

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **99hr_ab0234_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **

Vote Record

Assembly Committee on Campaigns and Elections

Date: 3/17/99
 Moved by: Freese Seconded by: Miller
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: SRB 2330/1
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

☐ Passage☒ Introduction☐ Adoption☐ Rejection☐ Indefinite Postponement☐ Tabling☐ Concurrence☐ Nonconcurrence☐ ConfirmationCommittee Member

Rep. Stephen Freese, Chair

Rep. Scott Suder

Rep. Scott Walker

Rep. Phil Montgomery

Rep. Bonnie Ladwig

Rep. David Travis

Rep. David Cullen

Rep. Mark Miller

Rep. Gary Sherman

AyeNoAbsentNot Voting☒☐☐☐☐☒☐☐☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐☐

Totals:

8100

Motion Carried



Motion Failed

Vote Record

Assembly Committee on Campaigns and Elections

Date: 3/27/99
 Moved by: 234 Miller Seconded by: Cullen
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- ☒ Passage
- ☐ Introduction
- ☒ Adoption
- ☐ Rejection

- ☐ Indefinite Postponement
- ☐ Tabling
- ☐ Concurrence
- ☐ Nonconcurrence
- ☐ Confirmation

Committee Member

Rep. Stephen Freese, Chair
 Rep. Scott Suder
 Rep. Scott Walker
 Rep. Phil Montgomery
 Rep. Bonnie Ladwig
 Rep. David Travis
 Rep. David Cullen
 Rep. Mark Miller
 Rep. Gary Sherman

Aye	No	Absent	Not Voting
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Totals:

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NO
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tie

☐ Motion Carried

☐ Motion Failed

Vote Record

Assembly Committee on Campaigns and Elections

Date: 3/27/99
 Moved by: Cullen Seconded by: Suder
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
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A/S Amdt: 0237
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Be recommended for:

- ☐ Passage
☐ Introduction
☒ Adoption
☐ Rejection

- ☐ Indefinite Postponement
☐ Tabling
☐ Concurrence
☐ Nonconcurrence
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Committee Member

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 Rep. David Travis
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 Rep. Gary Sherman

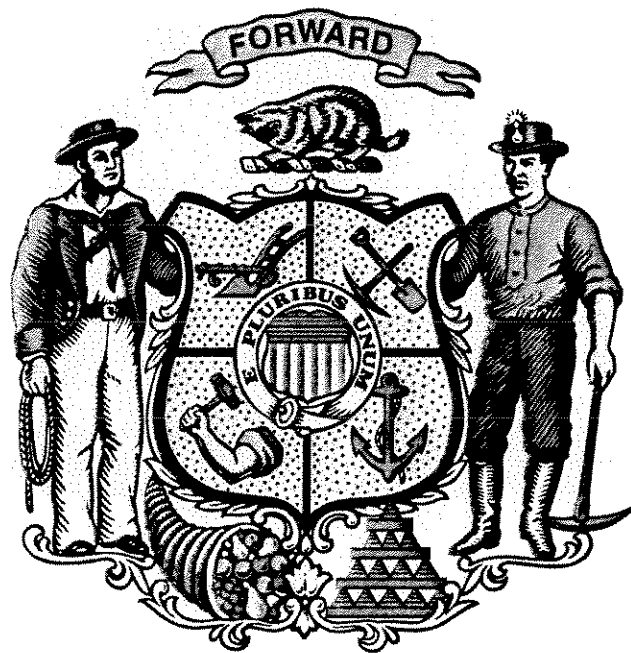
Aye	No	Absent	Not Voting
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Totals: 6 2 1 0

no

☒ Motion Carried

☐ Motion Failed



WISCONSIN CITIZEN ACTION



Wisconsin's Public-Interest Watchdog

Testimony of Roger Bybee
*Wisconsin Citizen Action
communications director*

Wisconsin State Assembly Campaigns and Elections *Hearing March 17, 1999*

I'm Roger Bybee, communications director of Wisconsin Citizen Action, a public-interest watchdog organization with 58,000 members across the state. Our organization led the fight for the Citizens Right to Know Bill for electronic filing of campaign contributions the only reform bill out of 43 to actually get signed into law in the last two sessions.

