

LOCAL AND STATE LEGISLATION INTRODUCED SINCE 2010 IN SUPPORT OF PUBLIC CAMPAIGN FINANCING

This article documents Seattle initiatives in support of public financing of elections, notes legislation that has been introduced in Washington State regarding public funding of elections, addresses League of Women Voters views on public financing of elections, and references various studies on public financing of elections.

Seattle initiatives to support public financing of elections

November 2013, voters in the city of Seattle narrowly defeated Proposition 1¹, a public-financing system for city council candidates. The ‘no’ side won just 50.4 percent of the vote.

In 2013, the Seattle Times described Seattle’s Proposition 1 this way,

“In 2013 Seattle Proposition 1, which would have enacted a public-financing system for City Council candidates, failed narrowly, the ‘no’ side won just 50.4 percent of the vote. Backers for the campaign indicated they may try getting it on the ballot again and expand the measure to include mayoral contests.”²

Daniel Beekman reported in The Seattle Times on April 3, 2015:

“The Seattle City Council voted in June 2014 not to consider a public campaign-financing bill for the November 2014 ballot. Councilmembers Sally Bagshaw, Nick Licata and Kshama Sawant joined proponent Mike O’Brien in backing consideration of the proposal, which involved raising taxes. But Council President Tim Burgess said putting it on the ballot could jeopardize other tax measures to fund a prekindergarten program, parks and Metro bus service. Burgess, joined by Councilmembers Jean Godden, Bruce Harrell and Tom Rasmussen, blocked the bill.”³

In April 2015, the Honest Elections Seattle Initiative (I-122) was filed.

If enacted, the measure would limit election campaign contributions from entities receiving City contracts totaling \$250,000 or more, or from persons spending \$5,000 or more for lobbying; require 24-hour reporting of electronic contributions; require paid signature gatherer identification; limit lobbying by former City officials; create a voluntary program for public campaign financing through \$100 vouchers issued to registered voters funded by ten years of additional property taxes, with \$3,000,000 (approximately \$0.0194/\$1000 assessed value) collected in 2016.⁴

¹ Proposition 1, *Seattle Voters Guide*, <http://www2.ci.seattle.wa.us/ethics/vg/20131105.asp>, viewed 05/05/16

² Brunner, Jim, “Huge win for Seattle Council districts; narrow loss for public financing”, *Seattle Times*, Dec. 2, 2013, <http://blogs.seattletimes.com/politicsnorthwest/2013/12/02/huge-win-for-seattle-council-districts-narrow-loss-for-public-financing/>, viewed 01/09/16

³ Ibid.

⁴ Proposition 1, *Seattle Voters Guide*, <http://www2.ci.seattle.wa.us/ethics/vg/20131105.asp>, viewed 05/05/16

In June 2015, over 33,000 signatures supporting I-122 were submitted to the Seattle City Clerk's office, which exceeded the required number to put the measure on the ballot (31,000). The signatures were validated, and the initiative was sent to the Seattle City Council for final approval. The City Council must pass a resolution to allow the I-122 to appear on the November ballot.

The League of Women Voters of Seattle-King County endorsed I-122. See the full list of endorsements at <http://honestelectionsseattle.org/endorsements/>.

Joel Connelly reported in The Seattle PI on July 13, 2015, that I-122 has been qualified for the November ballot.⁵

Washington State legislature regarding public funding of elections

Each year since the *Citizens United* decision, several bills have been introduced in the Washington State Legislature related to campaign financing. The League of Women Voters of Washington has supported some of them. None have passed. Additionally, the City of Seattle has twice moved to establish campaign financing for City Council races. The first failed, the second passed.

