WISCONSIN STATE LEGISLATURE COMMITTEE HEARING RECORDS

2001-02
(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)
- **01hr_ab0303_AC-CE_pt01**

- *Miscellaneous ... Misc*
- **

BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW

MEMORANDUM

To: Wisconsin Citizen Action
From: Mark Kozlowski and Glenn Moramarco
Date: April 30, 2001
Re: Wisconsin Impartial Justice Act

The Wisconsin Impartial Justice Act, if enacted into law, will be the nation's first full public funding scheme for state judicial races. The purpose of this memo is two-fold. First, the memo will explain the need for a public financing mechanism for judicial elections. Second, it will explain the Brennan Center's legal conclusion that the public financing mechanism proposed in the Impartial Justice Act is constitutionally sound.

The Need for Public Financing in Judicial Elections

Currently some eighty-seven percent of the nation's state judges face some form of popular election in order to achieve or maintain their places on the bench. Yet, particularly after the bitter and expensive judicial races that took place last year in a number of states, many who care about the integrity of the judiciary have become alarmed. Noted legal journalist Tony Mauro stated the problem in the following fashion last October in *USA Today*: "A rising tide of money flowing into judicial campaigns, matched by raucous, irresponsible campaign rhetoric and advertising in many states, is becoming a major embarrassment to the single branch of government that is supposed to be above politics." Mauro went on to note that, in a recent survey sponsored by the National Center for State Courts, three-quarters of the respondents expressed a belief that the need to raise campaign funds influences the manner in which state judges decide cases.

Concern has been rising among judges themselves. Last December representatives from the sixteen largest states that conduct judicial elections, including state supreme court justices from each state, met in Chicago to discuss measures to improve the character of judicial races. This conference produced a "Call to Action," released last January under the auspices of the National Center for State Courts, which set forth a number of recommendations. Prominent among these was a recommendation that states consider instituting public funding for judicial elections.

Wisconsin has been a leader in this regard. Indeed, the state has instituted the *only* comprehensive program of publicly funded judicial elections in the nation. But the current public funding system in Wisconsin has not been a thoroughgoing success. While the principle of providing public funds for judicial election is a sound one, the current public funding mechanism suffers from severe structural defects that undermine its effectiveness.

The problem is obvious: a lack of sufficient funds to finance competitive judicial campaigns. The current public financing system, which relies upon a voluntary taxpayer check-off as the source of funds to be conferred upon candidates who agree to abide by overall campaign spending limits, has chronically failed to produce levels of funding sufficient to provide candidates with the incentive to abide by the spending limits. The current system promises Supreme Court candidates a maximum grant of $97,031 from the Wisconsin Election Campaign Fund in exchange for an agreement to abide by a $215,625 spending limit. But the Fund has not been able to uphold its end of the bargain. A paper prepared for the Chicago conference by Indiana University law professor Charles Geyh sets forth the hard facts:

> Taxpayer participation in the Wisconsin check-off system declined from 19.9% in 1979, to 8.7% in 1998 (which reflected a slight rebound from the all time low of 8.1% set in 1996.) The resulting fund has been inadequate to provide candidates with the $97,031 grants authorized by the program. As a consequence, after 1989 -- when both Supreme Court candidates were fully funded -- the grants given to nine participating candidates have averaged only $45,354. . . . As the size of the grants diminish, the incentive to opt out of the system and abide by spending limits in exchange for public funds is reduced.

Recent Wisconsin supreme court races in which candidates have opted to forego public funding have been the sort of contests that legal commentators are quick to mention when explaining the nationwide trend of debased judicial elections. The 1999 contest between Chief Justice Shirley Abrahamson and Green Bay lawyer Sharren Rose cost $1.36 million and was notable for its relentlessly vituperative tenor. The 1997 race between Justice Jon Wilcox and Milwaukee attorney Walt Kelly gave rise to the recent $60,000 settlement between the Wilcox campaign and the Elections Board, the largest settlement for a case involving campaign finance law violations in the Board's history. The alleged violations themselves were a function of campaigning that does not recognize spending limits; a purportedly independent group improperly poured more than $200,000 into the Wilcox campaign in a last-minute get out the vote effort.

But even when candidates agree to abide by the spending limits, they have expressed decidedly mixed feelings about the experience. During last year's Supreme Court campaign between Justice Diane Sykes and Milwaukee Municipal Judge Louis Butler, both candidates agreed to spending limits, but received only $13,535 in exchange from Wisconsin Election Campaign Fund. In a recent article in the *Wisconsin State Journal*, Judge Butler, who lost to

Justice Sykes in a landslide, noted the unfortunate reality faced by Supreme Court candidates in Wisconsin today: "If I raised a half a million dollars or more, my image would've been better known throughout the state. The flip side of that is you give the impression that justice is for sale and people are basically bankrolling a candidate that agrees with their position."

Candidates for the Wisconsin Supreme Court should not have to face a decision between conducting a campaign that is insufficiently funded, yet free from the taint that is inherent in the act of a judge seeking campaign contributions, and running a campaign that recognizes no spending limits, which thereby diminishes the institutional integrity of the judiciary by making it appear that seats on the court are bought. The proposed legislation, by *guaranteeing* that adequate public funds will be conferred upon those candidates who agree to abide by spending limits recognizes the candidate's interest in conducting a campaign in which his or her message can be adequately put before the voters while it protects the judiciary's reputation as an impartial dispenser of justice. Just as Wisconsin has been the leader in providing for publically funded judicial races in the first place, the proposed legislation will allow Wisconsin to lead by demonstrating that public funding can be made both attractive to judicial candidates and serve as a means of ensuring the appearance and reality of an independent and impartial Wisconsin Supreme Court.

The Impartial Justice Act is Constitutionally Sound

The Impartial Justice Act provides full public financing for candidates for Supreme Court Justice who voluntarily choose to participate and meet the Act's qualifying criteria. In exchange for receiving public funding, the candidates agree to use only the provided funds in support of their candidacy. Thus, the system of publicly funding judicial elections is based on the same

principles that apply to publicly-funded general elections for United States Presidential candidates. Under the Presidential Election Campaign Fund Act, the presidential nominees of the major political parties are given full public funding for their general election campaigns in exchange for a promise to not engage in further fund-raising in support of their candidates. This federal system has been in effect since the late 1970s, and it was upheld by the Supreme Court in its landmark *Buckley v. Valeo* decision.

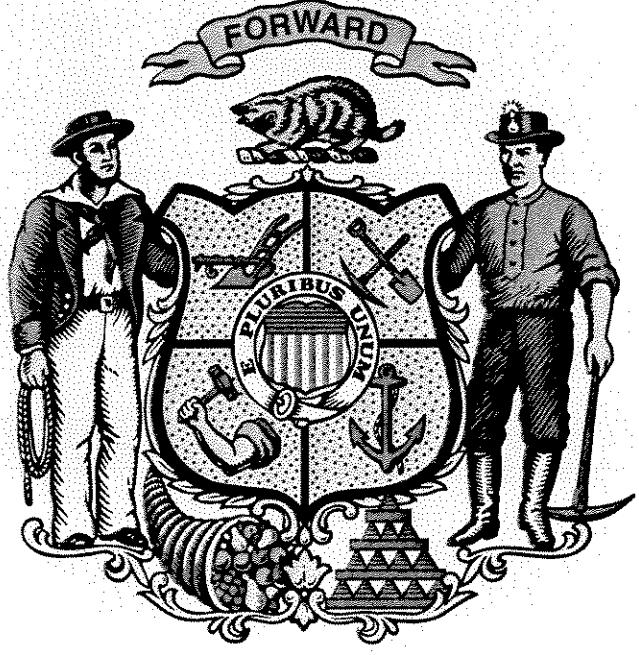
Responding to the demands of running modern political campaigns, the Wisconsin Impartial Justice Act provides judicial candidates with additional public funding when outside groups become important players in a judicial election. If an advocacy groups chooses to run campaign-related advertisements that oppose a participating judicial candidate, then the participating candidate is eligible for additional public funds to respond to the attacks. Similarly, if an advocacy group is supporting a particular candidate, then participating opponents of that candidate are provided additional public funds to match those expenditures. Although the provision of additional public funds is not unlimited, it is designed to level the playing field for participating candidates by permitting increased expenditures for campaign-related speech.

The provision of additional public funds to match the outside spending of advocacy groups is similar to a provision adopted in Maine for legislative candidates under the Maine Clean Elections Act. Under the Maine Act, additional public funds are made available to participating candidates to match the spending of outside group on ads that expressly advocate the election or defeat of legislative candidates. This matching funds provision was upheld by the District Court for the District of Maine and the First Circuit Court of Appeals. These courts reasoned that the provision of additional matching funds furthered the goals of the First

Amendment by providing money for additional speech. Claims that outside groups would be dissuaded from engaging in electoral advocacy because of the fear that the candidates they opposed would receive matching funds were dismissed by the Courts as not consistent with the goals of the First Amendment. The First Amendment contemplates a vigorous debate in which both sides are heard, and thus no candidate or group has a First Amendment right to have his or her speech unopposed.

The Wisconsin Impartial Justice Act goes beyond the Maine Clean Elections Act in one small respect. The Maine Clean Elections Act takes a very conservative approach by providing matching funds only for ads that expressly advocate the election or defeat of a candidate. The Wisconsin Impartial Justice Act, in contrast, provides matching funds more broadly, for ads that mention a candidate within a certain time period prior to an election. Recent academic studies have demonstrated that relatively few campaign ads, even those sponsored by candidates themselves, contain explicit words of advocacy such as "elect" or "defeat." Thus, as a practical matter, a more expansive matching program is necessary to reach the goal of leveling the playing field. Because the reasoning of the Courts that upheld the Maine Clean Elections Act was that the provision of matching funds furthers, rather than constrains First Amendment rights, it is unlikely that the more generous matching funds provision in the Wisconsin Impartial Justice Act would raise constitutional questions. This is especially true because, under the Wisconsin Impartial Justice Act, sponsors of ads that will be matched are not required to report any of their donors; rather, they are required to report only the total amount of money spent on electioneering ads. Because disclosing the amount of funds spent will not subject individual donors to any fear of retaliation, and because this is the minimum piece of information that is required in order for

the matching funds system to function, the Wisconsin matching funds provision should survive constitutional scrutiny.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Griffiths, Terri

From: Richard, Rob
Sent: Tuesday, September 11, 2001 10:05 AM
To: Griffiths, Terri
Subject: FW: AB 303/Impartial Justice

-----Original Message-----

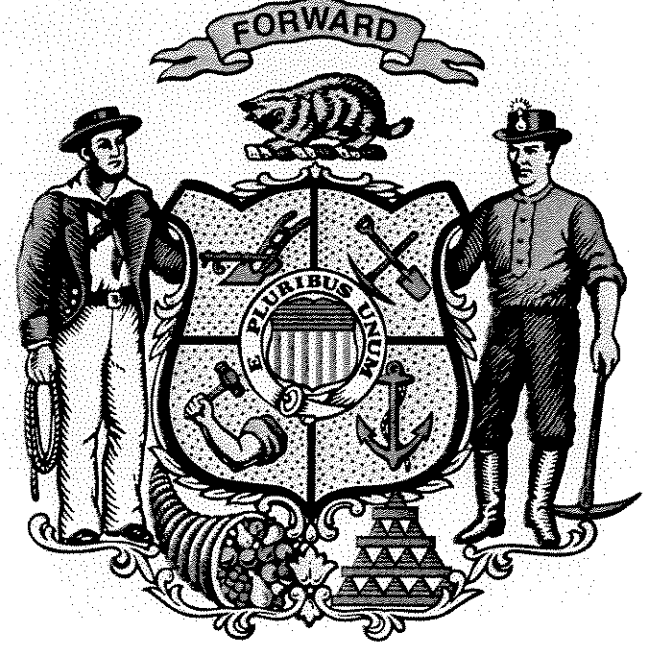
From: Dennis Boyer [mailto:dennisb@chorus.net] <mailto:[mailto:dennisb@chorus.net]>
Sent: Tuesday, September 11, 2001 11:09 AM
To: Rep.Freese
Subject: AB 303/Impartial Justice

Dear Chairman Freese: It is our understanding that this bill
will soon be up for hearing and we wanted known that AFSCME supports the proposal. We have been involved in discussions with backers of the bill and advanced the idea that it be funded through initial devices that would build up an endowment. It is our hope that AB 303 be given committee approval.

Sincerely,

Dennis Boyer

AFSCME Council 11, on behalf of all Wisconsin affiliates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STATE BAR of WISCONSIN®
5302 Eastpark Blvd.
P.O. Box 7158
Madison, WI 53707-7158

MEMORANDUM

To: Assembly Campaign and Elections Committee

From: Attorney Gerry Mowris, President
State Bar of Wisconsin

Date: September 13, 2001

Re: Support Assembly Bill 303—
Campaign Finance Reform for Supreme Court Campaigns

The State Bar of Wisconsin supports Assembly Bill 303, which provides public financing for Supreme Court campaigns. The bill is essential in helping to maintain the integrity and independence of Wisconsin's courts, where even the perception of bias destroys public trust and confidence in the justice system.

The cost of a statewide campaign for Supreme Court continues to grow with each contested election. Raising $1 million (or more) to run a statewide Supreme Court race forces candidates to look at all sources, including personal resources, individual contributors and interest groups.

The full-scale fundraising, especially from special interest groups, raises questions of bias and partiality, undermining public trust and confidence in our justice system.

In December 2000, the National Center for State Courts held a National Summit on Improving Judicial Selection across the country. They issued a call to action, listing steps states should take to insure the integrity and independence of the justice system in each state.

One step suggested the same results as proposed in Assembly Bill 303: Create a public funding system that is sufficiently generous to encourage participating candidates to forego all other sources of campaign funds that discourages frivolous candidates, restricts overall spending and allows appropriate response to independent expenditures.

The State Bar of Wisconsin encourages you to take that step and support Assembly Bill 303.

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Joan Seramur, CRB, CRS, GRI, President
E-mail: williams@newnorth.net

William Malkasian, CAE, Executive Vice President
E-mail: wem@wra.org

September 13, 2001

TO: Members, Assembly Campaigns and Elections Committee

FROM: E. Joe Murray
Director of Political Affairs

RE: Impartial Justice Bill – AB 303/SB 115

The Wisconsin REALTORS Association (WRA) supports AB 303. Assembly Bill 303 would create a Democracy Trust Fund, under which eligible candidates for Wisconsin Supreme Court would receive public money for their campaigns from general-purpose revenue (GPR). In addition, this bill would provide eligible candidates for state Supreme Court with $100,000 in a primary election and $300,000 in the general election. Assembly Bill 303 would also address the impact of spending by non-candidate groups. The bill provides equalizing funds to match independent expenditures and issue ads against participating candidates. Finally, the bill would restrict contributions to Supreme Court candidates from individuals and committees to $5,000.

