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CLERK OF WISCONSIN
SUPREME COURT

IN THE SUPREME COURT OF WISCONSIN

No. 2023AP1399

REBECCA CLARKE, RUBEN ANTHONY, TERRY DAWSON, DANA GLASSTEIN, ANN GROVES-LLOYD, CARL HUJET, JERRY IVERSON, TIA JOHNSON, ANGIE KIRST, SELIKA LAWTON, FABIAN MALDONADO, ANNEMARIE MCCLELLAN, JAMES MCNETT, BRITTANY MURIELLO, ELA JOOSTEN (PARI) SCHILS, NATHANIEL SLACK, MARY SMITH-JOHNSON, DENISE (DEE) SWEET, AND GABRIELLE YOUNG,

Petitioners,

v.

WISCONSIN ELECTIONS COMMISSION; DON MILLIS, ROBERT F. SPINDELL, JR., MARK L. THOMSEN, ANN S. JACOBS, MARGE BOSTELMANN, AND JOSEPH J. CZARNEZKI, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE WISCONSIN ELECTIONS COMMISSION; MEAGAN WOLFE, IN HER OFFICIAL CAPACITY AS THE ADMINISTRATOR OF THE WISCONSIN ELECTIONS COMMISSION; SENATOR ANDRÉ JACQUE, SENATOR TIM CARPENTER, SENATOR ROB HUTTON, SENATOR CHRIS LARSON, SENATOR DEVIN LEMAHIEU, SENATOR STEPHEN L. NASS, SENATOR JOHN JAGLER, SENATOR MARK SPREITZER, SENATOR HOWARD L. MARKLEIN, SENATOR RACHAEL CABRAL-GUEVARA, SENATOR VAN H. WANGGAARD, SENATOR JESSE L. JAMES, SENATOR ROMAINE ROBERT QUINN, SENATOR DIANNE H. HESSELBEIN, SENATOR CORY TOMCZYK, SENATOR JEFF SMITH, AND SENATOR CHRIS KAPENGA, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE WISCONSIN SENATE,

Respondents.

PETITIONERS' APPENDIX IN SUPPORT OF RESPONSE TO MOTION TO RECUSE JUSTICE PROTASIEWICZ

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CERTIFICATION BY ATTORNEY

I hereby certify that filed with this brief is an appendix that complies with s. 809.19 (2) (a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; (3) a copy of any unpublished opinion cited under s. 809.23 (3) (a) or (b); and (4) portions the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

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Electronically signed by Daniel S. Lenz
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State Supreme Court Justice Janet Protasiewicz sworn in at Capitol Rotunda

AUGUST 2, 2023 BY RAYMOND NEUPERT

Former Milwaukee County Judge Janet Protasiewicz is Wisconsin's newest state supreme court justice.

She was sworn into office Tuesday afternoon. "I look forward to serving alongside all of you, along with Chief Justice Ziegler and Justice Bradley to uphold the Constitution of our state and deliver on the promise of justice for every Wisconsinite."

Protasiewicz says her time as a judge and prosecutor will help her administer justice fairly to all. "I've witnessed firsthand the importance of upholding our laws, holding people accountable, and applying justice fairly. And equally."

Protasiewicz's election shifts the balance on the court to a liberal majority. She defeated conservative Daniel Kelly in the spring elections in a hotly contested race. Major court cases could soon be before the supreme court, including challenges to the state's abortion ban and how the state handles elections.

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What's ahead for Janet Protasiewicz, now that she's a Wisconsin Supreme Court justice?

WUWM 89.7 FM | By Chuck Quirmbach

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Wisconsin Supreme Court Justice Janet Protasiewicz (left) is sworn in Tuesday at the state Capitol in Madison. Justice Ann Walsh Bradley (right) administers the oath of office.

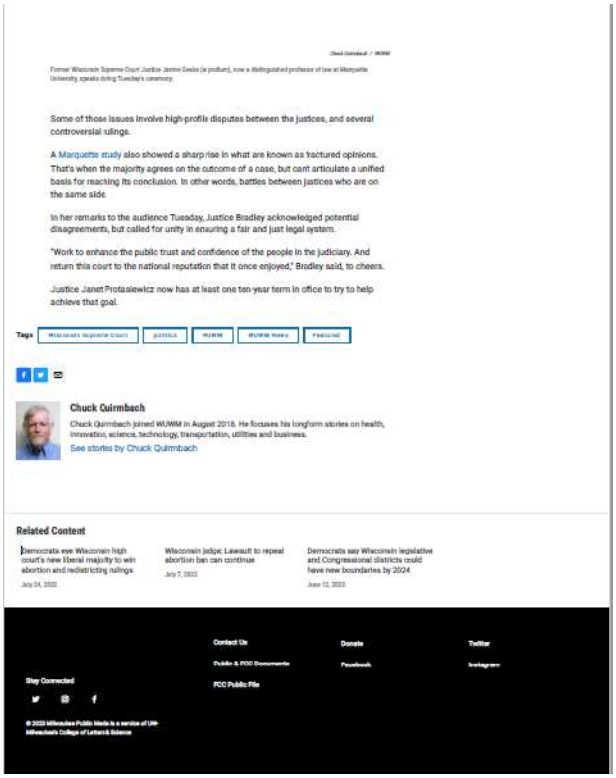
Janet Protasiewicz has gone from Milwaukee County judge to Wisconsin Supreme Court justice, with her swearing in Tuesday at the state Capitol in Madison.

State Supreme Court Justice Ann Walsh Bradley administered the oath of office to Protasiewicz, before hundreds of people in the state Capitol rotunda.

Protasiewicz was chosen by Wisconsin voters in April to replace retiring conservative Justice Patience Roggensack. The Milwaukee native said during her election campaign, she heard many times about the shared beliefs of state residents.

"We all want a Wisconsin where our freedoms are protected. We want a Wisconsin with a fair and impartial Supreme Court. We all want to live in communities that are safe. And we all want a Wisconsin where everyone is afforded equal justice under the law," Protasiewicz said Tuesday.

Protasiewicz added she doesn't take her new responsibilities lightly. "I am committed to protecting our freedoms, and I'm committed to fairness and impartiality in our justice system."



Former Wisconsin Supreme Court Justice Janine Geske (at podium), now a distinguished professor of law at Marquette University, speaks during Tuesday's ceremony.

Some of those issues involve high-profile disputes between the justices, and several controversial rulings.

A Marquette study also showed a sharp rise in what are known as fractured opinions. That's when the majority agrees on the outcome of a case, but can't articulate a unified basis for reaching its conclusion. In other words, battles between justices who are on the same side.

In her remarks to the audience Tuesday, Justice Bradley acknowledged potential disagreements, but called for unity in ensuring a fair and just legal system.

"Work to enhance the public trust and confidence of the people in the judiciary. And return this court to the national reputation that it once enjoyed," Bradley said, to cheers.

Justice Janet Protasiewicz now has at least one ten-year term in office to try to help achieve that goal.

Tags Wisconsin Supreme Court | justice | WUWM | WUWM News | Featured

Chuck Quirmbach

Chuck Quirmbach joined WUWM in August 2018. He focuses his long-form stories on health, innovation, science, technology, transportation, utilities and business.

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Mary Gech / AP

State Supreme Court Justice Janet Protasiewicz makes a speech during Tuesday's swearing-in ceremony

Protasiewicz mentioned impartiality, but Democrats strongly backed her during the spring election, while Republicans generally supported losing candidate Dan Kelly. After all, Protasiewicz repeatedly said she favors abortion rights and criticized GOP-drawn legislative maps.

She may have to join the other six state justices and rule on those issues in coming months.

Political analysts consider Protasiewicz to be far enough left of center to say that she gives liberals their first Wisconsin Supreme Court majority in 15 years.

But former state Justice Janine Geske, a distinguished professor of law at Marquette University, said she dislikes the political labels.

"You know, because I think that's the wrong way. There are different judicial philosophies. And she's made very clear her's. But she's very pragmatic, down to earth, understands the common person of Wisconsin. And so, those values will play a role. She may be with different [justices] on different cases. Facts matter. Laws matter, and your policies don't," Geske told WUWM.

Besides, Geske said, Protasiewicz, like any new state justice, will have her work cut out for her.

"Janet, right now, it's a high, right? It's this great day. Slowly, the deep responsibility of the job will fall on her. She's certainly up for the challenge. But you know, it's going to be tough times. The court has had some issues, and they're all going to have to reassemble with a new justice," Geske said.

WEC Canvass Reporting System
County by County Report

2023 Spring Election

JUSTICE OF THE SUPREME COURT

County	Total Votes Cast	NP Janet C. Protasiewicz	NP Daniel Kelly	SCATTERING
ADAMS	7,465	3,242	4,192	31
ASHLAND	4,790	3,022	1,763	5
BARRON	13,071	5,316	7,732	23
BAYFIELD	6,797	4,343	2,440	14
BROWN	76,980	39,667	37,135	178
BUFFALO	3,934	1,765	2,161	8
BURNETT	5,344	2,083	3,261	0
CALUMET	16,092	7,036	9,029	27
CHIPPEWA	18,050	8,363	9,657	30
CLARK	8,471	3,110	5,343	18
COLUMBIA	19,798	10,884	8,884	30
CRAWFORD	4,575	2,471	2,099	5
DANE	240,712	197,029	43,372	311
DODGE	26,356	9,896	16,460	0
DOOR	12,301	6,973	5,311	17
DOUGLAS	11,384	6,968	4,403	13
DUNN	12,183	6,302	5,881	0
EAU CLAIRE	33,081	21,141	11,897	43
FLORENCE	1,572	472	1,100	0
FOND DU LAC	29,989	11,966	18,001	22
FOREST	2,561	1,005	1,548	8
GRANT	13,740	7,049	6,662	29
GREEN	12,830	7,597	5,211	22
GREEN LAKE	5,965	2,189	3,768	8
IOWA	8,579	5,454	3,108	17
IRON	2,057	965	1,089	3
JACKSON	5,307	2,667	2,640	0
JEFFERSON	28,178	13,263	14,856	59
JUNEAU	7,115	3,051	4,052	12
KENOSHA	42,583	22,946	19,558	79

WEC Canvass Reporting System
County by County Report

2023 Spring Election

County	Total Votes Cast	NP Janet C. Protasiewicz	NP Daniel Kelly	SCATTERING
KEWAUNEE	6,670	2,536	4,125	9
LA CROSSE	37,310	23,964	13,287	59
LAFAYETTE	4,403	2,229	2,174	0
LANGLADE	6,297	2,339	3,958	0
LINCOLN	8,508	3,609	4,869	30
MANITOWOC	24,580	10,572	13,938	70
MARATHON	42,468	18,669	23,686	113
MARINETTE	11,766	4,590	7,148	28
MARQUETTE	5,178	2,125	3,043	10
MENOMINEE	569	397	172	0
MILWAUKEE	234,153	170,540	63,056	557
MONROE	11,393	4,970	6,399	24
OCONTO	12,451	4,425	7,997	29
ONEIDA	12,953	6,207	6,717	29
OUTAGAMIE	54,592	28,112	26,480	0
OZAUKEE	38,936	18,528	20,341	67
PEPIN	2,164	979	1,185	0
PIERCE	11,659	5,867	5,781	11
POLK	13,196	5,465	7,731	0
PORTAGE	23,944	13,908	9,993	43
PRICE	4,847	2,075	2,772	0
RACINE	57,280	28,164	28,963	153
RICHLAND	4,944	2,584	2,356	4
ROCK	44,186	27,232	16,863	91
RUSK	4,313	1,640	2,666	7
SAUK	20,225	11,751	8,474	0
SAWYER	5,708	2,670	3,027	11
SHAWANO	10,939	4,003	6,921	15
SHEBOYGAN	36,769	16,620	20,075	74
ST. CROIX	28,777	13,642	15,099	36
TAYLOR	5,599	1,653	3,946	0
TREMPEALEAU	8,035	3,965	4,053	17

WEC Canvass Reporting System
County by County Report

2023 Spring Election

County	Total Votes Cast	NP Janet C. Protasiewicz	NP Daniel Kelly	SCATTERING
VERNON	9,756	5,374	4,364	18
VILAS	8,958	3,866	5,066	26
WALWORTH	31,364	14,199	17,074	91
WASHBURN	5,872	2,473	3,392	7
WASHINGTON	52,380	17,620	34,760	0
WAUKESHA	163,376	68,249	94,710	417
WAUPACA	15,267	6,137	9,092	38
WAUSHARA	7,838	2,867	4,971	0
WINNEBAGO	48,593	26,244	22,250	99
WOOD	23,404	10,528	12,804	72
Office Totals:	**1,843,480**	**1,021,822**	**818,391**	**3,267**

Press Release 2023

Wisconsin Supreme Court Race Cost Record $51M

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July 18, 2023

Candidates and special interest groups spent a record-smashing $51.06 million in the Wisconsin Supreme Court race, a Wisconsin Democracy Campaign review found.

Milwaukee County Circuit Judge Janet Protasiewicz defeated former Supreme Court Justice Daniel Kelly in the April 4 contest. Protasiewicz, who was viewed as a liberal, drew support from liberal and Democratic groups and contributors. Kelly, a conservative, drew support from conservative and Republican groups and contributors.

Spending by the four candidates, two of whom were eliminated in the Feb. 21 primary, totaled $22.17 million. That was more than four times the previous record of just over $5 million in combined candidate spending in the 2020 Wisconsin Supreme Court race.

About five dozen groups spent a record $28.88 million, including $22.58 million on reported independent expenditures and $6.3 million on secretive phony issue ads (see Table below). That was more than five times the previous record $5.03 million spent by smear groups in the 2020 Wisconsin Supreme Court race.

Protasiewicz and outside groups that backed her spent $29.12 million, including $17.44 million by the candidate and $11.67 million by supporting groups. Protasiewicz's spending was more than six times higher than the previous record spending by a single candidate in a high court race, which was $2.69 million set by Jill Karofsky in the 2020 Wisconsin Supreme Court race.

Kelly and outside groups that backed him spent $20.48 million, including $3.72 million by the candidate and $16.76 million by supporting groups.

Total spending in the 2023 race was five times higher than the previous state record $10 million spent by candidates and groups in the 2020 Wisconsin Supreme Court race. Total spending also more than tripled the national record spent on a judicial race, which was $15 million in Illinois in 2004.

Topping the list of outside support for Protasiewicz were:

A Better Wisconsin Together, $6.33 million in independent expenditures and phony issue ads to sponsor television and online advertising;

Wisconsin Conservation Voters, $1.03 million on campaign literature and payroll management expenses;

Organizing Empowerment PAC, $932,500 on phone calls, canvassing, and voter mobilization efforts;

Planned Parenthood Advocates of Wisconsin, $562,244 on mailings, postcards, canvassing, and radio and online ads;

Power to the Polls Action Fund, $495,334 on mailings, canvassing and radio and online ads.

Topping the list of outside support for Kelly were:

Wisconsin Manufacturers & Commerce (WMC), $5.6 million on phony issue ads mostly to sponsor broadcast ads;

Fair Courts America, $5.54 million mostly on broadcast advertising;

Women Speak Out PAC, $2.22 million on phone calls, texts, mailings, and television and online ads;

Americans for Prosperity, $820,465 mostly on mailings, canvassing and online ads;

American Principles Project PAC, $795,894 on digital advertising.

In addition to the electioneering groups identified by the Democracy Campaign, the Brennan Center for Justice, which follows judicial races across the country, found two groups – Conservative Action for America and Protect Our Families – that spent a combined $441,272 on cable or broadcast advertising in the Supreme Court race.

The Democracy Campaign did not include spending by Conservative Action for America and Protect Our Families in its tally because the groups did not report their spending to the state. The Democracy Campaign also did not find any examples of electioneering that the groups sponsored or evidence of who they supported or opposed.

For more details about the groups and their activities and spending, check out the Democracy Campaign's Hijacking Campaign 2023 or click on the group names in the table below.

For the latest information about the candidates' fundraising and spending, go here.

Special Interest Group Spending in the 2023 Wisconsin Supreme Court Race

Name	Partisan Lean	Amount
A Better Wisconsin Together **	D	$6,330,876
Wisconsin Manufacturers & Commerce (WMC) **	R	$5,603,000

Name	Partisan Lean	Amount
Fair Courts America	R	$5,544,661
Women Speak Out PAC	R	$2,222,318
Wisconsin Conservation Voters	D	$1,030,836
Organizing Empowerment PAC	D	$932,500
Americans for Prosperity	R	$820,465
American Principles Project PAC	R	$795,894
Wisconsin Alliance for Reform *	R	$600,000
Planned Parenthood Advocates of Wisconsin	D	$562,244
Power to the Polls Action Fund	D	$495,334
Everytown for Gun Safety Action Fund	D	$450,203
One for All Committee	D	$450,000
Wisconsin Family Action	R	$254,919
Safe Families Wisconsin	D	$248,242
Family Friendly Action PAC	D	$212,090
Republican State Leadership Committee	R	$199,457
American Majority Action	R	$193,245
Americas PAC	R	$178,042
Project Democracy	D	$150,000
Voces de la Frontera	D	$141,451
Working America	D	$132,302

Name	Partisan Lean	Amount
FreedomWorks for America	R	$126,841
Project 72 Wisconsin PAC	D	$122,841
VoteVets	D	$120,869
Hunter Nation	R	$101,250
Tides Advocacy	D	$77,280
Justice for Wisconsin	R	$55,000
Service Employees International Union (SEIU)	D	$54,650
Black Leaders Organizing for Communities (BLOC PAC)	D	$54,410
SOMOS PAC	D	$51,836
Indivisible Action	D	$51,118
Alliance for Justice Action Campaign	D	$50,611
Climate Emergency Advocates	D	$49,590
New Prosperity Foundation	R	$47,000
Tech for Campaigns	D	$41,468
National Rifle Association (NRA)	R	$37,978
Citizen Action of Wisconsin	D	$30,149
Blue Sky Waukesha	D	$27,310
Progress North	D	$25,482
Wisconsin Right to Life PAC	R	$23,235
Minocqua Brewing Co. Super PAC	D	$22,505

Name	Partisan Lean	Amount
National Redistricting Action Fund	D	$17,301
American Federation of Teachers – Wisconsin	D	$15,552
March On	D	$15,000
Women's March Win	D	$15,000
Freedom Action Now	D	$13,327
MoveOn.org Political Action	D	$12,302
Stand Up America	D	$12,291
Wisconsin Muslim Civic Alliance	D	$11,766
Committee to Protect Health Care	D	$10,350
Rock County First Political Fund	R	$9,890
Dunn County Democratic Party	D	$8,222
350 Wisconsin Action Inc.	D	$6,116
Emerging Voters Inc.	D	$3,694
Eau Claire County Republican Party	R	$3,000
SEIU Wisconsin Healthcare and Service Workers	D	$2,650
Volunteers for Agriculture (Wisconsin Farm Bureau Federation)	R	$2,400
SEIU Wisconsin State Council	D	$2,018
Wisconsin Education Association Council Region 7 PAC	D	$1,180
Juneau County Republican Party	R	$826
Wisconsin Education Association Council Region 6 PAC	D	$760

Name	Partisan Lean	Amount
TOTAL		**$28,883,147**

No asterisk represents disclosed spending by independent expenditure groups.
* Estimated spending for undisclosed issue ad activity.
** Estimated spending for undisclosed issue ads and disclosed independent expenditures.

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Press Release 2020

2020 Supreme Court Race Cost Record-Shattering $10M

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Posted: July 16, 2020
*Updated: April 19, 2021**

Candidates and outside special interest groups spent a record-shattering $10 million in the Wisconsin Supreme Court race last April, a Wisconsin Democracy Campaign review found.

Outside group spending topped $5 million for the first time ever in a high court race (see Table). The three candidates combined also spent a record of just over $5 million. And the winner, Dane County Circuit Judge Jill Karofsky, spent $2.7 million, a single-candidate record in a state Supreme Court race.

Of the $10 million spent by the groups and candidates, 51 percent was spent by Karofsky and groups who supported her, 47 percent was spent by Kelly and groups who supported him, and 2 percent was spent by candidate Ed Fallone, who was eliminated in the February primary, and groups who supported him.

The previous record cost of a state Supreme Court race was more than $8.2 million set in 2019. The previous record for group spending alone was nearly $4.8 million in 2008 and the previous record for combined candidate spending was $3.7 million in 2019.

Special interest groups that backed Karofsky spent nearly $2.5 million. Groups that supported incumbent Justice Dan Kelly spent more than $2.5 million. Karofsky drew support from Democratic contributors and groups, and Kelly was backed by Republican and conservative contributors and groups. Outside groups also spent about $10,300 on Fallone.

Topping the list of outside spenders was A Better Wisconsin Together Political Fund, which doled out nearly $1.9 million on disclosed independent expenditures, mostly on television, online advertising, and mailings to support Karofsky.

Behind A Better Wisconsin was Wisconsin Manufacturers & Commerce (WMC), the state's largest business organization, which doled out an estimated $1.1 million in secret phony issue ad spending for television ads that attacked Karofsky. WMC is a traditional backer of Republican and conservative legislative and statewide candidates.

Rounding out the top three group spenders was the Republican State Leadership Committee, which spent about $900,000, mostly on television ads and text messages to support Kelly and attack Karofsky. This group generally supports conservative and GOP candidates in partisan legislative elections nationwide, but has backed conservative candidates in state judicial races in recent years.

For more details about the groups and their spending, check out the Democracy Campaign's Hijacking Campaign 2020 or click on the links in the table below.

Special Interest Group Spending in the 2020 Wisconsin Supreme Court Race

Name	Partisan Lean	Amount
A Better Wisconsin Together Political Fund	D	$1,877,467
Wisconsin Manufacturers & Commerce (WMC)	R	$1,100,000
Republican State Leadership Committee	R	$897,488
Americans for Prosperity	R	$479,463
Service Employees International Union Committee on Political Education and SEIU State Council Independent Expenditure Committee*	D	$417,403
Planned Parenthood	D	$65,387
Wisconsin Family Action	R	$55,755
Wisconsin Conservation Voters	D	$50,000
Citizen Action of Wisconsin	D	$28,744
American Majority Action	R	$21,876
Alliance for Justice Action Campaign	D	$16,607
Tides Advocacy	D	$6,427

Name	Partisan Lean	Amount
Voces de la Frontera	D	$4,617
Indivisible Action	D	$3,465
Blue Sky Waukesha	D	$3,300
NRA Political Victory Fund	R	$957
Wisconsin Education Association Council (WEAC) Region 3 PAC	D	$770
TOTAL*		**$5,029,726**

*The spending figure for the SEIU as well as total spending by all groups have been changed to reflect amended reports filed by the SEIU with the state.

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Press Release 2019

2019 Supreme Court Race Cost Record $8.2 Million+

Share:

July 17, 2019

Candidates and outside special interest groups spent a record of more than $8.2 million in last spring's Wisconsin Supreme Court race, a Wisconsin Democracy Campaign review found.

The two candidates combined to spend a record $3.7 million, according to campaign finance reports filed this week. Candidate Lisa Neubauer led spending at just over $2 million – the first time a high court candidate has exceeded $2 million in spending. Brian Hagedorn, who won the April 2 contest for a 10-year seat on the high court, spent nearly $1.7 million – the second largest amount spent by a candidate in a state Supreme Court race.

Neubauer and Hagedorn spent nearly $1 million more than the previous record of more than $2.7 million spent by the candidates in the 2018 Supreme Court race.

About 20 outside groups doled out more than $4.5 million. Outside groups that backed Neubauer spent nearly $2.9 million and groups that supported Hagedorn doled out nearly $1.7 million (see table below). Neubauer drew support from Democratic contributors and groups, and Hagedorn was backed by Republican and conservative contributors and groups in the so-called nonpartisan contest.

Outside group spending in previous Wisconsin Supreme Court elections since spring 2007 has ranged from $0 to a record $4.8 million.

Topping the list of outside spenders in the 2019 election was the Greater Wisconsin Committee (GWC), which spent nearly $2.3 million on disclosed independent expenditures and undisclosed issue ads. The group mostly used television and online advertising to attack Hagedorn. Greater Wisconsin supports Democrats in statewide and legislative partisan elections.

Behind GWC was the Republican State Leadership Committee, which spent more than $1.2 million, mostly on broadcast and online advertising and robocalls to support Hagedorn and attack Neubauer. This group generally supports GOP candidates in partisan legislative elections nationwide and conservative candidates in state judicial races across the country.

For more details about the groups and their spending, check out the Democracy Campaign's Hijacking Campaign 2019 or click on the links in the table below.

