

# Campaign Finance Talk

The Voice of the Michigan Campaign Finance Network

July/August 2001

## Public Funding for Judicial Campaigns Gains Momentum

For the second time since the 2000 elections, a major non-partisan organization has called for public funding of state judicial elections. The American Bar Association (ABA)'s Commission on Public Financing of Judicial Campaigns released its findings in July and urged states with judicial elections to finance their campaigns with public funds (see [www.abanet.org/judind/report072001.pdf](http://www.abanet.org/judind/report072001.pdf)).

Alfred P. Carlton, chair of the ABA Standing Committee on Judicial Independence said, "It is an affront to the American justice system that electioneering gives the impression justice is for sale. Public funding is one method by which we can restore public trust and confidence in a system that is truly independent and impartial. It can reverse the corrosion that taints all our courts when judicial candidates must turn for campaign resources to the very individuals and organizations that have an interest in the outcomes of cases those candidates may decide as judges."

On July 30, the *Detroit Free Press* editorialized that the ABA Commission's proposal could be a promising start to fix what is wrong with our judicial selection process (see [www.freep.com/voices/editorials/eaba30\\_20010730.htm](http://www.freep.com/voices/editorials/eaba30_20010730.htm)). Citing research from MCFN's *More Money, Less Disclosure — An Overview of Michigan's 2000 State Elections*, the *Free Press* noted rapidly escalating campaign fund raising and off-the-books issue advertising have become a toxic combination for state courts. "The alarming increase in attempts by special interests to influence judicial elections has tainted the judiciary," the editorial stated.

In January, the Summit on Improving Judicial Selection made a similar recom-

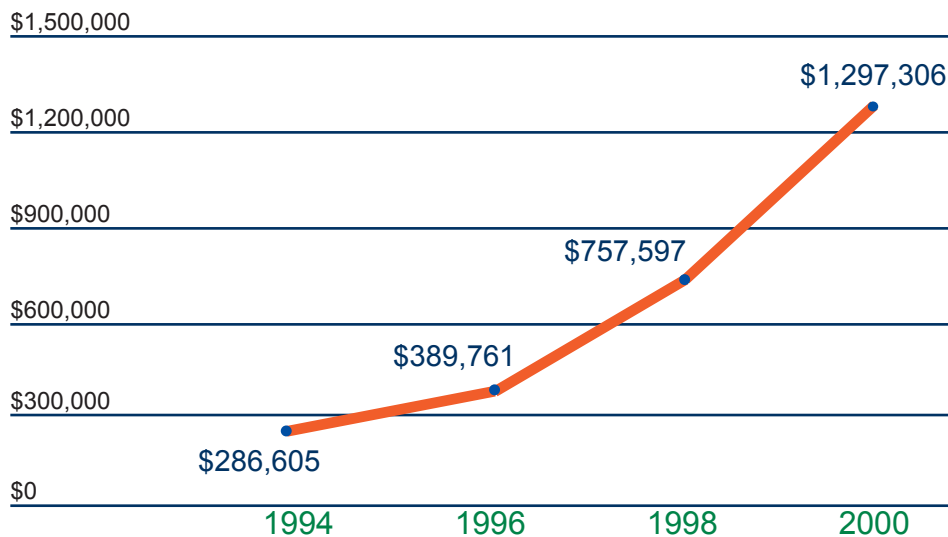
mendation in its *Call to Action* (see [www.nesc.dni.us/SummitCalltoAction.htm](http://www.nesc.dni.us/SummitCalltoAction.htm)). That meeting, which included representatives selected by the chief justices in the 17 most populous states with judicial elections, also made recommendations on judicial election structure, campaign conduct and voter awareness.

MCFN is currently putting together a longitudinal study of Michigan's last four Supreme Court election cycles that will document escalating fundraising and contributions by special interests to high court candidates. At the same time, a study in progress by the National Institute for Money in State Politics is documenting the correlation between campaign contributors to Michigan's Supreme Court justices and litigants who appear before the bench.

Each of these cases compromises the appearance, if not the reality, of impartial and independent justice.

In October 2000, polling conducted for MCFN showed 64% of the Michigan electorate favored the idea of public funding for the Supreme Court, even though there has been almost no public education on the subject. In Wisconsin, where the Legislature came close in its last session to approving full public funding for their Supreme Court campaigns, public approval of public funding is nearly 70% among all voters, and it is supported equally by individuals who self-identify themselves as conservatives and liberals. Public funding for judicial elections is an idea whose time has arrived.

### Escalating Campaign Contributions: Average for Successful Supreme Court Candidates, 1994-2000



Source: Michigan Secretary of State

# Public Campaign Holds National Meeting

**P**ublic Campaign convened its biennial national conference in Washington, DC, July 13-15. The theme of the conference was “Restoring Democracy to the People: Clean Money/Clean Elections.” This reflects Public Campaign’s emphasis to state activists to wed electoral reform advocacy with ongoing advocacy for campaign finance reform.

