

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

LRB-1021/2dn  
JTK:lmk:ch

April 20, 2005

Representative Pope-Roberts:

This draft retains the current requirement for groups and individuals that attempt to influence ballot measures to disclose their identities on advertisements. The enforceability of statutes of this type is not completely clear at this point. In *McIntyre v. Ohio Elections Commission*, 514 U.S. 344 (1995), the U.S. Supreme Court voided an Ohio law that applied disclaimer requirements to an independent citizen who spent less than \$100 from her own resources voicing her opinions on a ballot measure anonymously. [Wisconsin's current law, as well as this draft, do not apply to this type of situation.] In a later case, the Supreme Court indicated that the door to disclaimer requirements is not closed entirely: in *McConnell v. F.E.C.*, 124 S. Ct. 619 (2003), the court approved one that applied to communications that mention candidates. It will take further case law development before we can be assured to what extent disclaimer requirements in referendum campaigns may be constitutionally enforced.

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