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League of Women Voters
of Wisconsin



May 26, 2009

TO: Assembly Committee on Elections and Campaign Reform
Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and
Housing

RE: Impartial Justice and Special Interest Electioneering Disclosure bills

Our justice system is built on the idea that judges are supposed to be fair and impartial, accountable only to the law and the constitution. Based on what we've seen in Wisconsin Supreme Court elections in the last few years, it is clear to us that this idea has been put at great risk.

Wisconsin has been electing Supreme Court justices for over 150 years. For a century and a half, this system produced a high court deserving of the public's trust. But recent high court elections have shaken the citizenry's confidence in the integrity of our justice system. The 2007 race was four times more expensive than any past race. The 2008 election was even more expensive than 2007. About \$12 million was spent on those two races. At least \$8 million of that – *two out of every three dollars* – was spent not by the candidates but by five special interest groups. In the 2008 race, 90% of the TV advertising was done by four interest groups. That advertising was almost always highly misleading and often downright untruthful. And it was unrelentingly negative and filled with personal attacks.

The degenerating condition of judicial elections in Wisconsin has left the article of faith that judges base their rulings on the law and the facts of a case on perilously shaky ground. The public has been given ample reason to believe that campaign contributions and special interest pressure have at least as much if not more influence over how cases are decided. This is a recipe for disaster. This is why **we are united in our support of SB 40 and AB 65, the Impartial Justice bill.**

All seven members of the Wisconsin Supreme Court signed a letter in December 2007 supporting "realistic, meaningful public financing for Supreme Court elections to facilitate and protect the judicial function." This is exactly what the Impartial Justice bill would do. The State Bar of Wisconsin issued a statement in February reiterating its support of the Impartial Justice bill. We add our voices to these others in calling on you to act promptly to turn what have become Supreme Court auctions back into elections.

The people of Wisconsin deserve Supreme Court elections where candidates consistently matter and are not mere bystanders in special interest-dominated campaigns and where all candidates have the means to get their message out to voters so there is a true competition of ideas. And we need elections that don't end up compromising the ability of the winners to serve as independent and impartial judges.

Enactment of the Impartial Justice bill would be a huge step toward these ideals. But while this legislation would do a lot, it is not a cure-all. Unless something is done to make sure that interest groups follow the same rules as candidates and abide by longstanding disclosure requirements and campaign contribution limits, voters will continue to be kept in the dark about who is trying to influence the outcome of elections and special interests will continue to enjoy a privileged capacity to bend the political process to serve their own purposes. This explains why **we also are united in our support of SB 43 and AB 63, the special interest electioneering disclosure bill.**

The state Government Accountability Board unanimously approved a new rule last November requiring special interest groups to fully disclose the campaign advertising they sponsor and abide by existing limitations on campaign contributions, and then unanimously reaffirmed this decision in late March. In so doing, the GAB forwarded the new rule along to the Legislature for review and approval, and it should be approved and put into effect at the earliest possible date. Legislation mirroring the GAB rule should then be adopted, thereby cementing this critically important reform in state law. That is what SB 43 and AB 63 would do.

The problem this legislation addresses is not only a serious threat to the integrity of state Supreme Court elections but also to all other state elections in Wisconsin. Smear campaign secretly funded by outside interest groups have become commonplace in races for governor and attorney general as well as in a growing number of Senate and Assembly races.

So-called “issue ad” groups are operating totally outside the law, using money from sources that are off limits to candidates. And even as they increasingly overwhelm candidates and control much of what voters read, see and hear about state campaigns, voters are left clueless about how much these outside groups are spending to influence elections and where they get the money to pay for all the advertising they are doing. The public has a right to know who is trying to influence the outcome of state elections, and the special interest electioneering disclosure bill restores real meaning to that right.

Enactment of the Impartial Justice bill and the issue ad disclosure bill would easily represent the most far-reaching and significant campaign reform in Wisconsin in at least 30 years. We urge you to seize the opportunity before you and do something lawmakers in this state have been unable to accomplish for three decades.

American Association of University Women – Wisconsin
Citizen’s Utility Board
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Common Cause in Wisconsin
Disability Rights Wisconsin
League of Women Voters of Wisconsin
National Association of Social Workers – Wisconsin
Wisconsin Alliance for Retired Americans
Wisconsin Democracy Campaign
Wisconsin Homecare Organization
Wisconsin Nurses Association
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