

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2872/3dnRMZ
RJM:.....

. Please review proposed s. 11.31 (3p), relating to increasing the disbursement limits as a result of certain independent expenditures. We have drafted this provision to require the board (or the executive director of the board, if delegated to him or her) to examine the sworn statement required under the provision to ensure that it is complete and to determine whether the allegations in the statement, if true, would indicate that the communications identified in the statement will have an unfair impact upon the election campaign. Please let us know if we have misunderstood your intent. Also, please note that this provision may be susceptible to challenge under the 1st Amendment due to the potentially chilling effect it may have on independent expenditures. There would arguably be less of a chilling effect if the board did not review the allegations regarding unfairness, but then you would risk granting an exemption from disbursement limits as a result of potentially every independent expenditure.

. Please review proposed ss. 11.26 (1) and (1m) and 11.31 (1) to ensure that we have accomplished your intent with regard to individual contribution and disbursement limits for candidates for local office. Except for circuit judge and district attorney, the treatment in proposed ss. 11.26 (1) and 11.31 (1) is now the same as provided under current law. In keeping with the current pattern in the draft, the amount provided for these local offices under proposed s. 11.26 (1m) is one-half of the amount under proposed s. 11.26 (1). Please let us know if we have misunderstood your intent.