The WRA urges your support for AB 303 for the following reasons:

- AB 303 is a bipartisan bill. For any campaign finance reform proposal to pass both Houses of the legislature, it must have bipartisan support. Additionally, in the last legislative session, the impartial justice bill passed the State Senate 30-3.

- This bill enjoys wide public support. Among the groups endorsing AB 303 are WEAC, Wisconsin State AFL-CIO, the Sierra Club, the League of Women Voters, AARP, NAACP, and the Wisconsin State Bar.

- There is a significant difference between candidates running for the non-partisan Supreme Court and partisan races for the state legislature. Candidates for the legislature run on a partisan ballot, offer voters a set of policy reasons to vote for them and generally point-out the differences between the Democrats and Republicans. Supreme Court candidates, on the other hand, are only allowed to talk in broad terms about their judicial philosophy and background qualifications for a seat on the bench. Public funding of Supreme Court candidates will allow candidates to avoid any appearance of conflict of interest due to campaign contributions.

- A fundamental part of the job description for Supreme Court Justices is impartiality. Current law hamstrings candidates for this position, since they must solicit funds to run their campaigns. Public funding for Supreme Court candidates would eliminate this awkward conflict in existing law. Assembly Bill 303 provides virtually 100% public funding to qualified candidates.

- A legislator is part of a policy making body. The Supreme Court is not a policy making body, per se. The Supreme Court interprets law. Public funding for their campaigns could add a needed layer of insulation from the influence of the political process, and restore public faith in the system.

For these reasons, we respectfully urge you to support AB 303.

EXECUTIVE

Brown County

305 E. WALNUT STREET
P.O. BOX 23600
GREEN BAY, WI 54305-3600

PHONE (920) 448-4001 FAX (920) 448-4003

NANCY J. NUSBAUM
COUNTY EXECUTIVE

September 12, 2001

Campaigns and Elections Committee
Wisconsin State Assembly
P. O. Box 8953
Madison, WI 53708

Dear Chairperson Freese,

I am writing today to express support to your committee for the Impartial Justice Bill (AB 303).

As the committee is aware, costs for Wisconsin Supreme Court elections have escalated sharply during the last decade. The 1997 election set a record for candidate fundraising at nearly $900,000, but just two years later that record was shattered as the two candidates raised over $1.3 million dollars.

Private funding of Wisconsin Supreme Court candidates will continue to compromise the judicial candidates appearance of independence. It is essential we change a system that relies on raising money from attorneys and law firms who have an interest in cases decided by the Wisconsin Supreme Court.

The huge amounts of money raised have undermined the publics' trust in Wisconsin's courts. The issue is not whether there has been corruption, but even the appearance of injustice can tarnish the State's commitment to an objective judicial system.

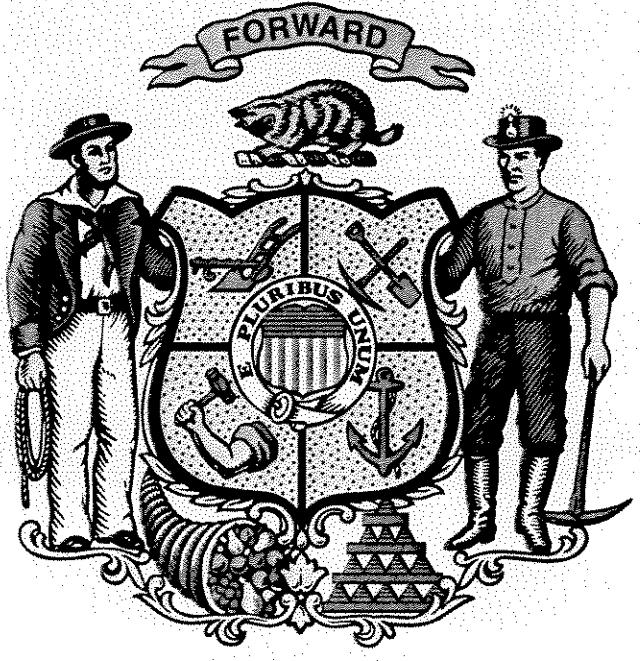
I thank the committee for considering this important piece of legislation and encourage your support.

Sincerelv.

Nancy

Nancy J. Nusbaum
Brown County Executive

Greater Green Bay
All-America City
1999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WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

Every kid deserves a Great School!

Testimony to the Assembly Committee on Campaigns and Elections in Support Assembly Bill 303, the Impartial Justice Bill

September 13, 2001

The Wisconsin Supreme Court plays a very powerful and important role in our state and its decisions have a profound impact on people's lives. As the Wisconsin Blue Book says, the court is "the final authority on matters pertaining to the Wisconsin Constitution and the highest tribunal for all actions begun in the state, except those involving federal issues appealable to the U.S. Supreme Court."

Because of its position, the Wisconsin Supreme Court must be seen as fair and impartial by the people of the state. The justices should not be tainted by questions relating to the financing of their campaigns.

Unfortunately, some of the recent Supreme Court races have raised serious concerns about how justices are elected. Spending has reached new heights and some independent spending led to a protracted legal battle that brought negative publicity to the court.

In order to maintain public confidence in the court, the Wisconsin Legislature should change the way we elect justices. **WEAC urges you to support Assembly Bill 303, which would create a system of financing Wisconsin Supreme Court elections that would allow candidates to avoid concerns about the financing of their campaigns and at the same time encourage competitive races based on the qualifications of the candidates.**

The Wisconsin Education Association Council (WEAC) supports campaign finance reforms that are comprehensive, equitable, and practical. WEAC further believes the reforms must respect the constitutional rights of Wisconsin citizens.

Under the bill, candidates who raise "qualifying contributions" of between $10 and $100 from 500 state residents and agree to limit their spending would be given taxpayer-funded grants ($100,000 for primaries and $300,000 for general elections) to run their campaigns. To ensure competitive races, the bill would provide these "eligible candidates" with matching grants for spending by "nonparticipating candidates" that exceeds the grant amounts given to the eligible candidates.

The bill would also create a new definition of "independent expenditure" which would include communications made from 30 days prior to a primary until the date of the spring election (or, in the case of an election with no primary, 60 days prior to the spring election until the election) that include a "reference to a clearly identified candidate." This definition would be used only for the purpose of providing matching grants to the eligible candidates who are the subject of the independent expenditure communications.

Stan Johnson, President
Michael A. Butera, Executive Director

Northwest Regional Office 2645 Harlem Street Eau Claire, WI 54701-4572 [715]835-1131 [800]554-4168 www.weac.org

Constitutionality Questions

As WEAC considers proposed campaign finance reforms, one of our bottom lines is that the reforms must respect the constitutional rights of Wisconsin citizens. We have opposed a number of bills over the years because the bills' authors have ignored the constitutional issues involved.

Senator George, on the other hand, has looked closely at the constitutional quagmire confronting campaign finance reform and developed a bold proposal designed to effect major reform that is constitutional. We cannot say with certainty that every aspect of the bill will be found constitutional, but we can say that a reasonable argument for constitutionality can be made.

Independent Expenditures

The independent expenditure provisions are a good example of how the bill attempts to work within the constitutional framework of campaign finance reform. It respects the one point that courts have made over and over again: that making independent expenditures is core First Amendment activity, subject only to reporting requirements, and not monetary limitations. Any proposed legislation cannot be seen as chilling or limiting the ability of those wishing to engage in such speech.

With the new definition of independent expenditure, the bill searches for a middle ground in the struggle between campaign reform advocates and free speech defenders. It does not attempt to define as "political" all of the ads with references to candidates, but rather puts them in a category for the matching funding only. This approach is attractive because the courts have consistently given a green light to public financing of campaigns.

Regarding the matching grants for candidates who are the victims of independent expenditures, there is an apparent conflict between courts on this issue that has not been resolved. In a 1994 decision invalidating Minnesota's similar statute (*Day v. Holahan*), the U.S. Court of Appeals for the 8th Circuit found a constitutional violation:

> "To the extent that a candidate's campaign is enhanced by the operation of the statute, the political speech of the individual or group who made the independent expenditure 'against' her (or in favor of her opponent) is impaired."

Last year, in upholding the Maine Clean Election Act in *Daggett v. Commission on Government Ethics*, the U.S. Court of Appeals for the 1st Circuit rejected the argument that responsive speech (the matching grant) impairs the speech of the initial speaker (the person or organization making an independent expenditure):

"Merely because the Fund provides funds to match both campaign donations and independent expenditures made on behalf of the candidate does not mean that the statute equates the two."

AB 303 is based on the hope that a court will rule on the side of *Daggett* rather than *Day*. And while this is far from a certainty, at least the bill has a constitutional leg to stand on, unlike so many other bills that have been introduced in recent years.

Another positive aspect of the bill is its linkage of public funding bumps to actual communications funded by independent expenditures, as opposed to the spending, or even the obligation to spend, that is in other bills. In the real world of campaigns, money is sometimes spent or obligations are made in anticipation of making a communication, but the communication is ultimately never made. It would raise both practical and constitutional problems if matching funding were given for a communication that was never made.

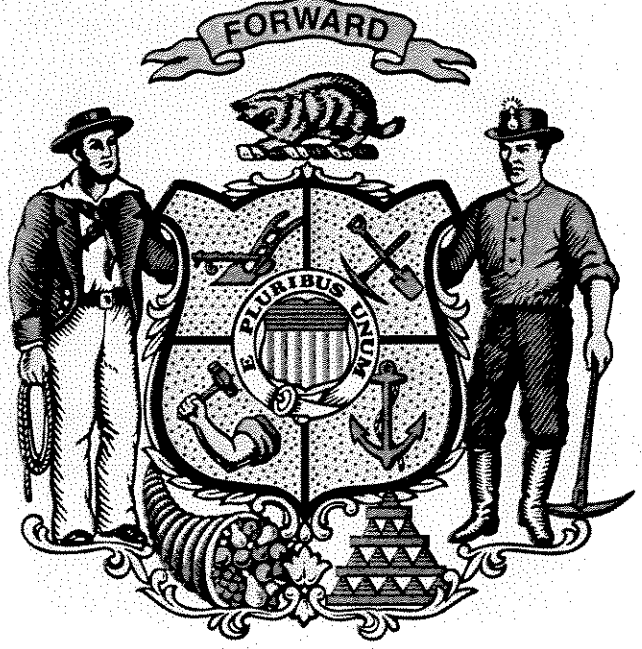
Other Constitutional Concerns

There are other provisions in the bill which could be challenged on constitutional grounds. For example, the bill would impose certain reporting requirements only on candidates who do not agree to take part in the public financing system. Such requirements that apply only to non-participating candidates could be viewed by the courts as impermissibly coercive. But, as with the independent expenditure provisions, a strong argument can be made for this provision as part of the general funding scheme.

Nonseverability

Because the bill includes many provisions that are interdependent, it includes a nonseverability clause that says if a court were to find the independent expenditure provisions unconstitutional, then that section of the bill would be void. If the nonparticipating candidate provisions section were found unconstitutional, then the entire act would be void.

WEAC encourages the committee to take action to maintain public support for the Wisconsin Supreme Court by passing AB 303. Thank you.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WISCONSIN
CITIZEN ACTION

Assembly Committee on Campaigns and Elections
Hearing
September 13, 2001

Testimony by
Carolyn Castore, Legislative Director
Wisconsin Citizen Action
In favor of AB 303

Wisconsin Citizen Action, the state's largest public interest organization, supports AB 303, the Impartial Justice bill. We are joining with a number of other organizations, members of the legal community, business leaders, and elected officials to urge passage of public financing for Supreme Court races.

This bill addresses several major problems that have been growing over the past 10 years. These problems include:

- Rising costs of campaigns for the Supreme Court
- Trend of candidates to fund their own campaigns
- Small pool of significant contributors

First, the cost of campaigns for the Supreme Court have been increasing. In 1990, the total expenditures for the race were $385,195. In 1999 that grew to over $1.3 million. Increasing costs means that candidates for the Supreme Court must either be wealthy or have access to money to be viable. Our current system, by default, demands that money be one of the top factors in determining who sits on the state's highest court.

Indeed, candidates' self-contributions have increased 150 times since 1989. In the 1999 race, for example, candidates contributed over $453,000 to their own campaigns. Clearly that is beyond the ability of many qualified candidates.

Gaining access to funds for campaigns is also a challenge. On average, candidates to the Supreme Court have 914 contributors. That is about 5 tenths of one percent of the voting age population in Wisconsin. Within that small pool, an even smaller group of 34 couples or individuals provide about 20 percent of total contributions. Lawyers and interest groups provide over half of the donations.

The election in 2000 showed the shortcomings of our current system of public financing. Although both candidates agreed to limit their spending to $215,000 and met the other requirements to receive 45 percent public financing, each received only about $13,500 in public funds. They were still required to raise about $200,000.

Another element on the horizon will only accentuate the need to raise significant campaign contributions. Thus far, independent groups have played only a small role in Supreme Court races, with one notable exception. PACs and organizations running so-called issue ads have not

had the preeminent role that they play in legislative elections. However, earlier this spring, the U.S. Chamber of Commerce announced that they planned to play a large role in races for state supreme courts because of the large impact those courts have on the business environment. The result will be that candidates for the courts will have to respond to those groups as well as their opponent.

The system of campaign financing skews our system of government. First, the financing system immediately limits who can or decides to run for the Supreme Court by making the fund raising requirement so stringent and important. Background, experience, and philosophy are not a consideration.

Second, requiring candidates to raise significant funds automatically compels any justice who is not funding their own campaign into situations of potential or perceived conflict of interest. A recent study by the National Institute of Money in State Politics found that in 75% of the cases before the Wisconsin Supreme Court in the past 10 years, at least one of the parties had contributed to at least one sitting Justice.

The potential conflict of interest undermines the public's faith in the impartiality of the Supreme Court. A poll we had taken by Chamberlain Research Associates in this month found that over 84% percent of those surveyed believe "Because of campaign contributions, special interest groups get better treatment in our courts and by our elected officials than do regular people."

The system puts our system of justice in jeopardy. If justices recuse themselves due to campaign contributions, then in the past 10 years, 75% of the cases would have been decided without the full benefit of all of the justices. If they do not recuse themselves, then there is a suspicion that contributions played a role in the final decision of the Court.

AB 303, the Impartial Justice bill, addresses these problems clearly and simply. It is a bill designed to survive a probable court challenge. And it is a bill with wide appeal within the legal community and between the two parties.

