

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1360/1dn
JTK:wlj:jf

February 9, 2000

1. This draft does not specifically exclude candidates who are unopposed because these candidates are not currently eligible to receive public grants under s. 11.50 (2) (b) 3., stats.

2. Proposed ss. 8.30 (5) and 11.20 (2w), which impose additional reporting requirements upon candidates who decline to accept grants and which deny ballot placement to candidates who fail to comply with those requirements are innovative, and we do not yet have, to my knowledge, specific guidance from the federal courts concerning the enforceability of provisions of this type. 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 these provisions may occur.

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