The National Conference of State Legislatures has written,

*"Twenty-five states have programs that provide public funds for use in election campaigns. State public financing programs may be divided into three broad categories: those which provide funds directly to individual candidates, those that provide funds to political parties, and those which provide tax incentives to citizens who make political contributions. Many states operate programs which combine more than one of these categories."*⁶

In 2010, the League of Women Voters of Washington (LWVWA) supported companion bills SB 5912 and HB 1738, stating,

*"This year we focused mainly on supporting Public Campaign Financing of Supreme Court Justices and we are very pleased with the progress we made. This year was ripe to move the issue forward. Many of our legislators already recognize that we must prevent corruption and undue influence in our Supreme Court by creating a public fund for qualified candidates. However, the recent U.S. Supreme Court opinion deregulating corporate spending in campaigns has outraged the public and created a climate that is ripe for change."*⁷

⁵ Connelly, Joel, "Taxpayer financed campaign proposal, with 'Democracy Vouchers,' wins a place Seattle's fall ballot", *The Seattle PI*, July 13, 2015, <http://blog.seattlepi.com/seattlepolitics/2015/07/13/taxpayer-financed-campaign-proposal-with-democracy-vouchers-wins-a-place-seattles-fall-ballot/>, viewed 05/05/16

⁶ "Public Financing of Election Campaigns: An Overview", National Conference of State Legislatures, March, 2009, <http://www.ilga.gov/joint/Documents/Articles%20from%20the%20National%20Conference%20of%20State%20Legislatures%20-%20Overview%20of%20Public%20Financing.pdf>, viewed 01/09/16

⁷ "Government, Campaign Finance", League of Women Voters of Washington Legislative Newsletter, Vol. 42, No. 9, http://www.lwvwa.org/pdfs/LNL%2042_9.pdf, viewed 01/09/16

In 2011, LWVWA supported SB 5010, stating,

“SB 5010 Concerning Public Financing for Supreme Court Campaigns. This was one of our top legislative priorities. Sadly with a tight budget, this bill made no headway. It did keep the issue before the Legislature and will be offered again next session.”⁸

A detailed list of these Washington State measures is contained in Appendix A. Each of the Legislative bills and their status can be viewed at <http://app.leg.wa.gov/billinfo/>.

Washington Public Campaigns/Fix Democracy First works for public financing of elections

In 2001, a small group of concerned Washington citizens, convinced of the value of public financing of campaigns as a way to liberate politicians, give power back to the average citizen and invigorate democracy, began working on the dream to have a law in our state similar to laws passed in Maine and Arizona that have since been eroded by U.S. Supreme Court decisions. “Washington Public Campaigns”⁹ was incorporated April 30, 2003 as a non-profit corporation in the State of Washington. It is a 501(c)(4) organization. In 2014 it changed its name to “Fix Democracy First!”¹⁰ Additionally, the former Washington Public Campaigns Education Fund is now Fix Democracy First! Education Fund and is a tax-exempt 501(c)(3) organization. The mission of Fix Democracy First’s mission is to achieve fair elections and government policies that reflect the will of the people and not the power of money.

Fix Democracy First! believes:

“The high cost of running for office together with the unrestricted opportunity to supply large quantities of cash to promote candidates, has corrupted our democracy and made our elected officials indentured servants of those who can afford to underwrite their campaigns.”¹¹

“State legislatures and Congress should control our election laws including the ability to set limits on campaign contributions and expenditures. Money flowing into campaigns has risen exponentially since the Citizens United decision. If some controls were reestablished, incumbents and candidates would not need to spend so much time fundraising. Instead, there would be more time to talk with voters. The appearance if not the reality of elected officials being in the pockets of big donors and special interests would be reduced restoring confidence in our representative form of government. Big campaign contributors would lose the hammer of threatening to not fund the next campaign.”¹²

⁸ “Campaign Finance & Government”, *League of Women Voters of Washington Legislative Newsletter*, Vol. 43, No. 18, http://www.lwvwa.org/pdfs/LNL%2043_18.pdf, viewed 01/09/16

⁹ Washington Public Campaign, <http://fixdemocracyfirst.org/fdf/beginnings-mission/>, viewed 05/05/16