It is very heartening to see that Chairman Freese and the committee are intent seriously considering a number of reform measures. The time is clearly right for fundamental reform--proposals for basic reform are sprouting like shamrocks on both sides of the aisle, in response to the disillusionment of both legislators and the public with current special-interest-dominated system. Moreover, a Chamberlain Research Associates poll conducted for our organization Jan. 27-Feb. 11 revealed that **76.2%** of Wisconsin residents favor **full** public funding of elections. That included support above 71% for all categories of voters, Republicans, Democrats, and independents alike.

Moving beyond halfway measures

This finding is very relevant as you consider the new version of the former AB 60 which calls for 45% public funding of Supreme Court elections. The former AB 60 is well-intentioned and by the standards of a couple years back, was a fairly bold measure when originally put forward. But now, there is clearly a strong public mandate for going beyond half-way measures. While the proposal before you is well-intentioned, it does not meet the public demand for fundamentally breaking the link between those who write the big contribution checks and those who interpret and administer our laws. Our poll showed an overwhelming **51.5%** to **20.2%** preference for full public funding over partial funding plans.

If our drinking wells were polluted, none of us would be content with removing half the contaminants. So why should we settle for taking out only 45% of the private special-interest money funding our Supreme Court races? Not only would the successor to AB 60 leave candidates heavily dependent on special interest money, but it in effect gives those special interests a discount in seeking to purchase influence.

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★ FAX: (414) 496-1008

★ **RACINE/KENOSHA**
★ 1840 Sycamore Ave., #1
★ Racine, WI 53406
★ (414) 632-5567



Contaminating the system

Special-interest money is indeed contaminating our Supreme Court elections:

- ♦ **Candidates must depend on special-interest money:** About two years ago, current Justice William Bablitch estimated that a statewide judicial race requires \$350,000 to \$400,000, with just a “relatively negligible amount”—\$25,000 to \$40,000—available from non-special interest sources. In other words, roughly 90% of the money comes from sources with an interest in judicial outcomes.
- ♦ **Special-interest money is driving up the cost of elections**, turning court races into ever-escalating arms races. In 1997, we were all horrified by the combined record \$867,350 spent by the candidates in the Kelly-Wilcox race. At this point, it looks like at least one candidate in the current Supreme Court race may be breaking that record all by herself. The ever-climbing spending will force candidates to rely even more heavily on well-heeled groups with a decidedly partial interest.
- ♦ **Special-interest money drives away good candidates**. Soaring spending by special interests filters out otherwise qualified candidates, as former Chief Justice Nathan Heffernan points out. The current system results “in screening out persons who do not have access, personal, or contributed, to great amounts of money, or persons who feel uncomfortable raising large amounts of money.”
- ♦ **Special-interest money intrudes into decisions:** By this, we do not mean that decisions are for sale on the Supreme Court or anything like that, although the present funding system may feed that perception. Rather, we simply mean that the process of justice is distorted when a justice feels compelled to recuse herself in a very crucial case because of the source of donations she received. All of Wisconsin loses when a justice cannot provide their wisdom in forming a decision, as occurred Justice Ann Walsh Bradley did in a “school choice” case. This is a scenario that could be repeated again and again if the system continues to force candidates to rely on private-interest donations.

Speaker Scott Jensen (R-Brookfield) got to the very heart of public concerns in a comment about spending in the Wilcox-Kelly race:

“It’s a disconcerting amount of money, because the people want judges to be impartial, but contributors want judges to be partial.” (*Milwaukee Journal Sentinel*, April 1, 1997)

The public expects that judges will evaluate cases based strictly on the evidence and the law. But the appearance—if not the substance—of justice is undermined when candidates for the Supreme Court must rely on a relative handful of well-funded interests to finance their campaigns. Can the public realistically count on justice and the general interest being served by Supreme Court justices when narrow, private interests provide the funding for their election? We believe that the Wisconsin citizens cannot feel fully confident about the State Supreme Court’s method of election until the funding system is as impartial and

blind as the standard of justice to which the court is dedicated. Lamentably, the revised AB 60 would essentially provide partial funding and partial justice.