Both Missouri and Oregon reported on the defeat of their public funding ballot proposals last fall. The common thread that both groups emphasized was that a ballot proposal must have a broad and deep base to win, and money to get the message out. There must be a concerted public education effort to line up editorial support from newspapers around the state. Coalition partners need to be strongly encouraged to make the proposal campaign their top priority in order to attain their other policy goals. Finally, proponents should be prepared for confrontational attacks from the opposition.

Activists from Massachusetts shared information about their ongoing struggle to have their public funding proposal funded. Although it was passed in 1998, the Massachusetts Legislature has denied appropriations for public funding of elections since that time. This has become a highly contentious struggle and it is shaping up as one of the key issues in their 2002 gubernatorial race.

On the inspirational side, there were several state legislators from Maine and Arizona in attendance who had financed their campaigns with public funding. Several cited the advantage of independence from special interests and heavy-handed caucus politics in serving their constituents. Rep. Glenn Cummings of Maine said that this year’s legislative session produced legislation that would never have passed before clean money elections.

Another remarkable speaker was Adonal Foyle, a professional basketball player for the NBA’s Golden State Warriors. He came from the Caribbean to the US to play college basketball in 1993 and became interested in American politics while at Colgate University. Last year, he started Democracy Matters with his own money to encourage college students to take up the cause of campaign finance reform. The program was successfully piloted this past year at Colgate and several other northeastern campuses. This fall, they plan to go nationwide. For more information, check out their website at [www.democracymatters.org](http://www.democracymatters.org).

Foyle wove analogies between professional basketball and politics throughout his remarks: players get into the NBA on the basis of their talent and they cannot buy their way onto the floor, as so often happens in politics. If money was all one needed to enter the NBA, he noted,

nobody would watch it (and we should not be surprised that so many Americans are uninterested in politics). He remarked, “The problem is not rich people, but those few rich people who use their wealth to control our government.” For more on this engaging young man, see the *New York Times* article: [www.nytimes.com/2001/07/17/nyregion/17FOYL.html](http://www.nytimes.com/2001/07/17/nyregion/17FOYL.html).

Michigan’s own Stephanie Wilson of the Fannie Lou Hamer Project gave a powerful speech on campaign finance reform as a civil rights issue that generated the most enthusiastic response of the weekend. Stephanie was attending the meeting after helping pass a resolution at the NAACP national convention supporting public funding of elections.

Other topics discussed included efforts in several states, such as Wisconsin and Illinois, to enact full public financing for judicial candidates. These states do not have the ballot initiative process but they are hopeful that their legislatures will pass these proposals.

In another vein, a study was presented on funding of ballot proposal campaigns. One of the findings was that it is much easier and often cheaper to defeat a proposal than to pass one. Often, a less well-funded opposition effort will prevail, but the reverse is rarely true.

## Shays-Meehan Update & Call to Action

**A**s of the beginning of Congress’s summer recess, 205 members of the U.S. House have signed a discharge petition to give the Shays-Meehan Bill a vote on the House floor. Thirteen more signatures are needed to discharge the bill.

Shays-Meehan is the House counterpart to the Senate’s McCain-Feingold Bill. The bill was due for a House floor vote in mid-July, but that vote was derailed by rules chicanery on the part of the House Republican leadership. Rather than giving the complete bill an ‘up or down’ vote in accordance with the sponsors intent, there was an attempt

to make each amendment subject to a separate vote in hope of defeating critical elements within the bill package. This strategy was intended to create a substantive difference between the House and Senate versions of the bill so it would be necessary to send the two versions to a House-Senate conference committee, where the bill effectively could be killed by House conferees who oppose it. The rules gambit failed when 19 Republicans, including Michigan’s Fred Upton, joined 208 Democrats in voting against the procedural maneuver, but Speaker Hastert blamed Democrats for voting against campaign finance

reform and said he had no further intention to consider the bill.

It is not certain that Shays-Meehan will pass on the House floor. However, it certainly deserves a fair vote. At this point, all nine Democrats in Michigan’s Congressional delegation have signed the discharge petition but none of the seven Republicans have done so. If you are represented by one of the congressmen who has not signed the discharge petition, call or make an appointment to see him while he is home for recess and ask him to sign the Shays-Meehan discharge petition and give campaign finance reform a fair vote.

# More Money, Less Disclosure

## Delivering the Message

**M**ore Money, Less Disclosure — An Overview of Michigan's 2000 State Elections was released on July 18 at a

Lansing news conference. As a news item, the report received reasonably good coverage. An Associated Press story by Kathy Barks Hoffman ran in numerous papers around the state and the two capitol press services, MIRS and Gongwer, gave the report very thorough coverage. The *Observer & Eccentric* newspapers in Oakland and Wayne Counties carried a story by Mike Malott highlighting the prevalence of unlimited party contributions in state elections. Michigan Public Radio gave the story considerable attention, and Michigan Talk Radio Network aired a one-hour interview segment on the report and the issue of campaign finances in Michigan. The *Detroit Free Press* and *Detroit Metro Times* cited the report and editorialized in support of public funding for Michigan Supreme Court elections.

