

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1801/1dnins
JTK.....:....

. Your instructions indicated “Treat conduits in the same manner as PACs”. 1997 SB-463 did something different: it treated conduit committee contributions the same as contributions received from other committees for purposes of committee contribution limits and for purposes of public financing qualification and grant amounts, but it did not subject contributions received from individuals acting as conduits to individual contribution limits. This draft, like SB-463, provides for all conduit committee contributions to be treated in the same manner as contributions from nonconduit committees. Let me know if this is not in accord with your intent.

. In your instructions, under “Kettl Commission”, you indicated that you wanted a biennial cost-of-living adjustment to be made to disbursement limitations. 1997 SB-463 provided for such an adjustment. The Kettl Commission, however, provided for the cost-of-living adjustment to be in turn adjusted by the rate of increase or decrease in the voting age population of this state, as determined by the federal election commission. This draft incorporates the Kettl Commission language. Please let me know if this is not in accord with your intent.

. Your instructions did not specify the exact applicability of the “warchest tax”. Under this draft, the tax applies only to candidates and personal campaign committees, and only to unencumbered balances in a campaign treasury during the period beginning on the first day of the month following an election at which a candidate appeared on the ballot and ending on the date that the candidate files papers to again become a candidate for reelection or election to another office. See proposed subch. XIII of ch. 77. Please let me know if this is not in accord with your intent.

. Your instructions did not specify whether those contribution limits that are calculated as a percentage of disbursement levels and the maximum grant amounts are to be increased by 10% for first-time candidates. This draft provides that those contribution limits, as well as the maximum grant amounts, are the same for all candidates seeking the same office. This reflects the treatment of this issue by 1997 SB-7 and similar proposals. Please let me know if this is not in accord with your intent.

. The instructions provided that all grant moneys exceeding the amount expended by a candidate in his or her campaign shall revert to the state. This draft provides that grant moneys revert to the state to the extent that the total amount of disbursements that were made or obligated to be made by a candidate after the date of the primary election exceed the amount of the grant. See the text of s. 11.50 (8), stats., as affected

by this draft. Note that under s. 11.50 (7) (b), stats., as affected by this draft, grant moneys may be used only for certain purposes. Please let me know if this is not in accord with your intent.

. Under the instructions, a public subsidy agreement goes into effect on the deadline for filing a declaration of candidacy (for partisan candidates, the 2nd Tuesday in July). The agreement is in effect for an "election cycle" which begins the following January 1 and ends on December 31 either two years or four years later (10 years later for justice candidates), unless registration is terminated earlier. This methodology does not seem to square with the campaign cycle. This draft, therefore, ends the subsidy agreement when candidates file new ones, either two years or four years (10 years for justice candidates) after the old ones were filed. It also ends the agreements during special election campaign periods. See the proposed treatment of s. 11.50 (2) (a), stats. Currently, there is a hiatus period during which a candidate who accepts a grant may make disbursements without being subject to any limitation. This draft ends that practice. See the treatment of s. 11.31 (7) (a), stats. However, because under current law it is possible to start a new campaign before the old one ends and because different candidates for the same office begin and end their campaigns at different times, it is not possible to dovetail the subsidy agreement period with the period during which the disbursement limitation for a particular campaign is calculated. The draft therefore does not attempt to accomplish that. Please let me know if this is not in accord with your intent.