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## Budget defunds elections

### Walker proposal replaces tax dollars with voluntary contributions for public funding for court candidates

By *Larry Sandler of the Journal Sentinel*

March 27, 2011



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Public funding for Wisconsin Supreme Court races would dwindle under the proposed state budget.

In his 2011-'13 budget, Gov. Scott Walker is proposing to replace all tax dollars with voluntary contributions to the program that is financing the campaigns of both candidates in the April 5 election for the high court.

The spending plan would similarly scale back an older and less sweeping public funding program used by some legislative candidates.

"That's a total destruction of the public financing system," said Jay Heck, executive director of the Wisconsin arm of Common Cause, a liberal group that advocates publicly funded campaigns. "It's really the death knell of public financing."

Walker spokesman Cullen Werwie did not respond to requests for comment about the budget provision.

For decades, Wisconsin taxpayers have been able to support public financing of legislative and statewide campaigns by checking a box at the top of their income tax returns, without increasing their taxes due or reducing their tax refunds. That designated part of the taxes paid - originally \$1 - for grants to candidates who agreed to abide by certain spending and funding limits.

Last fall, the Government Accountability Board distributed \$315,127 to 30 candidates from the [Wisconsin Election Campaign Fund](#), board spokesman Reid Magney said. Heck said participation in the program had fallen over the years because the grants and spending limits were too low to run a competitive campaign, particularly for statewide office.

Judicial candidates aren't eligible for grants from that fund. But spending in Supreme Court races drew public concern after hard-fought campaigns in 2007 and 2008 that cost about \$6 million each, or four times the previous record.

That led to the Legislature's 2009 passage of the Impartial Justice Act, which set up the separate [Democracy Trust Fund](#) and boosted the income tax checkoff to \$3. Under that program, high court candidates who follow strict spending and fundraising restrictions can qualify for grants of \$100,000 in the primary and \$300,000 in the general election, and could get more money based on spending and advertising by privately funded candidates and outside groups.

In the Supreme Court primary, three of the four candidates [accepted public funding](#), including the two who advanced to the general election, Justice David Prosser and Assistant Attorney General JoAnne Kloppenburg. Public grants total \$900,000 to date. Outside groups on both sides have run ads in the race without triggering additional grants.

But conservative forces have [filed suit](#) to overturn the law. They say the provision that boosts public funding in response to outside spending amounts to an unconstitutional restriction on their freedom of speech, by using their own tax dollars to contradict their statements.

Walker's budget would combine the two public financing programs,

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eliminate all tax dollars for them and end the matching grants for court candidates.

Instead, the income tax checkoff would become a voluntary donation, increasing any taxes owed or decreasing any refund. Magney said the checkoff box would move to the bottom of the tax return, along with similar contributions to nine other causes, ranging from the Green Bay Packers to cancer research. Only donated money would be available to candidates, with two-thirds reserved for Supreme Court races.

Heck predicted "participation would plummet even further" if the Legislature approves that provision. He also said a return to big-spending judicial campaigns would weaken public confidence in the state's highest court.

"It is unfortunate that public financing may be curtailed," Kloppenburg said in an e-mail. "Our campaign has wholeheartedly embraced it. We are making history by making it work. Public financing has helped lead to an enormous amount of participation and enthusiasm from people around the state."

Prosser was not available for comment Friday, but his campaign manager, Brian Nemoir, said, "We have been supportive of public funding and have accepted it, although we believe the system has some flaws that need correcting." In previous interviews, Prosser has said the fundraising and spending limits are too restrictive.

Neither the budget provision nor the legal challenges to the funding law would affect the current campaign.

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