Special Interest Group Spending in the 2019 Wisconsin Supreme Court Race

Name	Partisan Leaning	Amount
Greater Wisconsin Committee and Greater Wisconsin Political Fund	D	$2,275,000
Republican State Leadership Committee	R	$1,245,572
Americans for Prosperity	R	$291,755
For Our Future	D	$161,204
Service Employees International Union Committee on Political Education and SEIU State Council	D	$142,046
Planned Parenthood	D	$123,695
Wisconsin Conservation Voters	D	$100,000
Center for Popular Democracy	D	$50,180
Midwest Growth Fund	R	$46,017
American Majority Action	R	$27,417
Wisconsin Family Action	R	$27,402
FreedomWorks for America – Wisconsin	R	$26,220
Susan B. Anthony List	R	$11,000
Leaders Igniting Transformation Action Fund	D	$8,053
Wisconsin Right to Life	R	$5,346

Name	Partisan Leaning	Amount
Voces de la Frontera	D	$4,747
Wisconsin Education Association Council (WEAC) Region 6 PAC and Region 7 PAC	D	$58
TOTAL		**$4,545,712**

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BRENNAN CENTER FOR JUSTICE

The Politics of Judicial Elections, 2019–20

Why Special Interests Are Spending More Than Ever on State High Court Races

By Douglas Keith with Eric Velasco

PUBLISHED JANUARY 25, 2022

Introduction

In 2019–20, state supreme court elections attracted more money — including more spending by special interests — than any judicial election cycle in history, posing a serious threat to the appearance and reality of justice across the country.

Thirty-eight states use elections to choose the justices who sit on their highest courts, which typically have the final word in interpreting state law. Over the past two decades, the Brennan Center has tracked and documented more than $500 million in spending in these races.[1] Our analysis finds that the 2019–20 election cycle was the most expensive ever (adjusted for inflation). In fact, no other cycle comes close to the nearly $100 million that big donors and interest groups spent to influence the composition of state supreme courts in 2019–20.

This unparalleled spending speaks to the power and influence of state supreme courts, which often fly below the public's radar. While voters were at the polls on Election Day in 2020, for example, the Missouri Supreme Court announced that it would not hear Johnson & Johnson's appeal of a $2 billion verdict against it in a products liability suit.[2] Massive stakes like these, for both business interests and trial lawyers, are what fueled some of the first high-cost judicial races two decades ago.[3]

The current political moment only heightens the stakes. In 2020 alone, state supreme courts ruled on everything from ballot access and challenges to election results to governors' emergency orders concerning the Covid-19 pandemic. Looking ahead, state courts are playing a crucial role in the ongoing redistricting cycle, including resolving disputes about racial discrimination and partisan gerrymandering and even drawing electoral maps in some states.

The 2019–20 election cycle, however, was less an aberration than an escalation.[4] A newly enlarged conservative majority on the U.S. Supreme Court, for example, only makes it more likely that state courts and state constitutions will be a focal point as an alternative venue for protecting rights and resolving high-profile disputes. Going forward, more people and more interest groups — many with deep pockets — will almost certainly be paying close attention to who sits on these courts and how they reach the bench.

Key Findings

- **State and national spending set new records.** This cycle set an overall national spending record of $97 million, 17 percent higher than the previous record set in 2004 (adjusted for inflation). It also nearly doubled the record for spending in a retention election, in which a sitting justice stands for an up-or-down vote rather than face an opponent, with a $9.9 million election in Illinois. State spending also hit new highs. North Carolina saw its most expensive state supreme court race ever, as did Wisconsin in 2019 — before breaking that record again in 2020.

- **Outside special interests spent more than ever.** Interest groups set another record this cycle, spending an estimated $35 million on ads and other election activities, independent of any amounts they contributed to the candidates themselves. This peak surpassed the previous high-water mark set in 2015–16 and more than doubled interest group spending in every prior cycle. Interest groups accounted for 36 percent of all spending in 2019–20 and spent more money than the candidates themselves in Michigan and Wisconsin. Interest groups on the left came closer than they have in previous cycles to matching those on the right, spending $14.9 million compared to $18.9 million by conservative groups.

- **The biggest spenders included both long-time players and newcomers.** As in other recent cycles, the Judicial Fairness Initiative (JFI) of the Republican State Leadership Committee (RSLC) was active in the most races, spending $5.2 million across five states. At least $1 million of the RSLC's budget came from the Judicial Confirmation Network (also known as the Judicial Crisis Network), the dark money group that also spent millions to put Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett on the U.S. Supreme Court and that has perennially been one of the biggest spenders in state supreme court elections.[5] But new groups entered the fray as well: in Illinois, two in-state billionaires funded $5.9 million in spending by Citizens for Judicial Fairness (CJF), and in Texas, in-state business interests, many from the oil industry, fueled $4.5 million of spending by the newly formed Judicial Fairness PAC.

At a moment when our democracy is being tested, it is crucial to ask whether modern judicial elections leave state supreme courts equipped to play their vital constitutional role. Courts will need the public's trust to effectively counter antidemocratic forces, yet this uptick in spending gives the public little reason to trust that courts are independent of big donors, or any different than the political branches of government. Indeed, research suggests that election spending influences judicial decision-making — and specifically, that judges up for reelection are more likely to rule in favor of their donors and supportive political parties.[6]

States have a wide range of tools to mitigate the harms documented in this report, including eliminating supreme court elections or limiting justices to a lengthy single term in office, providing judicial candidates with public financing, strengthening disclosure rules, and adopting recusal and ethics reforms. The 2019–20 cycle underscores that the challenges posed by modern supreme court elections are not going away — and that the need for action is urgent.

Spending Analysis

In 2019–20, 35 states held elections for 76 seats on their highest courts. These elections, which amounted to nearly one in every four state high court seats in the country, included retention elections as well as more familiar contested elections, in which multiple candidates can compete and may or may not appear on the ballot with a party affiliation, depending on the state's law.[7] In all, states held 27 retention elections and 16 partisan elections (including one uncontested race) and filled 33 seats via nonpartisan elections (including 10 that were uncontested).

The number of contests was on par with prior cycles, but the spending was far from it.[8] In all, the Brennan Center documented $97 million in spending across 21 states during the 2019–20 state supreme court election cycle, shattering previous records. (We documented no spending in 14 states that held elections.) Even adjusting for inflation, spending was 17 percent higher than the prior all-time spending record set during the 2003–04 cycle. That cycle still holds the record for the most expensive judicial election for a single seat ($20 million in Illinois) and included the infamous West Virginia election that led the U.S. Supreme Court to declare in its *Caperton v. A.T. Massey Coal Co.* decision that judicial campaign spending by parties appearing before a court can at times be so substantial as to undermine constitutional guarantees of due process.[9]

Our analysis breaks spending down into three primary categories: candidate fundraising, interest group spending, and political party spending. Candidates raised $62.6 million, surpassing all prior cycles in terms of raw dollars, and surpassed only by 2003–04 after adjusting for inflation. This total includes $1 million in public financing in New Mexico, where all four candidates voluntarily participated in the country's only active public financing program for judicial candidates. Outside interest groups spent $35.2 million, breaking the 2015–16 record (adjusted for inflation) — which itself was nearly double that of any prior cycle. Political parties spent only $111,832 directly, though as discussed below, they contributed more significant amounts directly to candidates.

TABLE 1

Estimated Spending on State Supreme Court Races, 2019–20

STATE	CANDIDATE FUNDRAISING	PUBLIC FINANCING	OUTSIDE SPENDING BY SPECIAL INTEREST GROUPS	SPENDING BY POLITICAL PARTIES	TOTAL NUMBER OF SEATS ELECTED	TOTAL SPENDING
Illinois	$12,559,369	–	$6,221,868	–	3	$18,781,238
Wisconsin*	$8,978,739	–	$9,002,028	$6,354	2	$17,987,121
Texas	$6,930,487	–	$4,500,550	–	4	$11,431,037
North Carolina	$7,056,001	–	$3,430,939	–	3	$10,486,940
Michigan	$3,923,399	–	$6,179,661	$18,949	2	$10,122,008
Ohio	$5,359,854	–	$1,399,995	$86,530	2	$6,846,379
West Virginia	$4,049,521	–	$2,625,816	–	3	$6,675,338
Louisiana*	$4,595,557	–	$1,096,549	–	3	$5,692,106
Georgia	$1,832,445	–	–	–	2	$1,832,445
Nevada	$1,759,984	–	$47,020	–	2	$1,807,004
Mississippi†	$919,964	–	$396,394	–	2	$1,316,358
Kentucky*	$1,151,027	–	–	–	2	$1,151,027
New Mexico	$83,106	$1,036,180	–	–	2	$1,119,286
Alabama	$836,598	–	–	–	2	$836,598
Arkansas	$474,929	–	$225,000	–	1	$699,929
Montana	$490,883	–	–	–	2	$490,883
Washington	$327,744	–	$15,330	–	4	$343,074
Minnesota	$258,539	–	–	–	1	$258,539
Alaska	–	–	$52,300	–	1	$52,300
Kansas	–	–	$11,000	–	1	$11,000
Oregon	$8,260	–	–	–	2	$8,260
Totals	**$61,596,407**	**$1,036,180**	**$35,204,451**	**$111,832**	**46**	**$97,948,870**

Note: This chart estimates spending on high court races, including contested and retention elections, in the 21 states in which spending was documented. Unless otherwise noted, races occurred in 2020. Candidate fundraising figures were provided by OpenSecrets and reflect available data as of July 6, 2021. Candidate fundraising includes contributions and self-financing by candidates, including loans. It excludes loan repayments of $10,000 or more and fundraising by judges who did not run for election in 2019–20. Sources for independent expenditures by political parties and interest groups include state campaign finance disclosures, broadcast television spending estimates from Kantar Media/CMAG, and Facebook spending estimates from Facebook's Ad Library. The 2019 figures in this chart are lower than the totals reported in the historical chart, because in that chart totals were adjusted for inflation to 2020 dollars to allow for historical comparison. The 2019 figures in this chart have not been converted to 2020 dollars.

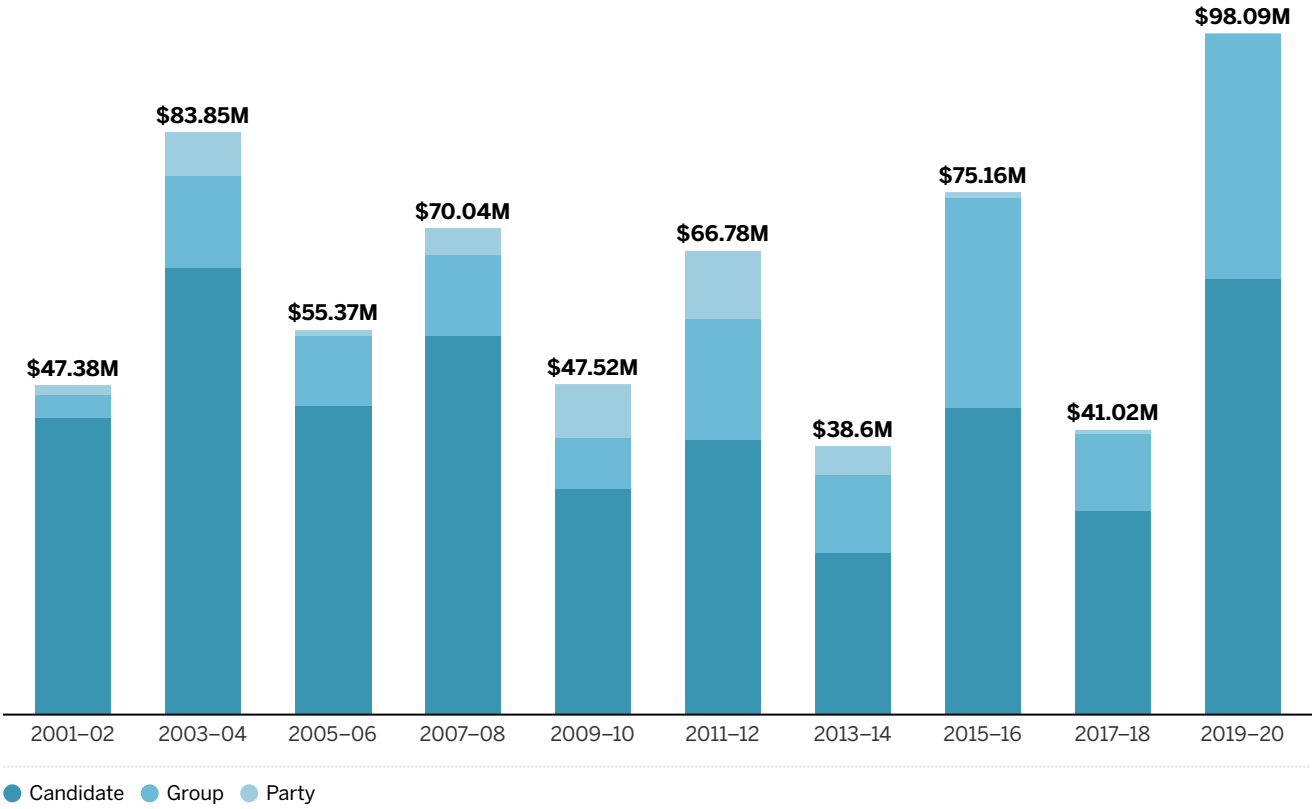
*These states held elections in both 2019 and 2020; figures for these states reflect combined spending for elections in both years.

†Our researchers identified spending for only two of the four seats for which Mississippi held elections.

FIGURE 1

State Supreme Court Election Spending by Cycle

2020 dollars



Source: Data from previous cycles drawn from earlier reports in the Politics of Judicial Elections series, as well as updated candidate fundraising and television spending estimates from OpenSecrets and Kantar Media/CMAG.

Note: All figures have been converted to 2020 dollars. Because of this inflation adjustment, totals in this graph are different than figures published in previous reports.

While we documented spending in a similar number of races as years prior, high-dollar races were more common than ever before in 2019–20. Thirteen judges were elected in races that cost more than $3 million, compared with seven in 2015–16 and six in 2017–18.[10] Wisconsin and North Carolina saw their most expensive judicial elections ever — $9.9 million and $6.2 million, respectively, for single seats. Five states had more than $10 million in total spending this cycle, whereas no prior cycle saw more than a single state pass that threshold.[11] Both nonpartisan and partisan contests attracted major spending: of the 22 races that cost more than $1 million, 12 partisan elections saw $36 million in spending, while the 10 nonpartisan contests cost $43 million.

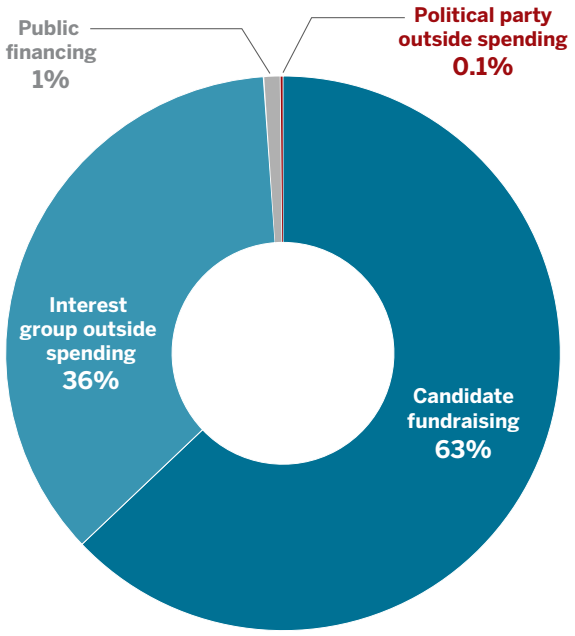
Two States Lead the Way

Why do big donors and interest groups target particular contests with record amounts of spending and contributions? Dynamics leading to a high-dollar race vary from state to state, but our research has identified several common factors that attract money to judicial elections. For example, elections often attract donors when a court's ideological or partisan majority is up for grabs, or if a court recently made a high-profile decision on a hot-button issue like reproductive rights, marriage equality, or education funding. Add in two key national trends — the 2021–22 redistricting cycle, in which some state courts will play a major role, and the newly strengthened conservative majority on the U.S. Supreme Court, which makes it more likely that progressive groups will try to avoid federal courts — and this cycle was ripe for big spending.

Together, spending in just two states — Illinois and Wisconsin — accounted for more than a third of all spending in 2019–20 and illustrates many of these factors.

FIGURE 2

Spending Breakdown for 2019–20 Supreme Court Races



For data sources, see note in table 1.

Illinois set a record for the most expensive retention election in history at nearly $10 million. Often, retention elections are quiet affairs in which candidates spend little money and easily win another term in office. But recently, opportunities to flip a particular court's ideological majority by removing one or several judges have attracted costly anti-retention campaigns. That was the situation in Illinois, where Republicans and their allies saw an opportunity to end Democrats' 4–3 majority on the Illinois Supreme Court by defeating Justice Thomas Kilbride in his swing district. Citizens for Judicial Fairness, founded just two months before the election, spent $4.3 million to defeat Kilbride (who won only 56.5 percent of the 60 percent needed to keep his seat). Per state law, the remaining justices selected a temporary replacement, and Republicans will have a chance to win the majority in a competitive election to permanently fill the seat in 2022.

Illinois Republican leaders cited anticipated court decisions about pension reform and redistricting as the prizes for winning a majority on the court.[12] The Illinois Supreme Court has a history of wading into the long-running fight over the state's pension system: in 2015, the court struck down a pension reform plan as violating the state constitution.[13] CJF was funded almost entirely by two in-state billionaires — Dick Uihlein, a national GOP megadonor, and Ken Griffin, the wealthiest person in Illinois. Griffin has long pushed for reducing the state's pension obligations to advance his goal of lowering state taxes,[14] and days after the election, CJF's chair wrote in the *Chicago Tribune* that the state's pension plan is "out of control" and that "to stop the bleeding, we have to go to the state high court again, arguing that . . . the justices must relent."[15]

However, although the anti-retention campaign succeeded, Illinois Democrats moved quickly to regain their advantage on the court. Just a few months after Kilbride's defeat, legislators redrew the supreme court's districts for the first time in 60 years. The new map includes three heavily Democratic districts and a fourth, which will be up for election in 2022, that voted for President Joe Biden by 13 percentage points.[16] This epilogue exemplifies how today's fights for control over state supreme courts are also playing out in state houses across the country, where legislators are passing laws to give their allies an advantage in state courts.[17]

Wisconsin, meanwhile, broke state spending records in 2019 and again in 2020. Since 2008, when conservatives won a majority, the state has consistently seen some of the most expensive state supreme court races in the country. In particular, the races have been characterized by spending by opaque interest groups that can account for half of all spending in a given race, as they did in 2019 and 2020. After the 2019 election, the RSLC released a statement touting its "full-scale, micro-targeted voter education project of $1.3 million over the last week of the campaign to turn out low propensity, conservative voters and persuade undecided swing voters, which helped carry conservative Judge Brian Hagedorn to victory."[18]

With the possibility that progressives could reclaim a majority on Wisconsin's court by winning in 2019 and 2020, the urgency of the impending redistricting cycle added fuel to the spending fire. Outside interest groups on the left and right, including the RSLC, called attention to the role the court would likely play in redistricting litigation. Eric Holder's National Democratic Redistricting Committee publicly stated that judicial races are central to its efforts to influence the redistricting process and contributed $500,000 to groups spending to support the progressive candidate in the state's 2019 and 2020 supreme court races.[19] Holder himself even went to Wisconsin in 2019 to campaign for Judge Lisa Neubauer.[20] Ultimately, conservatives' preferred candidate won in 2019, while a progressive candidate won in 2020, setting up another costly fight for the majority in the 2023 election.

Candidate Fundraising

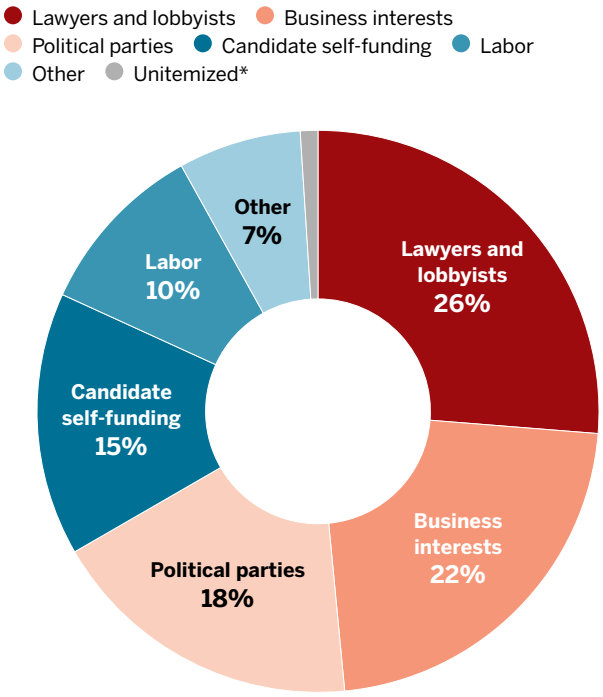
In the 2019–20 cycle, candidates raised $62.6 million, the most ever in raw dollars and second only to the 2003–04 cycle after adjusting for inflation. Nineteen candidates raised more than $1 million — more than double the number who raised that much in either of the two most

recent election cycles. Clear party affiliation appears to enhance candidates' fundraising: 14 of the 19 million-dollar fundraisers ran in a partisan general election or reached the ballot through a partisan nomination process, 7 Democrats and 7 Republicans.[21]

As in prior cycles, lawyers and business interests likely to come before a state's high court accounted for a majority of contributions to candidates. These contributions highlight a central tension of judicial elections: often, only those with an acute personal or financial interest in state court decisions pay close attention to these under-the-radar races. These individuals and interest groups tend to be sophisticated political spenders who can navigate contribution limits in ways that create the potential for conflicts of interest rather than the accountability that elections are intended to provide. Louisiana, for example, is the only state where lawyers alone contributed more than half the money candidates received, and much of that came from law firms involved in long-running disputes between coastal parishes and oil companies accused of damaging the coastline. One such firm contributed $107,000 to candidates in Louisiana's 2020 supreme court contests, including donations from firm partners and their spouses, despite state law limiting the law firm itself to a $5,000 contribution.

FIGURE 3

Contributions to Candidates by Sector, 2019–20



Source: Data from OpenSecrets as of July 6, 2021.

Note: Itemized contributions for which researchers were unable to identify a donor's occupation accounted for 33 percent of all contributions to candidates; they are excluded here. This analysis is different from some previous cycles for which, because the share of uncategorized contributions was smaller, we included uncategorized contributions in our analysis. Rounded to nearest percentage point.

*Unitemized contributions are small ones for which states do not require disclosure of donor information.

Candidate Diversity

The pool of candidates in the 2019–20 cycle also failed to reflect the diversity of the public they were running to serve. The Brennan Center has previously documented the stark lack of diversity on many state supreme courts — only 17 percent of justices are people of color, and 22 state supreme courts are entirely white.[22]

In 2020, just 14 out of 106 candidates running for contestable seats identified as people of color (13 percent), and those candidates won 5 of the 49 seats (10 percent).[23] Each of the five winning candidates was either an incumbent or won the seat of a retiring justice of color, such that no court gained a justice of color via election. Six states with all-white supreme courts held elections this cycle, and none had a candidate of color on the general election ballot (including Alabama, Michigan, and Nevada, where people of color make up more than a quarter of the population). And the first Black woman to serve as chief justice of the North Carolina Supreme Court lost her reelection bid to a challenge from a fellow justice.

Although the small number of candidates of color makes it difficult to identify patterns in the data, a prior Brennan Center analysis of supreme court elections from 2000 to 2016 found that state supreme court elections have rarely been paths to the bench for candidates of color. Among other dynamics, candidates of color face disparities in fundraising and a greater likelihood of being challenged as an incumbent — both factors likely contributing to small candidate pools.[24]

Political Parties

In the 2019–20 cycle, political parties played a relatively small role. In addition to approximately $100,000 in direct expenditures, political parties made $7.3 million in contributions to candidates, split evenly between Democrats and Republicans. Nearly one-third of party contributions came from the Republican Party of Texas, which supported its candidates with $2.1 million. Nationally, including these contributions, parties accounted for 7.6 percent of all money spent this cycle, reflecting modest growth from the previous two cycles (6 percent in 2017–18 and 3 percent in 2015–16), but still a much smaller share than earlier cycles (13 percent in 2013–14 and 17 percent in 2011–12).

