

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4307/1dn  
JTK&RJM:cmh:kjf

January 26, 2000

Representative Freese:

1. With a few specific exceptions, this draft provides for the act resulting from its enactment to take effect on the day after publication. Because the changes involved in this draft are so extensive and it would be confusing and disruptive to apply some of them in the middle of an election period, it may be advisable to consider a delayed effective date for the entire draft. In the past, we have used an effective date of July 1 of the even-numbered year for similar legislation (in this case, July 1, 2000).

2. Proposed s. 11.26 (8m), stats., which prohibits political action committees from making certain contributions to other political action committees and which prohibits conduits from transferring certain contributions to political action committees, is an innovative provision. To our knowledge, the federal courts have not provided specific guidance concerning the enforceability of a provision of this type. It is well possible that a court may find a rational basis for this provision that would permit the provision to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in the line of cases beginning with *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), it is possible that this provision may be viewed as impermissibly intruding upon freedom of speech or association, or equal protection guarantees.

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