

1999 DRAFTING REQUEST

Senate Amendment (SA-SSA2-SB190)

Received: 03/14/2000

Received By: kuesejt

Wanted: Today

Identical to LRB:

For: Senate Republican Caucus 6-8820

By/Representing:

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters:

Subject: Elections - campaign finance

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

SA to SSA2 to SB-190

Instructions:

Per LRBa1789.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			martykr 03/14/2000	_____	lrb_docadmin 03/14/2000	lrb_docadmin 03/14/2000	

FE Sent For:

<END>

DN075

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FE Sent For:

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DNOTE

1999 - 2000 LEGISLATURE

21819/1
LRBa1804/1
JTK:cmh&jlg:hmh

w/Amended now

**SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT
TO 1999 SENATE BILL 190**

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1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 19, line 11: after that line insert:

3 "SECTION 43m. 11.25 (2) (ap) of the statutes is created to read:

4 11.25 (2) (ap) No committee identified under s. 11.05 (3) (c) as a special interest
5 committee and no conduit that receives a contribution made or transferred to the
6 committee or conduit in violation of this chapter may make a disbursement from the
7 property or funds that constitute that contribution."

8 **2.** Page 21, line 21: after that line insert:

9 "SECTION 52m. 11.26 (8m) of the statutes is created to read:

10 11.26 (8m) (a) No committee identified under s. 11.05 (3) (c) as a special interest
11 committee may make any contribution or contributions to any other committee
12 identified under s. 11.05 (3) (c) as a special interest committee.

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

9/18/91
LRB 1804/1dr
JTK:cmh&jlg:hmh

March 14, 2000

Senator Panzer:

Proposed s. 11.26 (8m), which prohibits political action committees and conduits from making certain contributions to other political action committees and conduits, and prohibits conduits from transferring certain contributions to political action committees is an innovative provision, and we do not yet have, to my knowledge, specific guidance from the federal courts concerning the enforceability of a provision of this type. 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.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

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

LRBa1819/1dn
JTK:cmh&jlg:km

March 14, 2000

Senator Panzer:

Proposed s. 11.26 (8m), which prohibits political action committees and conduits from making certain contributions to other political action committees and conduits, and prohibits conduits from transferring certain contributions to political action committees is an innovative provision, and we do not yet have, to my knowledge, specific guidance from the federal courts concerning the enforceability of a provision of this type. 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.

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