The diminished role of political parties, paired with the growth in interest group spending, likely reflects donors' preference for the less-regulated interest groups. Unlike interest groups, political parties are often subject to limits

on the size of contributions they can accept and are also required to disclose at least some information about their donors. The Brennan Center has documented how, in other electoral contexts as well, less regulated groups are overtaking political parties in terms of dollars spent.[25]

Outside Special Interest Groups

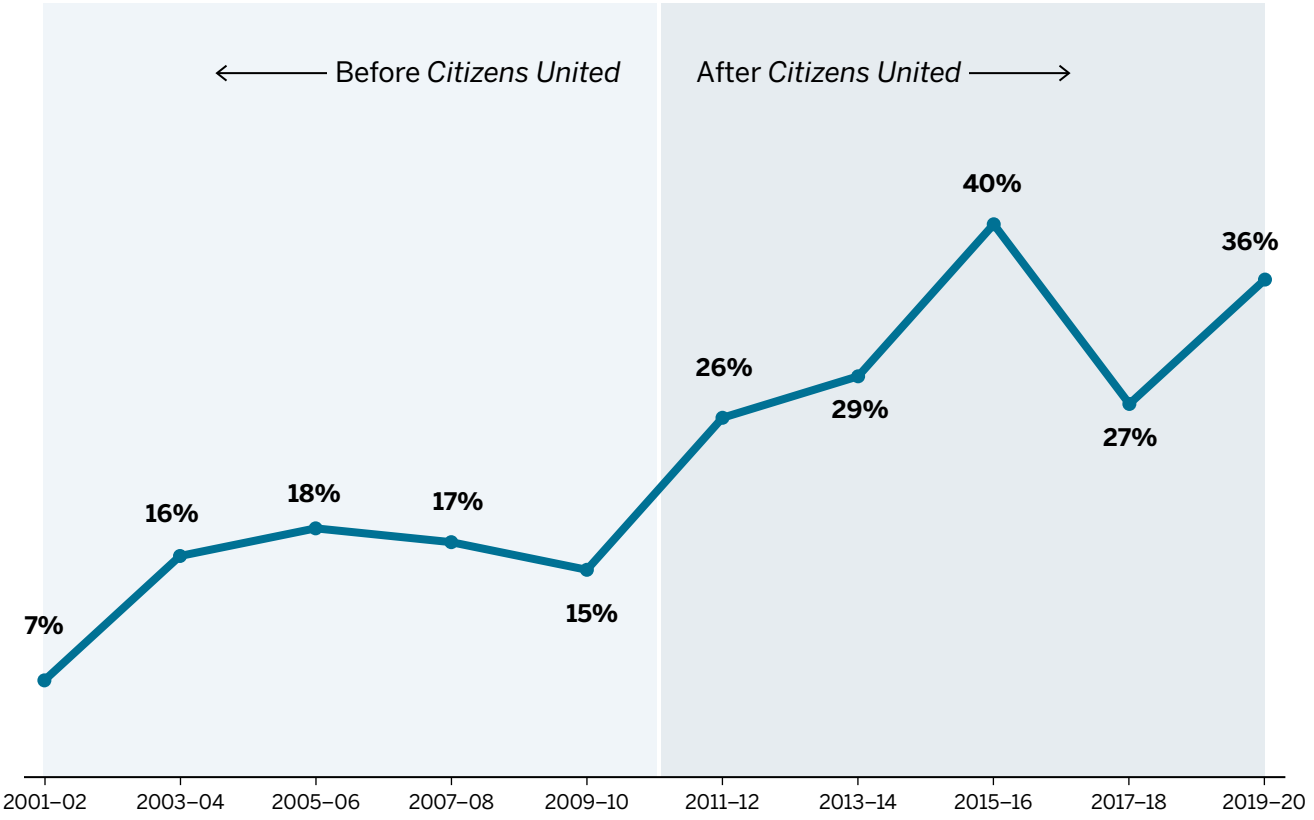
Ever since the U.S. Supreme Court's 2010 decision in *Citizens United v. Federal Election Commission* created an environment in which interest group spending could flourish, interest groups have assumed a more prominent role in state supreme court elections. That ruling made it possible for groups to spend unlimited amounts to support candidates, so long as they do not coordinate with those candidates. Subsequent lower court decisions made it possible for the same groups to accept contributions of any size, pairing unlimited spending with unrestricted donations.[26] In the 2019–20 cycle, interest groups spent $35.2 million and accounted for 36 percent of all money spent, second only to the 40 percent share they claimed in 2015–16. Prior to *Citizens United*, interest groups never accounted for more than 19 percent of spending in a state supreme court election cycle. And, as has been the case in recent cycles, interest groups played an even larger role in targeted states: in Michigan and Wisconsin, these groups accounted for more than half of all money spent.

Consistent with recent election cycles, the RSLC's Judicial Fairness Initiative spent in the greatest number of races. A subsidiary of the RSLC, the JFI began in 2014 to elect conservatives to state judiciaries, and it has since established itself as the leading outside interest group in state judicial races.[27] While the JFI only reports contributions from its parent organization, the RSLC's IRS filings show multimillion-dollar contributions from Sheldon Adelson, the State Government Leadership Foundation (a conservative dark money group funded by Fortune 500 companies),[28] and the U.S. Chamber of Commerce.

Further examination of the RSLC's IRS filings provides some clues as to who specifically was trying to shape state court races. In 2019, for example, the Judicial Confirmation Network gave the RSLC $1 million on March 19, one day before the JFI made its first ad buy in what would be a successful $1.3 million campaign to elect Justice Brian Hagedorn in Wisconsin.[29] And in West Virginia, the nurs-

FIGURE 4

Share of Spending by Interest Groups



Note: The U.S. Supreme Court issued the decision in *Citizens United v. Federal Election Commission* on January 21, 2010, in the middle of the 2010 electoral cycle. The first full cycle with *Citizens United* in place was the 2011–12 cycle. For data sources, see note in table 1.

ing home industry gave a combined $600,000 to the RSLC three weeks before three justices were elected to West Virginia Supreme Court, which the industry has asked to overturn wrongful death judgments won by residents' families, including one appeal filed just months after their preferred candidates won seats on the state's high court.[30]

A substantial portion of the money from the left was equally hard to trace. A Better North Carolina, which supported the three Democratic candidates for the North Carolina Supreme Court, received more than half its funding from Make North Carolina First, a 501(c)4 group that has supported left-of-center candidates for the state's supreme court since at least 2016. Unlike traditional PACs, groups incorporated as "social welfare organizations" under this part of the Internal Revenue Code generally do not have to disclose information about their donors. In Michigan, the biggest donations to Justice for All, which supported the two candidates endorsed by the Democratic Party, were $700,000 from the Michigan Civic Action Fund, another 501(c)4, and $450,000 from in-state unions.

Although the three biggest spenders all supported Republican and conservative nonpartisan candidates, overall there was greater parity between conservative and progressive interest groups than in prior cycles. Groups supporting candidates on the left spent $14.9 million, compared with conservative groups' $18.9 million.

Eight Outside Special Interest Groups Spent More Than $1 Million This Cycle

- **Citizens for Judicial Fairness (Illinois)**
  $5.9 million
- **RSLC Judicial Fairness Initiative (Arkansas, Louisiana, Ohio, West Virginia, and Wisconsin)**
  $5.2 million
- **Judicial Fairness PAC (Texas)**
  $4.5 million
- **A Better North Carolina (North Carolina)**
  $3.4 million
- **Justice for All (Michigan)**
  $2.7 million
- **Greater Wisconsin Committee (Wisconsin)**
  $1.9 million
- **A Better Wisconsin Together (Wisconsin)**
  $1.9 million
- **Progress Michigan (Michigan)**
  $1.2 million

How Interest Group Spending Changes Judicial Elections

The outsize role of opaque, unaccountable interest groups is concerning in any election, but it presents unique problems in judicial elections. First, the groups enable major donors to evade contribution limits and judicial ethics rules. Although state law might prohibit a donor from giving a judicial candidate more than $2,000, the same donor can give $200,000 to an interest group they know will spend that money to support the same candidate. Making matters worse, lax state disclosure laws often enable interest groups to avoid reporting the identities of their donors, meaning that the public may never know who is spending so lavishly to influence their state's judicial races.

Even when a donor's identity is known, most states' judicial recusal rules — the rules that dictate when a judge needs to step aside from a case in which they have a conflict of interest — do not take this indirect support into account. This disconnect creates the potential that judges will hear cases involving major supporters. In Texas, for example, a Houston-based oil company called Apache gave $250,000 to Judicial Fairness PAC at the same time that justices supported by the PAC were considering Apache's appeal from a $900,000 jury verdict against it in an employment discrimination suit.[31] Prior to 2020, Apache last made a contribution to a judicial candidate more than a decade earlier, and it was only $2,500.[32] The Texas Supreme Court had declined to hear the appeal but then reconsidered its decision — a rare occurrence — and ultimately threw out the jury award, giving Apache everything it likely hoped to gain with its contribution. After the decision, a former Texas legislator said, "I'm not going to say justices are bought and paid for, . . . [b]ut the optics give plenty of people reason to think they are."[33]

Finally, interest groups change the tenor of races in ways that ultimately distort judges' decisions on the bench. Seventy-two percent of ads sponsored by interest groups during the 2019–20 cycle attacked a candidate, compared to only 8 percent of the ads that candidates paid for themselves.[34] The RSLC ran ads attacking candidates in four different states, accusing them each of being soft on crime for decisions that benefited defendants accused of violence against women and children. Attack

ads like these are often misleading, conflating, for example, a judge's determination that law enforcement violated a defendant's constitutional rights with a judge being indifferent to the underlying violence.[35] Yet research suggests that these kinds of attacks ultimately impact outcomes: election pressures can lead judges to issue longer sentences, make them more likely to uphold death sentences, and incline them to rule against criminal defendants.[36]

Conclusion

States adopted judicial elections during the 19th and 20th centuries as a good-government fix to a broken judicial selection process. Among reformers' goals were bringing the process of picking judges into the public view, and in doing so, shoring up public confidence in the independence of courts from governors, legislators, political parties, and deep-pocketed special interests.[37]

Today's judicial elections, for high courts at least, fail to achieve these aims. Modern judicial races are instead characterized by the substantial influence of inscrutable interest groups and big donors who appear before judges whose campaigns they discreetly fund. And we should only expect interest groups to maintain or even grow the prominent role they have claimed in judicial elections. The 2019–20 cycle saw more money than ever before, new groups getting involved, and funding from people and businesses that had not previously focused their resources on state supreme court contests.

But there are ways of selecting judges that remove or mitigate at least some political and financial influences. The Brennan Center has proposed that states move away from state supreme court elections, instead using a publicly accountable appointment system to shield the process from special interest influence.[38] States can also limit elected judges to single, lengthy terms, helping to ensure that they are not simultaneously deciding cases and seeking financial support for their reelection campaigns. States that keep electing judges as they currently do can adopt judicial ethics rules and stronger disclosure requirements to better insulate courts from the worst effects of campaign money. Public financing, meanwhile, can offer judicial candidates an option for financial support other than the lawyers and businesses appearing before them and interest groups with deep pockets.

Our democracy faces existential threats, and state courts will be a crucial line of defense. Elected judges have been and will likely continue to be called on to stand up to legislators, governors, and even presidents seeking to consolidate their power. When those moments come, courts must be equipped to be independent from political and financial interests, and the public must be able to trust that they are.

Endnotes

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ABOUT THE BRENNAN CENTER FOR JUSTICE

The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute that works to reform and revitalize — and when necessary defend — our country's systems of democracy and justice. The Brennan Center is dedicated to protecting the rule of law and the values of constitutional democracy. We focus on voting rights, campaign finance reform, ending mass incarceration, and preserving our liberties while also maintaining our national security. Part think tank, part advocacy group, part cutting-edge communications hub, we start with rigorous research. We craft innovative policies. And we fight for them — in Congress and the states, in the courts, and in the court of public opinion.

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2022 ELECTIONS

State Supreme Court race draws $2.9 million in outside spending in last month of campaign

Gustafson vs. Brown had already broken records for the most expensive Supreme Court race in Montana history.

by Mara Silvers
11.04.2022

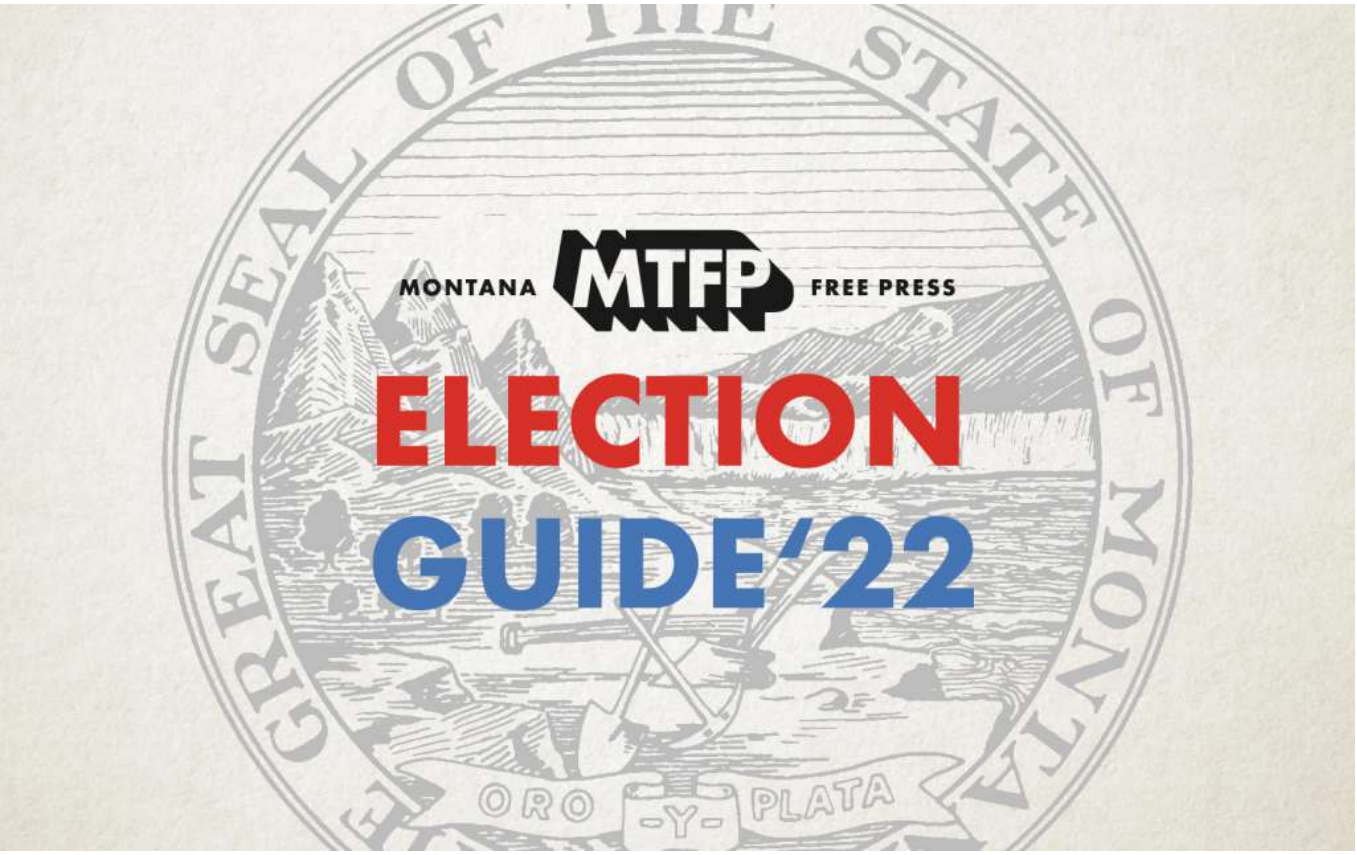
Credit: Photo-illustration by Stephanie Farmer. Ingrid Gustafson photo courtesy of Ingrid Gustafson. Jim Brown photo courtesy of Jim Brown. Montana Supreme Court photo by John S. Adams

With the Nov. 8 election less than a week away, Montana's most expensive Supreme Court race in history, between incumbent Justice **Ingrid Gustafson** and attorney **James Brown**, continues to draw donations and release a firehose of last-minute spending in an effort to sway voters.

While Gustafson, a five-year justice on the court, and Brown, a private attorney and Republican president of the Public Service Commission, remain almost evenly matched in direct campaign

donations and spending, contributions from third party groups backing the incumbent have skyrocketed in the final months of the campaign. Committees reported spending more than $2.2 million in independent expenditures in support of Gustafson in October alone, far outstripping the more than $615,600 in reported third party spending for Brown in the same month.

The roughly $2.9 million October haul between both candidates tops the record-breaking $1.3 million in **independent expenditures** Lee newspapers tallied on Oct. 18 for Gustafson and Brown since the race began this spring. It is also almost certainly an undercount. Montana Free Press identified reported expenditures from third party groups that were correctly disclosed in the state campaign finance system last month, but could not identify and count filings with significant errors, vague spending descriptions or incomplete data entry.



The totals also exclude spending from some active groups that may not have reported up-to-date receipts in state or federal campaign finance systems. Attorney General Austin Knudsen's Leadership in Action PAC, for example, last reported a $25,000 contribution to the Montana Judicial Accountability Initiative in June but has been running **more recent promotional ads** on Facebook in support of Brown and against Gustafson.

The October surge supporting Gustafson came primarily from labor unions, trial attorneys and progressive environmental groups. The Montana Federation of Public Employees (MFPE),

Montanans for Liberty and Justice and Wild Montana Voter Fund spent about $1.7 million collectively on behalf of the incumbent last month, with the trial attorneys' Liberty and Justice group representing the single largest spender.

Recent mailers paid for by MFPE tout Gustafson as an impartial and fair candidate who has "a proven track record of protecting Montana's Constitution and freedoms." **An October ad** paid for by the trial attorneys PAC criticizes Brown as a former lobbyist and promotes Gustafson as a defender of public lands — the Brennan Center for Justice, a national nonprofit tracking paid television ads in the race, estimates the cost of that ad at $19,890.

Brown's outside money has largely come from the Montana Republican State Central Committee, which has funneled money into supportive mailers, text messages, and digital and television advertisements for several months. In October, the committee disclosed more than $65,500 in spending supporting Brown — later that month, the party began sending letters attributed to Gov. Greg Gianforte calling Brown "a top-rate legal mind and true conservative," and asking voters to support him in November. The party also signed off on October text messages attributed to South Carolina Republican U.S. Sen. Lindsey Graham asking voters to back Brown as the "conservative's choice" for the Montana Supreme Court.

Brown also benefited from about $550,000 in October spending from the national Republican State Leadership Committee Judicial Fairness Initiative, which **announced an anti-Gustafson television campaign** in October.

RELATED

Abortion-rights advocates rally support for Gustafson in Montana Supreme Court race

With four weeks until Election Day, reproductive rights advocates in Montana and across the country are throwing their weight behind a down-ballot candidate they say is key to maintaining abortion access across much of the Rocky Mountain west: Supreme Court Justice Ingrid Gustafson.

by Mara Silvers 10.11.2022

Republican support colors Montana Supreme Court race

In his campaign for the Montana Supreme Court seat currently held by Justice Ingrid Gustafson, who is seeking re-election, attorney James Brown is receiving the race's most overtly partisan support from a long list of elected Republicans. This month, Brown referenced Gov. Greg Gianforte's support of his candidacy when he told attendees at a candidate...

by Mara Silvers 05.25.2022

Montana is not the only state seeing expensive third party campaign strategies in Supreme Court races. Ohio, North Carolina and Illinois are also seeing top-dollar expenditures, according to the Brennan Center for Justice. In those states as well as in Montana, the Brennan Center cautions that a full picture of interest group spending is **difficult to pin down** because of dark money groups that funnel donations through different entities or don't report major financial contributions until after Election Day.

As of Nov. 3, the Montana secretary of state's office reported more than 51% of absentee ballots have been returned. Election Day is Tuesday, Nov. 8.

LATEST STORIES

The veto and the void

Gov. Greg Gianforte is asking a Lewis and Clark County district court judge to dismiss a lawsuit challenging his veto of Senate Bill 442, major bipartisan legislation from the 2023 session that reallocated marijuana tax revenue to conservation and county road projects.

by Arren Kimbel-Sannit 08.25.2023

Montana schools working to comply with new state laws

School officials are working to update local policies to reflect a new batch of state education laws, and running into legal questions about parental rights and transgender protections in the process.

by Alex Sakariassen 08.25.2023

Yellowstone presents alternative bison strategies in draft plan

Yellowstone National Park is soliciting feedback on a proposal outlining strategies for managing bison, a long-awaited document that will guide how the park manages the animals in coordination with state and tribal wildlife officials. The plan has implications for population objectives and where bison will be tolerated outside of park boundaries.

by Amanda Eggert 08.24.2023

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U.S.News & World Report NEWS

Republicans Retake Control of North Carolina Supreme Court

Two Republicans running for seats on the North Carolina Supreme Court beat their Democratic opponents, flipping the partisan makeup of the high court in Republicans' favor for the first time since 2016.

By Associated Press

Nov. 9, 2022

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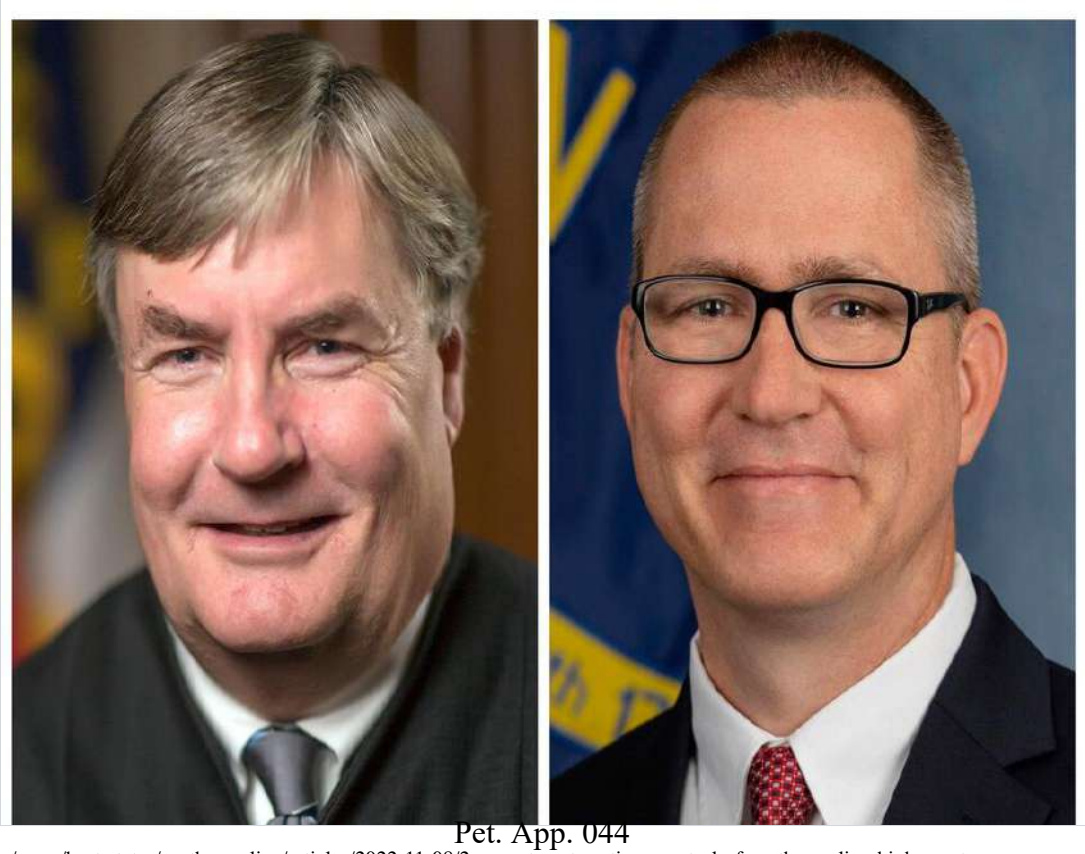

FILE - This combo of images provided the North Carolina Administrative Office of the Courts, left, and the Trey Allen Campaign, shows Associate Justice Sam Ervin IV, left, a Democrat and Trey Allen, currently general counsel for the state court system. The pair are running against each other running for North Carolina Supreme Court. (North Carolina Administrative Office of the Courts, left; Trey Allen Campaign right, via AP, File) THE ASSOCIATED PRESS

By HANNAH SCHOENBA[illegible]ca

RALEIGH, N.C. (AP) — Two Republicans running for seats on the North Carolina Supreme Court beat their Democratic opponents Tuesday, flipping the partisan makeup of the high court in Republicans' favor for the first time since 2016. Republicans now hold a 5-2 majority on the panel.

Republican Trey Allen, general counsel for the state court system, defeated sitting Democratic Associate Justice Sam Ervin IV for his seat. And Republican Court of Appeals Judge Richard Dietz beat Democratic Court of Appeals Judge Lucy Inman for an open seat. Dietz will succeed retiring Associate Justice Robin Hudson, a Democrat who has served on the panel since 2007.

Democrats held a slim 4-3 majority on the high court heading into this year. With two Democrat-held seats up for election, Republicans only needed to win one to retake control. The victories will give the party a majority for several years, likely through at least 2028, as the next two seats up for reelection are also held by Democrats.

Democrats have warned that Republican control of the court could push state law to the right on a number of key issues, including abortion access, redistricting and gun control. It may also open the door for Republicans to draw a more politically beneficial congressional map after this election cycle and create a new avenue to weaken Democratic Gov. Roy Cooper's policy initiatives.

The races were some of the most expensive in state history, with at least $15 million in spending between the two contests. The individual campaigns reported spending $5.5 million combined through Oct. 22. Two super PACs alone spent over $8 million, mainly on television and internet ads centered around abortion.

The judicial elections come in the final months of a tumultuous court term distinguished by several split decisions favoring the Democratic majority. In legal opinions during the past two years, the majority struck down GOP-approved plans for redistricting and set the stage for a constitutional amendment requiring photo identification to vote to be struck down. And just last week, the majority also declared it had been appropriate for a judge to order taxpayer funds be transferred to state agencies for education spending without specific General Assembly action.

These high-profile rulings have drawn criticism from both sides that the judiciary has become too politicized. Thus, all four candidates ran on a similar platform: a vow to keep their personal politics from interfering with their rulings.