The premise of AB 303 is simple. The people deserve a fair and impartial Supreme Court with Justices who are elected based on experience and judicial philosophy. All citizens will benefit – not just those few who are actual litigants, but also those who are ultimately affected by the decisions made by the courts.

To achieve that goal, the Impartial Justice bill provides a voluntary system of public financing to candidates who meet fairly stringent qualifying standards. In return, those candidates agree not to accept any additional private funding. The bill also provides matching funds to:

- Participating candidates who are opposed by a candidate who does not accept public funds but raises more than the spending limit
- Participating candidates who are targets of organizations making independent expenditures to affect the outcome of the election.

The bill does not seek to eliminate any of the players in elections. It does seek to change the rules. Organizations now that attempt to control the message of a campaign by outspending their targets will likely rethink their strategy if they know the targets receive the financial ability to respond to any charges.

In addition, the bill addresses an important issue raised by Wisconsin's current system of campaign financing. Currently, all public funds are generated by a $1 check off on income taxes.

Only 8 percent of the public makes this check off, resulting in too few dollars for the account. There may be any number of reasons for the low rate including lack of publicity about the system, tax preparers not asking about that box, the public perception that the current system does not work well. While some in the legislature view the low rate as an indictment on all campaign finance reform, the recent referenda held in most of the counties in November 2000 belie this. The public voted overwhelmingly for revisions to campaign finance reform.

The issue then becomes how to fund it. The bill has been estimated to cost about $1 million per year or 25 cents per eligible voter. It is difficult to envision a more public good than a fair and impartial judiciary, one of the main foundations of our democracy. We support a funding mechanism that provides stable and sufficient funds to make the system reliable.

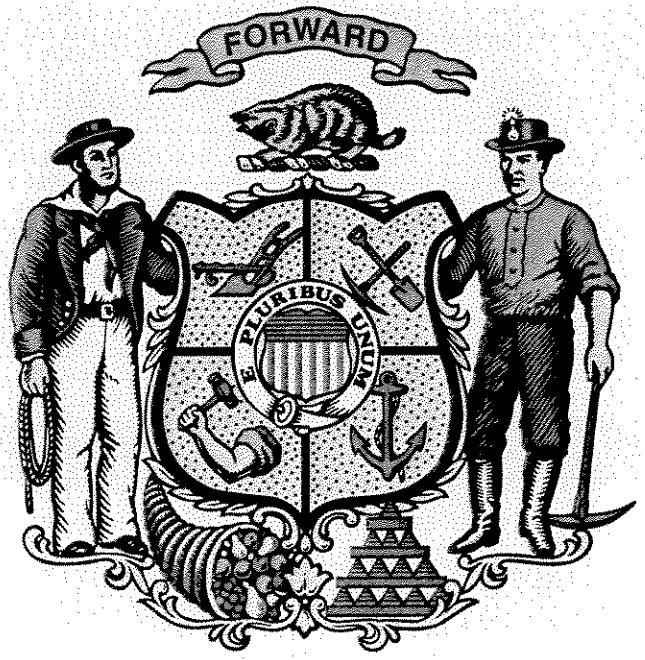
This bill does not solve all problems related to campaigns or campaign finance. It cannot eliminate the possibility of surprise communications by independent organizations on the last weekend before the campaign. By requiring organizations to register with the Elections Board, it does seek to provide some information to a candidate. It also does not eliminate the possibility of corporate funding of issue ads, which is currently legal. It does take an important step in having organizations report what they are spending on communications with the public and providing matching funds so that candidates do not lose their ability to convey their message.

Finally, I would like to point out the broad appeal of this bill. In the Chamberlain Research Associates poll recently completed, 76 percent of the respondents supported the bill. Further the bill was supported by Republicans (76%), Democrats (77%), Independents (82%),. Over 66% still supported the bill when told about the cost. Support among all groups has grown since our last poll in 1999.

There are currently 30 organizations that have endorsed AB 303. These organizations range from seniors groups such as the AARP and CWAG to Labor Unions including WEAC, AFSCME, and the AFL-CIO to environmental groups and religious organizations to the Realtors Association. It has broad backing in the legal community including the State Bar of Wisconsin, over 50 judges and 12 District Attorneys, 3 former Supreme Court Justices, and several candidates for the Supreme Court. 21 daily Wisconsin papers have supported the bill.

The bill also has strong bi-partisan support in both the Senate and Assembly.

Wisconsin Citizen Action urges support for this bill and fast action from both the Senate and Assembly.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COMMITTEE FOR IMPARTIAL JUSTICE

Assembly Committee on Campaigns and Elections **Sept. 13, 2001**

Testimony of Nathan S. Heffernan, former chief justice, Wisconsin Supreme Court

At this moment, Wisconsin's justice system faces a set of choices that could potentially shape our direction as a state for decades to come. One choice is to passively allow ourselves to be drawn down the path of other states where special-interest groups and their big money have seized control of the Supreme Court election process.

But fortunately, there is another option: Wisconsin can blaze a new course for judicial independence based on the concept of impartial funding to assure impartial justice. A new poll of Wisconsin's likely voters shows a very heartening level of 76% support for the Impartial Justice plan, with support strong among Republicans, Democrats, and independents alike.

In numerous other states, special-interest groups have been intensifying their efforts to influence judicial races and judicial outcomes. As illustrated by Bill Moyers' excellent documentary "Justice for Sale" and the ***Wall St. Journal's*** Aug. 9. 1999 compelling coverage of Koch Industries' practice of grading justices on issues of importance to the firm and then "re-educating" these judges at posh resorts, it is clear that big corporations and other special-interest groups are very systematically intensifying their efforts to influence judicial races—and judicial outcomes.

The result has been disheartening for all those who treasure judicial independence. As noted legal journalist Tony Mauro wrote in ***USA Today***, "A rising tide of money flowing into judicial campaigns, matched by raucous, irresponsible campaign rhetoric and advertising in many states, is becoming a major embarrassment to the single branch of government that is supposed to be above politics."

Warning clouds gathering in Wisconsin

While the situation has not become quite as serious in Wisconsin, a number of warning clouds are now gathering:

- Supreme Court candidates are forced to rely on big contributions from a small circle of donors. In fact, just 34 couples or individuals provided nearly $1 out of every $5 during Supreme Court races of the past decade in Wisconsin. Nearly 30% of individual contributions come from lawyers and lobbyists.

- The trend in candidate spending is soaring sharply, with new records set in 1997 ($888,924) and 1999 ($1.37 million). Even someone with the prominence of Donald Bach, former legal counsel to Gov. Thompson and a finalist for a previous Supreme Court vacancy, took himself out of the running for a recent opening. **"I simply do not have that kind of personal wealth to put into a campaign,"** he explained.

- 75% of the cases coming before the Supreme Court in 1989-1999 involved donors to one or more Supreme Court candidates, according to a carefully-crafted study released May 15, 2001 by the National Institute on Money in State Politics. While the study found no evidence of improper influence, the data surely demonstrate the appearance of financial dependence on parties coming before the Supreme Court. That can hardly bolster public faith in the court's ability to deliver truly impartial justice.

- Given these realities, it should be no surprise that 77% of likely Wisconsin voters believe "campaign contributions to judges from lawyers and plaintiffs in high-profile cases influence these judges' decisions in court." (Sept.-Oct., 1999 poll conducted by Chamberlain Research).

We believe the public's eroding faith in the justice system is based in part on the current method of privately financing Supreme Court elections.

The solution: Impartial funding to assure impartial justice

But at the same time, we believe an answer is at hand, as suggested by both the bi-partisan Fairchild Commission and the Commission for a Clean Elections Option, which I chaired. Specifically, the Fairchild Commission's report declared:

"The Commission recommends full public financing of Supreme Court elections as soon as practicable."

We agree that the need for such a system of full public financing is "immediate and urgent," as the report stated.

Another urgent call for reform came from the National Summit on Improving Judicial Selection, which involved 95 people in Chicago, Ill. Dec. 8-9,2000 and was chaired by Texas Supreme Court Chief Justice Thomas Philips. The summit, involving participants selected by the chief justices of the Supreme Courts of the 17 most populous states (Chief Justice Abrahamson herself took part) that hold judicial elections. The Summit's "Call to Action" included this crucial recommendation:

"Even in states that reject public funding for representative officials, the nature of the judicial function makes public funding particularly appropriate for judicial elections. Any public funding system should be sufficiently generous to encourage participating candidates to forego all other sources of campaign funds. The system should be designed to discourage frivolous candidates and to restrict overall spending while allowing appropriate response to independent expenditures."

Most recently, the American Bar Association's Special Commission on Public Financing of Judicial Elections has recommended a system of full public funding very much like the one outlined in AB 303.

The ABA commission's key guidelines include:

- **"Public financing should generally start with the highest court seats."**
- **"Public financing programs should provide candidates with funding sufficient to cover the full cost of campaigning."**
- **"States should limit participation to serious candidates."**
- **"Funding should be conditioned on commitments to spend it only on legitimate campaign expenses and not raise money from private sources."**
- **"Public financing must be funded from a stable and sufficient revenue source."**

The Impartial Justice Bill (AB 303) you are considering today is completely consistent with the recommendations of Wisconsin's own Fairchild Commission,

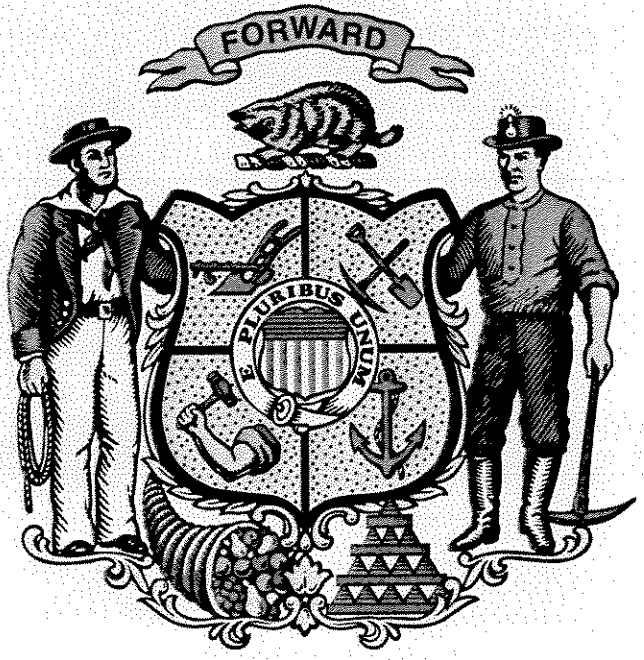
the Commission for a Clean Elections Option, the National Summit on Improving Judicial Selection, and the ABA's Special Commission.

1. By providing full, "impartial" public funding for Supreme Court elections, it allows "participating candidates to forego all other sources of campaign funds," as the National Summit suggested. The Impartial Justice Bill calls for providing $300,000 for Supreme Court general election candidates, and $100,000 for qualified primary candidates.
2. It would "discourage frivolous candidates" with a rigorous yet fair qualifying standard, under which candidates would need to collect a minimum of 500 qualifying contributions of $10 each from eligible Wisconsin voters and raise t no more than $25,000 in contributions from $10-$100 prior to receiving the public grant
3. SB 115 would allow "appropriate response to independent expenditures" by providing the participating candidate with matching funds on a dollar-for-dollar basis with independent expenditures of all kinds (both traditional independent expenditures and the heretofore unregulated "issue ads," provided that the issue ads use the name or likeness of a candidate within 60 days of the election.)
4. SB 115 would serve to hold down overall spending by a) lowering the limit on contributions from $10,000 to $5,000 and b) providing a clear and attractive method for receiving a fixed level of public funding. While some candidates or interest groups may choose to spend private money beyond that fixed level, they will be unable to gain the prohibitive advantage that such spending now confers. The equalizing funds provision of this bill removes the incentive to try to win a financial "arms race."

As someone who has committed his life to the ideal of fair and impartial treatment before the law, I believe that our pillars of justice must rest upon a solid foundation of public trust. Recent trends have weakened public faith in the fairness of our system.

To restore the priceless asset of public trust, the annual cost of the Impartial Justice Bill would be a mere 25 cents per eligible voter.

My hope for Wisconsin's future is simply this: that the Legislature and governor recognize the urgency of passing the Impartial Justice Bill. Mounting financial and political pressures seriously threaten public faith in judicial independence.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Statement of Professor Carin Ann Clauss
in Support of AB 303, providing full public
financing for candidates for the office of
Supreme Court Justice and making other
changes

Thursday, September 13, 2001

My name is Carin Clauss and I am a law professor at the University of Wisconsin Law School, where I teach administrative and government law. I was a member of the Heffernan Commission and have been a strong advocate of campaign finance reform. I appear today in support of AB 303. While I fully support the changes in contribution limits, which changes are well within the limits reaffirmed by the United States Supreme Court, I will limit my remarks today to the public financing scheme for candidates running for a seat on the Wisconsin Supreme Court.

Our democratic system of government rests at bottom on our deep respect for the rule of law. This has never been more clear to me than in witnessing our nation's handling of the unspeakable terrorist attack that struck the U.S. just three days ago. We have an extraordinary system of law and government. And a unique feature of that system is the doctrine of judicial review, under which an independent judiciary is empowered to declare conduct of the legislative and executive branches unconstitutional. Our judiciary thus provides the ultimate check over arbitrary and irrational governmental conduct; it protects the rights of the individual from oppressive and unjust law. We also rely on the impartiality and training of our judiciary to resolve fairly, and for that reason, acceptably, countless disputes between individuals and between individuals and their government.

I believe that the current system of financing races for election to the highest courts in each state, including our own, threatens the very institution of the independent judiciary and, with it, the respect that such courts must enjoy if they are to fulfill their constitutional and governmental function. I will not repeat here the statistics on what these judicial races cost, and where the money for such campaigns comes from. It is irrelevant whether justices, in making their decisions, are actually influenced by their dependence on this money. It is enough if there is an appearance that they are -- because the strength of the judiciary is its perceived independence from the political process and the influence of money and power; it derives from our deeply held belief that all individuals are equal before the law and will be judged and protected without regard to class or race or creed.

We have reached a crisis with candidates for judicial office relying on huge amounts of private capital for the conduct of their election campaigns. The American Bar Association has recognized the existence of this crisis with the appointment of the Fairchild Commission. This is not a perfect bill. Maybe there is no perfect bill. But AB 303 does what needs to be done. We are the first state to have gotten this far. We

have a bill that, in my view, is sure to survive any constitutional challenge. We need to act now -- not only to protect the integrity of our own judiciary but to once again set an example for other states which are just now focusing their attention on this critical issue.