¹⁰ Fix Democracy First!, <http://fixdemocracyfirst.org/fdf/beginnings-mission/>, viewed 05/05/16

¹¹ Dammand, Ken, “Money in Politics: A Question of Equal Representation and Democracy”, *Fix Democracy First!*, <http://fixdemocracyfirst.org/fdf/money-in-politics-a-question-of-equal-representation-and-democracy/>, viewed 05/05/16

¹² “Contact Your Legislator”, *Fix Democracy Now!*, <http://fixdemocracyfirst.org/fdf/contact-your-legislator/>, viewed 05/05/16

The League of Women Voters supports public funding for national campaigns

Although provided under current law for presidential elections, public funding of congressional elections, which the League supports, has been an elusive goal. In 1989-1992, the League fought for comprehensive campaign finance reform to address the abuses in the existing system, supporting bills that curbed special-interest contributions and provided public financing for candidates who accepted voluntary spending limits. In 1989-1992, the League fought for comprehensive campaign finance reform to address the abuses in the existing system. The League supported bills that curbed special-interest contributions and provided public financing for candidates who accepted voluntary spending limits. The League called for limits to PAC and large contributor donations, for closing the soft-money loophole, and for public benefits for candidates, e.g., reduced postage and reduced broadcasting costs.

Both houses of US Congress enacted reform bills in 1990, but a conference committee was unable to resolve the differences before adjournment of the 101st Congress. Both houses passed strong reform measures in 1992, and the bill that emerged from the conference committee promised the most far-reaching campaign finance reform since Watergate. The President vetoed the bill, and an attempt to override the veto was unsuccessful.

As the League continued to focus on reducing the corrupting influence of big money in elections, the League's work at the state level contributed to real progress. Public financing, the "Clean Money Option," was adopted in several states, including Arizona and Maine; other state reform efforts have made progress in Massachusetts and Vermont. Reform measures were on the 2000 ballot in Missouri and Oregon, but fell short.

In 2007 and 2008, the League endorsed legislation to fix the public financing system for President and to establish congressional public financing for the first time.¹³

League Joins Amicus Brief in *Williams-Yulee v. The Florida Bar*

LWVUS and the League of Women Voters of Florida joined an amicus brief in the case of *Williams-Yulee v. The Florida Bar* before the U.S. Supreme Court on January 20, 2015.¹⁴ The case focuses on the constitutionality of prohibitions on direct solicitation by candidates for judicial office. The brief argues that the public must have confidence in the independence and impartiality of judges. Many state Leagues throughout the country work on the issue of judicial elections.

League Joins Amicus Brief in *Lair v. Motl*

The League joined an amicus brief filed in the Ninth U.S. Circuit Court of Appeals in *Lair v. Motl*. The brief urges the Ninth Circuit Court to reverse the district court's order striking down Montana's contribution limits. The brief is also signed by Justice at Stake, The Campaign Legal Center, and Common Cause.¹⁵

¹³ "Campaign Finance – The League's History", *League of Women Voters*, <http://lwv.org/content/campaign-finance>, viewed 05/05/16

¹⁴ "League Joins Amicus Brief in *Williams-Yulee v. The Florida Bar*", *League of Women Voters*, <http://lwv.org/content/league-joins-amicus-brief-williams-yulee-v-florida-bar>, viewed 05/05/16

¹⁵ "League Joins Amicus Brief in Montana Contribution Limits Case", *League of Women Voters*, <http://lwv.org/content/league-joins-amicus-brief-montana-contribution-limits-case>, viewed 05/05/16

“Justice at Stake” Study

Contributions to judicial campaigns have an actual and perceived impact on judicial impartiality. In a recent survey conducted by Justice at Stake, almost 50% of responding judges reported that they think campaign contributions have at least a little influence on judicial decisions.¹⁶ This perception is born out in data tracking the relationship between contributor identity and judicial decisions.

