

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

LRB-0366/P1dn  
JTK:kmg:lp

October 19, 1998

This draft permits the legislature to impose reasonable limits on campaign expenditures for state or local elective offices. If the legislature were to impose such a limitation before a corresponding change in the U.S. Constitution is made, the limitation may not be enforceable in view of the position of the U.S. supreme court that a campaign spending limit burdens a candidate's right to freedom of speech. See *Buckley v. Valeo, et al.*, 96 S.Ct. 612, 652-652 (1976) and *F. E.C. v. N.C.P.A.C.*, 105 S.Ct. 1459, 1465-1471 (1985).

I know that this draft is designed to confront these decisions and to encourage rethinking of them. Because a number of personalities have changed on the court since these decisions were issued, it is possible that the court might be persuaded to take a second look at these decisions. I would, however, expect the lower federal courts to continue to apply these decisions until the U.S. supreme court decides to revisit them.

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