

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2872/P1dnJTK
JTK & RJM.....

Representative Duff:

1. Currently, under ss. 11.50 (2) (a) and (i), stats., a candidate must swear that he or she has adhered and will continue to adhere to all disbursement and contribution limitations in order to receive a grant, unless the candidate is opposed by another candidate who could have qualified for a grant but declines to accept one. A candidate who declines to accept a grant may nevertheless bind his or her opponent receiving a grant to adhere to disbursement and contribution limitations if the candidate files an affidavit of voluntary compliance with all disbursement and contribution limitations under s. 11.31 (2m), stats. The instructions for this draft specified that if a candidate filed an affidavit of voluntary compliance with disbursement limitations, the candidate would be entitled to more generous contribution limitations. This draft, therefore, limits the affidavit of voluntary compliance under s. 11.31 (2m), stats. to a pledge to adhere to disbursement limitations (plus self-contribution limitations, which the U.S. Supreme Court has treated the same as disbursement limitations for purposes of constitutional analysis under *Buckley v. Valeo*, 96 S.Ct. 612, 650-653 (1976)). The draft, however, continues to require a candidate who actually receives a grant to adhere to all disbursement and contribution limitations. Please let us know if this is not in accord with your intent.

2. This draft, in its treatment of s. 11.50 (3) (a) 2., stats., provides that the supreme court account has first draw on all available moneys derived from taxpayer designations for the proposed general account. Because under the draft, candidates for partisan offices may receive funding from political party accounts, this may leave campaigns for the office of state superintendent of public instruction underfunded in comparison to other campaigns for state offices. Under s. 11.50 (3) (a) 1., stats., the superintendency account receives 8% of available moneys in those years preceding the year of an election for that office. If you want to rebalance the allocation of moneys available for candidates for state superintendent, you may wish to consider changing the amount of this set aside.

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