To make Wisconsin's system of justice truly impartial, we propose that candidates for the top justice-related offices in the state—the Supreme Court and the Attorney General—be provided with a source of “impartial” funding.

In the coming weeks, we will be introducing an “Impartial Justice” bill for Supreme Court candidates. This plan provides a choice of full public funding for candidates who wish to avoid reliance on private interests but want sufficient funds to conduct viable campaigns with a serious chance of winning. Our proposal will also cover the Attorney General's election, in line with the notion of impartial justice requiring impartial funding.

The Impartial Justice plan would essentially operate like this:

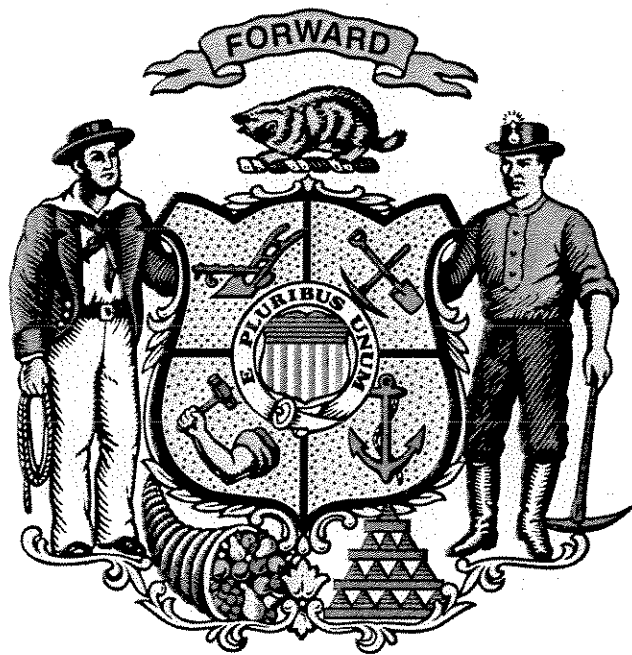
1. Candidates for Supreme Court and Attorney General choose to rely on the “Impartial Justice” method of funding and agree to accept no private funding.
2. Candidates qualify for impartial funding by accumulating a specific number of \$5 “qualifying contributions” and signatures showing that they are serious candidates with a broad base of support.
3. Candidates receive full funding from the Impartial Justice Fund, with full funding defined as \$300,000 for Supreme Court candidates (with \$100,000 for primary elections) and \$600,000 for Attorney General candidates (\$300,000 for primaries.)
4. If an Impartial Justice-funded candidate encounters a privately-funded candidate, the Impartial Justice Fund would match spending above the grants outlined in #3.
5. Similar equalizing funds would be disbursed from the Impartial Justice Fund in the case of independent expenditures directed against an Impartial Justice-funded candidate, or on behalf of the privately-funded candidate.
6. The “Impartial Justice” funding would be derived from general-purpose tax revenues.

Former Justice Heffernan strongly made the case for this type of system when he stated:

“ It would be entirely appropriate, indeed it is necessary, for the state to finance 100% of judicial campaigns with a reasonable statutory limit on state funding. Assuring the continuation of an honorable, independent, and qualified judiciary as a public purpose for which tax money may be properly used.”

Since it's St. Patrick's Day, it's fitting to recall that Patrick got *all* the snakes out of Ireland, not just half. Similarly, we believe that genuine campaign reform requires getting all the special-interest venom out of our system, not just half. We hope very much that members of this committee will join us in fighting for an Impartial Justice plan to replace the current big-money system.

Thank you.





STATE BAR OF WISCONSIN

402 W. Wilson Street
P.O. Box 7158
Madison, WI 53707-7158

MEMORANDUM

To: Members of the Assembly Committee on Campaigns and Elections
From: State Bar of Wisconsin
Date: March 17, 1999
Re: LRB 2330 -- Provision to Increase Court Filing Fee

The State Bar of Wisconsin does not have a position on the main policy issue contained in LRB 2330/1, appropriating a sum sufficient amount from general purpose revenue to enable all eligible candidates to receive the maximum grant from the Wisconsin election campaign fund. The State Bar does oppose one provision contained in the draft which increases court filing fees by \$1 for commencing most civil actions in circuit court.