There are five things that this bill does and does well.

First, it offers full public financing to candidates for the office of supreme court justice. Candidates who accept such financing agree to abide by limits on expenditures and to accept only minimal amounts of private contributions, for seed money and to qualify as an eligible candidate for public financing. Any excess moneys are paid into the democrary trust fund. The constitutionality of this kind of public financing scheme was upheld by the Supreme Court in *Buckley* v. *Valeo*, 424 U.S. 1 (1976), and has not been effectively challenged in the 25 years since that decision.

Secondly, the amounts of the public grant are set at realistic levels, sufficient to wage a fully adequate state wide campaign.

Thirdly, grants are made for both the primary and general elections, which eliminates wealth or access to wealth as a precondition to an individual's candidacy.

Fourth, these monies are not subject to erosion resulting from taxpayer apathy or distrust. The monies will be paid from general revenue. The amount of the grants will be indexed to population and the cost of living, so that the level of financing will remain adequate over time.

And finally, and of critical importance, limited, but realistic amounts of additional "matching" grants will be made to candidates participating in public financing who then find themselves significantly outspent either by (1) an opponent, who did not accept public financing and is thus not subject to any expenditure or contribution limits, or (2) by independent campaign expenditures, supporting an opponent, or opposing the candidate. In addition, the bill includes within the category of independent expenditures an additional catagory of communications that until now has been treated as issue ads outside the regulatory system, viz., those expenditures which, although purporting to be issue speech, aggressively advance or attack the candidacy of particular individuals without ever resorting to the magic words of an explicit endorsement or opposition. It is particularly important that the bill includes independent campaign expenditures (along with this expanded definition of campaign expenditures) as a basis for matching grants. This is so because the experience in other states (such as Ohio and Michigan) has taught us that when one form of campaign finance money is regulated, monies will then migrate to an unregulated form. It is thus essential to include all forms of expenditure that could reasonably trigger the need for responsive speech, including the so-called phony issue ads.

I would like to direct my remaining remarks to this last feature of AB 303, because it is the aspect of the bill that has engendered the greatest amount of opposition, both from opponents and proponents of campaign finance reform. I believe that AB 303 navigates a reasonable course between the demands and concerns of opposing groups and that we would be foolish to reject the bill's significant steps forward.

I have heard three concerns expressed about this portion of the bill.

(1) There are concerns that the matching grants are unconstitutional. I strongly disagree. While the U.S. Supreme Court has not addressed this question, it is important to note that nothing in AB 303 prohibits speech. It simply provides money for more speech -- speech that could otherwise not occur because of the participating candidate's commitment not to raise monies from private contributions or to spend more than specified amounts. Certainly, there is nothing in the First Amendment that guarantees unrebutted speech. Indeed, the objective of the First Amendment is robust debate, and it is this objective that the matching grant provision advances. The First Amendment guards against the suppression of speech. Nothing in these provisions suppresses speech. Rather, they provide for more speech, which is what I thought the First Amendment was all about.

The most recent federal court of appeals decision to address matching grant mechanisms was *Daggett* v. *Commission on Govern. Ethics and Elec.*, 205 F.2d 445 (1st Cir. 2000), which upheld such a provision in a general campaign finance law, and explicitly rejected the argument that matching grants chilled or penalized the speech of others. While there is at least one older decision to the contrary (see *Day* v. *Holahan*, 34 F.3d 1356 (8th Cir. 1994), much of the reasoning of that decision was undermined by the Eighth Circuit's more recent decision in *Rosentiel* v. *Rodriguez*, 101 F.3d 1544 (1996). But certainly the great weight of scholarly work on this issue is that such matching grants will pass constitutional muster.

Most importantly, public financing cannot succeed without these provisions for matching grants. If participating candidates are going to be bullhorned out of the campaign arena, with huge amounts of money spent by nonparticipating candidates, or as independent expenditures (whether cast as explicit campaign messages or phony issue ads), they will be forced to opt out of public financing and to return to the potentially corrupting money chase, that has already tainted so much of our political process. If we decide to adopt full public financing for election campaigns to the state's highest court, as I think we must, then we must also be prepared to fight for the constitutionality of a matching grant provision. Without such a provision, no public finance scheme can work.

(2) The second concern is that matching grants will fuel the cost of campaigns -- making them too expensive and promoting shallow 30-second commercials that do little to advance the substance of meaningful campaign debate. That pitfall -- if it exists -- is avoided by the provision in AB 303 which limits the amount of matching grants to 3

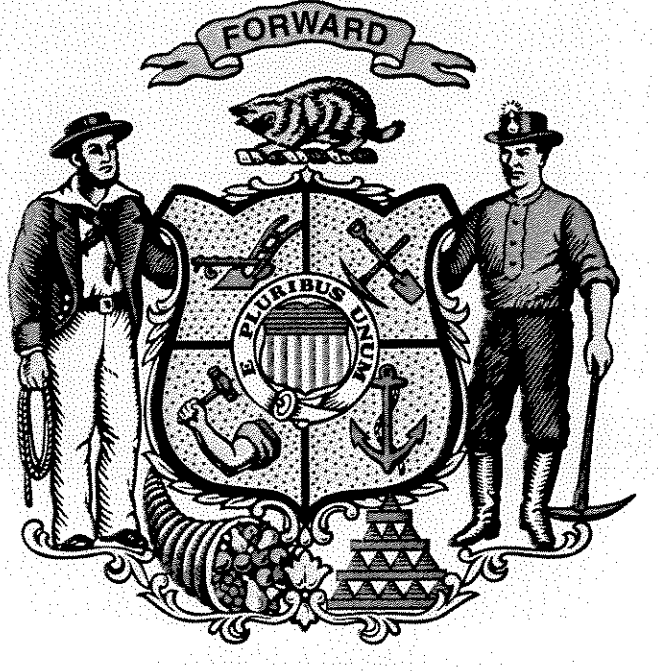
times the amount of the initial public financing benefit. I believe that this amount is just right: it avoids an undue burden on the general revenue, while at the same time assuring a robust debate.

(3) And finally there are those who are disappointed that the bill does not take on the task of regulating more completely those independent expenditures that, while purporting to be issue speech and carefully avoiding the use of any magic words, aggressively advance or attack the candidacy of particular individuals. This was the issue referred back to the legislature by our Supreme Court in *Elections Board* v. *WMC*, 227 Wis.2d 650 (1999), and addressed in separate bills which, despite broad bipartisan support, have thus far failed to secure a majority in both houses.

It is my hope that this Committee, and the Assembly as a whole, will continue to grapple with this as of yet unresolved issue. But this unresolved issue need not, indeed must not, impede a successful vote on this bill, nor I hope, its enactment. The provisions in AB 303, dealing with the reporting of an enhanced category of independent campaign expenditures, do not purport to resolve this issue; they leave the law on this issue as it now exists, without the addition of any new requirement for disclosing the source of a group's money. The only purpose of the disclosure and reporting requirements in AB 303 is to provide the trigger mechanism for the matching grants -- viz., to identify the point at which additional grants of money should be paid to participating candidates. This kind of trigger provision (which of necessity depends on some kind of reporting system) is thus essential, since it is the only way that matching funds can be released in a timely manner. But nothing in this trigger mechanism makes it more difficult for the legislature to address in other legislation the entirely different issue of where the money for these phony issue ads comes from. Nor is there anything in this bill that would limit the debate on that issue. What AB 303 does do is to say that wherever the money comes from, candidates participating in the public finance system, will be given additional and adequate amounts of money to respond to such communications in a timely and effective way.

To summarize, AB 303 is not designed to deal with many of the broader issues of campaign finance reform. There are other bills which do. Rather, this bill carves out -- for the legislature's immediate action -- the most critical problem confronting our tripartite structure of government in 100 years: the continued viability and strength of an independent judiciary. This crisis can be, and I submit must be, addressed now -- without regard to the members' understandable desire to confront other issues of campaign finance and electoral reform. Those concerns can wait for other bills. Impartial justice can't.

Thank you for this opportunity to express my views.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HERMAN HOLTZMAN
8501 OLD SAUK ROAD
MIDDLETON, WI 53562

TESTIMONY BEFORE THE COMMITTEE ON CAMPAIGNS AND ELECTIONS
SEPTEMBER 13, 2001

WELL, HERE WE ARE AGAIN, ANOTHER HEARING. WHY ARE WE WASTING ANY MORE TIME ON THIS? EVEN IF YOU VOTE IN FAVOR OF "IMPARTIAL JUSTICE" OR THE RISSER-POCAN FULL PUBLIC FUNDING BILL, THEY ARE NOT GOING ANYWHERE. WHY?

SPEAKER SCOTT JENSEN WON'T LET IT. AND THIS COMMITTEE AND MANY OF THE OTHER LEGISLATORS WILL NOT DO ANYTHING ABOUT IT, AS WAS THE CASE IN THE LAST SESSION WHEN THE SENATE PASSED "INPARTIAL JUSTICE" BY A 30-3 VOTE AND SCOTT JENSEN REFUSED TO SCHEDULE IT FOR A VOTE. IF THERE WAS ANY ATTEMPT TO FORCE JENSEN TO SCHEDULE A VOTE, IT FAILED. WHY IS JENSEN SO POWERFUL?

MONEY

JENSEN SPENT OVER $300,000 AND RECEIVED 70% OF THE VOTE IN A VERY SAFE DISTRICT IN THE LAST ELECTION. HE HAD TOKEN OPPOSITION FROM A YOUNG STUDENT WHO SPENT ONLY $10,000. HE SPENT ABOUT $135,000 JUST ON MAILINGS. WITH ALL THAT MONEY, COULD HE HELP OR HINDER YOUR RE-ELECTION?

SCOTT JENSEN SAID, "THE PEOPLE WANT JUDGES TO BE IMPARTIAL, BUT CONTRIBUTORS WANT JUDGES TO BE PARTIAL". DO JENSEN'S MANY CONTRIBUTORS EXPECT IMPARTIAL LEGISLATION? THE PEOPLE ALSO WANT LEGISLATORS TO BE IMPARTIAL AND THE ONLY WAY TO GET IT IS TO PROVIDE FOR FULL PUBLIC FUNDING OF ELECTIONS.

TV CHANNEL 3, ON THEIR MAY 31,1999 EDITORIAL STATED, "THERE MUST BE COURAGEOUS LAWMAKERS WHO WILL DO WHAT'S RIGHT RATHER THEN WHAT CHUCK CHVALA OR SCOTT JENSEN TELL THEM TO DO.

HERMAN HOLTZMAN
8501 OLD SAUK ROAD
MIDDLETON, WI 53562

I DISTRIBUTED A HANDOUT AT YOUR HEARING LAST SESSION TITLED THE CASE FOR FULL PUBLIC FINANCING. APPARENTLY IT WAS IGNORED. IT LISTED 20 REASONS IN FAVOR OF FULL PUBLIC FUNDING FOR CAMPAIGNS AND ONLY ONE REASON AGAINST, WHICH I NOW CHANGE FROM 'SOME LEGISLATORS WON'T VOTE FOR IT" TO, "SCOTT JENSEN WON'T LET YOU VOTE FOR IT".

I ADDED A QUOTE FROM JOHN NICHOLS' BOOK, IT'S THE MEDIA STUPID, "CONSIDER HOW POWERFUL THE MEDIA AND COMMUNICATION LOBBIES ARE IN WASHINGTON, D.C., AS THEY ROUTINELY USE THE CAMPAIGN CONTRIBUTION SCALPEL TO REMOVE POLITICIANS' BACKBONES".

ANOTHER HANDOUT IS AN ARTICLE I WROTE FOR MATURE LIFESTYLES TITLES "WHAT HAPPENED TO CAMPAIGN FINANCE REFORM ON THE WAY TO THE 2000 ELECTION? NOTHING! PLEASE READ IT.

FINALLY, A GUEST COLUMN APPEARED IN THE WISCONSIN STATE JOURNAL ON OCTOBER 26, 2000 AUTHORED BY REP. FREESE AND REP. TRAVIS WHICH CONTAINED THE FOLLOWING STATEMENTS: "THE ONLY WAY CANDIDATES CAN BE REQUIRED TO ABIDE BY SPENDING LIMITS IS TO RECEIVE PUBLIC CAMPAIGN FINANCING AND THE MONEY THE PUBLIC WILL SAVE BY AVOIDING POLITICAL PAYBACKS WILL FAR SURPASS THE MODEST AMOUNTS A SENSIBLE PUBLIC FINANCING PROGRAM WOULD COST. MAYBE AFTER THE- UNDER-THE TABLE SPENDING ORGY WE ARE ABOUT TO SEE OCCURS, THE PUBLIC AND LEGISLATORS FROM BOTH PARTIES WILL BE WILLING TO REVISE OUR QUARTER CENTURY OLD CAMPAIGN FINANCE LAWS". YOU DON'T STATE FULL PUBLIC FUNDING, BUT THAT IS THE ONLY WAY TO ELIMINATE THE UNDER-THE-TABLE SPENDING ORGY.

AS YOU CAN SEE, I'M NO YOUNGSTER AND I HAVEN'T THE TIME TO WAIT WHILE THE LEGISLATORS PLAY GAMES. POLLS HAVE SHOWN THE PUBLIC HAS ALREADY SPOKEN. WILL THE LEGISLATORS? PLEASE VOTE FOR AB 295 AND AB 303.

ONION HEADLINE

"VOTERS MAY HAVE TRIED TO INFLUENCE THE LAST ELECTION"

****

Senator Bob Dole said,

"People who give money to campaigns expect more than good government".

****

State Senator Michael Ellis said,

"Public policy should be determined on merits".

****

John Nichols said,

"Consider how powerful the media and communication lobbies are in Washington, D.C., as they routinely use the campaign contribution scalpel to remove politicians' backbones".

****

Election campaigns should be independent of special interests, fair for the candidates, educational for the public, and simple to administrate.

