

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

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

➤ **99hr_ab0377_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **

**Testimony to the Assembly Committee on
Campaign Finance & Elections
Regarding AB377**

**Carolyn Castore
Legislative Director
Wisconsin Citizen Action**

September 1, 1999

Wisconsin Citizen Action supports quick action and passage of the Impartial Justice bill, AB377. Wisconsin Citizen Action is a coalition with over 270 affiliate organizations and 58,000 individual members statewide. We consider the Impartial Justice bill to be a critical bill. This bill would provide a "Clean Money" approach for candidates to the state Supreme Court.

Of the three branches of government, the judiciary – and in particular—the State Supreme Court needs to be impartial in both fact and in perception. We need to know that candidates for the Supreme Court are evaluated by their expertise and experience, not their ability to raise campaign funds.

The current method of campaign finance creates two major problems: increasing costs and increasing reliance on large donors.

Costs for running a statewide judicial race have risen from \$443,000 in 1989 to \$888,924 in 1997 to \$1.3 million in the last race.

Contributions for these races have come primarily from two sources. First, self-funded contributions have increased 150 times since 1989. Wealthy individuals can afford to fund their own campaign. Candidates who are not so affluent rely on individual contributions. Less than 2% of the voters provided over half of the contributions in 1998. The majority of these contributors are from the legal and lobbying community.

The Impartial Justice bill before your committee has several key features. First, it includes primaries. Because the cost of running a campaign has increased so dramatically, potential candidates often decide not to run. Citizens deserve a choice. By providing funding to qualified candidates during the primary, spending will be limited and voters will have a better chance to choose among candidates. For example, Don Bach who served as legal counsel and chief of staff to Governor Thompson, recently withdrew his name from consideration as an appointee to the Court. His reason? With so little time between now and the primary, he felt he could not raise the estimated \$500,000 needed for the campaign. Further, he stated, "I simply do not have that kind of personal wealth to put into a campaign."

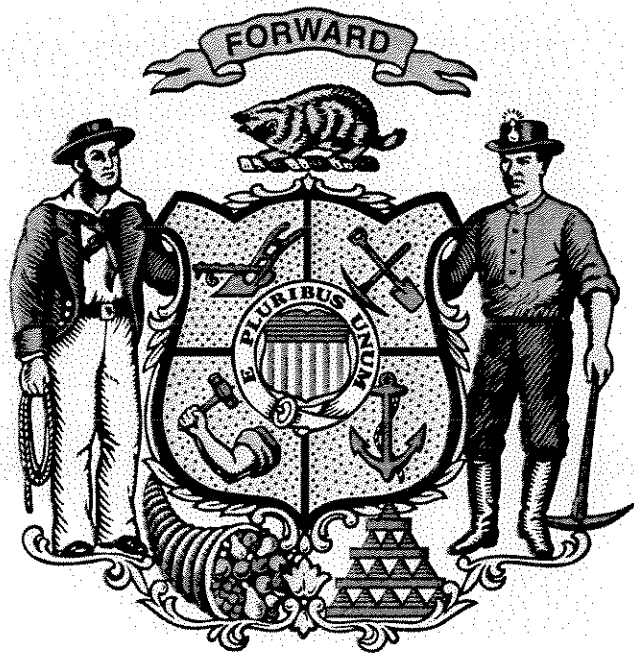
Second, candidates are protected from opponents who do not accept the Clean Money approach. If opponents spend more than the overall limits, either directly or through independent expenditures, the Clean Money candidate also receives additional funds. This element should deter escalation in spending because it will not give any candidate an advantage.

Third, Supreme Court Justices will be protected from any perceived or actual conflict of interest due to campaign contributions. In its final report, the Commission on Judicial Elections and Ethics, known as the Fairchild Commission, recommended full public financing of Supreme Court elections as soon as practicable.

It is time to pass the Impartial Justice bill. The public wants fundamental reform. A poll conducted in February found that 76% of Wisconsin citizens favor full public funding of elections. This included all categories of voters – Republicans, Democrats and Independents.