LRB 2330 was introduced last session as 1997 Assembly Bill 60. AB 60 as originally introduced did not contain the \$1 filing fee increase; that increase was added during committee deliberations. LRB 2330 is a redraft of the final version of AB 60 and, as such, includes the 1\$ filing fee increase. The State Bar of Wisconsin opposed the filing fee increase last session and opposes including that same filing fee increase in LRB 2330.

The filing fee increase should be removed from LRB 2330 for the following reasons:

- **Wisconsin's civil filing fees are already extremely high.** Wisconsin citizens are currently paying close to \$200 to file a basic civil case (costs vary depending on case type). Access to the justice system should be available to everyone. Increasing filing fees only puts access that much further out of reach.
- **A filing fee increase should not be the source of funding for Supreme Court campaigns.** Funding for Supreme Court campaigns should not be the sole burden of only those individuals who find themselves in need of the legal system. LRB 2330 is designed to benefit all Wisconsin citizens and should, therefore, have a more equitable funding base. While



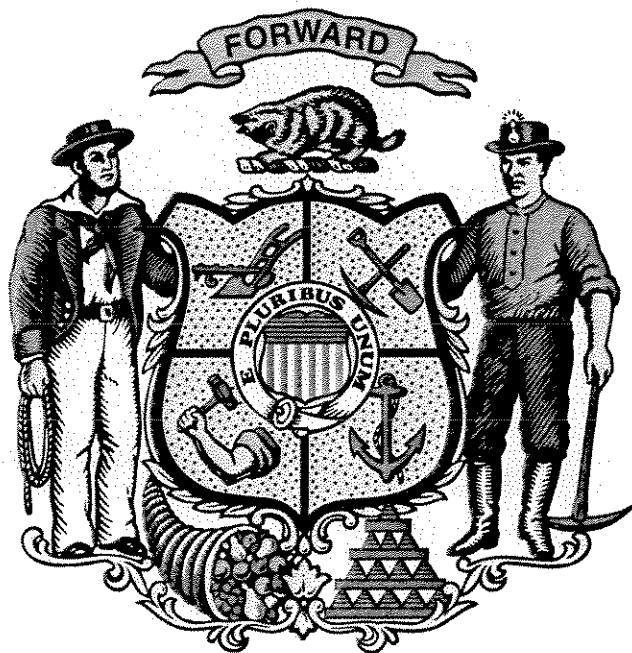
the intent of this legislation is admirable, increasing the filing fee by \$1 is neither an equitable nor a viable, long-term funding solution for campaign financing.

- **Wisconsin should be wary of using filing fee increases as a funding source.** Twenty-five years ago the commencement of a civil suit required only an \$8.00 clerk's fee. Fast forward and one sees filing fees jumping by \$40 in the last 6 years alone. A \$1 filing fee increase may seem minimal now, but \$1 today quickly turns into a \$10 increase tomorrow.

It is important to not lose sight of the fact that increasing civil filing fees, even just \$1, has a direct impact on citizens' access to the legal system. The more filing fees are increased, the farther out of reach justice becomes for the citizens of Wisconsin.

For the above stated reasons, the State Bar of Wisconsin urges removal of the \$1 filing fee increase as proposed in LRB 2330.

For more information, contact Jenny Boese at the State Bar of Wisconsin at 608-250-6045 or jboese@wisbar.org.





Shirley S. Abrahamson
Chief Justice

Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

213 N.E. State Capitol
Telephone 608-266-6828
Fax 608-267-0980

J. Denis Moran
Director of State Courts

March 19, 1999

Representative Stephen Freese, Chair
Assembly Campaigns and Elections Committee
115 West, State Capitol
Madison, WI 53702

RECEIVED

MAR 22 1999

Stephen J. Freese, Assembly Speaker
Pro Tempore

RE: AB 234

Dear Representative Freese:

I write to comment on AB 234 which, if passed, will fully fund that portion of the Wisconsin Election Campaign Fund set aside for campaigns for the office of justice of the Supreme Court.

I have taken this matter up with the Supreme Court which has an overriding concern about this bill. As originally drafted and introduced during the last legislative session, this bill was to be funded through general purpose revenues (GPR). As considered by the Assembly Campaigns and Elections Committee on March 17 it is now to be funded by an increase to the civil filing fees in the state trial courts.