THE CASE FOR FULL PUBLIC FINANCING

REASONS FOR		REASONS AGAINST
Restores the public's faith in the election process	I	Certain Legislators will not vote for it
Engages people in the election process	I	
Provides financial help to encourage good candidates to participate	I	
in the primary election	I	
Eliminates dependence on special interests	I	
Eliminates the influence of money on policy	I	
Eliminates the appearance of money influence	I	
Saves taxpayers many times the cost of public funding when the	I	
influence of money is eliminated from policy making	I	
Eliminates fund raising and the spending arms race	I	
Eliminates the need for spending money to raise money	I	
Eliminates the time and energy spent by the candidate and staff	I	
on fund raisers	I	
Eliminates the short radio and TV ads which are conducive to	I	
negative and distorting images	I	
Eliminates accounting for contributions and submitting reports	I	
Eliminates auditing of contribution reports by Elections Board	I	
Eliminates confusion over who, where or when contributions	I	
may be made	I	
Eliminates accumulation of war chests	I	
Provides more time for candidate to study and articulate issues	I	
Provides more time for candidates to participate in debates,	I	
forums and questionnaires	I	
Encourages the public to attend political meetings knowing	I	
they won't be asked to contribute to candidates	I	
Encourages the public to learn about the issues since they	I	
won't be bombarded with TV ads	I	
Reduces public cynicism	I	

IF THE ABOVE WAS A SCALE OF JUSTICE, WHICH REASONS WEIGH MORE?

HERMAN HOLTZMAN
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What happened to campaign finance reform on the way to the 2000 election? NOTHING

by Herman Holtzman, guest columnist

Why do we need campaign finance reform? The appearance of corruptive influence of money and the crush of misleading TV and radio ads along with the low voter turnout indicate the present system is a failure. At the rate money is flowing into the system, it will only get worse. Not only is money given to candidates, but independent organizations proliferate that use issue ads as campaign ads and refuse to disclose their sources of money.

After the '96 election, when millions of dollars were spent by candidates and independent organizations and almost all incumbents were returned to office, Governor Thompson appointed a Blue Ribbon Commission chaired by Prof. Don Kettl to reform the system. Because the commission was stacked with people that created the present system, another group called The Citizens Panel on a Clean Elections Option was formed, chaired by retired Supreme Court Chief Justice Nathan Heffernan.

Prof. Kettl's commission recommended 25 percent public funding. Chief Justice Nathan Heffernan's Citizens' Panel recommended full public funding. In the current Legislative session, Sen. Ellis recommended 33 1/3 percent, Sen. Burke and Rep. Freese recommended 50 percent and Sen. Clausing recommended from 57 percent to 75 percent public funding. The only bill for full public funding is called "Impartial Justice," the name given to the bill authored by Rep. Bock and Sen. George, but it is only for the election of State Supreme Court Justices.

A candidate for Supreme Court Justice, in order to become eligible for public funding, is required to get 1,000 qualifying contributions of $5 to $100 and an aggregate amount of $5,000 to $15,000. This provides seed money and demonstrates their viability. After the candidates become eligible, they receive $100,000 for the primary election. This bill is the only one that provides public funds for candidates running in the primary elections. Those candidates winning their primaries then receive $300,000 for the general election. That may seem like a lot of money for a state-wide race, but it amounts to less than $.25 for each Wisconsin taxpayer per year. What better 25 cent investment can we make than to provide for "impartial justice".

The Impartial Justice Bill is cosponsored by nine Assembly Democrats, five Senate Democrats and three Senate Republicans. Where are the other legislators? Probably afraid that "impartial justice" is the first step to "impartial legislation." And why not? Full public funding for all state offices would cost less than $2 per Wisconsin taxpayer per year.

All the bills are stuck in committee and may never see the light of day. Even if a bill does come out of a committee on campaign reform and clears the Committee on Joint Finance, most legislators will not vote for any public funding, some may vote for partial public funding and only a few will vote for full public funding. In other words, nothing will pass.

Who could be against campaign finance reform? Coming up with a recipe acceptable to all is not easy, or even possible. Most incumbents are not willing to change because they already have the advantage as evidenced by over 90 percent being returned to office. Challengers want any change that will give them the advantage or just level the playing field. Since incumbents decide, they may posture as being for reform and support bills they know will not pass. In other words, nothing will pass.

Besides politicians not willing to reform campaigns, we have a political/industrial complex who want to retain the present system. Corporations gladly give to both political parties to gain access and influence legislation which may provide a huge return on their contribution investment. It is predicted that $2,000,000,000 will be spent in the 2000 election on TV ads. One of the largest lobbying organizations is the media oligopoly which will dispense little political news coverage but an overwhelming number of TV ads. Political consultants, paid campaign workers, professional fundraisers can hardly wait for the next election. What would happen to all these companies and people if the candidates agreed to accept full public funding and agreed to spending limits?

Herman Holtzman is a retired civil engineer who is taking an active, independent role in campaign finance issues.

Elections based on people, not money

by Herman Holtzman
guest columnist

Many politicians and organizations feel that any change for reform has to be done in baby steps in spite of polls that show the vast majority of the public want sweeping and fundamental change. Although the current partial-public-funding Bills do not eliminate the corruptive influence of money, they contain provisions that should be incorporated in a full funding bill such as matching funds against big spending opponents and independent organizations. If people in Wisconsin could vote directly for an initiative as they did in Maine, Vermont, Massachusetts and Arizona, we would have full public funding of elections in Wisconsin.

It is obvious that the only way to eliminate the corruptive influence of money or the appearance of corruption is to eliminate private money from campaigns. And the only way this can be done is to provide full public grants to all eligible candidates that will agree to spending limits. The goals of campaign reform should be:

- Educating voters on issues instead of image
- Eliminating the corruptive influence of money
- Simplifying campaigns.

Full public funding of campaigns (Clean Money Option) is the only method that can accomplish these goals. In addition, from a constitutional perspective, it is the least susceptible to challenge, according to E. Joshua Rosenkranz, executive director of the Brennen Center for Justice at New York University School of Law. The advantages of the Clean Money Option are that it:

- Restores the public's faith in the election process
- Eliminates perception of corruption, bribery, coercion and blackmail
- Saves taxpayers many times the cost of public funding when the dependence of money is eliminated from policy making
- Eliminates time and expense of fundraising and reporting contributions
- Provides financial help to encourage good candidates to participate in the primary election
- Allows time for candidates to study issues, respond to candidates' questionnaires and participate in meaningful debates
- Minimizes obnoxious, misleading and one-sided bumper sticker TV and radio ads
- Eliminates incumbents' war chests.

In order to implement the Clean Money Option, we have to change the culture of how campaigns are run. Now, when a person considers running for office, the first question is "how much money can you raise?," rather than "what do you stand for?" Public relations firms have been able to convince many people including a few thousand teenagers every day to smoke in spite of health warnings. A good PR firm can generate a culture change regarding elections by doing the following:

- Developing an expectation by voters to have clean and fair campaigns and react against candidates and independent groups that escalate the cost of elections and try to drown out each other.
- Convincing people that public financing is much less costly than the policies created by big money interests.
- Advising voters that public financing of the campaign will only cost less than $2 per year per taxpayer.
- Promoting the idea of candidates' voluntary acceptance of the prescribed limits.
- Developing public opinion against candidates that do not accept public funding and spending limits.
- Promoting the need and desirability for substantive debates of the issues.
- Developing an atmosphere for the debates so people will want to listen.
- Providing incentives to maximize discussion of the issues and minimize obnoxious TV ads.
- Providing incentives for independent groups to participate in debates rather than one sided negative ads.
- Developing an awareness so people will want to participate in the election.

It took 72 years from the first Women's Rights convention until the 19th amendment to the U.S. Constitution was passed giving women the right to vote. How long will we have to wait to get elections based on people instead of money?

Herman Holtzman is a retired civil engineer who is taking an active, independent role in campaign finance issues.

ANALYSIS OF NOVEMBER 2000 ASSEMBLY ELECTION

Only 1 of 90 incumbents did not get reelected.

Only 26.3% of the races were competitive

Only 4.4% of incumbents faced a primary election challenge.

Only 7.8% of challengers faced a primary election challenge.

Of candidates for the nine open seats, 61.1% faced a primary election challenge.

None of the 38 incumbents who were unopposed in the general election faced opposition in the primary election

Most amount of money spent by a candidate: $305,579 (opponent spent $10,112 and received 30% of the votes)

Noncompetitive and unopposed races accounted for 81.1% of the 99 races

There were 17 competitive contested races where winner received less than 60% of the vote:

Average spending by winners: $51,889 (29% spent less than $40,000 *)

Average spending by losers : $38,429 (47% spent less than $40,000)

There were 35 noncompetitive contested races where winner received more than 60% of the vote:

Average spending by winners: $36,726 ** (71% spent less than $40,000)

Average spending by losers: $10,483 (100% spent less than $40,000)

There were 9 open races:

All but one race retained the party of the retiring incumbent

Average spending for winners: $64,313 (11% spent less than $40,000)

Average spending for losers: $37,847 (44% spent less than $40,000)

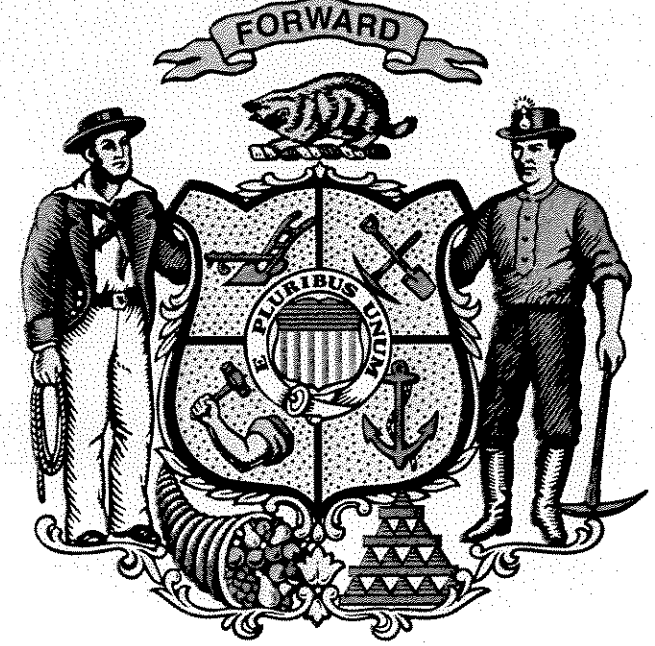
There were 38 uncontested races (all incumbents):

Average spending for unopposed candidates: $13,750 (89.5% spent less than $40,000)

* The effective spending limit based on full public funding of $30,000 and eliminating the cost of fund raising at 25%.

** If the unusually high spending of $305,579 was eliminated, the spending average becomes $28,818.

HERMAN HOLTZMAN
8501 Old Sauk Road
Middleton, WI 53562
608 662-9892


FORWARD
E PLURIBUS UNUM

HERMAN HOLTZMAN
8501 OLD SAUK ROAD
MIDDLETON, WI 53562

September 14, 2001

Rep. Bonnie Ladwig
PO Box 8952
Madison, WI 53708-8952

Dear Rep. Ladwig,

After our short debate at yesterday's hearing I tried to understand your vehement opposition to using General Purpose Revenue for fully funding election campaigns. Being unopposed in both the last primary and general elections is an indication that you are doing an excellent job for your constituents. Or, could it be that no one was willing to challenge you because of your $41,883 war chest. In addition, with no opposition, you still managed to spend $40,375 on your campaign. Are you opposing using tax money for campaigns as an excuse to protect your incumbency?

Were you present when I quoted Rep. Freese, who wrote," **the money the public will save by avoiding political paybacks will far surpass the modest amounts a sensible public financing program would cost**"? Do you think it is proper to use $4,000,000 of taxpayer money to finance the legislative caucuses in view of the recent revelations of improper use for campaign purposes?

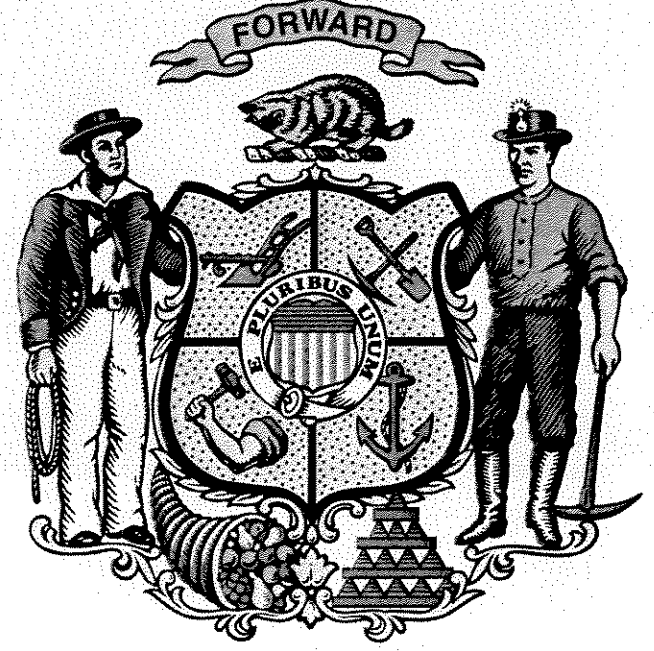
Why not consider full public financing as an investment in good government. The returns on this investment could provide sufficient funds to support the programs you mentioned that were cut from the budget.

Please review the 20 reasons I presented for full public financing and then convince yourself and Rep. Scott Jensen to support AB 295 and AB 303.

Sincerely,

Herman Holtzman

Copy: Rep. Stephen Freese
Rep. Mark Pocan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Legislative Fiscal Bureau
One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

September 25, 2001

TO: Representative Scott Jensen
Room 211 West, State Capitol

FROM: Paul Onsager, Fiscal Analyst

SUBJECT: Funding Sources for 1999 Assembly Bill 234 as amended by Assembly Amendment 5 and 2001 Assembly Bill 303

At your request, I am providing information on potential funding sources for 1999 Assembly Bill 234, as amended by Assembly Amendment 5, and 2001 Assembly Bill 303. Specifically, you asked me to provide information on the following potential funding sources: (a) increasing the existing penalty assessment on fines and forfeitures; (b) a new, annual fee on attorneys licensed to practice law in Wisconsin; (c) a new filing fee to run for public office; (d) allowing justice races to have a "first draw" on the Wisconsin Election Campaign Fund; (e) an income tax check-off that would be a liability of the taxpayer; (f) a new tax on contributions to campaign committees; and (g) establishment of a trust fund, the proceeds of which would be used to fund either 1999 AB 234, as amended, or AB 303.

This memorandum: (a) describes the current law provisions concerning the Wisconsin Election Campaign Fund; (b) summarizes the provisions of 1999 AB 234, as amended by AA 5, and 2001 AB 303 as they relate to public financing of Supreme Court races; and (c) discuss the estimated revenues that would be generated by the potential funding sources identified above.