A wide range of individuals and organizations have endorsed this approach, including Nathan Heffernan, former Chief Justice of the Wisconsin Supreme Court, the AFL-CIO, the League of Women Voters of Wisconsin, the Wisconsin Senior Citizens Council, the Sierra Club, and the Wisconsin Trial Lawyers Association. The bill also has bipartisan support in the legislature.

With the Supreme Court election scheduled for 2000 and 2001, the legislature has the opportunity to act decisively and inspire public confidence in Wisconsin's judicial system.



WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

**Testimony to the Senate Committee on Agriculture,
Environmental Resources, and Campaign Finance Reform
regarding Assembly Bill 377**

**John Stocks
Director of Government Relations
Wisconsin Education Association Council**

September 1, 1999

The Wisconsin Education Association Council (WEAC) is committed to maintaining a fair and impartial Wisconsin Supreme Court. WEAC supports the goal of Assembly Bill 377 – a system of financing Supreme Court elections that will encourage more competitive races based on issues.

WEAC has thoroughly reviewed AB 377 and how it would affect the real world of running a campaign for Supreme Court. Based on this analysis, we strongly encourage the committee to make the following changes to the bill:

- **Add language that would treat election-oriented “issue advocacy” as independent expenditures.**

The bill as drafted includes a provision that would give a public funding bump to candidates who are the victims of independent expenditures. It does not include a provision relating to election-oriented “issue advocacy”.

The bill should be amended to treat election-oriented issue advocacy as independent expenditures. If this is not done, any group wishing to have an effect on a Supreme Court race would simply use issue advocacy, and avoid giving the opposing candidate a public funding bump.

Advocates for the Impartial Justice bill have told WEAC that the lack of an issue advocacy provision was simply an oversight and one will be added to the bill. This must happen before the bill is passed out of committee.

- **Have the \$5 qualifying contributions go to the candidates’ campaign accounts, not the Democracy Trust Fund.**

Under the bill, in order to qualify for a public grant, a candidate must raise 1,000 \$5 qualifying contributions from state electors. Candidates would return this money to the state to be deposited in the Democracy Trust Fund.

The bill should be amended to treat the five-dollar contributions as contributions

*Terry Craney, President
Donald E. Krahn, Executive Director*

to the candidates' campaign accounts. People will be more likely to give the five dollars if they know their money is going to the candidate and not the State of Wisconsin. Also, these contributions could serve as the "seed money" to get campaigns up and running.

- **Provide candidates with checks, not debit cards, from the Democracy Trust Fund.**

Under the bill, candidates who qualify for public funding would be given a debit card with a line of credit from the Democracy Trust Fund. Candidates would purchase media time and other campaign expenses with the line of credit.

The bill should be amended so that candidates receive checks directly from the Democracy Trust Fund. Television and radio stations much prefer to see real money when a candidate comes to purchase time.

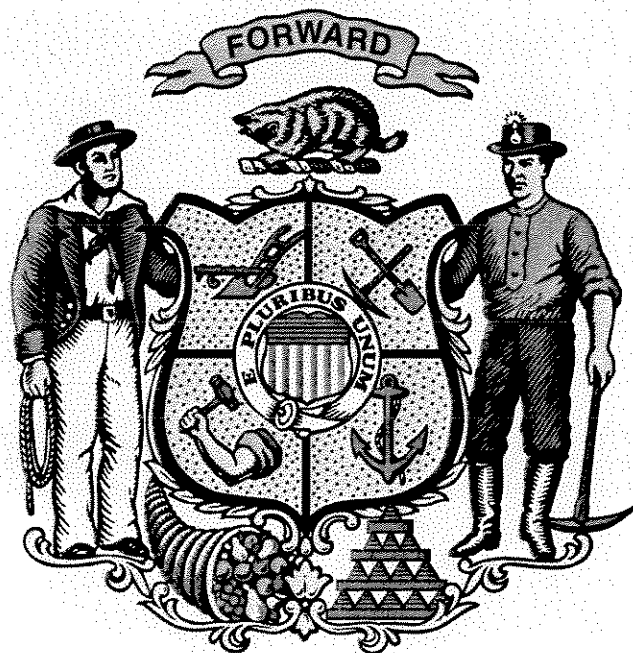
- **Merge the primary and general election spending limits.**