“I’m honored and humbled to have been elected to the NC Supreme Court by the people of this great state,” Allen wrote in a tweet Wednesday morning. “Words cannot express my gratitude for the family members, friends and thousands of volunteers whose support and hard work made this outcome possible.”

North Carolina introduced partisan state supreme court elections following the 2016 cycle after the Republican-controlled General Assembly passed legislation to list the judicial candidates' party affiliations on the ballot. Lawmakers introduced the bill shortly after Democrats gained a majority on the high court that November.

Democrats have been able to quash many GOP bills in recent years, mainly with the threat or application of Cooper’s veto, which hung in the balance heading into Tuesday.

Republicans gained some ground in the General Assembly, but likely not enough to override the governor's veto power. Results from Tuesday’s elections show that

Republicans were headed toward gaining a veto-proof majority in the state Senate but seem to have fallen short in the House where they needed to gain three additional seats to win a supermajority in the chamber.

House Speaker Tim Moore and Senate leader Phil Berger celebrated the Republican sweep of the two Supreme Court and four Court of Appeals races Wednesday morning.

Berger said the Supreme Court victories were “a complete repudiation” of what he considers a leftward-leaning court.

The results are evidence that the public “wants to ensure that the rights of people are upheld, that the constitution’s respected and importantly that the balance of power between the executive branch and the legislative branch is kept in the proper place,” Moore told reporters.

Voters in 32 states cast ballots this year in state Supreme Court contests, which became magnets for interest groups nationwide after the U.S. Supreme Court ruled in June to let states decide the legality of abortion.

Abortions are legal in the Tar Heel state until 20 weeks of pregnancy, as of an Aug. 17 federal court ruling, with narrow exceptions for medical emergencies that threaten the life of the pregnant person. North Carolina remains one of the few abortion access points in the Southeast as its neighboring states slash abortion protections. Republican legislative leaders have said they plan to consider further abortion restrictions in 2023.

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Hannah Schoenbaum is a corps member for the Associated Press/Report for America Statehouse News Initiative. Report for America is a nonprofit national service program that places journalists in local newsrooms to report on undercovered issues. Follow her on Twitter at @H_Schoenbaum.

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The Washington Post
Democracy Dies in Darkness

GOVBEAT

Republican group will focus on judicial races

By Reid Wilson

April 29, 2014 at 3:26 p.m. EDT

A Republican organization dedicated to electing state and local officials will broaden its scope and begin targeting judicial races, bringing outside money and sophisticated campaign tactics to one of the last calm backwaters of politics.

The Republican State Leadership Committee said Tuesday it will launch the Judicial Fairness Initiative, a project aimed at backing judge candidates with conservative ideologies. The group will help coordinate resources between judicial candidates and party committees, and will help contact voters on behalf of those candidates.

“Republicans have had a significant amount of success at the state level, not only being elected to offices but implementing bold conservative solutions,” Matt Walter, president of the RSLC, said in an interview. “Unfortunately, that’s running into a hard stop with judges who aren’t in touch with the public.”

The RSLC has already contributed $650,000 to Justice for All NC, a conservative group organized under Section 527 of the Internal Revenue Code. That group has started spending money on a television ad that attacks North Carolina Supreme Court Justice Robin Hudson over a dissenting opinion she wrote in a 2010 case involving three sex offenders.

Judge races are usually sleepy affairs that generate little interest, even at the state Supreme Court level. But as the influence of money in elections grows, judicial campaign spending has spiked, too.

“We’ve really seen judicial races become increasingly like an ordinary political contest, where judges essentially become politicians with robes,” said Alicia Bannon, of the Brennan Center for Justice at the NYU School of Law.

“The state courts are incredibly important. The vast majority of cases that are heard, over 90 percent, are in state courts,” Bannon added. “These are very high-stakes races, and I think national groups are turning more and more to the courts as the next front in the partisan warfare we’re seeing playing out in our legislatures.”

In the 2011-2012 election cycle, candidates spent $33.7 million on television ads in state Supreme Court races, according to a report [pdf] issued by the Brennan Center for Justice, Justice at Stake and the National Institute on Money in State Politics, of which Bannon was the lead author.

Outside groups, including political parties, accounted for about 43 percent of that funding. Increasingly, the report found, the advertising mentioned hot-button national political issues likely to be decided by various courts, like same-sex marriage and the Affordable Care Act. Three Iowa Supreme Court justices lost retention elections in 2010 after outside groups spent more than half a million dollars attacking them for voting to strike down a ban on same-sex marriage.

State Supreme Court candidates nationwide raised a total of $83.3 million between 1990 and 1999. That number shot up to $206.9 million between 2000 and 2009. At the same time, spending on independent expenditures, fueled largely by contributions from corporations, grew exponentially, according to a 2011 report commissioned by the California state Assembly Judiciary Committee.

In the 2012 election cycle, groups from across the political spectrum, from Americans for Prosperity on the right to the Human Rights Campaign on the left, spent money on judicial contests. That can raise questions of propriety: Many states don't have rules that would require a judge to recuse himself or herself from a case involving a party that spent heavily for or against them in a preceding election.

Walter said his group hasn't finalized its budget, but they expect to spend north of $5 million on judicial elections this year. He declined to lay out which races Republicans would target, beyond the North Carolina contest.

Methods of judicial selections vary widely by state. Fourteen states elect at least some of their judges through partisan contests, in which candidates identify themselves as members of a specific party. Nineteen states elect some or all of their judges through nonpartisan elections.

Twenty-six states give governors the power to nominate some judges. And in two states, Virginia and South Carolina, the legislatures elect judges.

In Alabama, all 163 judges — nine on the Supreme Court, five each who sit on the Court of Criminal Appeals and the Court of Civil Appeals, and 144 members of the Circuit Court — are elected in partisan contests.

Neighboring Florida gives the governor the power to nominate the state's seven Supreme Court justices and 60 Courts of Appeal judges, while the 597 Circuit Court judges are elected in nonpartisan contests. Hawaii leaves it up to the governor to appoint all five Supreme Court justices, six Intermediate Court of Appeals judges and 33 circuit court judges.

2023 ELECTION

How Did State Supreme Court Races Get So Expensive?

Wisconsin's is only the latest example.

By Nathaniel Rakich

MAR. 16, 2023, AT 6:00 AM

A race for Wisconsin's Supreme Court has drawn millions of dollars in donations. KAMIL KRZACZYNSKI / AFP VIA GETTY IMAGES

It feels like November in Wisconsin — and not just because of the weather. TV watchers in the Badger State are again being *badgered* by political ads. Of course, there's no presidential, Senate or House race happening soon.

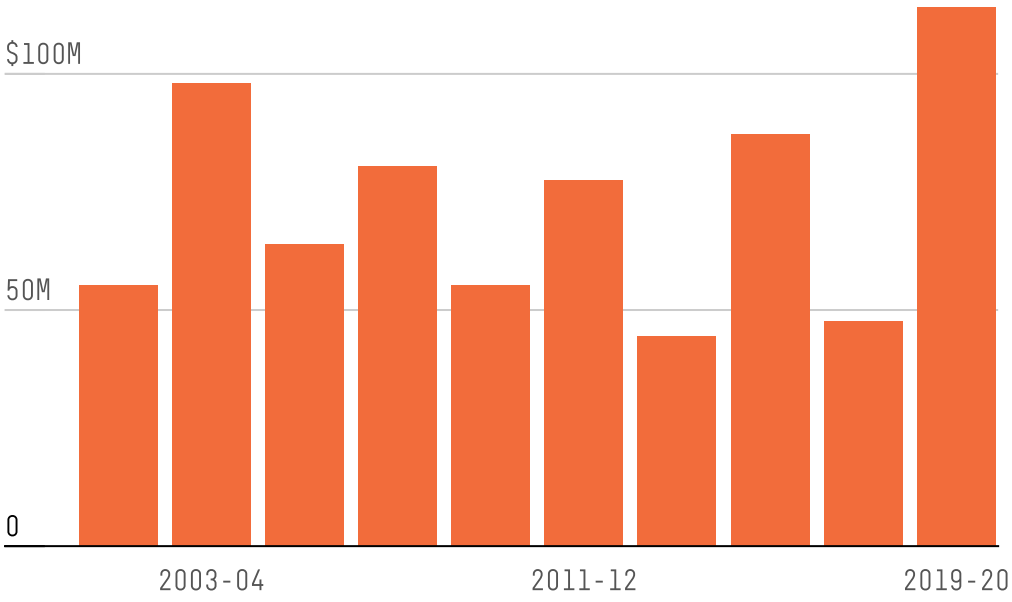
Instead, all that advertising is for persuading voters in a state judicial election.

According to the website WisPolitics, campaigns and outside groups have so far spent $27 million on the race for a single seat on the Wisconsin Supreme Court — and there are still almost three weeks left before the April 4 election. But this astonishing sum didn't come out of nowhere. Politicos have increasingly realized that state supreme court elections can be just as important as executive or legislative elections — and their campaigns have gotten a lot more attention as a result.

According to data from the Brennan Center for Justice, $114 million (adjusted for inflation)[1] were spent in state supreme court elections in the 2019-20 cycle, more money than in any of the nine preceding election cycles.

State supreme court elections were very expensive in 2019-20

Estimated spending in state supreme court elections from 2001 to 2020, in 2023 dollars



2023 inflation rate as of March 14, 2023.

FiveThirtyEight SOURCE: BRENNAN CENTER FOR JUSTICE

Data isn't yet available for the 2021-22 cycle, but early indications are that it was expensive too. A total of $15 million was spent on North Carolina's

two Supreme Court races; the campaigns of Ohio's six Supreme Court candidates dropped at least $5.9 million combined; Montana had the most expensive Supreme Court race in its history. And the trend is continuing in 2023 with Wisconsin. It recently surpassed Illinois's 2004 Supreme Court election ($24.2 million, adjusted for inflation) for the title of most expensive judicial race in U.S. history.

Recent Stories from FiveThirtyEight

Why are these elections attracting so much money? As the highest courts in their respective states,[2] state supreme courts can uphold or overturn controversial state laws. Sometimes, because the same party often controls the legislative and executive branch in a state, these courts are the opposition party's only chance to stop a law it doesn't like.

When one party controls state government | FiveThirtyEight

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For example, in 1999, the Montana Supreme Court found that the Montana Constitution protects the right to an abortion, and struck down a new law restricting the procedure; that decision is likely the only reason abortion remains legal in Montana today. And in 2018, the Pennsylvania Supreme Court struck down the state's congressional map for being gerrymandered to favor Republicans, which played a significant role in Democrats' flipping multiple House seats in Pennsylvania that year. That decision would have likely never happened if Democrats hadn't taken control of the court in the 2015 election.

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Until about a decade ago, though, elections for state supreme courts were usually only the province of wonky election nerds and those in the legal profession. But things changed in the early 2010s. "There was a recognition, especially on the right, that these courts were major players in high-profile policy fights," said Douglas Keith, an expert on state courts at the Brennan Center. Republicans had tremendous success in gubernatorial and state-legislative elections, but the laws they passed still encountered obstacles in state courts. As a result, outside groups like the Republican State Leadership Committee started spending serious money on judicial elections — an effort made easier by the U.S. Supreme Court's 2010 decision in Citizens United v. Federal Election Commission. According to the Brennan Center, outside groups were responsible for less than 20 percent of the spending in state supreme court elections in every cycle from 2001-02 to 2009-10. But in the 2015-16 cycle, outside groups accounted for 40 percent of the spending in those races.

In recent years, attention to state supreme court elections has risen to a new level. As the 2020 redistricting cycle loomed, conservative and, increasingly, liberal groups zeroed in on state supreme courts as a key battleground. (For example, the National Democratic Redistricting Committee was formed to help Democrats win races that would affect redistricting, including state supreme courts.) Indeed, according to the Brennan Center, 44 percent of outside-group spending in 2019-20 state supreme court elections came from groups on the left, a higher share than in previous years.

Outside groups have played a major role in injecting money into these races, but campaigns for state supreme court have also gotten more explicitly political.[3] Candidates are campaigning less on their legal qualifications and more on their ideological leanings — even taking positions on issues likely to come before the court. In recent years, two states — North Carolina and Ohio — have even switched their state supreme court elections from nonpartisan to partisan contests.

The U.S. Supreme Court has also raised the stakes of state supreme court elections by delegating major legal questions to the states over the past few years. For instance, the 2019 case Rucho v. Common Cause declared that only state, not federal, courts could decide partisan gerrymandering questions. And now that Dobbs v. Jackson Women's Health Organization has ended the national right to abortion, the power to re-legalize abortion in states that have banned it ultimately rests with state supreme courts. Indeed, abortion and redistricting are both at stake in this year's Wisconsin Supreme Court election, helping to explain why that race has attracted so much attention.

But while everyone may agree that state supreme court elections are important, not everyone is comfortable with the amount of money being spent. For many, all that money going toward electing a judge raises questions about the judge's impartiality once they are on the bench. A judge may recuse themself if a case involving a campaign donor comes before the court, but many don't. That will become only a bigger and

bigger problem as the amount of money in these elections increases. Not every state elects judges, but in those that do, elections for the third branch of government are starting to look more and more like the other two: partisan, politicized and swimming in cash.

There are actually some big elections happening in 2023

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Footnotes

1. Total in 2023 dollars. Inflation rate as of March 14, 2023.
2. In some states, the state's "supreme court" isn't the court of last resort for all cases. New York, for example, has a Supreme Court, but its highest court is actually the Court of Appeals. For simplicity, this article uses "supreme court" to refer to a state's highest court.
3. Of course, this trend isn't limited to elected judges; the judicial appointment process has become more political, too. For example, there is evidence that federal judges are now more likely to time their retirements so that their replacements will be appointed by a president who shares their ideology.

Latest Interactives

milwaukee journal sentinel

ELECTIONS

5 takeaways from the only Supreme Court election debate. Daniel Kelly and Janet Protasiewicz take the gloves off.

Molly Beck and Corrinne Hess Milwaukee Journal Sentinel

Published 2:26 p.m. CT March 21, 2023 | **Updated 6:58 p.m. CT March 22, 2023**

MADISON - Former Supreme Court Justice Daniel Kelly and Milwaukee County Judge Janet Protasiewicz met Tuesday for the pair's only debate in a race for a seat on the Wisconsin Supreme Court — a contest that puts the future of abortion policy, union rights and the state's legislative maps on the ballot.

Conservatives are defending a 4-3 majority on the state's highest court, with candidates and aligned interest groups spending tens of millions to keep liberals from taking control for the first time in 15 years. The fight to flip the court is drawing more firepower from Democratic interests for a total price tag that's already the highest ever spent on a single judicial election.

The stakes of this year's state Supreme Court race range from how routine cases like criminal appeals are decided to watershed rulings, including deciding whether doctors may terminate pregnancies within the state's boundaries and whether Republicans will continue to control the state Legislature by wide margins.

Challenges to the state's election laws leading up to the 2024 presidential election will also end up at the high court as will lawsuits filed after a winner is chosen.

Protasiewicz and Kelly met for just one debate after Protasiewicz declined to appear at other events with Kelly ahead of the April 4 election.

Here are five takeaways from the debate:

It was a bitter feud

For nearly an hour, Kelly and Protasiewicz battled at the State Bar of Wisconsin's headquarters in Madison — accusing each other of running deceitful campaigns and being an

unprecedented danger to the state.

Protasiewicz called Kelly one of the most "extremely partisan candidates" in the history of the state.

"He is a true threat to our democracy," she said, citing legal counsel Kelly provided to state GOP officials while they planned to submit false paperwork claiming to be electors for former President Donald Trump following Trump's defeat in 2020.

Kelly repeatedly called Protasiewicz a liar and said the only way to restore trust in the Supreme Court would be for him to be elected.

Protasiewicz signals court could make changes to Act 10, voting policies if elected

When asked about her views on the precedent established by cases involving past rulings that have upheld a state law known as Act 10 that limited collective bargaining, and rulings that barred the use of absentee drop boxes and upheld a state law requiring photo identification to vote, Protasiewicz signaled those rules could change in the future.

"Obviously, we all follow precedent all the time. That's what you want to do. You want people to have an ability to understand what the court is likely going to do. You know, that's the rule of law. That's the stare decisis. That's what we all follow. But you know, precedent changes," Protasiewicz said, citing the evolution of precedent on issues involving segregation and race.

Kelly says he won't accept millions from state GOP but has received party support

Kelly said he would not accept millions from the state Republican Party because he does not want to be known as a Supreme Court justice who is "bought and paid for."

"I understand my opponent has been accepting millions of dollars from the Democratic Party of Wisconsin and I think that presents a major problem," Kelly said. "If she were to be elected to the Supreme Court, she would forever afterwards be known as being bought and paid for by the Democratic Party of Wisconsin."

Kelly in his unsuccessful 2020 campaign also used the Republican Party of Wisconsin's offices as his campaign headquarters and state GOP staff are providing 2023 campaign help

in the form of communications and research. He also has received contributions from the state GOP, including around $4,000 in March.

Protasiewicz said she would recuse herself from hearing lawsuits brought by or against the Democratic Party of Wisconsin because of the millions of dollars the state party has funneled into her campaign.

She accused Kelly of already being "bought and paid for" by the Republicans because he worked for the party and Republican National Committee for two years on election issues and was paid nearly $120,000. Kelly said he is an attorney and is hired by many clients.

Kelly distances himself from anti-abortion group's endorsement

Protasiewicz accused Kelly of promising anti-abortion lobbying groups to block efforts to repeal the state's abortion ban, citing an endorsement from Wisconsin Right to Life during the primary race because the group said it "endorses candidates who have pledged to champion pro-life values and stand with Wisconsin Right to Life's legislative strategy."

The group updated its website after February to include that in judicial elections, the group "endorses candidates whose judicial philosophies and values fit with those of Wisconsin Right to Life," according to the Internet Archive.

In response to Protasiewicz, Kelly said "that is absolutely not true."

The candidates agree on one thing

Protasiewicz and Kelly clashed on nearly every issue except one — the constitutional amendment that will appear on the April 4 ballot on cash bail. Both candidates said they would like to see the amendment pass.

The amendment would allow judges to consider the totality of the circumstances of a defendant, including a person's past criminal record and the need to protect the public from "serious harm," when setting the monetary amount of bail.

Currently, judges can only use monetary bail amounts to help ensure a person appears in court.

Corrinne Hess and Molly Beck can be reached at chess@gannett.com and molly.beck@jrn.com.

The Increasing Correlation of WISCONSIN SUPREME COURT ELECTIONS WITH PARTISANSHIP —A Statistical Analysis

BY CHARLES FRANKLIN

Whatever the technically nonpartisan nature of the elections, has the *structure* of voting for the Wisconsin Supreme Court become more partisan over recent decades? The short answer is "Yes." The longer answer—and the evidence—is of interest as well.

The question certainly is timely. Just behind Wisconsin voters is a supreme court election that was widely interpreted as partisan (now-Justice Rebecca Dallet's victory over Judge Michael Screnock in April 2018). And just ahead is an April 2019 court election (for the seat held by Justice Shirley S. Abrahamson for more than 42 years) that already is being seen as shaped strongly by partisanship. That context makes worthwhile an analysis of electoral competition for seats on the court going back to the mid-1970s.

There is a larger context as well. Beyond judicial elections, Wisconsin elections overall have been shaped increasingly by partisan polarization. Over the past 43 years, 1976-2018 inclusive, the years Abrahamson has been on the court, there has been less split-ticket voting and more geographic homogeneity in partisan elections for governor, the U.S. Senate, both houses of the state legislature, and sometimes for local offices.

To be sure, when it comes to elections for seats on the Wisconsin Supreme Court, candidates of various philosophical leanings have won large majorities from time to time. But the degree to which partisanship structures votes for court candidates has increased steadily and substantially.

None of this is to doubt that an argument can be made for the merits of a partisan court. Partisanship is the strongest political orientation of most voters, and it sends strong signals to voters as to the likely positions and philosophies of candidates for office. Given the complexity of the issues facing justices, and the likelihood that voters are not experts in these issues, partisanship provides a useful guide to help voters translate their preferences into a vote choice.

The increasing association by the public of Wisconsin Supreme Court justices with partisan leanings is also in line with the increasingly partisan nature of presidential nominations to the United States Supreme Court and the confirmation processes for those nominations before the United States Senate.

But there is also much negative to be said—against, that is, the increasingly partisan nature of processes for selecting judges at national and state levels. At a minimum, the phenomenon enhances the perception that decisions depend on partisanship rather than an impartial evaluation of the law and facts of individual cases.

In all events, insofar as Wisconsin is concerned, the state constitution has cast its primary lot in the context of judicial selection with nonpartisan elections. The data presented in this article demonstrate that the reality in any given election deviates increasingly from that nonpartisan theory.

The overall picture of Supreme Court elections

Let us first look at the broad picture of elections to the Wisconsin Supreme Court. This analysis focuses on court elections going back 43 years to 1976, when Justice Shirley Abrahamson took her seat by appointment. She subsequently was elected four times to the court. Abrahamson's announcement in May 2018 that she would not seek reelection in April 2019 signals the end of a particularly significant tenure on the state's high court. Supreme court elections include the 32 elections from April 1976 through April 2018. In counting justices who have served, the 25 justices sitting on the bench since Abrahamson joined the court on August 6, 1976, are included.

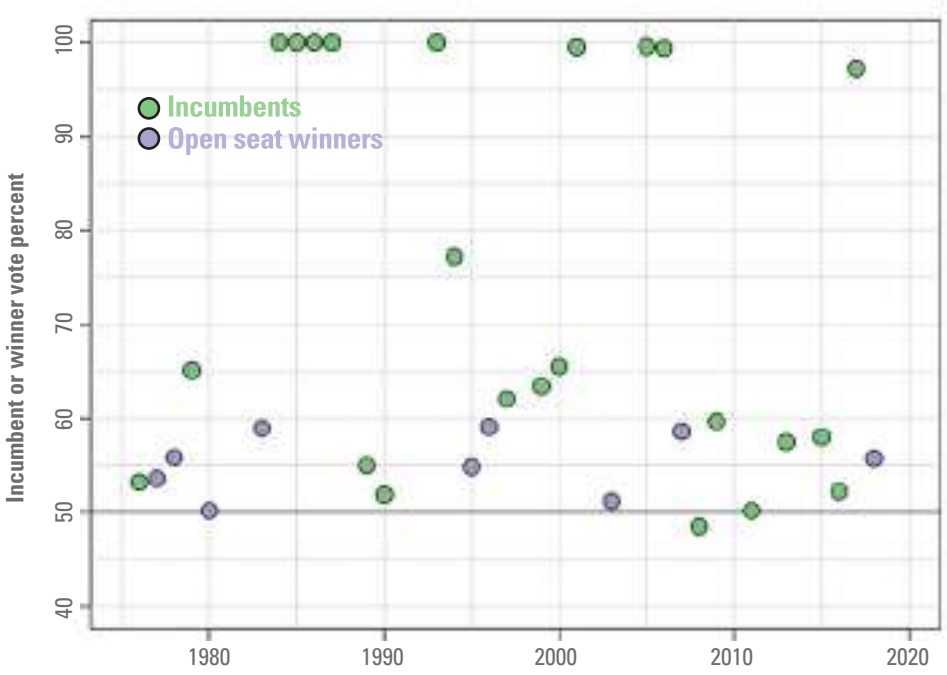

FIGURE 1: **Wisconsin Supreme Court Election Results, 1976–2018**

Figure 1 reflects vote percentage for the incumbent or winner in supreme court elections since 1976. Races involving an incumbent are in green, while open-seat elections are in purple. The only incumbent defeat is in 2008.

Justices and judges in Wisconsin are chosen in elections in April. That avoids, at least, the situation in even-numbered years of having nonpartisan court elections on the same day as the major partisan elections in November.

With 10-year terms for justices, Wisconsin provides considerable independence from electoral forces, compared to more-frequent elections. However, most justices of the last 43 years have sought reelection at least once, so the shadow of voter opinion must remain at least somewhat in view.

Twenty-five justices have served on the Wisconsin Supreme Court from 1976 to 2018. Just over half—13, to be specific—arrived to the court by appointment. Democratic governors appointed 4 of them, whereas Republican governors appointed 9—approximately the same as the proportion of years each party has held the governorship (15 years for Democrats, 28 years for Republicans). Such appointees must subsequently stand for election to remain on the court.

During this period, only one sitting incumbent has been defeated: In 2008, Judge Michael Gableman defeated Justice Louis Butler, who had been appointed to the court. Justice Patrick Crooks is the only justice since Chief Justice Horace W. Wilkie, whom Abrahamson replaced in 1976, to die while on the court. All other departures have been by retirement or resignation.

The incumbency advantage in court races is primarily though the luxury of being reelected without an opponent. Of the 23 elections featuring a sitting justice since 1976, 9 were uncontested. Most justices who served more than one term enjoyed an election without an opponent. Of those appearing on the ballot more than once, only Abrahamson, Donald Steinmetz, and Patience Roggensack have been challenged in each election.

