

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0367/1dn

JTK:pk:hmh

Friday, October 30, 1998

1. Ordinarily, a prohibition on the making of political contributions by members of a certain group would raise issues concerning whether the First Amendment rights of members of that group were being violated or whether the equal protection rights of members of that group were being infringed. Nevertheless, casino gambling is a regulated economic activity which exists in some states and not in others, and may be subject to limitations in state law. If it may be shown that gambling interests have in fact attempted to influence campaigns for state and local non-Indian offices, it may be argued that this state could properly conclude that there is a greater potential for corrupting influences from this type of activity than from other economic activity that is generally permitted everywhere. I did, however, want you to be aware that constitutional questions may potentially be present when attempting to regulate in this field and there is room for disagreement concerning the permissible sweep of state regulation.

2. There is some question as to the jurisdiction of this state to regulate the activities of Indian tribes or tribal members. In this case, however, we are attempting to regulate state and local election campaigns for non-Indian offices and we are regulating primarily off-reservation activity. The applicability of state election laws to Indians voting in state elections or participating in campaigns for state and local non-Indian offices is well accepted. For these reasons, it may be argued that this state does have jurisdiction.

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