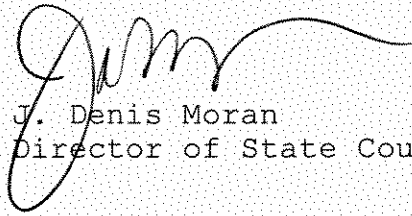
It is and has been our institutional position that initiatives designed to benefit all citizens should be supported by general tax revenues raised from all citizens rather than by fees assessed against the relatively small number who actually use the courts over any given period of time. We are, therefore, opposed to any funding mechanism that will increase the already substantial cost of access to the court system despite our support of the underlying intent of the bill.

If we can work with you or other legislators to preserve the bill's intent without further burdening our citizens who choose to turn to the courts for resolution of their disputes, we will be happy to do so.

Representative Stephen Freese, Chair
March 19, 1999
Page 2

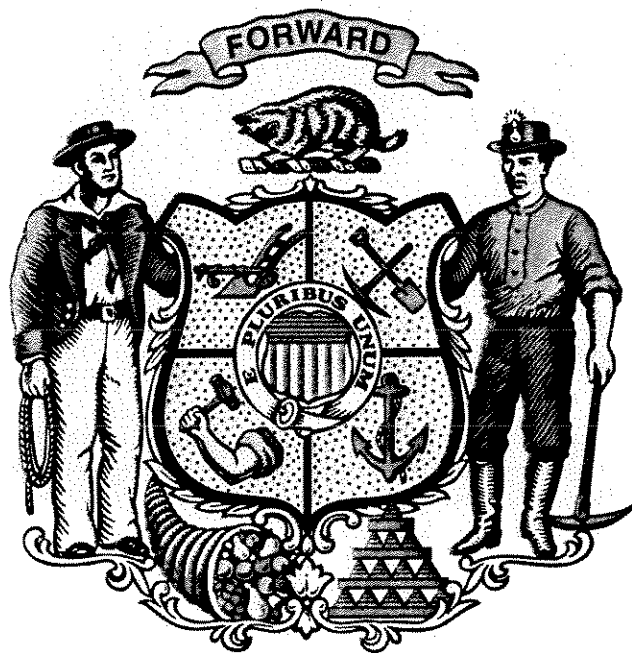
Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "JDM", with a long, sweeping horizontal flourish extending to the right.

J. Denis Moran
Director of State Courts

JDM:jah
cc: All Justices





Rep. Stephen Freese
Campaigns & Elections Committee
115 W - State Capitol

Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

MEMORANDUM

TO: Members, Committee on Campaigns & Elections

FROM: Rep. Steve Freese
Terri Griffiths, Clerk

DATE: March 22, 1999

RE: Amendment to LRB 2330/1 (AB 234)

Attached is an amendment offered by Rep. Mark Miller to LRB 2330/1. We will consider this amendment during the executive session Tuesday, March 23, 1999 at 8:30 a.m.

If members have additional amendments to the bills listed on the executive session notice, please have those amendments in proper LRB draft stripes for committee consideration tomorrow morning. If possible, have the amendment sent to my office for duplicating and distribution.

Thank you.

Fifty-First Assembly District

Office: Post Office Box 8952 • Madison, Wisconsin 53708-8952 • (608) 266-7502 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
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WISCONSIN CITIZEN ACTION



Wisconsin's Public-Interest Watchdog

Why Wisconsin needs the Impartial Justice plan for Supreme Court and AG elections

- ◆ "...The people want judges to be impartial, but contributors want judges to be partial." State Rep. Scott Jensen (R-Brookfield), quoted in *Milwaukee Journal Sentinel*, April 1, 1997.

