

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0862/1dn

JTK:jlg:ijs

November 30, 1998

The proposed changes to s. 13.625, stats., which impose a virtually total ban on campaign contributions to certain candidates by lobbyists and principals, and which prohibit lobbyists and certain former lobbyists from serving as officers or directors of political committees, is an innovative proposal and we do not yet have, to my knowledge, specific guidance from the federal courts concerning the enforceability of this type of provision. It is well possible that a court may find a rational basis for this provision that would permit it to be upheld. The strongest argument in favor of this type of provision is that it prohibits activity which is tantamount to bribery, and the power of the state to prohibit bribery is well accepted. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association, or equal protection guarantees, it is possible that enforceability problems with this provision may occur.

If you need further information or would like to make any changes based on the above information, please let me know.

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