Wisconsin Election Campaign Fund (WECF)

The WECF is a segregated fund established to help finance the election campaigns of qualifying candidates for a State Senate or Assembly seat, for Justice of the Supreme Court, and for the offices of Governor, Lieutenant Governor, Attorney General, State Treasurer, Secretary of State or Superintendent of Public Instruction. The WECF is administered by the State Elections Board (Board) and is funded through a voluntary $1 income tax check-off made by Wisconsin taxpayers. To receive a grant, candidates must agree to abide by statutory spending limits applicable to the office for which they are running. The current maximum WECF grant amount that can be awarded

to any candidate is 45% of the spending limit for the candidate's office, and those maximum grant awards range from $485,200 for a gubernatorial candidate, to $7,800 for a State Assembly candidate. Under current law, grants may be expended only for one or more of the following: (a) purchase of services from a communications medium; (b) printing, graphic arts or advertising services; (c) office supplies; or (d) postage. Grants may not be utilized for primary races.

Since 1988 (specifically in 1988, 1990, 1994, 1996, 1998, and 2000), the funds available in the WECF accounts for some offices have been insufficient to fully fund the maximum grant amount for all eligible candidates who applied for a grant. For each office where the level of available funds in that office account was insufficient to fund all eligible candidates at the statutory maximum grant, it was necessary to reduce the amount of the maximum grant. Under the WECF, the current maximum grant award for a candidate running for Supreme Court Justice is $97,000. The average grant award for candidates running for Supreme Court Justice in 2000 was $13,500.

1999 Assembly Bill 234, as amended by Assembly Amendment 5

Under current law, apportionment of moneys appropriated to the WECF are made annually on August 15. If there is an election occurring for any nonpartisan statewide office (State Superintendent of Public Instruction or Justice of the Supreme Court) during the following year, 8% of the total revenues to the WECF are placed in each of the nonpartisan accounts for which there will be an election. In those years in which an allocation to either or both of these nonpartisan accounts occurs, the distribution to such accounts is taken as a first draw on the total amount of funds available for allocation. Once any allocations have been made to the nonpartisan accounts, the remaining revenues are then apportioned to the partisan accounts. However, if there is no election scheduled for a nonpartisan statewide office during the following year, the nonpartisan accounts do not receive any apportionment during that year and all annual revenues available for distribution are apportioned among the partisan office accounts.

1999 AB 234, as amended by AA 5, would have changed current law by providing that if an election for Supreme Court Justice is scheduled for the following year, the State Treasurer would be required to place in the Supreme Court account an amount equal to the lesser of the amount required to make payment of the maximum grant permitted under the WECF to two candidates for Supreme Court Justice ($194,000) or the balance in the WECF. Assuming two incumbent Supreme Court races every two years with two candidates qualifying for grants in each race, $388,000 in WECF funds would have been required in most biennia to fully fund 1999 AB 234, as amended.

2001 Assembly Bill 303

Assembly Bill 303 would eliminate WECF funding for Supreme Court races and instead establish separate campaign finance requirements for Supreme Court races. AB 303 would create a new, segregated Democracy Trust Fund to provide public financing for qualifying justice candidates and for administrative costs of the Elections Board and the State Treasurer. Unlike the WECF, the Democracy Trust Fund (DTF) would provide funding to qualifying candidates for

primary election campaigns as well as general elections. Under the bill, revenues for the segregated fund would come from a sum sufficient GPR appropriation.

Under AB 303, a qualifying justice candidate would initially be eligible for a $100,000 grant from the DTF for a primary election campaign and a $300,000 grant for a general election campaign. These grants would be subject to a biennial adjustment, beginning in 2006. To determine the adjustment, the Elections Board would be required to calculate the percentage difference between the voting age population of Wisconsin on December 31 of each odd-numbered year and the voting age population of Wisconsin on December 31, 2003. The Board would also be required to calculate the percentage difference between the consumer price index for the 12-month period ending on December 31 of each odd-numbered year and the consumer price index for calendar year 2003. The Board would then be required to multiply the public financing benefits for the primary and election campaign periods ($100,000 and $300,000) by the percentage difference in the voting age populations, multiply this product by the percentage difference in the consumer price indexes and then round this final product to the nearest multiple of $25 for each biennium beginning on July 1 of an even-numbered year. Unlike the WECF restrictions, under AB 303 an eligible justice candidate could use the public financing funds for any lawful disbursement, except loan repayments.

Under the bill, if a nonparticipating candidate received total contributions or made total disbursements in excess of the public financing benefit applicable to the upcoming primary ($100,000, unadjusted) or to the upcoming election ($300,000, unadjusted), the Board would be required to issue a check or transfer to each eligible opposing candidate an amount equal to the amount by which the total contributions received or the total disbursements made by the nonparticipating candidate, whichever is greater, exceeded the amount of the initial public financing benefit, except as provided below.

The bill would also define an "independent expenditure" to mean an expenditure made for the purpose of making a communication that is made during the 30-day period preceding any spring primary for the office of Supreme Court Justice and the date of the spring election, or if no primary is held, during the 60-day period preceding the spring election that: (a) contains a reference to a clearly identified candidate for the office of Supreme Court Justice at that election; (b) is made without cooperation or consultation with such a candidate, or any authorized committee or agent of such a candidate; and (c) is not made in concert with, or at the request or suggestion of, such a candidate, or any authorized committee or agent of such a candidate. The bill would provide that if any person makes one or more communications to be financed with independent expenditures exceeding $2,000 in the aggregate, that person would be required to file a report with the Board. The bill would also provide that when the sum of the aggregate independent expenditures reported made against an eligible candidate, and the reported independent expenditures made for that candidate's opponent, exceeded 20% of the public financing benefit for the office of Supreme Court Justice in the primary or election for which the expenditures are made, the Board would be required to issue a check or transfer to that candidate an additional public financing benefit equaling the total of such independent expenditures made, except as provided below.

The Board would be precluded from providing supplemental public financing benefits, to offset contributions and disbursements from nonparticipating candidates and to offset independent expenditures, that exceeded three times the amount of the initial public financing benefit for that primary or election. In other words, the Elections Board could not provide more than $300,000 (unadjusted) in supplemental public financing benefits to a justice candidate in the primary period and not more than $900,000 (unadjusted) in supplemental public financing benefits to a justice candidate in the election period.

The biennial cost of providing public financing under AB 303 would depend on the following factors: (a) the number of Supreme Court races in a given biennium; (b) the number of candidates applying and qualifying for a primary election grant for each race; (c) the number of candidates applying and qualifying for a general election grant for each race; (d) the increase in public financing awards due to indexing; (e) the number and amount of supplemental awards made to match nonparticipating candidates' contributions or disbursements; and (f) the number and amount of supplemental awards made to match independent expenditures made against an eligible candidate or for an eligible candidate's opponent.

As a result, there could be wide variability in the need for public financing funds under the provisions of AB 303, making it difficult to estimate the amount of funding needed. The amount needed for a general election race could range from $0 (if there was no qualifying candidate) to as much as $2,400,000 (if both candidates qualified for a grant and independent expenditures totaling $900,000 were made against each candidate). Funding needed for primary elections is even more difficult to estimate, ranging from $0 if there was no primary, to as much as $400,000 for each qualifying candidate. The 1996 race involved a primary field of seven candidates, which could have resulted in a need for up to $2,800,000 for the primary race alone. These ranges of cost are likely to also increase in the future as the base public financing benefits are adjusted for changes in the voting age population and the consumer price index.

These higher amounts, however, would likely not be needed. A moderate estimate would be that, on average, $1,400,000 would be needed over each biennium, based on the following assumptions: (a) there would be two Supreme Court races in a biennium (there has been a race in all but six of the last 23 years), with no primaries (there have been only four primaries over the last 23 years); (b) one race would involve a participating candidate running against a nonparticipating candidate that would require $800,000 in public financing (the most expensive campaign to date was in 1999, in which Chief Justice Abrahamson spent $741,400 on her re-election campaign); and (c) the second race would involve two candidates who would both participate in the fund, each receiving a $300,000 public financing grant.

At the present time, there is no Supreme Court race scheduled for 2002. This could change should one of the justices resign, necessitating an election. Should all current justices serve out their terms, elections would be held in 2003, 2005, 2006, 2007, 2009, 2010 and 2011. Assuming no resignation, funding for a Supreme Court race would first be needed in 2002-03.

Potential Funding Sources

Increasing the Penalty Assessment on Fines and Forfeitures. Under current law, whenever a court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or violations of safety belt use), the court also imposes a penalty assessment of 24% of the total fine or forfeiture (2001 Act 16, the 2001-03 biennial budget act, increased the penalty assessment from 23% to 24% of the total fine or forfeiture). Thirteen twenty-fourths of penalty assessment moneys is deposited to the Office of Justice Assistance to support a variety of programs and eleven twenty-fourths of penalty assessment moneys is deposited to the Department of Justice's law enforcement training fund. The penalty assessment was originally created to serve as the funding source for the law enforcement training fund and continues to support the law enforcement training fund as well as a wide variety of law enforcement-related programs.

If the penalty assessment were increased from 24% to 25% of the total fine or forfeiture effective January 1, 2002, it is projected that this would generate an additional $184,900 in 2001-02 and $761,900 in 2002-03, or $946,800 over the biennium, based on a 3% annual growth rate in penalty assessment revenues. In the 2003-05 biennium, it is estimated that the change would generate additional revenue of $1,593,100 ($784,800 in 2003-04 and $808,300 in 2004-05). It is estimated that increasing the penalty assessment to 25% of the total fine or forfeiture, therefore, would generate sufficient funds to support the funding provisions of either 1999 AB 234, as amended, or AB 303.

A New Annual Fee on Attorneys Licensed to Practice Law in Wisconsin. Under prior Wisconsin court decisions, the Supreme Court has exclusive authority to regulate the practice of law in Wisconsin, including the assessment of fees. Based on these decisions, only the Supreme Court could approve a new annual fee to be imposed on Wisconsin's lawyers.

As of October 5, 2000, the State Bar of Wisconsin identified 14,157 in-state members and 6,010 out-of-state members for a total of 20,167 members. If the Legislature enacted a new $10 fee on all State Bar of Wisconsin members, to fund 1999 AB 234, as amended, the fee would generate approximately $201,700 annually or $403,400 over a biennium. If the Legislature enacted a $35 fee on all State Bar of Wisconsin members, to fund AB 303, the fee would generate approximately $705,800 annually in revenue or $1,411,600 over a biennium. Given prior Wisconsin court decisions, however, State Bar members could be expected to challenge any such fee not approved by the Supreme Court.

A New Filing Fee to Run for Public Office. Relatively few candidates run for state and federal office. As a result, a new filing fee to run for state or federal office would be unlikely to generate sufficient funds to support either 1999 AB 234, as amended, or AB 303. If a new $50 filing fee was imposed on all candidates running for state and federal office, it is estimated that such a filing fee would generate $29,000 over the biennium. 1999 AB 234, as amended, is

estimated to require $194,000 annually in funds, while AB 303 is estimated to require $700,000 annually in funds. A filing fee of $680 on all candidates running for state or federal office would be required to cover the projected costs of 1999 AB 234, as amended. AB 303 would require an even higher fee. In addition, for such a fee to be constitutional, the fee would need to be waived for those candidates who could not afford it.

It is projected that if a $50 fee was imposed on candidates running for all state, federal and local offices, such a fee would generate $1,445,800 over the 2001-03 biennium. Such a fee could support the revenue needs of either bill. The difficulty with such a fee, however, would be the uneven stream of revenue. Such a fee would be projected to generate $482,300 in the spring of 2002, $57,500 in the fall of 2002, $905,800 in the spring of 2003 and $200 in the fall of 2003.

Another potential difficulty with using such a fee to support Supreme Court Justice public financing benefits, however, could be the timing of the fees. Fee revenue from local election candidates would likely be paid when candidates file for office, in late December or January of each year. With Supreme Court races held in April, at times there might be problems with the necessary funds not being on hand for grants when they were needed. It is unclear how long it might take local officials to forward the collected fees to the state, have them processed and deposited by state officials, and awarded as public financing benefits.

Finally, it should be noted that there is no readily available data on citizen participation in local races. These revenue projections assume that two candidates would run for every available local office. First, this may overstate the participation that exists in the thousands of local races across the state. Second, even if this assumption does not overstate citizen participation in local races, these revenue projections also assume that a new $50 fee would not reduce the assumed level of citizen participation in local races.

First Draw on the WECF. After a modest growth in the level of contributions to the WECF in the first few years of the fund's existence, the total level of contributions to the fund has been generally declining, totaling $322,072 in 2000. Given this trend and recent history, the current WECF income tax check-off would be projected to generate $320,000 annually in revenue. A first draw on the WECF, therefore, could generate up to $320,000 annually in revenue for the Supreme Court races.

A first draw on WECF funds would be sufficient to support 1999 AB 234, as amended, but would be insufficient to support AB 303. A first draw on WECF funds to support AB 234, as amended, would be projected to require more than 60% of the funds generated by the WECF over the biennium.

Campaign Finance Income Tax Check-off That is a Liability of the Taxpayer. It is projected that a campaign finance income tax check-off that is a liability of the taxpayer would not generate sufficient funds to support either bill and would first generate funds for 2002-03 (revenue from a check-off for the 2001 income tax return would not be processed and certified by the Department of

Revenue until the 2002-03 fiscal year). A new $5 income tax check-off that is a liability of the taxpayer that would replace the current check-off would be projected to generate $170,400 in 2002-03, compared to $320,000 for the current $1 check-off. If the new $5 check-off did not replace the current $1 WECF check-off, it would be projected to generate $56,800 in revenue annually beginning in 2002-03. It is anticipated that at higher dollar amounts for a check-off that is a liability of the taxpayer, the taxpayer participation rate would drop off.

New Tax on Contributions to Campaign Committees. If a 1% tax was imposed on all contributions received by campaign committees, conduits, political action committees, political party committees and legislative campaign committees receiving more than $2,500 in contributions in a year, such a tax would be projected to generate $324,700 in calendar year 2002 and $139,800 in calendar year 2003. Much of the calendar year 2002 contributions would be received in the last few months of the year leading up to the November election.

If a 3% tax was imposed on all contributions received by campaign committees, conduits, political action committees, political party committees and legislative campaign committees receiving more than $2,500 in contributions in a year, such a tax would be projected to generate $974,200 in calendar year 2002 and $419,400 in calendar year 2003. Again, much of the calendar year 2002 contributions would be received in the last few months of the year leading up to the November election.

It should be noted that the above revenue figures for this tax do not net out any costs that would be associated with administering and enforcing the new tax. The percentage rate at which the tax would be set might need to be adjusted to account for such costs. AB 303 would create two administration appropriations, to the Elections Board and the State Treasurer, but with no funding.

