— Lee Nerison (R)

97<sup>th</sup> Assembly District — Ann Nischke (R) Incumbent  
98<sup>th</sup> Assembly District — Scott Jensen (R) Incumbent  
99<sup>th</sup> Assembly District — Michael Lehman (R) Incumbent