

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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November 7, 2001

Representative Schneider:

It is well-established that expenditures of public moneys may only be made for a public purpose. *State ex rel. Warren v. Nusbaum*, 59 Wis. 2d 391, 413-414 (1973). The courts have liberally construed what constitutes a public purpose and have accorded the legislature considerable latitude in applying this principle. Nevertheless, proposed s. 11.36 (1) (b), which expressly authorizes the use of state employee services for political purposes may be argued to fall outside the permitted boundary. In answer to this contention, it could be asserted that, in general, public financing of political campaigns is a permissible allocation of public moneys. *Buckley v. Valeo, et al.* 96 S.Ct. 612, 668-669 (1976). The allocation of public resources approved under *Buckley* is different than the one that might emerge under this proposal, however, because the allocation under this proposal is available only to incumbents. Please let us know if you would like to discuss this issue further.

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