A number of issues would need to be fleshed out if such a tax were to be pursued. For example, who would be responsible for collecting and enforcing the new tax, the State Elections Board, the Department of Revenue? What new reporting requirements and penalties would need to be created to ensure effective tax collection? When and/or how often would the tax need to be collected in order to ensure that the funds were available when they were needed? What level of resources would need to be provided to allow for the proper collection, oversight and enforcement of the new tax? What efforts would need to be undertaken to ensure that those responsible for paying the new tax understood their responsibilities?

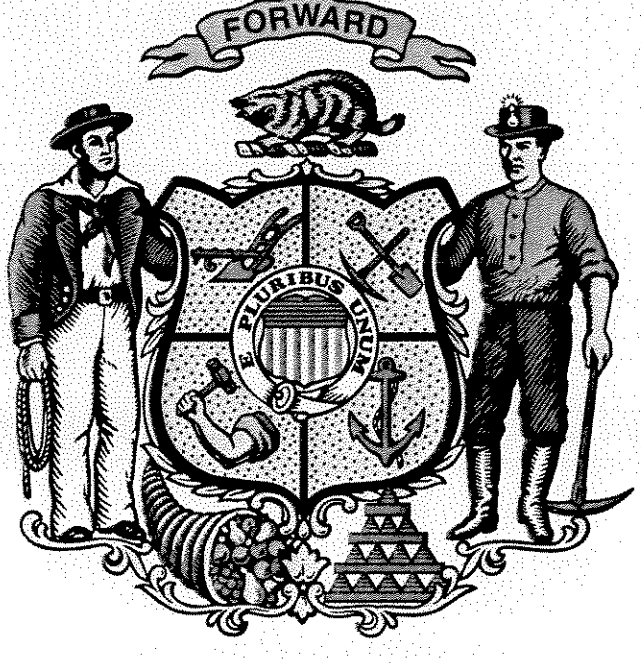
Establishment of a Trust Fund. Assuming that a new trust fund would grow at a rate of 11.4% per year (rate of growth of the SWIB Fixed Trust Fund over the last ten years), it is projected that a trust fund with an initial principal amount of $2,700,000 would be needed to generate the revenue necessary to: (a) support the costs of 1999 AB 234, as amended; (b) provide funds to cover administrative costs of operating the trust; and (c) provide additional revenues to allow for modest growth of the trust principal to cover the expected increase in revenue needs in the future. Again, assuming that a new trust fund would grow at a rate of 11.4% per year, it is projected that a trust fund with an initial principal amount of $9,000,000 would be needed to generate the revenue

necessary to: (a) support the costs of AB 303; (b) provide funds to cover administrative costs of operating the trust; and (c) provide additional revenues to allow for modest growth of the trust principal to cover the expected increase in revenue needs in the future.

A potential funding source for a new campaign finance trust fund under either 1999 AB 234, as amended, or AB 303 would be tax deductible contributions. Wisconsin's $1 WECF check-off, that is not a liability of the taxpayer, is projected to generate $320,000 annually. Contributions to a campaign finance trust fund, even if made tax deductible, would still be made at a real cost to the taxpayer. Given the modest participation in Wisconsin's $1 WECF check-off that is not a liability of the taxpayer, and given that less than 1% of Maine taxpayers were willing to make any kind of contribution to support campaign finance when it cost them money (in 1996 Maine received approximately $27,800 in campaign finance contributions that came at a real cost to the taxpayer), it is not anticipated that a campaign finance trust fund would receive the necessary level of contributions to serve as a viable funding source for either bill.

I hope this information is of assistance.

PO/lah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Legislative Fiscal Bureau
One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

February 5, 2002

TO: Representative Stephen Freese
Room 115 West, State Capitol

FROM: Paul Onsager, Fiscal Analyst

SUBJECT: 2001 Assembly Bill 303: Campaign Financing for Supreme Court Races

At your request, I am providing information on potential funding sources for 2001 Assembly Bill 303 (AB 303). Specifically, you asked me to provide information on the following: (a) creating a ½% surcharge on court filings, fines and forfeitures; (b) creating a 1% surcharge on court filings, fines and forfeitures; (c) increasing the current income tax check-off used to finance election campaigns from $1 to $5; and (d) creating a new, annual fee on attorneys licensed to practice law in Wisconsin of $5, $10 or $15.

This memorandum: (a) describes the current law provisions concerning the Wisconsin Election Campaign Fund (WECF), the current public financing mechanism for Supreme Court and other races; (b) summarizes the provisions of AB 303; and (c) discusses the estimated revenues that would be generated by the potential funding sources identified above.

Wisconsin Election Campaign Fund (WECF)

The WECF is a segregated fund established to help finance the election campaigns of qualifying candidates for a State Senate or Assembly seat, for Justice of the Supreme Court, and for the offices of Governor, Lieutenant Governor, Attorney General, State Treasurer, Secretary of State and Superintendent of Public Instruction. The WECF is administered by the State Elections Board (Board) and is funded through a voluntary $1 income tax check-off made by Wisconsin taxpayers. To receive a grant, candidates must agree to abide by statutory spending limits applicable to the office for which they are running. The current maximum WECF grant amount that can be awarded to any candidate is 45% of the spending limit for the candidate's office, and those maximum grant awards range from $485,200 for a gubernatorial candidate, to $7,800 for a State Assembly candidate. Under current law, grants may be expended only for one or more of the following: (a) purchase of services from a communications medium; (b) printing, graphic arts or advertising services; (c) office supplies; or (d) postage. Grants may not be utilized for primary races.

Since 1988 (specifically in 1988, 1990, 1994, 1996, 1998, and 2000), the funds available in the WECF accounts for some offices have been insufficient to fully fund the maximum grant amount for all eligible candidates who applied for a grant. For each office where the level of available funds in that office account was insufficient, the grant was reduced. Under the WECF, the current maximum grant award for a candidate running for Supreme Court Justice is $97,000. The average grant award for candidates running for Supreme Court Justice in 2000 was $13,500.

2001 Assembly Bill 303

Assembly Bill 303 would eliminate WECF funding for Supreme Court races and instead establish separate campaign finance requirements for Supreme Court races. AB 303 would create a new, segregated Democracy Trust Fund to provide public financing for qualifying justice candidates and for administrative costs of the Elections Board and the State Treasurer. Unlike the WECF, the Democracy Trust Fund (DTF) would provide funding to qualifying candidates for primary election campaigns as well as general elections. Under the bill, revenues for the segregated fund would come from a sum sufficient GPR appropriation.

Under AB 303, a qualifying justice candidate would initially be eligible for a $100,000 grant from the DTF for a primary election campaign and a $300,000 grant for a general election campaign. These grants would be subject to a biennial inflationary adjustment, beginning in 2006. Unlike the WECF restrictions, under AB 303 an eligible justice candidate could use the public financing funds for any lawful disbursement, except loan repayments.

Under the bill, if a nonparticipating Justice candidate received total contributions or made total disbursements in excess of the public financing benefit applicable to the upcoming primary ($100,000, unadjusted) or to the upcoming election ($300,000, unadjusted), the Board would be required to give each opposing participating Justice candidate an amount equal to the amount by which the total contributions received or the total disbursements made by the nonparticipating candidate, whichever is greater, exceeded the amount of the initial public financing benefit, except as provided below.

The bill would provide that if any person makes one or more communications to be financed with independent expenditures (as defined under the bill) exceeding $2,000 in the aggregate, that person would be required to file a report with the Board. The bill would also provide that when the sum of the independent expenditures reported made against a participating candidate, and the reported independent expenditures made for that candidate's opponent, exceeded 20% of the public financing benefit for the office of Supreme Court Justice in the primary or election for which the expenditures are made, the Board would be required to give the participating candidate funds equaling the total of such independent expenditures made, except as provided below.

Supplemental public financing benefits, to offset contributions and disbursements from nonparticipating candidates and to offset independent expenditures, would be capped at three times the amount of the initial public financing benefit for that primary or election. In other words, the

Elections Board could not provide more than $300,000 (unadjusted) in supplemental public financing benefits to a justice candidate in the primary period and not more than $900,000 (unadjusted) in supplemental public financing benefits to a justice candidate in the election period.

The biennial cost of providing public financing under AB 303 would depend on: (a) the number of Supreme Court races in a given biennium; (b) the number of candidates applying and qualifying for a primary election grant for each race; (c) the number of candidates applying and qualifying for a general election grant for each race; (d) the increase in public financing awards due to indexing; (e) the number and amount of supplemental awards made to match nonparticipating candidates' contributions or disbursements; and (f) the number and amount of supplemental awards made to match independent expenditures made against a participating candidate or for a participating candidate's opponent.

As a result, there could be wide variability in the need for public financing funds under the provisions of AB 303, making it difficult to estimate the amount of funding needed. The amount needed for a general election race (unadjusted) could range from $0 (if there was no qualifying candidate) to as much as $2,400,000 (if both candidates qualified for a grant and independent expenditures totaling $900,000 were made against each candidate). Funding needed for primary elections is even more difficult to estimate, ranging from $0 if there was no primary, to as much as $400,000 for each participating candidate. The 1996 race involved a primary field of seven candidates, which could have resulted in a need for up to $2,800,000 for the primary race alone.

There is no Supreme Court race scheduled for 2002. Should all current justices serve out their terms, elections would be held in 2003, 2005, 2006, 2007, 2009, 2010 and 2011, so funding for a Supreme Court race would first be needed in 2002-03.

Potential Funding Sources

Creating a ½% Surcharge on Court Filings, Fines and Forfeitures. The circuit courts collect a variety of filing fees, under current law, for the commencement of various court actions and claims, and appeal of certain municipal court and administrative decisions. If a ½% surcharge were applied on all court filing fees, assuming 2000-01 court filing fee revenue levels, this surcharge would be projected to generate $66,000 annually.

Under current law, whenever a court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designated smoking or nonsmoking areas, nonmoving traffic violations or violations of safety belt use), the court also imposes a penalty assessment of 24% of the total fine or forfeiture (2001 Act 16, the 2001-03 biennial budget act, increased the penalty assessment from 23% to 24% of the total fine or forfeiture). If a new ½% surcharge was imposed in a similar fashion as the penalty assessment, this surcharge would be projected to generate $381,000 annually. The combined revenues from these ½% surcharges would be $447,000 annually.

Creating a 1% Surcharge on Court Filings, Fines and Forfeitures. It is projected that a 1% surcharge on: (a) court fees, would generate $132,000 annually; and (b) fines and forfeitures, would generate $762,000 annually. The combined revenues from these 1% surcharges would be $894,000 annually.

A New Annual Fee on Attorneys Licensed to Practice Law in Wisconsin. Under prior Wisconsin court decisions, the Supreme Court has exclusive authority to regulate the practice of law in Wisconsin, including the assessment of fees. Based on these decisions, only the Supreme Court could approve a new annual fee to be imposed on Wisconsin's lawyers.

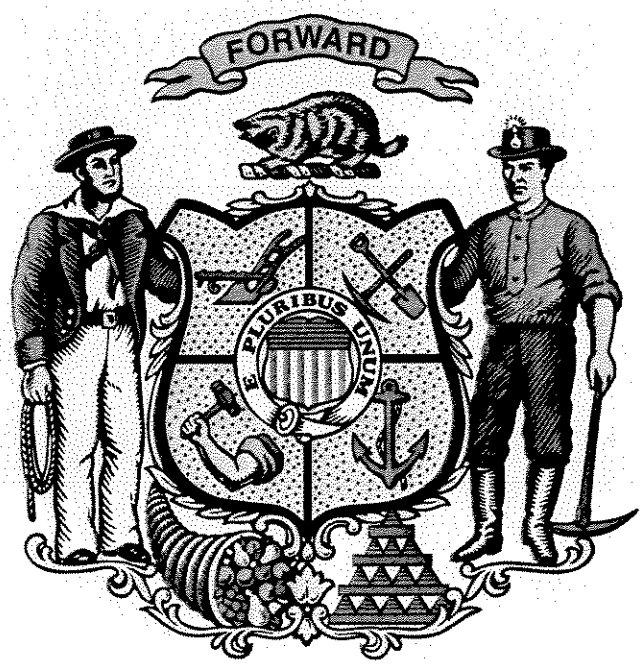
As of October 5, 2000, the State Bar of Wisconsin identified 14,157 in-state members and 6,010 out-of-state members, for a total of 20,167 members. If a new $5, $10 or $15 fee was imposed on all State Bar of Wisconsin members, the fee would annually generate approximately $100,800, $201,700 or $302,500, respectively. Given prior Wisconsin court decisions, State Bar members could be expected to challenge any such fee not approved by the Supreme Court.

Campaign Finance Income Tax Check-off That is a Liability of the Taxpayer. Under current law, a person may make a $1 check-off on the taxpayer's income tax return, with the money deposited to the segregated Wisconsin Election Campaign Fund. Because the check-off does not increase a tax filer's tax liability, funds generated through the check-off are transferred to the WECF from a sum sufficient GPR appropriation, estimated at $320,000 GPR annually.

In order to have the check-off be a non-GPR source of revenue, the check-off would have to be converted into a liability of the taxpayer. It is anticipated that at higher dollar amounts for a check-off that is a liability of the taxpayer, the taxpayer participation rate would drop off. A new $5 income tax check-off that is a liability of the taxpayer that would replace the current check-off would be projected to generate $170,400 annually, compared to $320,000 for the current $1 check-off. If the new $5 check-off did not replace the current $1 WECF check-off, it would be projected to generate $56,800 in annual revenue.

I hope this information is of assistance.