Under the bill, the overall spending caps for a candidate accepting public financing is \$100,000 for the primary and \$300,000 for the general election. The limits are not merged; if a candidate does not spend all of the \$100,000 in the primary, he or she cannot spend the remainder in the general election.

The bill should be amended to merge the two limits. This change would be consistent with the real world of running a campaign and not deter from the intent of the legislation. Under this scenario, the overall spending limit would be \$400,000. If there were no primary, the limit would be \$300,000.

Conclusion

WEAC strongly encourages the committee to make these changes prior to passing the bill out of committee. We believe the changes will lead to a stronger bill that will engender greater public confidence in the new financing system once it is passed into law. Thank you for your consideration of our views.



Testimony to the Assembly Committee
On Campaigns and Elections regarding AB377

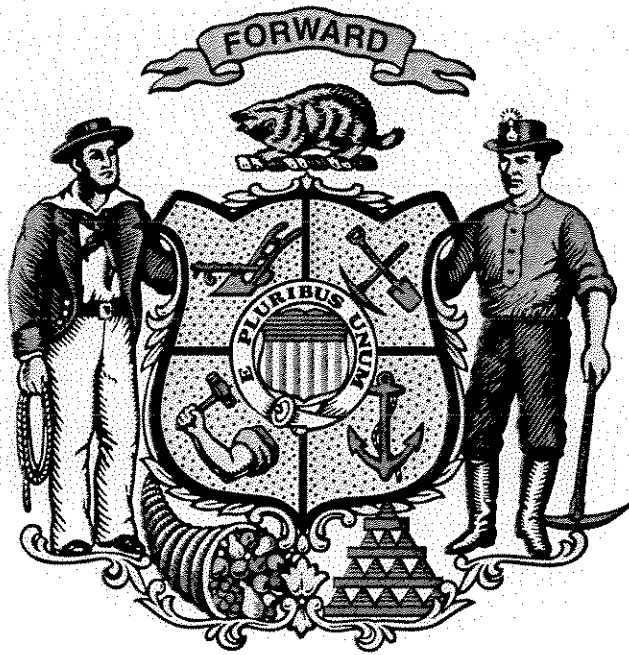
Carol Weidel
Wisconsin Federation of Teachers
9/1/99

Thank you for holding this hearing on the important issue of campaign finance reform for the state Supreme Court. The Wisconsin Federation of Teachers considers campaign finance reform to be a critical issue, and we support beginning substantive reform with the judicial system.

The Wisconsin Federation of Teachers urges the passage of AB 377, the Impartial Justice bill. This bill recognizes the special position of the judiciary in our system of government. It is critical that all doubt be removed regarding the objectivity of our Supreme Court justices. Supreme Court decisions may be controversial. The controversy should stem from differences in philosophy and interpretation of the law. The controversy should never stem from the possibility that campaign contributions affected the decision.

We are also concerned about the rising costs of Supreme Court elections. The last election just continued a trend we have seen since the late 1980s. AB377 would help control campaign costs. It should also encourage additional qualified candidates to seek that office. Raising the funds to carry out expensive campaigns can be daunting. Individuals who will make excellent judges may not be excellent fund raisers.

The Wisconsin Federation of Teachers is heartened to see bipartisan support of this bill in the Senate. We hope that it attains similar support in the Assembly.



CAMPAIGNS AND ELECTIONS COMMITTEE

Representative Steven Freese, Chair

Hearing on Assembly Bill 377, "Impartial Justice"

September 1, 1999, Room 415 NW, State Capitol

Dear Rep. Freese and Committee Members,

I am Rev. Sue Moline Larson, director of the Lutheran Office for Public Policy in Wisconsin, the legislative advocacy office of the six synod of the Evangelical Lutheran Church in America with congregations in Wisconsin. Thank for receiving testimony on A.B. 377, the "Impartial Justice" campaign finance reform legislation to provide public funding for state supreme courts races.

