

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3014/1dn
JTK:wlj:jf

September 28, 2011

Senator Erpenbach:

1. This draft transfers \$1,228,600 from the general fund to the Wisconsin election campaign fund, which restores the balance in the campaign fund that existed when the fund was abolished, according to Paul Onsager of the Legislative Fiscal Bureau. The draft also directs GAB to restore the balances of the subaccounts for the various offices to their levels as of June 30, 2011. This restoration will leave relatively little money in the legislative subaccount. If you wish to do something different, you can advise me or talk to Paul Onsager directly.

2. The requirement that independent and minor party candidates at the general election receive at least 6 percent of the vote at the September primary in order to qualify to receive a grant from the campaign fund could raise an equal protection issue because these candidates bear the burden of convincing voters to forfeit their right to vote in the primary in order to cast the votes necessary to qualify these candidates for a grant. Under the bill, major party candidates do not bear the same burden because at least 6 percent of the voters will be voting in the party primaries of the major parties as a matter of course and the candidates will therefore easily meet their burden of qualification if they receive their party nominations. To address this issue, you may wish to permit an independent or minor party candidate to qualify for a postelection grant if he or she actually receives at least 6 percent of the vote cast for the office that the candidate seeks in the general election, as the draft permits for independent and minor party candidates at special partisan elections.

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