When an incumbent does face a challenger, incumbents garner only slightly larger percentages of the vote than do winners in open-seat elections. The average vote for an incumbent in a contested race is 58.5 percent, while the average for an open-seat winner is 55.3 percent. In other words, in this time period there has been (on average) only a modest 3.2 percentage point incumbency advantage. Surprisingly, incumbents defending a seat they received by gubernatorial appointment average 60.6 percent of the vote, while incumbents defending a seat from their own previous election average 56.5 percent.

Open-seat contests are seldom landslides. In open-seat elections, four of nine winners prevailed with less than 55 percent of the vote, while five of nine won with 55 to 59 percent. No open-seat race saw a candidate reach 60 percent.

Six of 23 incumbents received less than 55 percent of the vote, including one loss (with 48.5 percent), while 3 of 23 won 55 to 59 percent and 5 of 23 won with 60 to 80 percent. Nine of 23 won in uncontested races.

While incumbents since 1976 have won 22 of 23 elections and faced no opposition in 9 of these races, their electoral strength does not come in running up

the score against challengers so much as it comes from either warding off any challenges or winning by moderate but consistent margins.

There have been three "second acts" for candidates who lost races for the court. Louis Ceci lost in 1980 but was appointed in 1982 and was elected in 1984. Patrick Crooks lost in 1995 but won the next year and was reelected in 2006. Louis Butler lost in 2000, was appointed in 2004, but was defeated in his 2008 election bid. Ceci and Crooks both served with justices who defeated them in their first attempts (Donald Steinmetz and Ann Walsh Bradley, respectively). Butler was appointed to replace the person who had first defeated him, Diane Sykes, when she was appointed to the U.S. Court of Appeals for the Seventh Circuit.

The geography of the vote

Judicial elections are often cast as conflicts between liberal and conservative judicial philosophies, with the balance of the court shifting over time. While these divisions are significant, the electorate has been willing to deliver large majorities to different sides of the philosophical divide in different races, while others have been more closely decided. Annette Ziegler in 2007, Abrahamson in 2009, Roggensack in 2013, and Ann Walsh Bradley in 2015 each won with 57 percent or more of the vote, and swept a large majority of counties. While incumbency is a factor in these races, Ziegler ran in an open-seat race.

When supreme court races have been decided by narrow margins, a more geographically divided map emerges, one that resembles recent partisan elections. In the close races of 2008, 2011, and 2016, a common pattern is evident, with Milwaukee County, Dane County, and much of the southwestern counties favoring the more liberal candidate, while the eastern half of the state shades conservative, with some pastels typical in the northwestern counties. Only the most recent election of 2018 finds blue counties in the Fox River Valley area while generally following partisan contours.

This pattern shows that the state may be politically divided geographically but some candidates and elections produce widespread majorities, while the most competitive races revert to familiar geographic divisions. As polarized as partisan voting patterns may be, strong judicial candidates can achieve widespread victories even in areas that are not their philosophical homes.

Increasingly partisan elections

While supreme court candidates of both more-liberal and more-conservative philosophical leanings—the terms are crude but useful—have won large majorities from

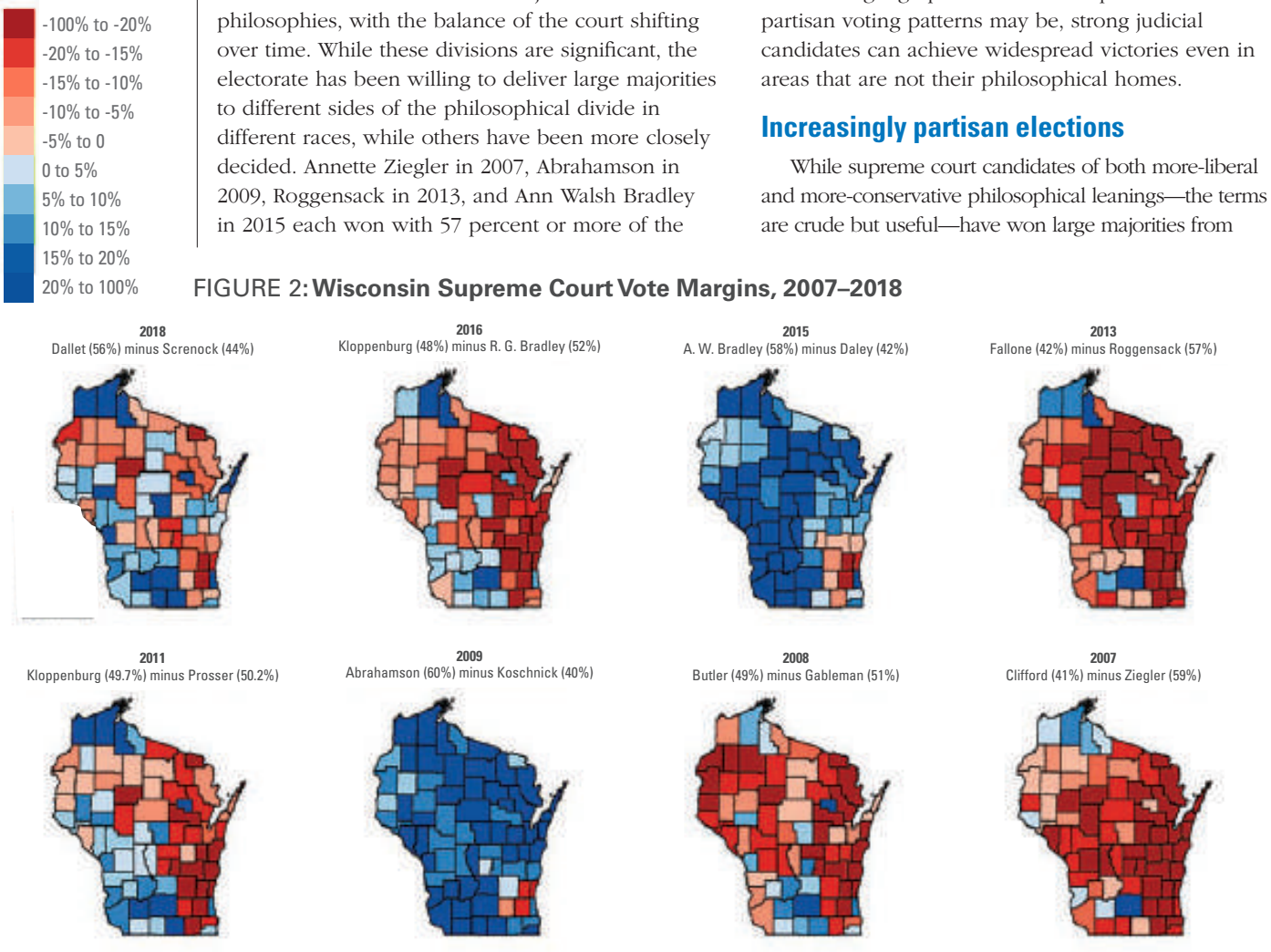

FIGURE 2: **Wisconsin Supreme Court Vote Margins, 2007–2018**

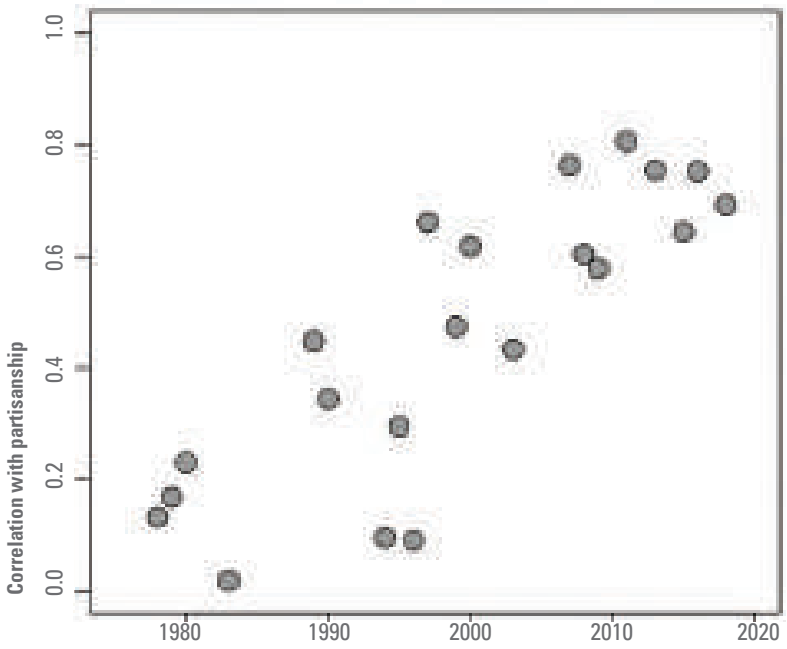

FIGURE 3: **Partisan Structure of Supreme Court Vote, 1978–2018**

time to time, the degree to which partisanship actually structures votes for candidates has increased steadily and substantially since 1976.

To measure how partisanship structures votes for supreme court candidates, we first calculate the average Republican share of the two-party vote for governor for each county from 1974 through 2014. While there has been variation in county votes across elections, this measures the long-term partisan leanings of each county.

The partisan component of supreme court elections is measured by the correlation, abbreviated as "r" in the figures below, of the winning candidate's vote in each county with the long-term partisanship of that county. Correlations can range from zero, indicating no relationship, to 1.0, indicating a perfect relationship. A judicial candidate whose vote rises as the county's average Republican vote rises will have a positive correlation, the size depending on how strong the partisan component of the vote is. A candidate aligned with Democratic partisans will have a negative correlation with the Republican partisanship measure but an equal positive correlation with the Democratic share. In this analysis, we correlate Republican-aligned candidates with the Republican share of the county vote and Democratic-aligned candidates with the Democratic share. This means all correlations will be positive, indicating the strength of partisan structuring of the vote for all court candidates.

Figure 3 shows how partisanship has increasingly structured the vote for the supreme court over the past 43 years. In the 1970s and 1980s, there was a minimal correlation with partisanship, below .20 in three of the four elections. In the 1990s, the correlations generally increased, though with a wide range of values across elections. Here is a striking fact: Since 2000, no election has seen a partisan correlation below .40—and, since 2010, the correlation has been above .60 in every election.

Consider the partisan structure of the vote for two elections at the beginning and at the end of this period. In 1978, John L. Coffey won an open seat on the court with 56 percent of the vote. The structure of his vote is shown in Figure 4. Coffey's vote had a small correlation with county partisanship, just .13, a common pattern for the 1970s and 1980s. While Coffey performed well in the most Republican counties, he also did well in Democratic counties. Likewise, he trailed in some Republican and in some Democratic counties.

As suggested in Figure 4 (and subsequent figures), the correlation (r) between county partisan voting and the vote for nonpartisan supreme court candidates increased substantially from the 1970s to the 2010s.

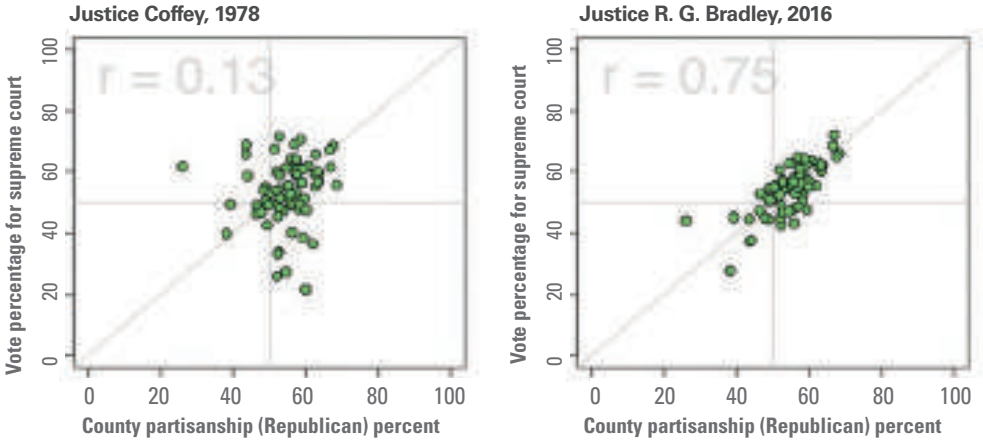

FIGURE 4: **The Partisan Structure of the Vote in Two Elections**

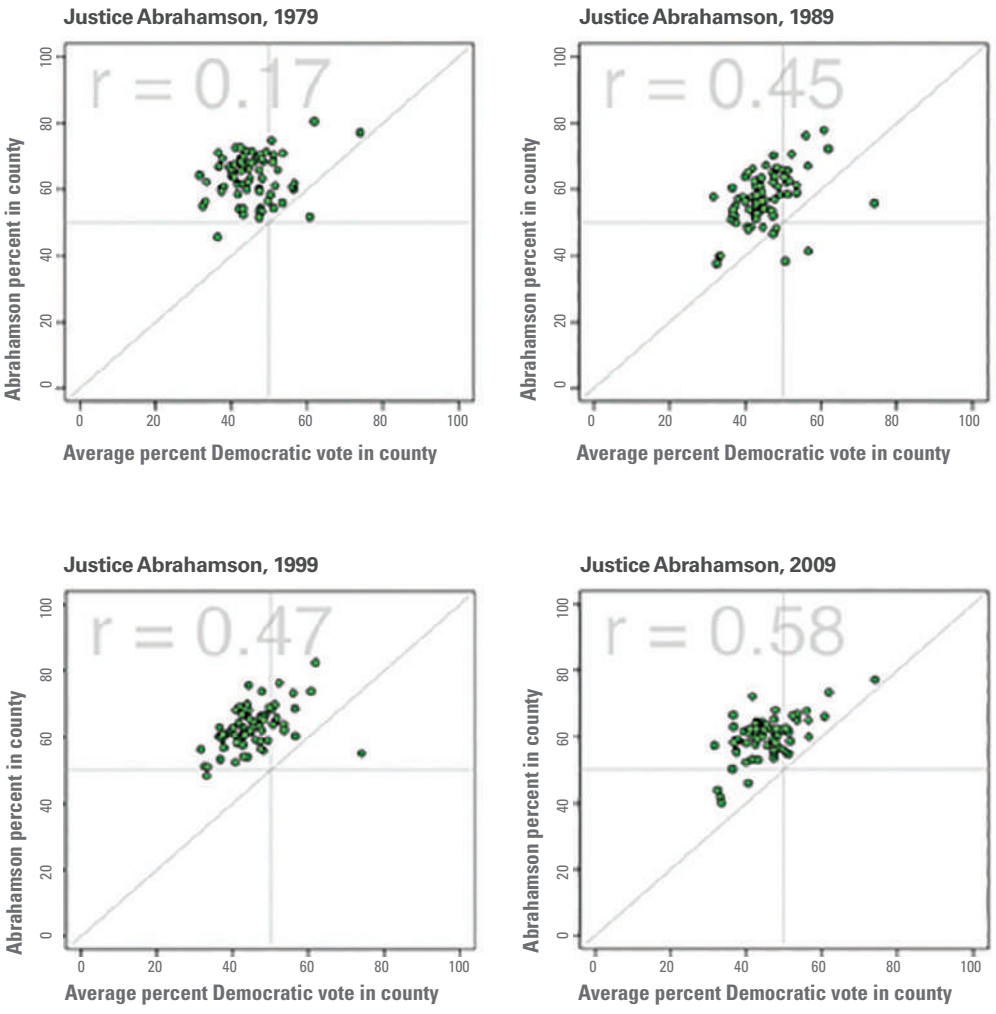

FIGURE 5: **Partisan Correlation over Time for Abrahamson**

Contrast the structure of the vote for Justice Rebecca G. Bradley in 2016, as shown in Figure 4. The partisan correlation is a large .75, with Bradley doing better in Republican-leaning counties and worse in Democratic ones. This pattern has been typical of supreme court elections since 2010, with correlations ranging from .60 to .80 in the five most recent elections.

The increase in partisan voting is not simply because justices are now partisan when in the past justices were nonpartisan. We can see this by looking at the partisan voting structure for those justices who have run in more than one election.

Surprisingly, of the 25 justices who have held a seat on the court, only four have faced more than one contested election campaign since 1976: Abrahamson four times and Steinmetz, A. W. Bradley, and Roggensack twice each. The correlation of partisan votes with judicial votes increased for each of these justices from earlier to later elections.

Justice Abrahamson has the longest series of contested reelection campaigns, having been challenged each time. The partisan structure of the vote in her four elections is shown in Figure 5.

In her first election after being appointed to the court in 1976, Abrahamson was elected with a vote that had little partisan component, a correlation of just .17 in 1979. A decade later, in 1989, this correlation nearly tripled, to .45. It was a nearly identical .47 in 1999. In her last election, in 2009, the correlation rose again, to .58.

Steinmetz is the only justice of the four repeat players to change the partisan makeup of his support. As seen in Figure 6, in 1980, he did better in more Democratic counties and worse in more-Republican ones, with a correlation of -.23. His 1990 vote reversed this relationship, with a positive correlation of +.34, doing better in Republican counties than in Democratic ones. These are modest correlations by current standards, but are an interesting change in partisan structure, one not seen for any other justice.

Justice A. W. Bradley has had two contested elections separated by an uncontested one. In the 20 years between her first and second contested election, the correlation of her vote with the partisan vote doubled from .30 in 1995 to .64 in 2015, as shown in Figure 7.

Now-Chief Justice Patience Roggensack faced contested elections in 2003, well into the partisan evolution of court elections, and again in 2013. Her vote correlated with the partisan vote at .43 in 2003. The correlation was nearly double that just 10 years later, in 2013, at .75. Figure 8 reflects these correlations.

As partisan as recent elections have been, it is worth noting that they are still less partisan than are overtly partisan gubernatorial elections: There the partisan correlation has ranged from .72 to .94, with an average of .85. The court has not quite reached

this level of partisanship, although with correlations in the last five court elections of between .64 and .81 (and an average of .73), the gap is narrowing. For comparison, in the first five elections covered here in our time period (beginning in 1976), the average partisan correlation was .20.

The fact that the partisan correlation has gone up in races involving the same winning candidate over time supports the statement that partisanship has become a bigger factor in state supreme court races and suggests that the increased impact of partisanship is here to stay for the foreseeable future.

But this does not mean that the outcome of supreme court elections is easy to predict or that partisans of one side or other are sure to win. Large statewide majorities for both more-liberal and more-conservative justices have emerged in recent elections, and close elections have demonstrated the competitive potential as well. The specific candidates and the specific dynamics of each election still matter. ■

Charles Franklin is professor of law and public policy at Marquette University Law School and director of the Marquette Law School Poll.

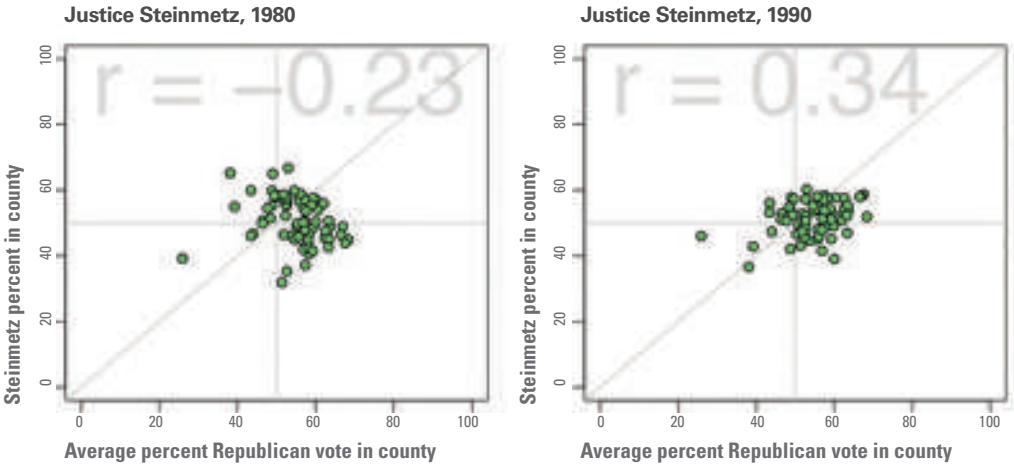

FIGURE 6: **Partisan Correlation over Time for Steinmetz**

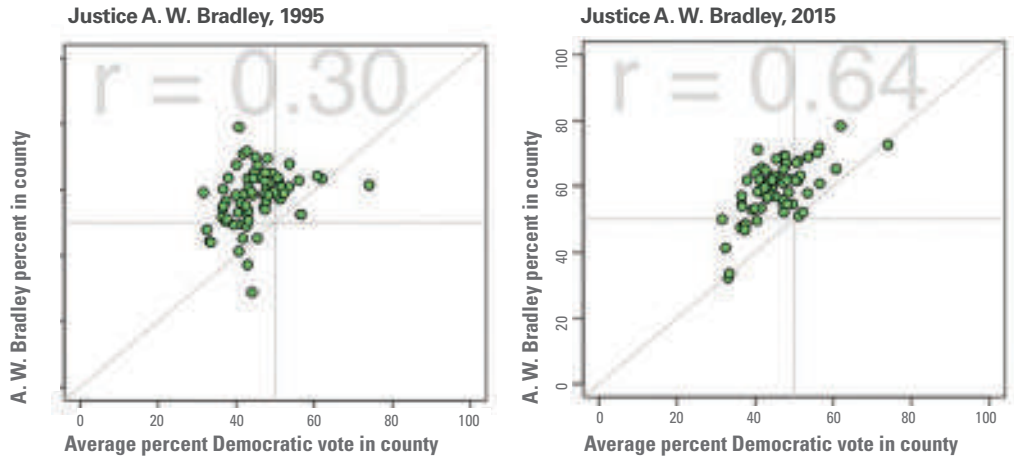

FIGURE 7: **Partisan Correlation over Time for A. W. Bradley**

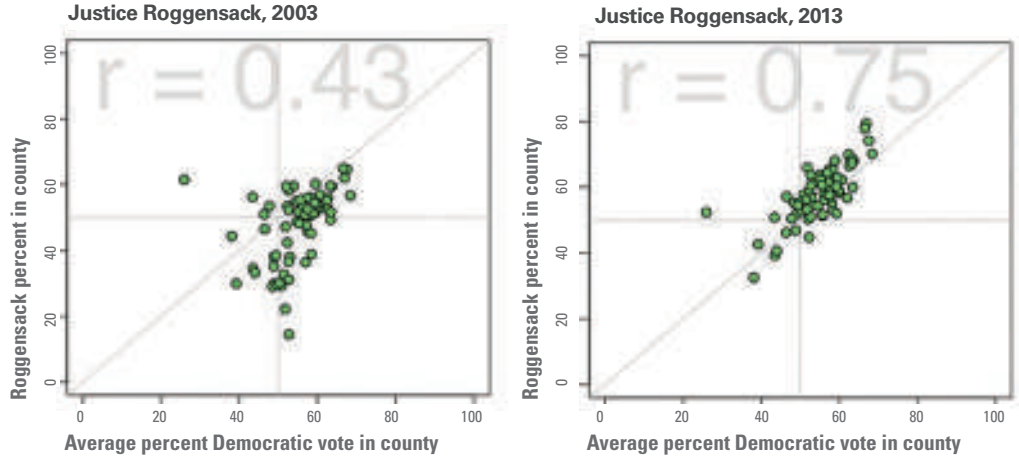

FIGURE 8: **Partisan Correlation over Time for Roggensack**

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
CF-2

ORIGINAL

COMMITTEE IDENTIFICATION

Filing Period Name:	July Continuing 2023 Covers all activity from 03/21/2023 through 06/30/2023
Name of Committee/Corporation:	Friends of Justice Daniel Kelly
Street Address:	8383 Greenway Boulevard Suite 600
City, State and Zip:	Middleton, WI 53562

OFFICE USE ONLY

Committee ID: 0105892

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$623,344.80	$2,377,875.43
1B. Contributions from Committees (Transfers-In)	$430,974.00	$989,904.67
1C. Other Income and Commercial Loans	$20,328.28	$20,328.28
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$1,074,647.08	$3,388,108.38
2. DISBURSEMENTS		
2A. Gross Expenditures	$1,469,684.87	$3,664,601.67
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$1,469,684.87	$3,664,601.67

CASH SUMMARY

Cash Balance Beginning of Report*	$395,098.21	
Total Receipts	$1,074,647.08	
Subtotal	$1,469,745.29	
Total Disbursements	$1,469,684.87	
CASH BALANCE END OF REPORT*	$60.42	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$0.00	
LOANS (Balance at the Close of This Period-3B)	$0.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:
Turke, Jon		Daytime Phone:

NOTE: The information on this form is required by ss.11.06, 11.20, Wis. Stats. Failure to provide the information may subject you to the penalties of ss.11.60, 11.61, Wis. Stats.

CF-2 (Rev. 12/03) This form is prescribed by the Wisconsin Ethics Commission | P.O. Box 7984, Madison, WI 53707-7984 | Phone: 608-266-8123 | Email: ethicscfis@wi.gov.

SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Friends of Justice Daniel Kelly

Date	Full Name	Address	Amount	YTD
In-Kind				
03/21/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,592.01	$1,592.01
03/22/2023	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$744.25	$744.25
03/24/2023	Door Co Republican Party	P.O. Box 94, Sturgeon Bay, WI 54235	$490.50	$490.50
03/25/2023	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$193.91	$193.91
03/26/2023	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$1,148.00	$1,148.00
03/26/2023	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$1,080.00	$1,080.00
03/26/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$8,240.67	$8,240.67
03/26/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$6,933.99	$6,933.99
03/26/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$622.16	$622.16
03/27/2023	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$81.00	$81.00
03/27/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$28,656.60	$28,656.60
03/27/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$4,345.19	$4,345.19
03/27/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$5,550.17	$5,550.17
03/28/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$43,340.00	$43,340.00
03/28/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$14,325.47	$0.00
03/28/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$115,633.00	$115,633.00
03/29/2023	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$243.00	$243.00
03/29/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$500.00	$500.00
03/29/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$5,551.27	$0.00
03/29/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$358.67	$0.00
03/29/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$28,500.00	$0.00
03/29/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$32,942.30	$0.00
03/29/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$665.00	$665.00

In-Kind				
03/29/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$2,189.00	$2,189.00
03/30/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$2,162.10	$0.00
03/30/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$3,591.61	$0.00
03/31/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,134.87	$1,134.87
03/31/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$40,000.00	$0.00
03/31/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,856.80	$0.00
04/01/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,231.00	$1,231.00
04/02/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$4,390.18	$4,390.18
04/03/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$9,808.14	$9,808.14
04/03/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$351.13	$351.13
04/03/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$15,245.02	$15,245.02
04/03/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$6,414.00	$6,414.00
04/04/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$5,931.09	$5,931.09
04/04/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$3,370.29	$3,370.29
		Sub Total	$399,412.39	
Monetary				
03/22/2023	Schimel for Judge	W295 S2609 Jamie Court, Waukesha, WI 53188	$2,000.00	$2,000.00
03/24/2023	Citizens for Rettinger	149 Shore Drive, Mukwonago, WI 53149	$100.00	$100.00
03/24/2023	Milwaukee Police Association Political Action Committee	6310 West Bluemound Road, Milwaukee, WI 53213	$1,500.00	$1,500.00
03/27/2023	Concerned Realtors Committee	11430 W. North Ave, Wauwatosa, WI 53226-4075	$3,000.00	$3,000.00
03/27/2023	Gae Magnafici for Wisconsin	744 200th St., Dresser, WI 54009	$1,000.00	$1,000.00
03/27/2023	Republican Party of Ozaukee County	PO Box 684, Cedarburg, WI 53012	$2,500.00	$2,500.00
03/29/2023	Friends of Glenn Grothman	8318 Hilltop Lane, Kewaskum, WI 53040-5302	$3,271.61	$3,271.61
03/29/2023	Kapanke for Senate	1610 Lakeshore Drive, La Crosse, WI 54603	$500.00	$500.00
03/29/2023	Republican Party Green County	P.O. Box 14, Monroe, WI 53566	$1,040.00	$1,040.00
03/29/2023	Republican Party of Brown Co	PO Box 5202, De Pere, WI 54115	$3,400.00	$3,400.00
03/29/2023	Taxpayers for Kapenga	PO BOX 33, HARTLAND, WI 53029	$2,000.00	$2,000.00
03/30/2023	Kochpac	4111 East 37th Street North, Wichita, KS 67220	$1,000.00	$2,000.00
03/30/2023	TDS Telecommunications Corp PAC	525 Junction Road, Madison, WI 53717	$500.00	$500.00

Monetary				
04/03/2023	Friends of Gabe Nudo	6410 53rd Avenue, Kenosha, WI 53142	$750.00	$1,750.00
04/07/2023	Professional Insurance Agents PAC	725 Heartland Trail, Ste. 108, Madison, WI 53717	$3,000.00	$3,000.00
05/10/2023	Friends of Judge Shelley Grogan	S71W17097 North Ln, Muskego, WI 53150-9408	$5,000.00	$5,000.00
05/18/2023	Wisconsin Academy of Family Physicians	210 Green Bay Road, Thiensville, WI 53092	$1,000.00	$0.00
		Sub Total	$31,561.61	
		Grand Total	$430,974.00	
		Non-Monetary (-):	$0.00	
		Total	$430,974.00	

milwaukee journal sentinel

POLITICS

Republican group spending more than $1 million to help Brian Hagedorn in Wisconsin court race

Patrick Marley Milwaukee Journal Sentinel

Published 10:25 a.m. CT March 26, 2019 | **Updated 3:34 p.m. CT March 26, 2019**

MADISON - A Republican group swooped into Wisconsin this week to help Brian Hagedorn in his bid for the state Supreme Court, helping fill a gap left when other conservative groups abandoned the race.

The more than $1 million effort is the first dose of major outside spending for Hagedorn, who is running against Lisa Neubauer in the April 2 election. Both sit on the District 2 Court of Appeals and are hoping to succeed retiring Justice Shirley Abrahamson.

An arm of the Republican State Leadership Committee debuted ads this week, including one that invoked President Donald Trump to praise Hagedorn. That ad compares attacks against Hagedorn to those against U.S. Supreme Court Justice Brett Kavanaugh.

WisPolitics.com first reported on the group's campaign, which includes mailers and ads on television, cable radio and digital platforms.

Neubauer has benefited from outside spending for weeks by the liberal Greater Wisconsin Committee and a group run by Eric Holder, President Barack Obama's first attorney general.

RELATED: Lisa Neubauer has fundraising edge over Brian Hagedorn in Wisconsin Supreme Court race

RELATED: Hagedorn, Neubauer to face each other in race to replace retiring Wisconsin Justice Shirley Abrahamson

The spending for Hagedorn comes after the U.S. Chamber of Commerce and the Wisconsin Realtors Association decided to stay out of the race.

News of their plans surfaced after reports that Hagedorn had established a school that allows banning teachers or students for being in same-sex relationships. Hagedorn has also been criticized for giving paid speeches to the Alliance Defending Freedom, a Christian legal group that has argued in favor of laws against sodomy and that required transgender people to get sterilized to get identity documents.

RELATED: Realtors revoke endorsement of Supreme Court candidate Brian Hagedorn over school's policy on gay students

RELATED: 'Anti-religious zealots': GOP rift emerges after Realtors pull their endorsement of Brian Hagedorn

The Republican group's first ad praises Trump for conservative appointments to the U.S. Supreme Court but says — over images of protests in the Wisconsin Capitol — "radical out-of-state special interest groups" are spending millions for Neubauer and making false attacks, "just like they did against Justice Kavanaugh."

Kavanaugh's confirmation was thrown into doubt when Christine Blasey Ford alleged Kavanaugh had tried to sexually assault her when they were teenagers. The Senate narrowly confirmed Kavanaugh in September.

A second ad by the group calls Neubauer "liberal Lisa" and suggests she would be soft on crime and advance socialism.

As the anti-Neubauer ads began running, the liberal Greater Wisconsin Committee released two more television ads calling Hagedorn an "political insider" who has an "extremist agenda."

One ad says Hagedorn "personally pocketed thousands from an anti-gay hate group," referring to $3,000 Hagedorn received over three years for giving speeches to the Alliance Defending Freedom.

In a second ad, Hagedorn is labeled "a political insider" who pushed to make it more difficult to sue companies who "poisoned kids," referring to a bill introduced by former Gov. Scott Walker that prohibits state investigation findings from being used in criminal cases against health care providers charged with neglect or abuse.

The bill also requires anyone suing over lead paint poisoning to prove the manufacturer being sued made the specific product responsible for the poisoning, according to the Wisconsin Civil Justice Council.

Hagedorn, who worked for Walker at the time as the governor's chief counsel, testified in favor of the bill.

The ads are running in Madison, Green Bay, Milwaukee, Wausau, La Crosse/Eau Claire and Minnesota and Duluth cable markets.

Molly Beck of the Milwaukee Journal Sentinel contributed to this report.

Contact Patrick Marley at patrick.marley@jrn.com. Follow him on Twitter at @patrickdmarley.

Shawn Johnson

From: David James <djames@rslc.gop>
Sent: Thursday, April 4, 2019 9:19 AM
To: Johnson, Shawn
Subject: How the RSLC – Judicial Fairness Initiative Helped Justice Brian Hagedorn Flip a Wisconsin Supreme Court Race

TO: Interested Parties
FROM: David Kanevsky, RSLC VP of Political Affairs and Andrew Wynne, VP of Judicial Fairness Initiative
DATE: April 4, 2019
RE: How the RSLC – Judicial Fairness Initiative Helped Justice Brian Hagedorn Flip a Wisconsin Supreme Court Race

The Republican State Leadership Committee – Judicial Fairness Initiative (JFI) launched a full-scale, micro-targeted voter education project of $1.3 million over the last week of the campaign to turn out low propensity, conservative voters and persuade undecided swing voters, which helped carry conservative Judge Brian Hagedorn to victory in the Wisconsin Supreme Court race.

Background

After losing the U.S. Supreme Court with the confirmation of Justices Gorsuch and Kavanaugh, national liberal groups have turned their attention to electing liberal, activist judges to state courts around the country. After electing a Democratic governor in November 2018, Democrats set their sights on the Wisconsin Supreme Court with the hope of holding an important open seat of a retiring, long-time liberal Justice.

Going into this election, conservatives held a 4-3 majority on the Wisconsin Supreme Court. Expanding the conservative majority this year was critical, because the April 2020 election for a conservative seat will occur the same day as the Presidential primaries. Given the large field of candidates already announced for the Democratic nomination and an uncontested Republican nomination, we anticipate a high turnout on the Democratic side. If conservatives lost in 2019 and lose in 2020, **the Wisconsin Supreme Court would have a liberal majority until at least 2025**.

As *Talking Points Memo* stated prior to the election, "Strategists on both sides of the aisle agree that the election has far-reaching implications for Wisconsin's future, including the upcoming redistricting fight, voting rights, and legal challenges to the GOP agenda passed under Walker."

Democrat Engagement

National liberal groups saw this election as a critical, must-win election for a variety of reasons, including that a victory would put them in a strong position to take majority control of the court in 2020 and hold it until at least 2025. Liberals also saw this as an opportunity to show that Wisconsin was trending Democratic and a preview toward 2020, where they hope to deliver a win for the Democratic presidential candidate.

Democrats spent over $3.5 million on TV alone in their efforts to hold the seat. This spend is on top of President Obama and Eric Holder's National Democratic Redistricting Committee spending $350,000 on the race.

RSLC – Judicial Fairness Initiative Role

Going into the final week of the election, **RSLC polled the race and found Judge Brian Hagedorn to be down by 8 points**, 34%-42%, to his opponent, but a path to victory remained despite millions of dollars in negative personal attacks. Through the polling we identified that Judge Hagedorn's biggest challenge was that he was not winning among Republicans (+50%) as much as his opponent was winning among Democrats (+71%). Equalizing the partisan intensity made this a two point race.

The April 2018 Supreme Court race saw just under 1 million votes cast, with the liberal candidate outpacing the conservative candidate by 115,040 votes. The RSLC data team overlaid the voter scores of those who voted in the April 2018 election, and we saw a similar pattern, which told us that even though this is a non-partisan race, voters were casting their ballots along ideological lines.

Making up the 115,000 vote deficit that conservatives faced in the 2018 Supreme Court race required either turning out 120,000 more conservative leaning voters, or persuading 60,000 swing voters to switch their vote. While liberal groups were focused on persuasion, the RSLC data team told us there were only limited persuadable, high propensity swing voters who vote in April elections. Instead, we saw that turning out low propensity Republicans would be a more effective use of our resources.

The **RSLC data team identified a large number of Republican turnout targets**. These voters were highly likely to support Republicans and had not consistently voted in April judicial elections. Our message reminded them of the date of the election, notified them of the stakes of this election, and tied Judge Hagedorn to other popular conservative judges like Brett Kavanaugh, Neil Gorsuch, and Antonin Scalia.

JFI implemented this strategy through targeted digital ads, tv ads on conservative cable networks, radio ads, mail, and text messaging. Our targeted messaging was designed to give conservatives a reason to turnout for a race when they usually would not vote, by focusing on President Trump and the liberals' fight against his U.S. Supreme Court nominees.

To accomplish this we mailed three targeted mail pieces to in targeted households. We also sent **1.2 million GOTV text messages to an audience of low-propensity, conservative voters** over the last few days of the election. Our digital ads were seen almost 14 million times by low propensity conservative voters.

Our data-driven decisions generated savings allowing us to go up on broadcast tv in swing DMAs with a contrast message. This final ad, in the right DMAs, addressed swing voters when they were finally paying attention to the race.

The *Milwaukee Journal Sentinel* summed up the win by saying, "In the 18-county Green Bay media market in northeast Wisconsin, the swing in the margin was 18 points, according to incomplete returns, from a conservative deficit of more than 3 points last year to a conservative lead of roughly 15 points this time. In the 11-county Wausau media market in north central Wisconsin, the swing in the court margin was 17 points, from a conservative deficit of 3 points in 2018 to an advantage of 14 points this time. **Those two regions, which happen to be areas where Republican Donald Trump performed well in 2016, also saw some of the state's biggest turnout increases over April of 2018 (A late pro-Hagedorn TV blitz invoked Trump in this race)**."

With regard to a possible recount, Scott Bauer with the Associated Press reminded us, "In 2016 presidential recount of nearly 3 million ballots, only 131 were changed in favor of @realDonaldTrump. Neubauer, in a recount of just 1.2 million ballots, would have to pick up 45 times as many votes."

Conclusion

The morning following the election, Democrats woke up to realize that the RSLC's Judicial Fairness Initiative had outsmarted them at their own game. The Hagedorn campaign was able to keep the race close while the media called the race in January, and our efforts provided the necessary air cover for a robust ground game.

The RSLC – Judicial Fairness Initiative implemented a plan to turnout 120,000 more conservatives than in the 2018 Supreme Court race, which would result in a Hagedorn victory by 5,000 votes. The actual result was a 5,962 vote win for Judge Brian Hagedorn.

If you would rather not receive future communications from Republican State Leadership Committee, let us know by clicking here.
Republican State Leadership Committee, 1201 F Street NW #675, Washington, DC 20004 United States

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
CF-2

ORIGINAL

COMMITTEE IDENTIFICATION

Filing Period Name:	July Continuing 2019 Covers all activity from 03/19/2019 through 06/30/2019	**OFFICE USE ONLY**
Name of Committee/Corporation:	Friends of Brian Hagedorn	
Street Address:	PO Box 620066	**Committee ID:** 0105867
City, State and Zip:	Middleton, WI 53562	

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$291,887.58	$1,192,177.18
1B. Contributions from Committees (Transfers-In)	$135,254.23	$220,416.44
1C. Other Income and Commercial Loans	$0.00	$125.00
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$427,141.81	$1,412,718.62
2. DISBURSEMENTS		
2A. Gross Expenditures	$761,054.27	$1,601,733.01
2B. Contributions to Committees (Transfers-Out)	$0.00	$50,000.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$761,054.27	$1,651,733.01

CASH SUMMARY

Cash Balance Beginning of Report*	$375,987.31	
Total Receipts	$427,141.81	
Subtotal	$803,129.12	
Total Disbursements	$761,054.27	
CASH BALANCE END OF REPORT*	$42,074.85	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$0.00	
LOANS (Balance at the Close of This Period-3B)	$0.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:	Daytime Phone:
Lind, Kate	Kate Teasdale	Email: kate@aspectcompliance.com	

NOTE: The information on this form is required by 11.0204, 11.0304, 11.0404, 11.0504, 11.0604, 11.0804, 11.0904, Wis. Stats. Failure to provide the information may subject you to the penalties of ss. 11.1400, 11.1401, Wis. Stats.

CF-2 (Rev. 04/16) This form is prescribed by the Wisconsin Ethics Commission, P.O. Box 7984, Madison, WI 53707-7984, 608-266-8005.

SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Friends of Brian Hagedorn

Date	Full Name	Address	Amount	YTD
In-Kind				
03/19/2019	Barron County Republican Party	P.O. Box 751, Rice Lake, WI 54868	$258.60	$3,417.47
03/22/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$32,361.00	$156,585.78
03/22/2019	Waukesha County Republican Party	1701 Pearl St #5, Waukesha, WI 53186	$1,092.00	$13,754.33
03/25/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,500.00	$156,585.78
03/25/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$33,053.00	$156,585.78
03/25/2019	Washington Co Republican Party	519 Hickory Street, West Bend, WI 53095	$696.96	$1,196.96
03/25/2019	Waukesha County Republican Party	1701 Pearl St #5, Waukesha, WI 53186	$300.00	$13,754.33
03/25/2019	Waukesha County Republican Party	1701 Pearl St #5, Waukesha, WI 53186	$1,500.00	$13,754.33
03/26/2019	Republican Party of Kenosha County	P.O. Box 853, Kenosha, WI 53141	$42.04	$42.04
03/29/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$24,500.00	$156,585.78
04/01/2019	Burnett County Republican Party	371 W. Wisconsin Avenue, Grantsburg, WI 54840-7818	$104.40	$104.40
04/01/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$370.95	$156,585.78
04/03/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$22,046.83	$156,585.78
04/10/2019	Barron County Republican Party	P.O. Box 751, Rice Lake, WI 54868	$300.00	$3,417.47
04/18/2019	Waukesha County Republican Party	1701 Pearl St #5, Waukesha, WI 53186	$6,603.45	$13,754.33
		Sub Total	$124,729.23	
Monetary				
03/20/2019	Outagamie Co Republican Party	PO Box 1854, Appleton, WI 54912-1854	$1,000.00	$1,000.00
03/20/2019	Waukesha County Republican Party	1701 Pearl St #5, Waukesha, WI 53186	$1,500.00	$13,754.33
03/21/2019	Jefferson County Republican Party	P.O. Box 14, Watertown, WI 53094-0014	$750.00	$750.00
03/21/2019	Jim Ott for Assembly	11743 North Lake Shore Drive, Mequon, WI 53092	$750.00	$750.00
03/25/2019	Barron County Republican Party	P.O. Box 751, Rice Lake, WI 54868	$2,000.00	$3,417.47
03/25/2019	Rohrkaste for Assembly	1417 Mahler Blvd, Neenah, WI 54956	$1,500.00	$1,500.00
03/27/2019	Republican Party of Milwaukee County	PO Box 14665, Milwaukee, WI 53214	$500.00	$500.00

Monetary				
03/28/2019	Sanfelippo for Assembly	20770 W. Coffee Rd, New Berlin, WI 53146	$500.00	$500.00
03/28/2019	WEC Energy Group PAC (WEC PAC)	231 West Michigan Street, P321, Milwaukee, WI 53203	$775.00	$775.00
03/29/2019	Citizens for Sam Hagedorn	10427 W. Harvest Ln, Milwaukee, WI 53225	$1,250.00	$1,250.00
		Sub Total	$10,525.00	
		Grand Total	$135,254.23	
		Non-Monetary (-):	$0.00	
		Total	$135,254.23	

Nonpartisan candidates

Wisconsin Supreme Court Finance Summaries

Share:

Posted: November 9, 2009
Updated: April 26, 2021

Summary of campaign finance for competitive Supreme Court elections from 1997 through 2019. Includes links to campaign finance profiles for the winning candidate when they are available.

All financial summaries cover the complete Supreme Court election cycle, although the actual time period may vary depending on a candidate's previous electoral activity or when the candidate's campaign committee first registered and started raising money. Ending cash comes from the July report filed after the election. (For a more complete explanation of campaign finance election cycles see our campaign finance glossary.)

Only final ballot candidates and races with more than one candidate are listed. All figures are rounded to the nearest dollar. **Spent includes transfers to committees**. Walt Kelly (1997), Louis Butler (2008), Randy Koschnick (2009), Brian Hagedorn (2019) and Dan Kelly (2020) are the only Supreme Court candidates to make such transfers.

Winners' names are in **bold**. An asterisk (*) next to a candidate's name indicates an incumbent. Where a detailed **individual campaign finance profile** is available for a justice, clicking on the winner's name will take you to that profile. Individual contributors for all Supreme Court candidates and Justices since 1990 can be found in our searchable database.

Years

2020 | 2019 | 2018 | 2016 | 2015 | 2013 | 2011 | 2009 | 2008 | 2007 | 2003 | 2000 | 1999 | 1997

Summaries

2020

Election date: April 7, 2020.

Candidate	Begin Cash	Raised	Spent	End Cash
Karofsky, Jill	$0	$2,742,256	$2,692,030	$50,227
Kelly, Daniel*	$0	$2,167,480	$2,142,060	$25,420
Total	**$0**	**$4,909,736**	**$4,834,090**	**$75,647**

Outside groups spent over an estimated $5 million on independent expenditures and "issue ads." Further reading.

- A Better Wisconsin Together Political Fund, $1.88 million
- Wisconsin Manufacturers & Commerce (WMC), $1.1 million
- Republican State Leadership Committee, $897,000
- Americans for Prosperity, $479,000
- Service Employees International Union and SEIU State Council, $417,000

Full list here. For more on independent expenditures and issue ads see Hijacking Campaign 2020.

2019

Election date: April 2

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Hagedorn, Brian	$500	$1,723,398	$1,681,773	$42,125
Neubauer, Lisa	$0	$2,018,259	$2,013,196	$5,064
Total	**$500**	**$3,741,658**	**$3,694,969**	**$47,189**

Outside groups spent an estimated $4.5 million on independent expenditures and "issue ads." Further reading.

Top spending groups:

- Greater Wisconsin Committee, $2.28 million
- Republican State Leadership Committee – Judicial Fairness Initiative, $1.25 million
- Americans for Prosperity IE Committee, $292,000

For more on independent expenditures and issue ads see Hijacking Campaign 2018.

2018

Election date: April 3

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Dallet, Rebbeca Frank	$13,283	$1,268,533	$1,275,612	$6,204
Screnock, Michael	$79	$1,076,345	$1,065,023	$11,401
Total	**$13,362**	**$2,344,878**	**$2,340,635**	**$17,605**

Outside groups spent an estimated $2.8 million on independent expenditures and "issue ads." Further reading.

Top spending groups:

- Wisconsin Manufacturers & Commerce, $1.23 million.
- Greater Wisconsin Committee, $940,000
- National Democratic Redistricting Committee, $165,000
- For Our Future, $158,000

For more on independent expenditures and issue ads see Hijacking Campaign 2018.

2016

Election date: April 5

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Bradley, Rebecca*	$742	$1,119,441	$1,086,916	$33,266

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Kloppenburg, JoAnne Fishman	$453	$838,426	$838,180	$698
Total	**$1,195**	**$1,957,867**	**$1,925,097**	**$33,964**

*Incumbent

Outside groups spent an estimated $3.43 million on independent expenditures and "issue ads." Further reading.

Top spending groups:

- Wisconsin Alliance for Reform, $2.6 million
- Greater Wisconsin Committee, $710,000
- Republican State Leadership Committee, $114,000

For more on independent expenditures and issue ads see Hijacking Campaign 2016.

2015

Election date: April 7

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Bradley, Ann Walsh*	$23,884	$838,742	$850,787	$11,839
Daley, James P	$1,200	$332,616	$333,816	$0
Total	**$25,084**	**$1,171,359**	**$1,184,603**	**$11,839**

*Incumbent

Outside groups spent an estimated $171,000 on independent expenditures and "issue ads."

Top spending groups:

- Greater Wisconsin Committee, $169,000

For information on independent expenditures and issue ads see Hijacking Campaign 2015.

2013

Election date: April 2

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Roggensack, Pat*	$0	$693,121	$652,318	$40,803
Fallone, Ed	$0	$401,557	$394,583	$6,674
Total	**$0**	**$1,094,677**	**$1,046,901**	**$47,477**

*Incumbent

Outside groups spent an estimated $1.2 million on independent expenditures and "issue ads." Further reading.

Top spending groups:

- Wisconsin Manufacturers & Commerce, $500,000
- Club for Growth, $350,000
- Wisconsin Realtors Association, $207,000

For information on independent expenditures and issue ads see Hijacking Campaign 2013.

2011

Election date: April 5

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Prosser, David T., Jr.*	$8,928	$692,597	$700,957	$568
Kloppenburg, JoAnne	$0	$556,658	$551,236	$5,422
Total	**$8,928**	**$1,249,255**	**$1,252,193**	**$5,990**

*Incumbent

Outside groups spent an estimated $4.5 million on independent expenditures and "issue ads." Further reading.

Top spending groups:

- Greater Wisconsin Committee, $1.7 million
- Wisconsin Manufacturers & Commerce, $1.1 million
- Citizens for a Strong America, $985,000
- Club for Growth, $520,000

For information on independent expenditures and issue ads see Hijacking Justice 2011.

2009

Election date: April 7

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Abrahamson, Shirley S.*	$0	$1,469,621	$1,465,578	$4,063
Koschnick, Randy	$0	$186,556	$189,153	($2,597)
Total	**$0**	**$1,656,177**	**$1,654,731**	**$1,466**

*Incumbent

Outside groups spent an estimated $577,000 on independent expenditures and "issue ads." Further reading.

Top spending groups:

- Greater Wisconsin Committee, $465,000
- Advancing Wisconsin, $100,000

For information on independent expenditures and issue ads see Hijacking Campaign 2009.

2008

Election date: April 1

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Butler, Louis*	$4,353	$780,296	$770,057	$14,592

Candidate	Beginning Cash	Raised	Spent	Ending Cash
Gableman, Michael J.	$278	$441,051	$410,959	$30,370
Total	**$4,631**	**$1,221,347**	**$1,181,016**	**$44,962**

*Incumbent

Outside groups spent an estimated $4.8 million on independent expenditures and "issue ads." Further reading.