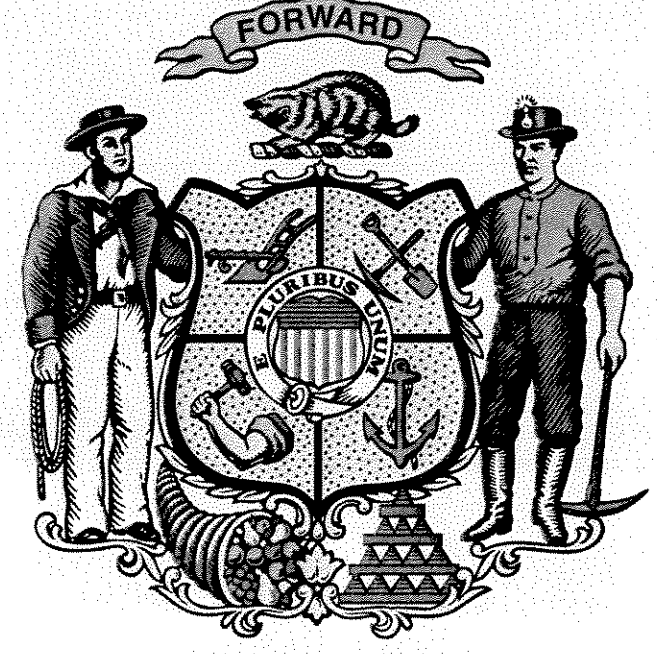
PO/bh


FORWARD
E PLURIBUS UNUM

Issue	SB 115/AB 303	Last Session – AB 234	Compromise
Spending Limits – General Election	$300,000	$215,000	
Cost of Living Adjustment	Adjusted by CPI and the rate of increase or decrease in the voting age population	None	
% Public Financing	93-99% -- percent depends on whether there is a primary and how much the candidate raises.	Up to 45% ($96,750) -- with first draw on the election fund.	
Grants for Primaries	$80,000-$95,000 ($100,000 minus whatever has been raised – up to $20,000)	Not covered	
Qualifying	500 in-state contributions of $10 each – with up to $20,000 raised in contributions of $100 or less	Win primary with at least 6% of votes. Raise 5% of disbursement limit through contributions of $100 or less ($10,781)	
Addressing Independent Exp/ Issue Ads	Provides 1 to 1 matching funds up to 3 times the amount of the original grant. Organizations doing issue ads disclose what they are spending – but not contributors.	Does not cover	
Addressing Non-participating opponent	Provides 1 to 1 matching funds up to 3 times the amount of the original grant	Removes spending limit – allows raising additional private money	
Funding Source	GPR	GPR via checkoff	
Contribution Limits	For non-participating candidates, $5000 for individuals or PACs; For participating candidates - $100	$10,000 from individuals No committee money For non-participating candidates, $10,000 from individuals; $8,625 from PACs	
Nonseverability	If any part of the bill dealing with issue ads and independent expenditures is found unconstitutional, then all of that section is severed	N/A	If any part of the bill dealing with issue ads and independent expenditures is found unconstitutional, then all of that section is severed

Funding mechanism

- Establish trust fund
- Establish 1.5% surcharge on state penalty assessments (would raise about $1.1 million per year)
- Take 25 percent of current campaign financing account (about $80,000)
- Establish a true check off for the Supreme Court races -- $1 or $2 with proviso that tax preparers must ask clients about the check off
- Allow tax deductible donation from individuals and corporations up to $10,000 to go into the trust fund
- When trust fund reaches a certain amount -- $25 million or so – the surcharge is lifted.


FORWARD
E PLURIBUS UNUM

WISCONSIN
CITIZEN ACTION

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ORGANIZATIONAL ENDORSERS OF IMPARTIAL JUSTICE

- AARP
- AFSCME Council 11 (State, County & Municipal Employees)
- American Association of University Women—Wis.
- Clean Water Action Council
- Council of Wis. Aging Groups
- Dane County SOS
- Gray Panthers
- IMPACT
- Interfaith Conference of Greater Milwaukee
- League of Women Voters of Wisconsin
- Lutheran Office on Public Policy
- NAACP - Wisconsin
- National Assoc. of Social Workers—Wis.
- National Organization for Women—Wis.
- Racine Dominican Sisters
- Sierra Club, John Muir Chapter
- Service Employees Intl. Union-- Wis.
- State Bar of Wisconsin
- United Auto Workers
- United Electrical Workers Local 1111
- United Electrical Workers District 11
- United Transportation Union
- Wis. AFL-CIO
- Wisconsin Citizen Action
- Wis. Council of Senior Citizens
- Wis. District Attorneys Association*
- Wis. Education Association Council
- Wis. Environmental Decade
- Wis. Federation Nurses & Health Professionals
- Wis. Federation of Teachers
- Wis. Realtors Association
- Wis. Retired Educators Association
- Wis. State Conference of NAACP
- Wis. State Council of Carpenters

*endorsed general concept of Impartial Justice, not necessarily every provision

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www.wi-citizenaction.org

ENDORSERS OF IMPARTIAL JUSTICE PLAN: legal profession

***Denotes support for concept of full public funding of Supreme Court elections, not necessarily all provisions of SB 115/AB 303**

LEADERS OF THE PROFESSION

State Bar of Wisconsin
Wisconsin District Attorneys Association
Nathan S. Heffernan, former Supreme Court chief justice
Janine Geske, former Justice, Wisconsin Supreme Court
William G. Callow, former Justice, Wis. Supreme Court
Justice Thomas Fairchild, chair of Commission on Judicial Elections and Ethics
Attorney General James Doyle*
Prof. Michael Waxman, Marquette University Law School
Prof. Charles Clausen, Marquette Law, Fairchild Commission
Prof. Carin Clauss, UW-Madison Law School
Prof. Linda Greene, UW Law School

APPEALS COURT*

Judge Richard Brown, former candidate for Supreme Court

CIRCUIT COURT*

Judge Dorothy Bain, Marathon County
Judge Angela Bartell, Dane County
Judge Andrew Bisonette, Dodge County
Judge Edward R. Brunner, Barron County
Judge Henry Buslee, Fond du Lac County
Judge Michael Byron, Rock County
Judge Dennis Conway, Wood County
Judge James L. Carlson, Walworth County
Judge Roderick A. Cameron, Chippewa County
Judge Robert A. DeChambeau, Dane County
Judge John Damon, Trempeleau County
Judge Darryl Deets, Manitowoc County
Judge Peter Diltz, Door County
Judge Tim Duket, Marinette County
Judge Charles Dykman, Dane County, Fairchild Commission
Judge Todd Ehlers, Door County
Chief Judge James Evenson, Sauk County
Judge David T. Flanagan, Dane County
Judge Thomas Flugaur, Portage County
Judge Kathryn M. Foster, Waukesha County
Judge C. William Foust, Dane County
Judge Dennis J. Flynn, Racine County
Judge Mark Gempeler, Waukesha County
Judge Daniel S. George, Columbia County
Judge Michael S. Gibbs, Walworth County
Judge Ramona A., Gonzalez, LaCrosse County
Chief Judge Robert A. Haase, Winnebago County
Judge Eugene D. Harrington, Waukesha County
Reserve Judge Charles Heath, Marinette Co. Fairchild Commissi
Judge Frederick A. Henderson, Rusk County
Judge Gary Langhoff, Sheboygan County
Judge Michael Lucci, Douglas County
Judge Dennis J. Luebke, Outagamie County
Reserve Judge Frederick Kessler, Milwaukee
Judge Robert J. Kennedy, Walworth County
Judge Robert E. Kinney, Oneida County
Judge Phillip Kirk, Waupaca County
Judge Stanley Miller, Milw., former Supreme Court candidate
Judge J. D. McKay, Brown County
Judge Patricia McMahon, Milwaukee County
Judge James B. Mohr, Vilas County
Judge Dane F. Morey, Buffalo/Pepin Counties
Judge Michael J. Mulroy, LaCrosse County
Judge John B. Murphy, Sheboygan County
Judge J. Michael Nolan, Lincoln County
Judge Michael Nowakowski, Dane County
Judge Benjamin Proctor, Eau Claire County
Judge John R. Race, Walworth County
Judge John W. Roethe, Rock County
Judge Michael J. Rosborough, Vernon County
Judge Jacqueline Schellinger, Milwaukee County
Judge John Siefert, Milwaukee County
Chief Judge Michael Skwierawski, Milwaukee County
Judge L. Edward Stengel, Sheboygan County
Chief Judge Joe Troy, Outagamie County
Judge John M. Ullsvik, Jefferson County
Judge Timothy VanAkkeren, Sheboygan County
Judge Joseph Wall, Milwaukee County
Judge Steven Weinke, Fond du Lac County
Judge Donald C. Zuidmulder, Brown County

MUNICIPAL COURT JUDGES*

Judge Vincent Bobot, Milwaukee
Judge Louis Butler, Milwaukee, former Supreme Court candidat

DISTRICT ATTORNEYS

DA Brian Blanchard, Dane County
DA Gary Bruno, Shawano-Menominee

DA Charlotte Doherty, Lafatette County
DA Emil T. Everix, Grant County
DA Mara C. Johnston, Taylor County
DA Jane E. Kohlwey, Columbia County
DA Kenneth Kutz, Burnett County
DA Martin Lipske, Iron County
DA E. Michael McCann, Milw. County, Fairchild Commission
DA Shawn Mutter, Lincoln County
DA Gerald Ptacek, Racine County
DA Mark Thibodeau, Adams County
DA Richard White, Eau Claire County
DA Darwin Zwieg, Clark County

ATTORNEYS
Walter Kelly, former candidate for Supreme Court
Larry Bugge, former candidate for Supreme Court
Jack DeWitt, former chair of State Bar Association
Frank Nikolay, Colgate
Peter Earle, Milwaukee
Margaret Aguayo Asterlin, Milwaukee
Ernesto Romero, Milwaukee
Daniel Barroilhet, Madison
JoAnn Hornak, Milwaukee

PARTICIPANTS IN REFORM COMMISSIONS

Prof. Donald Kettl, former chair of campaign reform commission
Father Robert Cornell, Green Bay, Fairchild Commission
Patricia Finder-Stone, DePere, Fairchild Commission

8/27/01

WISCONSIN'S FAIRCHILD COMMISSION

"Soliciting money from others, most of whom will be lawyers who practice in the court to which the candidate seeks election, inevitably compromises the judicial candidates' appearance of independence."— *from the Final Report of Wisconsin's bi-partisan Fairchild Commission on Judicial Elections and Ethics.*
The Commission cited an **"immediate and urgent need"** for Wisconsin to adopt **"full public financing of Supreme Court elections as soon as practicable."**

NATIONAL SUMMIT'S CALL TO ACTION

The National Summit on Improving Judicial Selection, chaired by Texas Supreme Court Chief Justice Thomas Philips and including participants selected by the chief justices of the Supreme Courts of the 17 most populous states, issued this proposal in its "Call to Action:"

"Even in states that reject public funding for representative officials, the nature of the judicial function makes public funding particularly appropriate for judicial elections. Any public funding system should be sufficiently generous to encourage participating candidates to forego all other sources of campaign funds. The system should be designed to discourage frivolous candidates and to restrict overall spending while allowing appropriate response to independent expenditures." (Summit took place Dec. 8-9, 2000 in Chicago, Ill.; report issued Jan. 25, 2001 by National Center for State Courts)

AMERICAN BAR ASSOCIATION'S COMMISSION ON PUBLIC FINANCING

- **"Public financing programs should provide candidates with funding sufficient to cover the full cost of campaigning."**
- **"Funding should be conditioned on commitments to spend it only on legitimate campaign expenses and not raise money from private sources."**
- **"Public financing must be funded from a stable and sufficient revenue source."**

(recommendations issued July 23, 2001)

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PUBLIC FIGURES ENDORSING IMPARTIAL JUSTICE PLAN

FORMER SUPREME COURT JUSTICES

Nathan S. Heffernan, former Chief Justice
Janine Geske
William G. Callow

FEDERAL AND STATE OFFICIALS

US Sen. Russ Feingold
US Rep. Tammy Baldwin
US Congressperson Tom Barrett
Attorney General James Doyle
State Supt. of Schools John Benson (retired)
Secretary of State Douglas LaFollette

MAYORS

Amery Mayor Harvey Stower
Appleton Mayor Linda E. Lawrence
Franklin Mayor Frederick F. Klimetz
Kaukauna Mayor John J. Lambie
LaCrosse Mayor John Medinger
Madison Mayor Susan Bauman
Marinette Mayor Douglas Oitzinger
Oconto Mayor Joseph L. Bralick
Peshtigo Mayor Dale Berman of
Racine Mayor James Smith
Sheboygan Mayor James Schramm
Stevens Point Mayor Gary Wescott
Waukesha Mayor Carol J. Lombardi
West Allis Mayor Jeanette Bell
Wisconsin Rapids Mayor Vernon Vijinsky
Former Mayor Maricolette Walsh of Wauwatosa
Former Mayor Frank P. Zeidler of Milwaukee

COUNTY EXECUTIVES

Brown County Executive Nancy Nusbaum
Dane County Executive Kathleen Falk
County Executive Allen Buechel, Fond du Lac County
Waukesha County Executive Dan Finley

BUSINESS LEADERS

John Stollenwerk, CEO, Allen-Edmonds Co.
Timothy Cullen, vice president of Blue Cross/Blue Shield
John Torinus, CEO of Serigraph,Inc.
Paul Hassett, past pres. of Wis. Manufacturers & Commerce
Jeffrey Neubauer, president of Kranz, Inc., Racine
Jack Lohman, CEO, Cardiac Evaluation Center

COUNTY BOARD CHAIRS

Calumet County Chair Merlin G. Gentz
Dunn County Chair B. Jane Hoyt
Grant County Chair Eugene Bartels
Green Lake County Chair Orrin W. Helmer
Milwaukee County Chair Karen Ordinans
Pierce County Chair Richard E. Wilhelm
Portage County Chair Clarence Hintz
Shawano County Chair Clarence Natzke
Jackson County Board of Supervisors

LOCAL ELECTED OFFICIALS

Chippewa Falls School Board member Paul Gordon
Dane County Clerk Joseph Parisi
Dane County Supervisor John Hendrick
Janesville School Board member Ted Kinnaman,
Milwaukee Ald. Donald Richards, Milwaukee
Milwaukee County Supervisor James White
Milwaukee County Supervisor Jim McGuigan
Milwaukee County Supervisor Roger Quindel
Racine Ald. Ron Thomas
Racine County Sup. Diane Lange
Sheboygan Ald. Terry Van Akkeren
Sheboygan School Board member Jeff Squier

CAMPAIGN FINANCE REFORM COMMISSIO

Judge Thomas Fairchild, chair, Fairchild Commission
Prof. Don Kettl, former chair of campaign reform commission
Father Robert Cornell, St. Norbert's College,Fairchild Commi
Patricia Finder-Stone, DePere, Fairchild Commission
Barbara Lawton, Heffernan Commission
Prof. Charles Clausen, Marquette Law, Fairchild Commiss
Ed Garvey, Heffernan Commission and former gov. candi
Pro. Carin Clauss, UW Law, Heffernan Commission

LEGISLATION INTRODUCED BY:

Senators George, Risser, Robson, Grobschmidt, Rosenzweig, Darling, Burke, Plache, Baumgart, Wirch and Shibilski;

Co-sponsored by:

Representatives Bock, Musser, Ainsworth, Young, Pocan, Gunderson, Carpenter, Berceau, Reynolds, Ryba, Richards, Black, Plouff, Meyerhofer, Cullen, Coggs, Balow, Turner, J. Lehman, Shilling, Morris-Tatum, Travis, Kreuser, Hebl, Schooff, Riley, Huber, Krug, Miller, Lassa and Sinicki.