

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1801/1dni

JTK.....

. Concerning political contribution refunds, while the Minnesota law refers to claimants of these refunds as “taxpayers” it does not specify what tax these individuals must have paid. Under current Wisconsin law, the Wisconsin election campaign fund checkoff may be exercised by any individual who owes an income tax or is due an income tax refund. The only real qualification for obtaining a refund I could discern from the Minnesota law is that claimants are required to be state residents. This draft provides, therefore, that any resident individual or married couple may claim the political contribution refund. See proposed s. 11.70. Because under the draft, this refund may be claimed at any time and is not tied in with a tax return, the draft provides no delayed effective date for the refund provisions. Please let me know if this is not in accord with your intent.

. The Minnesota allocation scheme for distribution of money in the general account does not work for Wisconsin because we must factor in nonpartisan candidates (justice and state superintendent), and we don't have state senators with alternating 2-year and 4-year terms. Therefore, this draft retains the current allocation scheme for distribution of moneys in the general account, except that per your oral instructions, it increases the allocations for the offices of justice and state superintendent from 8% to 12% of the account for each office, in order to compensate for the fact that candidates for these offices will not benefit from any party designations by tax filers. See the treatment of s. 11.50 (3) and (4), stats. Please let me know if this is not in accord with your intent.

. This draft provides, in proposed ss. 11.24 (1s) and 11.25 (1) (am), that a candidate who accepts a grant may not thereafter make a contribution or disbursement from his or her campaign treasury for any political purpose other than to advance his or her candidacy. Under the draft, there is no expiration to this obligation; it lasts until the candidate terminates his or her registration. Please let me know if this is not consistent with your intent.

. Since under current Wisconsin law, candidates for the offices of governor and lieutenant governor must separately qualify for grants and maintain separate campaign depository accounts, but may, under s. 11.50 (5), stats., combine accounts if desired, I split the 14% allocation for these offices under the Minnesota law so that candidates for governor receive 12.8% of the allocation and the candidates for lieutenant governor receive 1.2% of the allocation. See proposed s. 11.50 (2s) (e). Please let me know if this is not in accord with your intent.

. The instructions provided for alternative disposition of moneys set aside in political party accounts for candidates of political parties who fail to sign public subsidy agreements. This draft provides, in addition, for the same disposition to be made if such candidates fail to raise sufficient qualifying contributions. See proposed s. 11.50 (2s) (i) and (j). Please let me know if this is not in accord with your intent.

. Currently, under Wisconsin law, a candidate who has an opponent who could have qualified to receive a grant but declined to do so is not bound by disbursement and contribution limitations. Minnesota law also includes a similar feature. However, under Wisconsin law, a candidate who declines to accept a grant but is willing to accept disbursement and contribution limitations may file an affidavit of voluntary compliance under s. 11.31 (2m), stats. and thereby continue to bind his or her opponent (who accepts a grant) to disbursement and contribution limitations. Since Minnesota law does not include this feature, this draft deletes it. Please let me know if this is not in accord with your intent.