Top spending groups:

- Wisconsin Manufacturers & Commerce, $1.8 million
- Greater Wisconsin Committee, $1.5 million
- Club for Growth, $500,000
- Coalition for America's Families, $480,000

For information on independent expenditures and issue ads see Hijacking Justice 2008.

2007

Election date: April 3

Candidates	Beginning Cash	Raised	Spent	Ending Cash
Clifford, Linda M.	$0	$1,210,645	$1,206,038	$4,608
Ziegler, Annette K.	$0	$1,452,258	$1,450,230	$2,028
Total	**$0**	**$2,662,903**	**$2,656,267**	**$6,636**

Outside groups spent an estimated $3.1 million on independent expenditures and "issue ads." Further reading.

Top spending groups:

- Wisconsin Manufacturers & Commerce, $2.2 million
- Greater Wisconsin Committee, $400,000
- Club for Growth, $400,000

For information on independent expenditures and issue ads see Hijacking Justice 2007.

2003

Election date: April 1

Candidates	Beginning Cash	Raised	Spent	Ending Cash
Ed Brunner	$2,405	$238,575	$240,762	$218
Pat Roggensack	$602	$418,045	$416,625	$2,022
Total	**$3,007**	**$656,620**	**$657,387**	**$2,240**

Outside groups spent $27,200 on independent expenditures. The Democracy Campaign did not record any instances of "issue ads" in this campaign.

Top spending groups:

- Madison Teachers Inc., $17,900
- WEAC PAC, $6,600
- Volunteers for Agriculture, $1,000

For information on independent expenditures and issue ads see Hijacking Elections 2003.

2000

Election date: April 4

Candidates	Beginning Cash	Raised	Spent	Ending Cash
Louis Butler	$1,915	$194,866	$196,359	$422
Diane Sykes*	$0	$240,154	$234,603	$5,550
Total	**$1,915**	**$435,020**	**$430,963**	**$5,972**

*Incumbent

1999

Election date: April 6

Candidates	Beginning Cash	Raised	Spent	Ending Cash
Shirley Abrahamson*	$30,537	$715,459	$745,996	$0
Sharren Rose	$0	$634,910	$639,894	-$4,984
Total	**$30,537**	**$1,350,369**	**$1,385,890**	**-$4,984**

*Incumbent

1997

Election date: April 1

Candidates	Beginning Cash	Raised	Spent	Ending Cash
Walt Kelly	$0	$488,666	$459,018	$29,647
Jon Wilcox*	$0	$426,936	$426,559	$377
Total	**$0**	**$915,602**	**$885,577**	**$30,025**

*Incumbent

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Wisconsin Democracy Campaign is working for a real democracy that allows the common good to prevail over narrow interests. We track the money in state politics and fight for campaign finance and other democracy reforms. WDC is a tax-exempt 501(c)(3) nonprofit organization, and charitable contributions supporting our work are fully tax deductible when you itemize.

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https://madison.com/news/local/govt-and-politics/gop-seeking-signatures-on-behalf-of-rebecca-bradley/article_f6f4408d-f377-548b-bae5-109baf688e57.html

GOP seeking signatures on behalf of Rebecca Bradley

From the Supreme Court election 2016 series

Molly Beck | Wisconsin State Journal
Dec 2, 2015

Judge Rebecca Bradley speaks to reporters in this Oct. 9 file photo after Gov. Scott Walker appointed her to the Wisconsin Supreme Court following the death of justice N. Patrick Crooks.
ASSOCIATED PRESS

Molly Beck | Wisconsin State Journal

The state Republican Party is seeking campaign signatures on behalf of a Supreme Court justice candidate in a race that is officially nonpartisan.

State party chairman Brad Courtney in an email Tuesday asked supporters to collect at least 20 signatures for Justice Rebecca Bradley's campaign by Dec. 21 in order to put her name on the spring election ballot. Courtney also directs supporters to send the signatures to the party or to Bradley's campaign.

In the email provided to the Wisconsin State Journal by the campaign of Milwaukee Circuit Court Judge Joe Donald, who is also running for the high court, Courtney said, "we have the opportunity to elect a skilled and accomplished conservative jurist and true defender of the constitution."

Bradley was appointed by Gov. Scott Walker to the high court earlier this year after Justice N. Patrick Crooks died in September. Bradley had already announced her candidacy for Crooks' seat.

People are also reading...

1 **As Rashan Gary gets closer to his goal, Packers teammate Eric Stokes frustrated**

2 **Food review: Shop's weekly sandwiches could turn you into a Meat People person**

3 **Marcus Theatres offering $4 movie tickets for National Cinema Day**

4 **Dr. Zorba Paster: New research shows multivitamins help preserve memory**

Courtney also said in the email Bradley "has already demonstrated herself to be a strong voice for conservatism on the court."

A spokesman for Donald said in a statement Wednesday it shows Bradley's coordination with a political party.

"The Bradley Campaign and the Republican Party are essentially one and the same," said Donald's campaign manager, Andy Suchorski. "Their goal is not to elect a fair, impartial justice to the Wisconsin Supreme Court. Rather, their goal is to ensure the election of Scott Walker's handpicked candidate, Rebecca Bradley, so she can advance their conservative agenda."

Suchorski said Donald's campaign hasn't received help from either state political party.

"We aren't coordinating with any political party and we don't plan to," he said.

Pat Garrett, spokesman for the state GOP, said in a statement that the party "is happy to support candidates, like Justice Rebecca Bradley, who are committed to upholding the rule of law and adhering to the Wisconsin constitution. The Donald campaign should be more concerned with following election law than pushing ticky-tack stories that just turn voters off."

Garrett's statement refers to a complaint filed by the GOP with the Government Accountability Board against Donald's campaign for passing out campaign literature at a judicial conference that did not disclose who paid for it.

A spokeswoman for Bradley's campaign said the justice has bipartisan support statewide.

"She has always maintained that it is essential to our legal system to have independent justices who will apply the law impartially and free of political agendas," spokeswoman Madison Wiberg said. "Justice Bradley is committed to these principles and to running a positive campaign befitting the people of Wisconsin."

Bradley told the Associated Press earlier this year she will not coordinate with outside groups during the campaign to keep her seat on the court, but wouldn't ask them to stay out of her race, either.

Next spring, Bradley will face Donald, state appeals court Judge JoAnne Kloppenburg and Madison attorney Claude Covelli in a primary. Other candidates could still emerge. The top two vote-getters will appear on the general election ballot.

Kloppenburg said in a statement Wednesday that “the people of Wisconsin deserve an independent Court and this kind of politicking undermines their confidence that the Court will act as a check and balance on the political branches of government.”

Kloppenburg campaign manager Melissa Mulliken said the campaign would not seek help collecting signatures from either state party.

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Around The Web

THE
POLITICS
OF **JUDICIAL**
ELECTIONS
2015-16

Who Pays for Judicial Races?

By Alicia Bannon, Cathleen Lisk, and Peter Hardin

With Douglas Keith, Laila Robbins, Eric Velasco,
Denise Roth Barber, and Linda Casey

Brennan Center for Justice *at New York University School of Law*
National Institute on Money and State Politics

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INTRODUCTION

It's no secret that the proliferation of big money in politics, abetted by 2010's *Citizens United* Supreme Court decision, has upended American elections from the smallest mayoral races to the most high-profile U.S. Senate battles. What has received far less attention, however, is that influence-seeking money has also made tremendous inroads into our courts — institutions that are constitutionally obliged to provide equal justice regardless of wealth, status, or political connections.

Thirty-eight states conduct elections for their state supreme courts, powerful entities that are generally the final word on interpreting state law. This report, the most recent edition in a series that has tracked and analyzed state supreme court elections since 2000, looks at the 2015-16 supreme court election cycle. We identified several disturbing new developments that sharpen questions about partisan and special interest pressures in judicial races and about the capacity of impacted courts to deliver evenhanded justice.

For the first time, we undertook an in-depth analysis of donor transparency among interest groups and found that "dark money" spending, by groups whose funding sources are concealed from the public, is booming in state supreme court elections. Outside spending by interest groups also broke records again, while there were more high-cost races than ever before. Recognizing that expensive and politicized

Influence-seeking money has also made tremendous inroads into our courts — institutions that are constitutionally obliged to provide equal justice regardless of wealth, status, or political connections.

supreme court elections are now a fixture in many states, this year we also changed the report's title, dropping the word "New" from *The New Politics of Judicial Elections.*

- **Outside spending by interest groups shattered records.** Rather than contributing to candidates or political parties, wealthy interests are increasingly relying on outside spending by groups as a way to influence state supreme court elections, mirroring the trend in elections for political offices since the Supreme Court's 2010 decision in *Citizens United v. FEC*. During the 2015-16 supreme court election cycle, political action committees, social welfare organizations, and other non-party groups engaged in a record $27.8 million outside spending spree, making up an unprecedented 40 percent of overall supreme court election spending (as compared with only 29 percent in 2013-14). Funneling spending through outside groups may be attractive to donors because it often allows them to avoid campaign contribution limits and disclosure requirements.

- **Supreme court elections saw an influx of secret money.** The growth of outside spending by interest groups has brought with it a stunning lack of transparency. For the first time, this report quantified the amount of money in state supreme court elections coming from sources concealed from the public. We found that only 18 percent of interest groups' outside expenditures during 2015-16 could be easily traced to transparent donors. With respect to the remaining expenditures, donors were either undisclosed (54 percent), a type of spending known as "dark money," or buried behind donations from one group to another (28 percent), making it difficult or impossible to discern the ultimate funding source, a type of spending known as "gray money." Such secrecy risks leaving voters uninformed about who is seeking to shape state high courts, and leaves litigants (and often even judges) without the tools to identify potential conflicts of interest.

- **There were more million-dollar supreme court races than ever before.** Twenty-seven justices were elected in $1 million-plus races in 2015-16, compared with the previous high of 19 justices in 2007-08. Pennsylvania also set an all-time national record for its 2015 election, attracting a total of $21.4 million in spending for three open seats. A greater number of justices elected in high-dollar races means more potential conflicts of interest and heightened pressure on all judges to curry favor with wealthy interests who can subsidize the increasingly high cost of a future election.

- **More than half of all states with elected high courts are now impacted by big-money elections.** By the start of 2017, 20 states had at least one sitting justice who had been involved in a $1 million race during his or her tenure. By contrast, in 1999, the number was only seven. As of January 2017, one-third of all elected justices sitting on the bench had run in at least one $1 million-plus election. These figures highlight that across the country, politicized state supreme court elections are no longer the exception, but the rule.

- **Campaign ads targeted judicial decisions, often in misleading ways.** More than half of all negative television ads aired during the 2015-16 election cycle criticized judges for their rulings on the bench, often in a misleading way designed to stoke emotion and anger. Targeting judicial decisions poses worrying threats to judicial independence, and there is both anecdotal and empirical evidence that such election pressures impact how judges rule in cases.

Courts are powerful. Their rulings impact our health, our freedom, and our bank accounts — leaving behind winners and losers. Our system can only work if judges decide cases, in good faith, based on their understanding of what the law requires — and if the public believes that they are doing so. As powerful interests increasingly see the courts as an effective vehicle for furthering their political, ideological, or financial agendas, this promise of both the appearance and reality of evenhanded justice is at risk.

Courts are powerful. Their rulings impact our health, our freedom, and our bank accounts — leaving behind winners and losers. Our system can only work if judges decide cases, in good faith, based on their understanding of what the law requires — and if the public believes that they are doing so.

CHAPTER ONE
Supreme Court Election Spending Reaches New Heights

State supreme court elections used to be low-cost, sleepy races. That era is over. In many states, they are now costly and politicized battles and the role of big money, with its attendant questions of special interest influence over the courts, is growing more pronounced. During the 2015-16 cycle, states that elect their judges reached several new spending milestones.

The number of justices elected in big-spending contests in 2015-16 was also higher than ever before — an ominous development suggesting that politicized supreme court elections may be ratcheting up.

Spending Overview: 2015-16 Supreme Court Election Cycle

Thirty-three states held state supreme court elections during 2015-16, for a total of 76 seats.[1] Nationwide, overall spending totaled an estimated $69.3 million, including candidate fundraising and outside spending by interest groups and political parties — the second highest spending level (adjusted for inflation) since this report began tracking supreme court elections in 2000.[2]

Pennsylvania, which saw a remarkable $21.4 million spent in contests for three open seats in 2015, set a national record for aggregate spending in a state supreme court election. In addition, Arkansas, Kansas, Louisiana, and Montana set new state spending records.

The number of justices elected in big-spending contests in 2015-16 was also higher than ever before — an ominous development suggesting that politicized supreme court elections may be ratcheting up. More justices were elected in $1 million-plus elections during 2015-16 than

Estimated Spending on State Supreme Court Races, 2015-16

State	Candidate Fundraising	Public Financing	Outside Spending by Groups	Outside Spending by Political Parties	# of Seats	Grand Total
Pennsylvania (2015)	$15,660,616	$0	$5,749,055	$8,190	3	$21,417,861
North Carolina	$672,230	$0	$4,746,921	$0	1	$5,419,151
West Virginia	$1,013,801	$958,489	$2,991,682	$0	1	$4,963,973
Louisiana	$2,408,179	$0	$2,503,976	$0	2	$4,912,154
Wisconsin (2016)	$2,249,071	$0	$2,474,373	$0	1	$4,723,444
Michigan	$1,214,963	$0	$2,634,585	$455,685	2	$4,305,233
Texas	$4,205,358	$0	$0	$0	3	$4,205,358
Ohio	$3,117,471	$0	$233,960	$2,210	3	$3,353,641
Mississippi	$2,004,464	$0	$1,233,410	$0	4	$3,237,874
Washington	$1,060,942	$0	$1,480,455	$249,365	3	$2,790,762
Arkansas	$1,729,476	$0	$675,290	$0	2	$2,404,766
Kansas	$0	$0	$2,073,938	$0	5	$2,073,938
Montana	$782,351	$0	$985,684	$66,769	3	$1,834,804
Wisconsin (2015)	$1,149,686	$0	$46,934	$0	1	$1,196,620
Kentucky (2016)	$488,700	$0	$0	$0	1	$488,700
New Mexico	$40,375	$423,891	$0	$0	2	$464,266
Idaho	$431,258	$0	$0	$0	2	$431,258
Kentucky (2015)	$426,624	$0	$0	$0	1	$426,624
Alabama	$262,319	$0	$0	$0	3	$262,319
Georgia	$189,385	$0	$0	$0	1	$189,385
Tennessee	$105,108	$0	$0	$0	3	$105,108
Minnesota	$64,879	$0	$0	$0	1	$64,879
North Dakota	$51,052	$0	$0	$0	2	$51,052
Totals	**$39,328,308**	**$1,382,380**	**$27,830,262**	**$782,219**	**50**	**$69,323,169**

This chart estimates spending on high court races, including contested and retention elections, in the 21 states in which spending was documented. Unless otherwise noted, races occurred in 2016. Candidate fundraising figures were provided by the National Institute on Money in State Politics, and reflect available data as of August 4, 2017. Candidate fundraising includes contributions and self-financing by candidates. It excludes fundraising by judges that did not run for election in 2015-16. Sources for independent expenditures by political parties and interest groups include state campaign finance disclosures, television spending estimates from Kantar Media/CMAG, ad contracts posted on the FCC website, and FEC filings. The 2015 figures in this chart are lower than the totals reported in the historical charts throughout this report, because in those charts all data was converted to 2016 dollars to allow for historical comparison. The 2015 figures in this chart have not been converted to 2016 dollars.

in any previously recorded cycle since 2000 (inflation-adjusted)[3] — 27 justices in 13 states, as compared with the previous high of 19 justices in 11 states in 2007-08.[4] Seven justices in five states were also elected in races that exceeded $3 million (Louisiana, North Carolina, Pennsylvania, West Virginia, and Wisconsin). Hitting a $1 million or $3 million threshold is significant because such races are likely to require major infusions of campaign cash by donors or a substantial investment by outside spenders and to have many of the trappings of campaigns for political offices. Notably, this cycle set records even though the number of seats up for election was both the median and average[5] for presidential election cycles since 1999-2000 (excluding retention elections).[6]

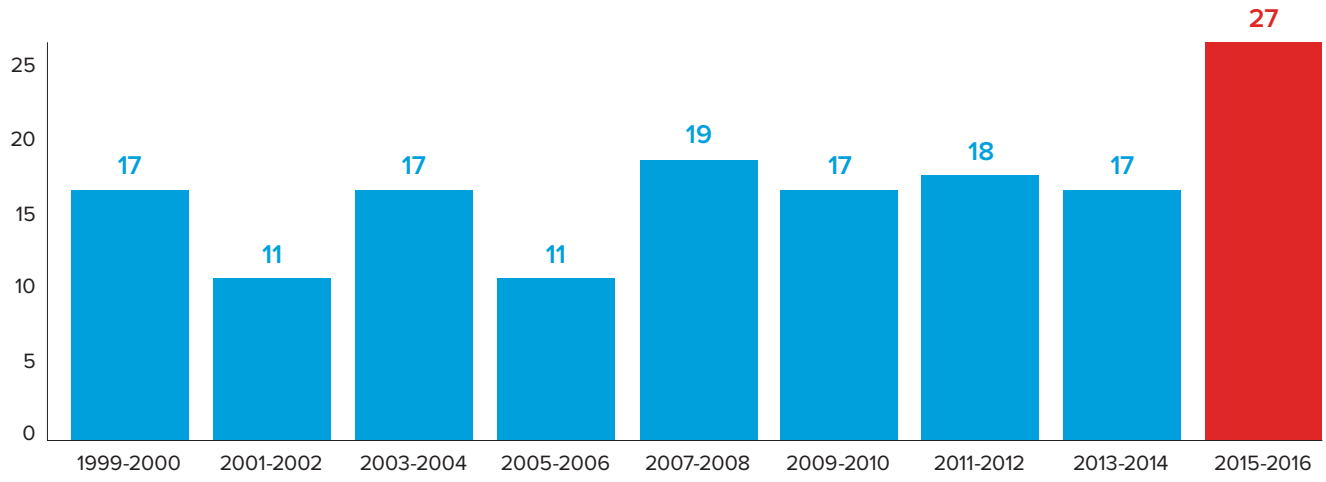
The amount spent on television also continued to grow, with a record $36.9 million spent on TV ads in 16 states, an average of $485,607 per seat — also a record.[7] Spending on TV ads reached record levels in six states: Arkansas, Kansas, Louisiana, Montana, Pennsylvania, and West Virginia.

One exception to the upward trend was in retention elections, where documented total spending dropped this cycle, to an estimated $2.2 million, as compared to $6.5 million spent on retention elec-

Different Types of Judicial Elections

In states with contested state supreme court elections, multiple candidates can vie for a seat on the bench. Some contested elections are partisan, meaning that the candidate's party affiliation is listed on the ballot. Others are nonpartisan, meaning that no affiliation is listed. Some other states use retention elections, in which a sitting justice is subject to a yes-or-no vote, without any opponents. For more information on judicial selection in the states, see the Brennan Center's interactive map: *http://judicialselectionmap.brennancenter.org.*

Number of Judges Elected in $1 Million-Plus Elections by Cycle



This graph reflects the number of high court judges, per two-year election cycle, who were elected in races that cost over $1 million, including both candidate fundraising and independent expenditures. All spending data was adjusted into 2016 dollars.

tions in 2013-14.[8] One recent pattern, beginning in the 2009-10 election cycle, has been that states that use retention elections, which were historically usually low-profile elections that attracted virtually no spending, have begun to experience high-cost elections as well. Kansas's 2016 retention elections were consistent with this trend, attracting over $2 million in total spending. However, unlike other recent cycles in which two or three states saw heavy retention election spending, during 2015-16, Kansas was the only state with expensive retention elections.[9] Despite the drop, total spending on retention elections during 2015-16 was still higher than in any cycle prior to 2009-10, when the cost of retention elections first jumped. From 1999-2008, retention election spending had never exceeded $1.3 million (in 2016 dollars).[10]

Supreme court elections still generally attract less money than other statewide races.[11] However, because voters typically know little about state supreme court justices, heightened spending can have an outsized impact on who reaches the bench — a series of attack ads may be the only information a voter has about a judicial candidate.[12] And because, as discussed below, interests opening their wallets for supreme court elections are frequently regular players before those very courts — sometimes with cases pending at the same time elections are taking place — this spending can create vexing conflicts of interest, threatening the appearance (and reality) of judicial integrity.

Notable Trends: Secret Money and Record Outside Spending

One of the most striking aspects of the 2015-16 cycle was the sharp rise in outside spending — most of it non-transparent — by political action committees, "social welfare organizations" incorporated under 501(c)(4) of the Internal Revenue Code, and other non-party groups, mirroring the trends in regular political races, both state and federal.

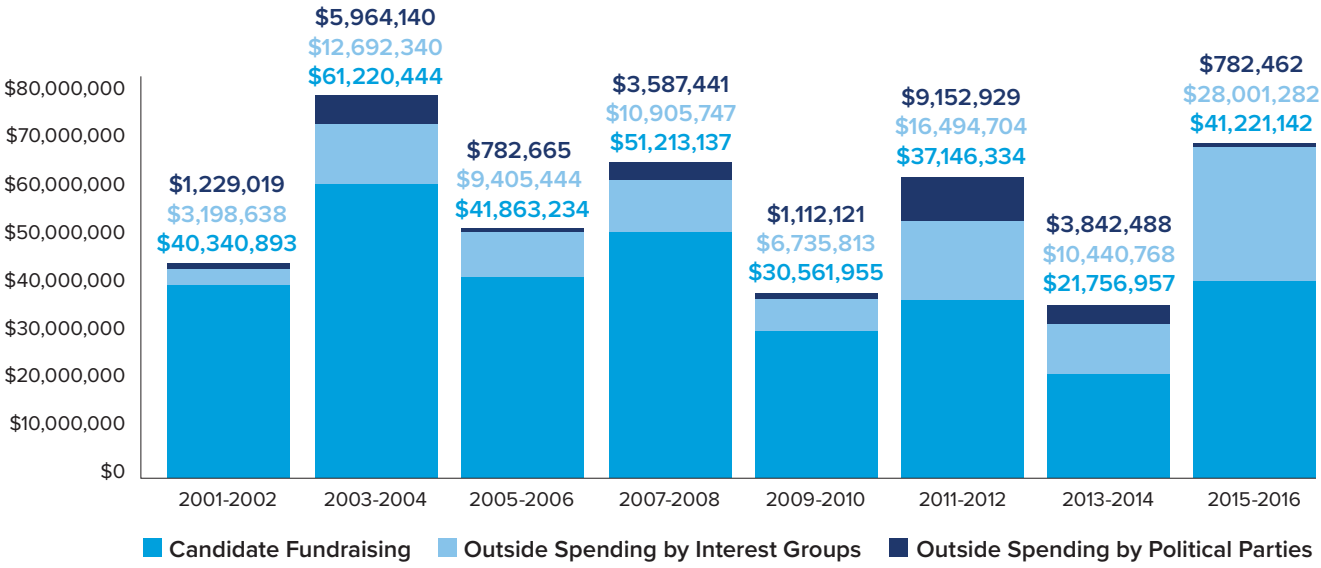
During 2015-16, outside spending by interest groups was a record $27.8 million — over $10 million more than the prior record from 2011-12. This outside spending by groups was also a much higher proportion of total supreme court election spending than ever before: 40 percent, as compared with the previous high of 29 percent in 2013-14.[13]

Spending Terminology

"Outside spending" refers to non-candidate expenditures during an election campaign, including television ad buys and other election activities. Outside spending figures for "groups" or "interest groups" exclude political parties, which are analyzed separately. This report also sometimes refers to "outside groups" as a short-hand for non-party groups that are engaged in outside spending during an election.

This shift toward outside spending by interest groups has been a consistent trend since the U.S. Supreme Court's 2010 ruling in *Citizens United v. FEC*, which barred restrictions on independent spending by corporations and unions, and a subsequent lower court ruling that allowed independent spenders to collect unlimited con-

State Supreme Court Election Spending by Cycle (2016 Dollars)



Data sources include reports from the New Politics of Judicial Elections series, as well as updated candidate fundraising and television spending estimates from the National Institute on Money in State Politics and Kantar Media/CMAG, respectively. All figures have been converted to 2016 dollars. Because of this inflation adjustment, totals in this graph may be different than figures that were published in previous reports.