As Rep. Jensen noted, Wisconsin's citizens expect that the justice system will be impartial and fair, without regard to financial clout. But a number of disturbing signs suggest that Wisconsin's traditions of impartial justice are threatened by big money:

- ◆ According to current Justice William Bablitch, a statewide judicial race now requires \$350,000 to \$400,000, with just a "relatively negligible amount"—\$25,000 to \$40,000—available from non-special interest sources. In other words, roughly 90% of the money comes from sources with a clear preference in judicial outcomes.
- ◆ The astronomical level of spending in the Jon Wilcox-Walter Kelly State Supreme Court race in 1997—where a total of \$867,350 was spent by the candidates—suggests that the ever-climbing spending will force candidates to rely more and more heavily on well-heeled groups with a decidedly partial interest.
- ◆ The decision of State Supreme Court Justice Ann Walsh Bradley—who felt compelled to recuse herself in a crucial "school choice" case because of the source of donations she received—is a scenario that could be repeated again and again if the system continue to force candidates to rely on private-interest donations.

To make Wisconsin's system of justice truly impartial, we propose that candidates for the top justice-related offices in the state—the Supreme Court and the Attorney General—be provided with a source of "impartial" funding.

How the Impartial Justice plan would work:

1. Candidates for Supreme Court and Attorney General choose to rely on the "Impartial Justice" method of funding and agree to accept no private funding.
2. Candidates qualify for impartial funding by accumulating a specific number of \$5 "qualifying contributions" and signatures showing that they are serious candidates with a broad base of support.
3. Candidates receive full funding from the Impartial Justice Fund, with full funding defined as \$300,000 for Supreme Court candidates (with \$100,000 for primary elections) and \$600,000 for Attorney General candidates (\$300,000 for primaries.)
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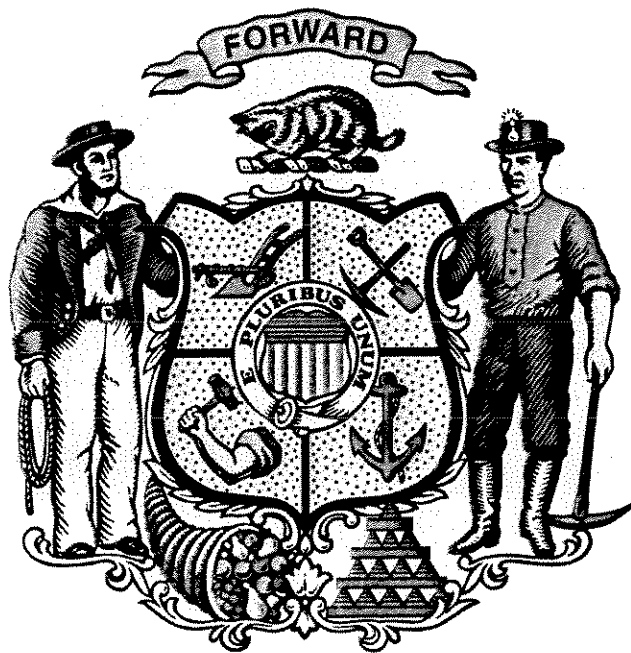
WISCONSIN

CITIZEN ACTION

VOTERS' MAJOR CONCERNS

CLEAN MONEY, CLEAN ELECTIONS

Campaigns are too expensive	Limits campaign spending
Too much special-interest influence	Prohibits special-interest contributions to participating candidates
Candidates and lawmakers spend too much time chasing money	Eliminates need for fundraising
Good people don't have a chance to compete	Provides a financially level playing field
Too many loopholes	Comprehensive package tightens loopholes



IMPARTIAL JUSTICE

Revisions which will be made to the 1997 draft (LRB -0269/2)

1. Offices covered by the bill would be changed to Supreme Court justices and Attorney General (Circuit and Appeals Courts would no longer be included).
2. Qualified Supreme Court candidates would be eligible for \$100,000 in primary elections and \$300,000 in general elections.
3. Qualified Attorney General candidates would be eligible for \$300,000 in primary elections and \$600,000 in general elections.
4. Administration would be centralized in the State Elections Board and would not involve the Secretary of State.
5. Funding would be derived from general purpose revenues, not the surtax as originally written.

Additionally, we're grappling with difficulties stemming from a very tight time-frame in terms of candidates becoming ballot-certified, then becoming qualified for Impartial Justice funding, and taking part in the February primary. In light of this, we're considering modifying the plan to allow candidates to use seed money and \$5 Qualifying Contributions raised before the ballot-certification, and then subtract this from the public grant.

Other changes will also be considered.