“Justice at Risk” Study

Another recent study found a correlation between the size of business contributions that supreme court justices receive and the frequency of pro-business decisions from those justices.¹⁷ Judges believe that this correlation between contributions and outcomes favorable to contributors motivates judicial campaign spending. One sitting justice, Paul E. Pfiefer, told the New York Times that he *“never felt so much like a hooker down by the bus station in any race I’ve ever been in as I did in a judicial race. Everyone interested in contributing has very specific interests. . . . They mean to be buying a vote.”*¹⁸

“A Fair, Impartial and Independent Judiciary” by Justice (retired) Sandra Day O’Conner

Here is an excerpt from an essay in the February 2008 edition of The National Voter, a League of Women Voters US publication, by Sandra Day O’Conner, Associate Justice (retired) of the Supreme Court of the United States, speaking about the importance of judicial impartiality.¹⁹

“Judicial independence does not just happen all by itself. It is tremendously hard to create, and easier than most people imagine to destroy.”

“The effectiveness of the courts, therefore, relies on the knowledge that judges will not be subject to retaliation for judicial acts. But most states select or retain their judges through partisan or non-partisan elections. In many of these states, judicial elections have turned into expensive and partisan political campaigns. Partisan judicial elections, and the campaign cash that goes with them, tend to undermine the respect necessary for the courts to function. Not surprisingly, people tend to believe that if judges are receiving large cash contributions—often from the very lawyers who appear before them—it might affect their judgment in particular cases. Likewise, we are putting judges in a very difficult spot when they know that their opponents will use decisions that are required by the law, but may be very unpopular, in advertising campaigns to unseat them during the next election. The upcoming 2008 elections of state supreme court judges in several states is of grave concern in this regard.”

¹⁶ “Justice at Stake – State Judges Frequency Questionnaire”, *Greenberg Quinlan Rosner Researching*, November 5, 2001-January 2, 2002, http://www.justiceatstake.org/media/cms/JASJudgesSurveyResults_EA8838C0504A5.pdf, viewed 05/05/16

¹⁷ Shepherd, Joanna, “Justice at Risk: An Empirical Analysis of Campaign Contributions and Judicial Decisions”, *American Constitution Society for Law and Policy*, http://www.acslaw.org/ACS%20Justice%20at%20Risk%20%28FINAL%29%206_10_13.pdf, viewed 05/05/16

¹⁸ Liptak, Adam, “Campaign Cash Mirrors a High Court’s Rulings”, *The New York Times*, October 1, 2006, http://www.nytimes.com/2006/10/01/us/01judges.html?_r=0, viewed 05/05/16

¹⁹ O’Conner, Justice Sandra Day, “A Fair, Impartial and Independent Judiciary”, *The National Voter, League of Women Voters*, February 2008, http://library.lwv.org/sites/default/files/NV_02-08_FairJudiciary.pdf, viewed 05/06/16

“Court Rejects Provision of Arizona Public Financing Law” by Arianne De Vogue

In an article titled “*Court Rejects Provision of Arizona Public Financing Law*”, Arianne De Vogue reported for ABC News (June 27, 2011) on the Supreme Court Of The United States (SCOTUS) decision in *Arizona Free Enterprise Club’s Freedom Club Pac et al. V. Bennett, Secretary Of State Of Arizona, et al.*:

“In its first major campaign finance ruling since the case of Citizens United, a divided Supreme Court today struck down a key provision of an Arizona public financing law. The Arizona law, called the Citizens Clean Elections Act, was passed in 1998 following a string of corruption scandals in the state. The ruling will affect public financing laws in several other states with similar trigger mechanisms, but it won't affect those public financing systems, such as the presidential system, that do not. The ruling leaves standing a 1976 Supreme Court decision that found public financing in general was constitutional. Chief Justice John Roberts, writing for himself and the four other conservatives on the bench, stated that the matching funds provision ‘substantially burdens the speech of privately financed candidates and independent expenditure groups without serving a compelling state interest.’”²⁰

