

2001 DRAFTING REQUEST

Assembly Joint Resolution

Received: 11/08/2000

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **Timothy Carpenter (608) 266-1707**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters: **dykmapj**

Subject: **Elections - campaign finance
Constitutional Amendments**

Extra Copies: **RJM - 1**

Pre Topic:

No specific pre topic given

Topic:

Limitations on campaign expenditures for state and local office authorized

Instructions:

Per 1999 AJR-20.

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>
/?	kuesejt 11/09/2000 dykmapj 11/09/2000	gilfokm 11/09/2000		_____			
/1			pgrecnsl 11/10/2000	_____	lrb_docadmin 11/10/2000	lrb_docadmin 11/15/2000	

FE Sent For:

<END>

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JNO729

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1?	kuesejt 11/9	11-11/9 Kmg	11/10 pg	11/10 Self			

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<END>

(DNOTE)

1999 - 2000 LEGISLATURE

2001

-0963/1

LRB-0866/T

JTK&PJD:kmg:lp



1999 ASSEMBLY JOINT RESOLUTION 20

February 16, 1999 - Introduced by Representatives CARPENTER, BOCK, WASSERMAN, RYBA, LA FAVE, MEYER, RILEY, BLACK and BOYLE, cosponsored by Senators ERRENBACH, BAUMGART, GEORGE and WIRCH. Referred to Committee on Campaigns and Elections.

1 **To create** section 4 of article III of the constitution; **relating to:** reasonable limits
2 on state or local campaign expenditures (first consideration).

Analysis by the Legislative Reference Bureau

Currently, no provision of the state constitution treats the subject of campaign expenditures.

This proposed constitutional amendment, proposed to the ~~1999~~ ²⁰⁰¹ legislature on first consideration, specifically authorizes the legislature, by law, to impose reasonable limits on campaign expenditures for state or local elective offices in this state.

A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

3 ***Resolved by the assembly, the senate concurring, That:***

4 **SECTION 1.** Section 4 of article III of the constitution is created to read:

5 [Article III] Section 4. The legislature may by law impose reasonable limits on
6 campaign expenditures for state or local elective offices.

1 ***Be it further resolved, That*** this proposed amendment be referred to the
2 legislature to be chosen at the next general election and that it be published for 3
3 months previous to the time of holding such election.

4

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

-0963/lda
LRB-0366/Ptdn
JTK:kmg:lp
↑

October 19, 1998

in violation of
the First
Amendment

This draft permits the legislature to impose reasonable limits on campaign expenditures for state or local elective offices. If the legislature were to impose such a limitation before a corresponding change in the U.S. Constitution is made, the limitation may not be enforceable in view of the position of the U.S. supreme court that a campaign spending limit burdens ~~a candidate's~~ the right to freedom of speech. See *Buckley v. Valeo, et al.*, 96 S.Ct. 612, 652-652 (1976) and *F. E. C. v. N. C. P. A. C.*, 105 S.Ct. 1459, 1465-1471 (1985).

I know that this draft is designed to confront these decisions and to encourage rethinking of them. Because a number of personalities have changed on the court since these decisions were issued, it is possible that the court might be persuaded to take a second look at these decisions. I would, however, expect the lower federal courts to continue to apply these decisions until the U.S. supreme court decides to revisit them.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0963/1dn
JTK&PJD:kmg:pg

November 10, 2000

This draft permits the legislature to impose reasonable limits on campaign expenditures for state or local elective offices. If the legislature were to impose such a limitation before a corresponding change in the U.S. Constitution is made, the limitation may not be enforceable in view of the position of the U.S. Supreme Court that a campaign spending limit burdens the right to freedom of speech in violation of the First Amendment. See *Buckley v. Valeo, et al.*, 96 S.Ct. 612, 652-652 (1976) and *F. E.C. v. N.C.P.A.C.*, 105 S.Ct. 1459, 1465-1471 (1985).

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Jeffery T. Kuesel
Assistant Chief Counsel
266-6778



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

November 10, 2000

MEMORANDUM

To: Representative Carpenter

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-0963 Limitations on campaign expenditures for state and local office authorized

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-6778 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.