

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

LRB-1551/2dn  
JTK&RJM:wlj:pg

February 14, 2001

Senator George:

1. Please note that in this draft, the definition of "independent expenditure" in proposed s. 11.501 (10) has not only been narrowed to apply only to expenditures for the purpose of making communications but also has been broadened to apply to conventional direct advocacy communications as well as "issue advocacy" communications.
2. The change made by this draft in proposed s. 11.512 (1) under which no reports are required from nonparticipating candidates until at least one candidate qualifies for a public financing benefit means that the reports will not be initially received until seven days after the board notifies the nonparticipating candidate(s) that a candidate has qualified and, potentially, will not resume after a primary until seven days after the board notifies the nonparticipating candidate that the other candidate has again qualified. Under the previous draft, the reports began 60 days before the date of the primary, or if there was no primary, 60 days before the date that the primary would be held if a primary were required. This was before the nomination paper filing deadline. The later reports provided under the terms of this draft will also mean that participating candidates will receive their matching benefits later. You could attempt to shorten this seven-day period a little, especially after the primary election, but we think the nonparticipating candidate is entitled to some notice that he or she has become subject to a reporting requirement before the reports suddenly become due.
3. Per our discussion, we have amended ss. 11.27 (1) and 12.05, stats., to provide that the prohibitions against making false statements do not apply to information as to whether "issue advocacy" expenditures are intended to support or oppose a candidate. Since under proposed s. 11.513 (2) (b), a person making "issue advocacy" expenditures may in effect refuse to say whether a communication is intended to support or oppose a candidate, it's possible that you don't need to make an exception to these prohibitions, which may be viewed by some as almost inviting inaccurate information to be provided.
4. Because this redraft makes extensive changes to the bill, we reviewed the entire draft and incorporated some additional clarifying changes to better reflect your intent.

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