²⁰ De Bogue, Arianne, “*Court Rejects Provision of Arizona Public Financing Law*”, *ABC News*, June 27, 2011, <http://abcnews.go.com/Politics/divided-supreme-court-strikes-key-provision-arizona-public/story?id=13940126>, viewed 05/06/16

Appendix A.
STATE LEGISLATURE INTRODUCED
SINCE 2010 IN SUPPORT OF PUBLIC CAMPAIGN FINANCING

Year	Bill	Sponsor(s)	Title/Intent	Status
2010	SB 6177	Sen. Kastama	To create a system of clean elections for state office campaigns through public financing, thereby focusing campaigns on issues and away from the sources of campaign contributions.	Died in Committee
	SB 5912	Sens. Oemig, McDermott, Kline, Jarrett, Kohl-Welles, Haugen	The Judicial Elections Reform Act To introduce a voluntary pilot project to provide an alternative source of financing for candidates for the Washington Supreme Court.	Died in Rules Committee
	HB 1738	Reps. Liias, Goodman, Appleton, Carlyle, Probst, Nelson, Hasegawa, Orwall, Rolfes, Dickerson, Hunt, Pettigrew, Cody, Darneille, White, Chase, Kenney, Dunshee, Ormsby, Miloscia, Moeller, Roberts, Simpson, Sells, Flannigan, Eddy, McCoy, Wood, Kagi, Wallace, Williams, Green	The Judicial Elections Reform Act A program providing public campaign funding for candidates for Supreme Court Justice, cited as the Judicial Election Reform Act (Act)	Died in Committee
2011	HB 1898	Reps. Liias, Miloscia, Goodman, Billig, Hunt, Moscoso, Hasegawa, Pettigrew, Stanford, Frockt, Fitzgibbon, Ryu, Kagi, Carlyle, Darneille, Moeller, McCoy, Roberts, Dickerson, Orwall, Dunshee, Eddy, Reykdal, Kenney, Ormsby, Green, Cody, Rolfes, Sells, Jinkins	An act establishing a public funding program for supreme court campaigns.	Died in Committee
	SB 5010	Sens. White, Kline, Kohl-Welles, Keiser, Tom, Murray, Chase, Nelson, Haugen.	An act establishing a public funding program for supreme court campaigns.	Died in Committee
2013	City of Seattle Prop. 1		Creation of a system of publicly financed council election campaigns	Did not Pass
2014	HB 2525	Reps. Carlyle, S. Hunt, Orwall, Farrell, Kagi, Roberts,	Establish a voluntary pilot project overseen by the Public Disclosure Commission to	Died in Committee

		Bergquist, Goodman, Freeman, Walkinshaw, and Gregerson	protect the fairness of elections for the supreme court and foster the public's trust in the integrity and independence of the court in the face of increasingly large sums of money raised and spent by special interest groups.	
2015	HB 1051	Reps. DeBolt, Dunshee, Condotta, Orcutt, Taylor, Harris, Schmick, Manweller, G. Hunt, Kochmar, Buys, Young, Holy, Haler, Vick, Shea, Riccelli, Pike, Gregerson, and Wilson	Because the Supreme Court has decided to act like the legislature and has thus violated the separation of powers, the Supreme Court should be considered partisan like the legislature	Remains in House Judiciary Committee
	City of Seattle Initiative 22		If enacted, the measure would limit election campaign contributions from entities receiving City contracts totaling \$250,000 or more, or from persons spending \$5,000 or more for lobbying;	Passed

NOTE: You may contact committee members whether or not your elected official serves on the committee holding the bill. Legislative committees work for all citizens of Washington, and your input does make a difference. It is best to contact the Legislators by phone or USPS if they aren't your elected official. Usually, legislators only accept emails from the constituents in their district. You can find committee members along with their phone numbers at the Washington State Legislature's website. www.leg.wa.gov/House/Committees/Pages/default.aspx