At this writing MCFN staff and volunteers are engaged in a public education effort to promote the message of *More Money, Less Disclosure*. The report makes a compelling case that our state's system of limits and accountability in relation to campaign finances has broken down under the weight of contemporary campaign finance strategies.

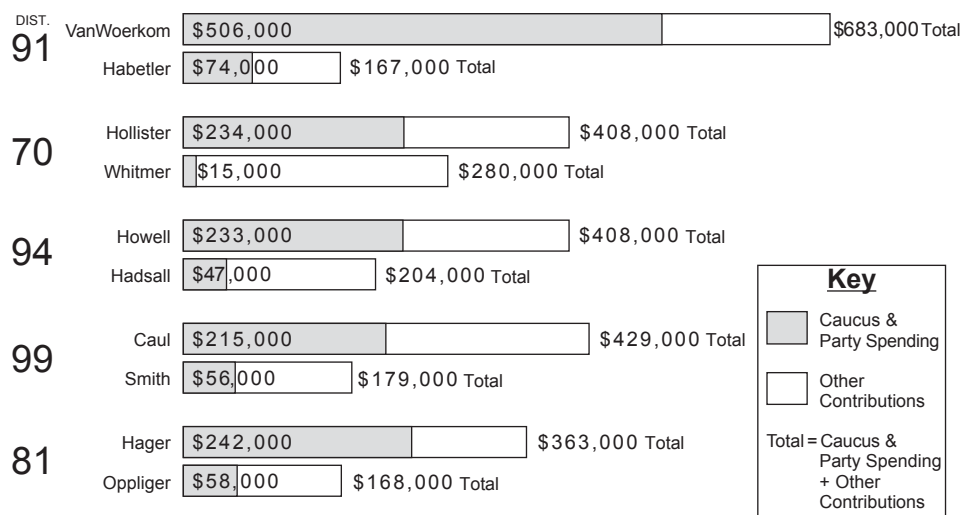
There are many things you can do if you would like to join the effort to make this story publicly known. Contact MCFN and see whether we have met with your newspaper's editorial board. Contact your state legislators and let them know how you feel about the need for campaign finance reform in Michigan's state elections. Arrange to have MCFN present a program to your faith-based group, service club, professional association, neighborhood association, high school government class or university political science class.

*More Money, Less Disclosure* is available in Portable Document Format (pdf) from [www.mcfn.org](http://www.mcfn.org). If web access is not convenient for you, call or write MCFN to request your copy of the report.

### Facts at a Glance — Michigan's 2000 State Elections

- The candidates with more financial support won in all three Supreme Court contests.
- All three incumbents who ran for the Supreme Court won re-election.
- The average amount raised by the six major-party Supreme Court candidates was \$1.1 million, an increase of 83% compared to 1998.
- The consensus of published estimates is that more was spent on unreported "issue advertising" related to the Supreme Court races than was spent by the candidates' own campaign committee's — \$10 million vs. \$6.8 million. This cannot be verified from public records, because Michigan's campaign finance rules do not require issue ads to be reported.
- The candidate with more financial support won in 105 out of 110 Michigan House of Representatives contests.
- All 89 incumbents who ran for the House won re-election.
- Thirteen House candidates benefited from more than \$100,000 each in unlimited party spending; one candidate benefited from more than \$500,000 in party spending. In comparison, the median House campaign had total contributions of \$44,000.
- In the ten most heavily funded House contests, 48% of the campaign cash came from party sources, which can spend without limits.

### Party Money Dominated Targeted Michigan House Races, 2000



Source: Michigan Secretary of State

# Campaign Finance **Talk**

The voice of the

Michigan **Campaign Finance** Network

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## MCFN Granted Tax Exempt Status

**T**he Michigan Campaign Finance Network has recently been granted tax-exempt status as a 501 (c) (3) organization by the Internal Revenue Service. MCFN is a nonprofit corporation organized to do research and public education about representative democracy. Contributions to MCFN are tax deductible.

*Campaign Finance Talk* is produced every other month by the Michigan Campaign Finance Network and is available in Portable Document Format on the MCFN website: [www.mcfn.org](http://www.mcfn.org). The newsletter is edited by Richard Robinson, executive director. Graphic design is by Cathy Turley.



## Alliance for Democracy Plans Capital Action

**T**he Metro Detroit chapter of the Alliance for Democracy has announced plans for action to advocate electoral reform and campaign finance reform in Michigan. The Alliance's goal is to promote real democracy in the electoral process, including same day voter registration; easier access to the ballot for minority party candidates; making sure that every legally cast vote is counted; and limit-

ing the influence of special interest money in public elections.

The plan calls for activists throughout Michigan to collect signatures on petition letters to their respective state legislators calling for public hearings on election reform and campaign finance reform. The petitions will be presented to the legislators at a rally at the Capitol on Thursday, October 18.

The Alliance for Democracy extends an invitation to all readers of this newsletter to join the effort. Contact Bonnie Hixson, [russbonn@earthlink.net](mailto:russbonn@earthlink.net), 248-380-0606; or Lynn Hartung, [lynngail87@cs.com](mailto:lynngail87@cs.com), 248-693-4302.