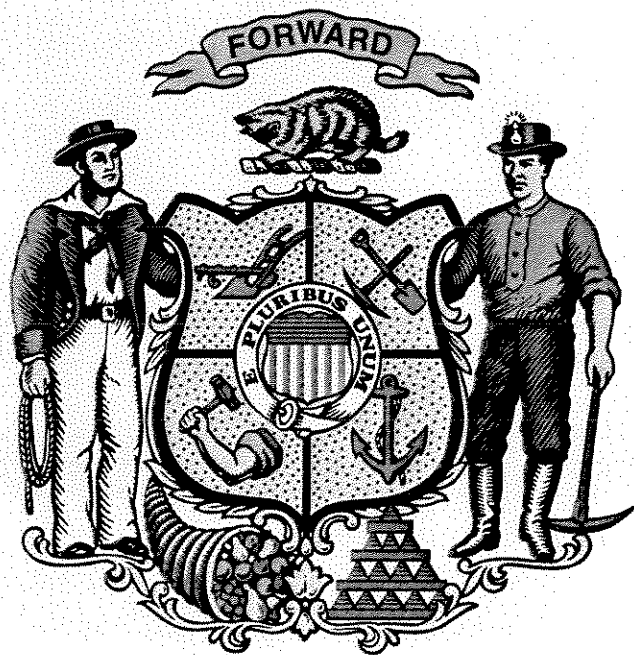
The abuses in the campaign finance system are well-documented and generally lamented - both by elected leaders, who must devote an extraordinary amount of time to fund-raising, and by the public, who view their voice as increasingly powerless in the face of such financial influence of the public process. In the area of legislative and gubernatorial races, the amounts of money raised and spent in election campaigns are increasing at a frightening rate. Few disagree that the system is out of control and must be dramatically altered to salvage any fairness or equity for those without power or voice.

Court races are even more crucial. Legislative powerbrokering and infighting based on issue groups and their influence should be in a different category from the more sacrosanct area of government of the Court, where impartiality is expected, and fairness must be the principle that guides legal considerations and decisions. When the last hope for stability and balanced deliberation is in danger because of the same contamination of moneyed influence, democracy truly is at risk. Wisconsin Citizen Action's report released in April titled "Courting the Supremes," gives compelling and frightening data on how skewed supreme court campaign elections have become. More recently, with a similar concern, the report of the Commission on Judicial Elections and Ethics urges full public funding for supreme court races as soon as it can be done.

With such impartial research and support, it is imperative that the state legislature waste no time and enact A.B. 377 to provide voluntary full public financing for supreme court campaigns. The impending appointment of an interim justice by the governor elevates its importance. The power to appoint must be equalized by the ability of the public to clearly choose the best candidate without favoritism in the race granted to the court incumbent.

Please support and advocate for A.B. 377. Fairness in the highest state court in Wisconsin must be preserved. Thank you.

Rev. Sue Moline Larson, Director
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Wisconsin State AFL-CIO



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David Newby, President • Sara J. Rogers, Exec. Vice President • Phillip L. Neuenfeldt, Secretary-Treasurer

TO: Members of the Assembly Campaigns and Elections Committee

FROM: Phil Neuenfeldt, Secretary-Treasurer

DATE: September 1, 1999

RE: **SUPPORT FOR ASSEMBLY BILL 377**

Our current system of financing election campaigns is a threat to representative democracy. AB 377 begins to address that threat in one political arena -- the election of individuals to the Wisconsin Supreme Court -- by significantly expanding the role of public financing for those elections.

AB 377 will begin to sever the connection between special interest money and the decisions made by justices on our highest court. This reform is long overdue and we strongly urge your support for this bill.

PN/mj