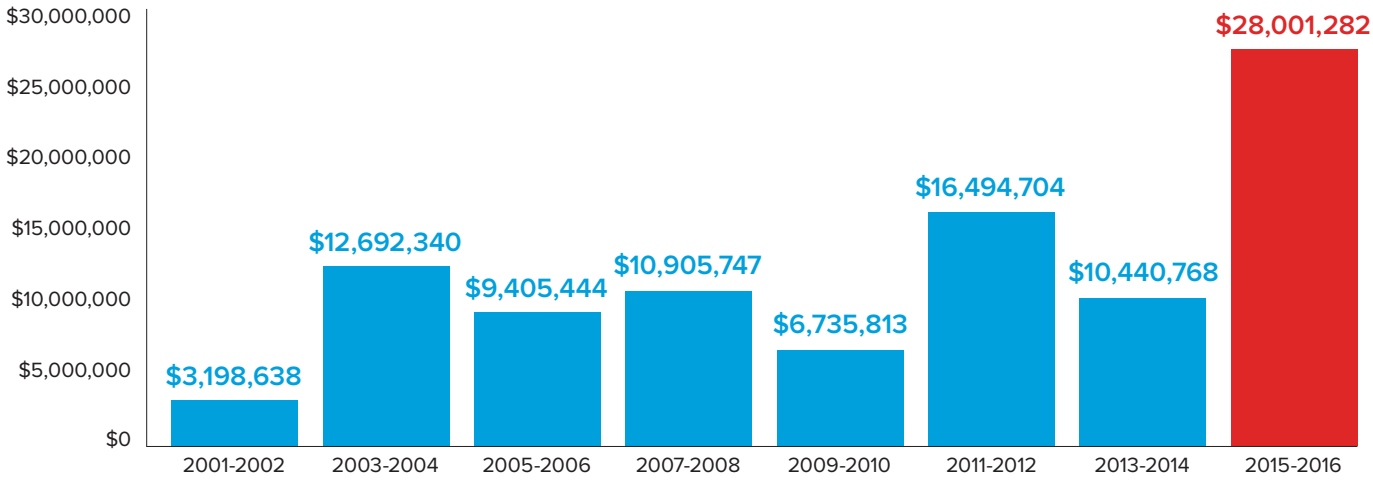
tributions.[14] In every election cycle since *Citizens United*, spending by outside groups as a portion of total spending in supreme court elections has set a new record.[15]

One result of this rise in outside spending by interest groups is that voters have less information about who is trying to influence supreme court elections. Remarkably, only 18 percent of the dollars spent by interest groups in 2015-16 had transparent sources (meaning that the underlying donor could be easily identified from campaign finance filings). More than half of interest group expenditures were completely "dark," meaning that the underlying donors were not disclosed at all. Weak state campaign finance laws also meant that many expenditures were never reported to campaign finance authorities in the first place: one-third of the outside spending documented in this report never appeared in state campaign finance filings. [See Chapter 2 for more details about secret spending in supreme court elections.]

In every election cycle since *Citizens United*, spending by outside groups as a portion of total spending in supreme court elections has set a new record.

While the U.S. Supreme Court in *Citizens United* touted "prompt disclosure of expenditures" as a way to "provide shareholders and citizens with the information needed

Outside Spending by Interest Groups (2016 Dollars)

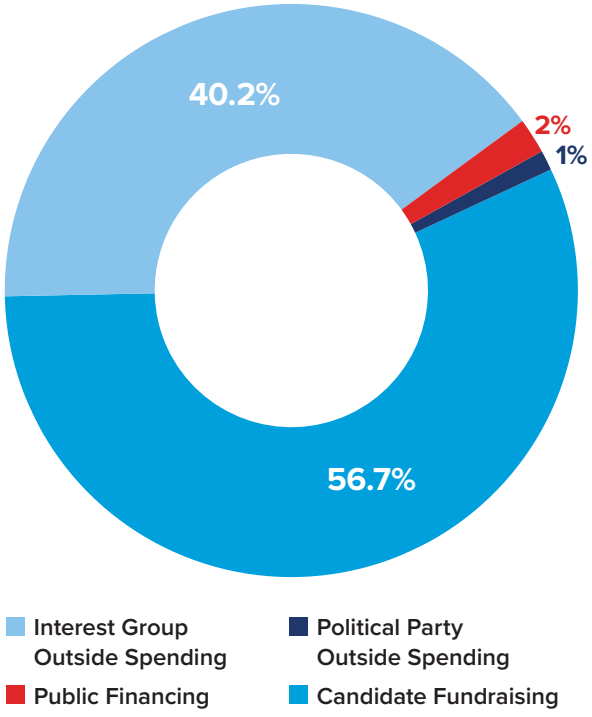


Data sources include reports from the New Politics of Judicial Elections series, as well as updated television spending estimates from Kantar Media/CMAG. All figures have been converted to 2016 dollars. Because of this inflation adjustment, totals in this graph may be different than figures that were published in previous reports.

to hold corporations and elected officials accountable for their positions and supporters," the prevalence of secret spending highlights how gaps and loopholes in state and federal law make it easy for those seeking to influence judicial campaigns to stay in the shadows.[16] For state courts, the result is a public increasingly left in the dark about who is seeking to influence judicial decisionmaking — including when judges hear cases involving major spenders.

The rise in outside spending by interest groups during 2015-16 also corresponded with a smaller role for state political parties, whose spending made up a lower proportion of total spending than ever before.[17] This diminished role for political parties mirrored broader outside spending trends at the state level[18] and also in key U.S. Senate races in 2016.[19]

Spending Breakdown for 2015-16 Supreme Court Races



For data sources, see notation in "Estimated Spending on State Supreme Court Races, 2015-16."

While the benefits and costs of strong state parties are complex, the shift in power from parties to interest groups raises several accountability concerns. First, political parties are typically more strictly regulated than outside groups; for example, party organizations are often subject to campaign finance laws that do not apply to groups, including contribution limits and donor disclosure.[20] In addition, parties are repeat electoral players with a reputational interest that generally draws strength from appealing to a broad population.[21] At times, this will oblige parties to go against the shorter-term interests of a narrow constituency. This distinguishes political parties from outside groups that may appear — and disappear — in a single election cycle.[22]

Finally, rising spending by outside groups leaves candidates with less control over the tenor of their campaigns and may contribute to even greater negativity and politicization in supreme court elections. During the 2015-16 supreme court election cycle, 64 percent of spots aired by interest groups were negative in tone, compared with 15 percent of candidate ads (political parties aired virtually no TV advertisements). Overall, 2015-16 had far more negative TV ads than did other recent election cycles. [See Chapter 3 for more on television ads and the tenor of races.]

During the 2015-16 supreme court election cycle, 64 percent of spots aired by interest groups were negative in tone, compared with 15 percent of candidate ads (political parties aired virtually no TV advertisements). Overall, 2015-16 had far more negative TV ads than did other recent election cycles.

A Closer Look at Candidate Fundraising

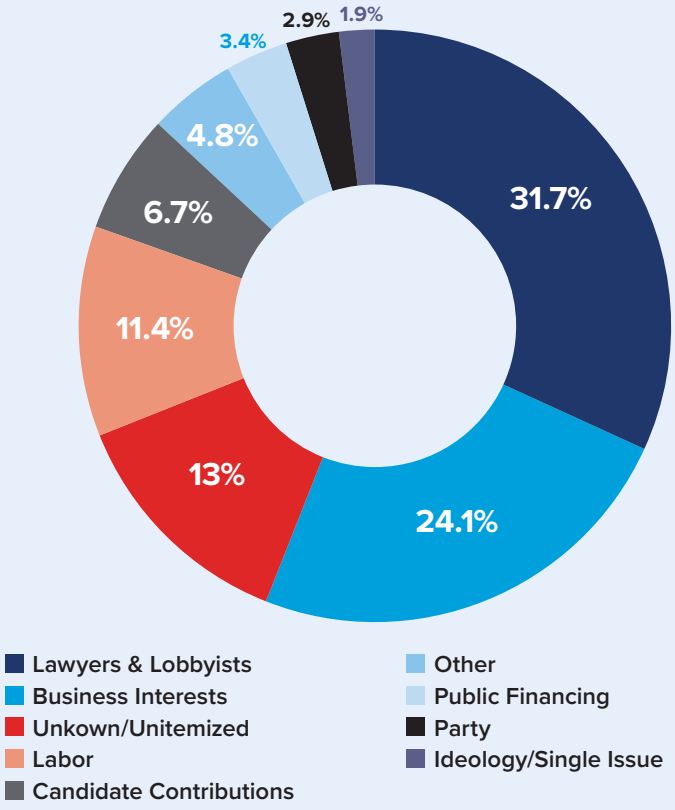
Total candidate fundraising in 2015-16 was approximately $40.7 million (including public financing), slightly higher than in the last presidential election cycle, but short of totals from earlier presidential election cycles in 2003-4 and 2007-08.

About 56 percent of contributions to state supreme court candidates during the 2015-16 cycle came from lawyers, lobbyists, and business interests, a cohort regularly involved in state court matters.

Two states, New Mexico and West Virginia, offered supreme court candidates the option to accept public financing for their supreme court campaigns. In New Mexico, both candidates opted into the system, and nearly all of the expenditures in the race came from public funds. In West Virginia, however, while two of five candidates received public financing, individual candidates were far outspent by outside groups.

While total fundraising during the cycle did not match prior highs, a number of state high court candidates nevertheless raked in huge sums. Of the top ten candidate fundraisers nationwide, nine raised more than $1 million apiece. Pennsylvania Supreme Court candidate Kevin Dougherty topped the list, raising nearly $5.7 million, principally from labor interests and lawyers and lobbyists.

Contributions to Candidates by Sector, 2015-16



Data from National Institute on Money in State Politics as of August 4, 2017.

Top 10 Candidate Fundraisers, 2015-16

Candidate	State	Total Contributions Raised
1. Dougherty, Kevin M	PA	$5,650,148
2. Wecht, David N	PA	$3,642,568
3. Donohue, Christine L	PA	$2,107,886
4. Genovese, James (Jimmy)	LA	$1,395,721
5. Dewine, Pat	OH	$1,144,634
6. Guzman, Eva	TX	$1,126,348
7. Bradley, Rebecca Grassl	WI	$1,096,907
8. Covey, Anne	PA	$1,045,478
9. Goodson, Courtney Hudson	AR	$1,025,445
10. Lehrmann, Debra	TX	$994,854

Data from National Institute on Money in State Politics as of August 4, 2017.

Profiled Races: What Factors Contribute to High-Cost Elections?

An analysis of this cycle's state supreme court elections also suggests why certain states attract special interest attention while others do not. Many big spenders characterize their efforts as bolstering the judiciary by supporting quality candidates. Not surprisingly, however, races in which a court's ideological control is on the line, or where the court is involved in a highly-contentious issue that is important to deep-pocketed interests, tend to be the elections that attract heavy spending. Some illustrative races from the 2015-16 cycle highlight these dynamics.

The most expensive supreme court elections during 2015-16 occurred in Pennsylvania and North Carolina, two "swing" states in national politics where state court rulings on issues like redistricting have national implications, and where the election determined the court's ideological balance. [For details on each state's election, see "State in Focus" for Pennsylvania and North Carolina.] Looking back, spending barrages have corresponded with shifts in the ideological composition of at least nine state supreme courts since 2000.[23]

Races in which a court's ideological control is on the line, or where the court is involved in a highly-contentious issue that is important to deep-pocketed interests, tend to be the elections that attract heavy spending.

In several states, particular cases on the docket appeared to attract heavy spending, including tangles over tort reform, education funding and charter schools, and the environment. Some justices were targeted over their prior rulings on these issues, while other elections appeared focused on creating a more favorable court lineup for an upcoming case:

- In Louisiana, interests in so-called "legacy lawsuits" that seek to compel oil and gas companies to pay for restoring environmentally-damaged properties and repair coastal degradation, appeared to be an important factor in the race between lower court judges Jimmy Genovese and Marilyn Castle for an open seat on the state supreme court. While the largest outside spender in the race, the Virginia-based Center for Individual Freedom (supporting Castle), did not disclose its donors, Castle's own contributors included oil and gas interests defending against ongoing legacy lawsuits. Genovese received outside support from the Restore Our Coast PAC, which in turn received donations from lawyers representing plaintiffs in these cases.

  Another ongoing lawsuit challenging public funding of charter schools[24] was likely an additional spending driver. A newly created PAC, Citizens for Judicial Excellence, which spent over $600,000 opposing Genovese, was funded primarily by businessman Lane Grigsby, a charter school-proponent who had previously spent money on school board races and heavily contributed to a pro-charter

school group, Stand for Children.[25] Genovese won the race, which saw nearly $5 million in overall spending.

- In Kansas, supposedly-nonpartisan retention elections saw unusual involvement from the state Republican party and opaque outside groups. Four of the five justices standing for retention were subject to vocal opposition from the state GOP, and groups ran attack ads criticizing the justices for voting for a new sentencing hearing in a high-profile death penalty case, a decision subsequently reversed by the U.S. Supreme Court.

  While a lack of donor transparency makes it difficult to identify the underlying interests, during the election, the state supreme court was enmeshed in a lawsuit in which it had already found that the state was failing to sufficiently fund K-12 education, with a potential price tag for the state of between $400 and $900 million.[26] Even before the election, the case had generated pointed attacks against the court from the governor and several powerful legislators, as well as legislative efforts to weaken the court's power and give the political branches more power over judicial selection.[27] A case about whether the Kansas constitution protects abortion rights was also working its way through the lower courts during the period.[28] More than $2 million was spent overall, an estimated $971,760 in support of retention and $1.1 million in opposition. The four targeted incumbent justices were retained, as was a fifth, an appointee of the state's Republican governor who was not targeted.

"Not for Sale," paid for by the Judicial Crisis Network. Copyright 2016, Kantar Media/CMAG.

- In Arkansas, a race for two open seats occurred against the backdrop of a decade-long battle over tort reform, including a 2011 decision in which one of the candidates for the Chief Justice seat, Courtney Goodson, who was already an associate justice on the high court, drafted an opinion for a unanimous court striking down a state cap on punitive damages that was passed in 2003. The Judicial Crisis Network, a dark-money group based in Washington, D.C., targeted Goodson, with ads stating that she accepted gifts and donations from trial lawyers and then benefited them with her rulings. The Republican State Leadership Committee's Judicial Fairness Initiative bought airtime in a second race, characterizing candidate Clark Mason, a plaintiffs' lawyer, as "the ultimate jackpot justice personal injury trial lawyer" in a TV ad. Both Mason and Goodson lost their races; overall, $2.4 million was spent in the two contests.

State in Focus
Pennsylvania's Record-Setting Election

Three vacancies on the Pennsylvania Supreme Court — two of which were created when justices left the court in scandal[29] — led to a hard-fought election in 2015, which set a new national record for state supreme court election spending. The contest also exemplified key trends in judicial elections today: Big spending by business interests, labor unions, and plaintiffs' lawyers — all groups that are regularly involved in cases before the court; millions of dollars in attack ads; and extensive spending funded by anonymous donors.

Prior to the three vacancies, Pennsylvania's seven-member supreme court had been controlled by Republicans. The court was left evenly split in the lead-up to the 2015 election, giving voters the opportunity to determine the ideological balance of the state's high court, potentially for years. Raising the contest's already high stakes was its potential to impact Pennsylvania's redistricting process after the 2020 Census. In Pennsylvania, the state supreme court appoints a fifth member to the state's Legislative Reapportionment Commission, which includes two GOP and two Democratic representatives, if the other members cannot agree on a person.

"Failed to Protect," paid for by the Republican State Leadership Committee's Judicial Fairness Initiative. Copyright 2016, Kantar Media/CMAG.

A TV ad war that included attacks on candidates as soft on crime marked the Pennsylvania election, as did calls to "restore ethics to the bench" in light of the state's recent scandals. Ultimately, the candidates who spent the most won the election, and voters delivered Democrats a 5-2 court majority.

Sweeping the open seats were Democrats Christine Donohue, Kevin Dougherty, and David Wecht, who collectively outspent Republican rivals Anne Covey, Michael George and Judith Olson by $11,400,601 to $2,694,809. Independent candidate Paul Panepinto spent $150,202.

The election also featured major, though lopsided, independent spending by two opposing interest groups. Pennsylvanians for Judicial Reform spent $4.1 million supporting Democrats, while the Republican State Leadership Committee's (RSLC) Judicial Fairness Initiative, supported Republicans with $1.5 million in spending. Pennsylvanians for Judicial Reform received substantial funding from labor unions and plaintiffs' trial lawyers, as well as dark money groups. The Judicial Fair-

ness Initiative was funded entirely by the RSLC, whose donors include the U.S. Chamber of Commerce (which does not disclose its donors) and major corporations.

In all, the election made history. Total spending reached $21.4 million, easily shattering the previous national record set in Illinois in 2004.[30] The three winning candidates were the highest fundraisers in the nation during the 2015-16 cycle, and were also among the top ten overall spenders (including outside groups and political parties), with Dougherty first ($5,650,148), Wecht fourth ($3,642,568), and Donohue sixth ($2,107,886).

The Bigger Picture: Big Money Races Leave A Mark On A Majority of Elected Courts

At the start of 2017, more than half of all states that elect their justices had at least one sitting justice who had taken part in a $1 million-plus election during his or her tenure (20 out of 38 states). By contrast, in 1999, only seven states fell into this category.

As of January 2017, one-third of sitting, elected state justices had been involved in a big-money election at some point in their tenure (88 out of 268). In 11 states, more than half of the state supreme court was made up of justices who participated in these high-cost races. This proliferation of states and judges impacted by high-cost elections leaves a cloud hanging over much of the nation's state court system, with the effects of such elections lingering beyond any particular election year.

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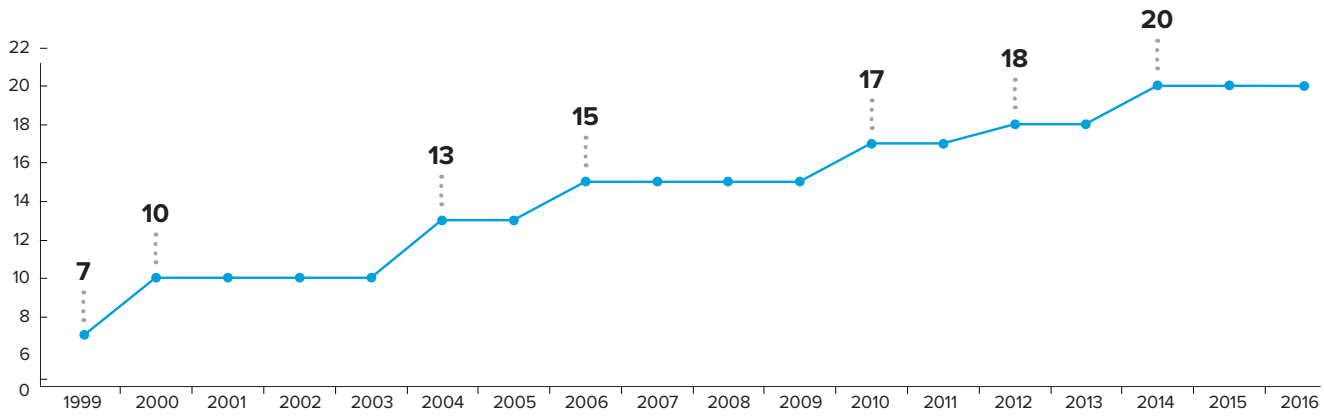
The Rise of Million Dollar Courts



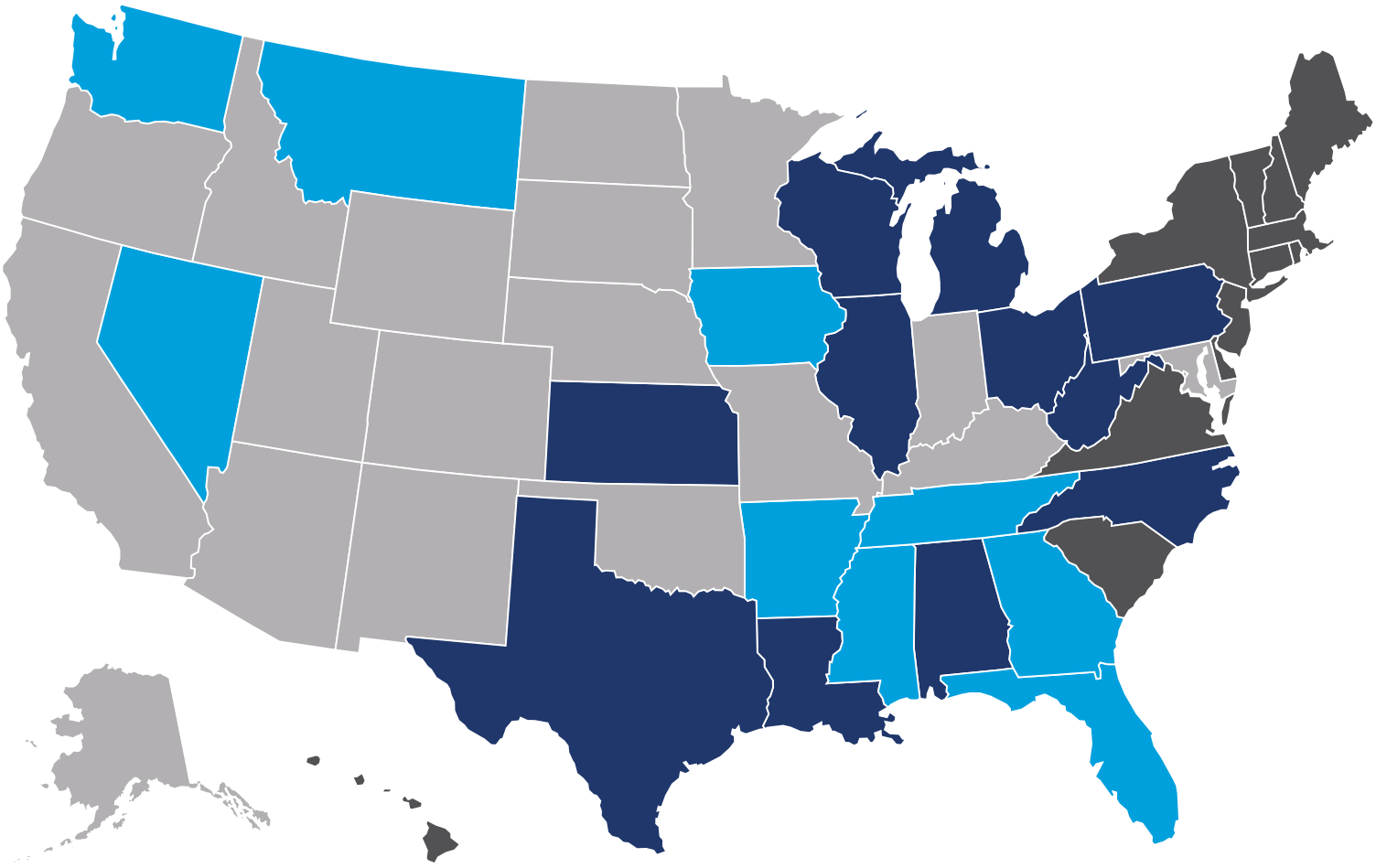
This graph reflects the number of states each year in which at least one sitting supreme court justice had been elected in a race that cost over $1 million at some point during his or her tenure. Figures from elections prior to 2016 were converted into 2016 dollars, and include candidate fundraising and independent expenditures.

While further research is needed, existing anecdotal and empirical evidence supports the observation that the effects of big-money elections can cascade beyond the immediate race, putting an entire court on notice that its members could well be targeted in future elections — thereby heightening pressure judges may feel to avoid rulings that might either make them a target or alienate wealthy supporters. "Whether subtle or unintentional or not, there may be a tendency in the future for appellate judges to have one eye looking over their shoulder," now-retired Tennessee Chief Justice Gary R. Wade has observed, after narrowly surviving a 2014 retention election where the court's record on the death penalty was at issue.[31]

One notable study issued by the American Constitution Society found that as the number of television ads increased in a state's supreme court elections, justices in that state were less likely to cast a vote in favor of criminal defendants, owing, the study suggested, to a concern that they would later be subjected to distorted, soft-on-crime attacks.[32] Another study concluded that campaign finance pressures exacerbate partisan behavior by judges, finding that judges who receive more campaign money from political parties and allied interest groups are more likely to favor their own party in election cases. When judges no longer face future elections due to a mandatory retirement age, the study found the influence of campaign money largely disappears.[33]

Million Dollar Courts in 2016

States with sitting justices elected in a $1 million-plus race during their tenure.



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State in Focus
North Carolina's Election and Partisan Aftermath

One of the most politicized judicial elections in the nation unfolded in 2016 in North Carolina, where the ideological balance of the state supreme court was at stake, the supercharged issue of racial gerrymandering infused attack ads, and President Barack Obama took the unprecedented step of endorsing a judicial candidate. When the votes were counted, lower court judge Michael Morgan defeated incumbent Justice Robert Edmunds Jr., giving the North Carolina Supreme Court its first Democratic majority since 1998 and putting a second African-American justice on the court.

The election attracted $5.4 million in spending overall, only $672,230 of which was spent by the candidates themselves. While North Carolina's 2016 supreme court election was technically nonpartisan, the parties made their candidates-of-choice clear. Edmunds benefited from higher outside spending than his rival, including $1.45 million in TV spending by the North Carolina Chamber of Commerce, and more than $1.18 million by Fair Judges, a group funded by the Republican State Leadership Committee's Judicial Fairness Initiative, the state GOP, and corporate interests.

"Redistricting 2," paid for by North Carolina Families First. Copyright 2016, Kantar Media/CMAG.

Morgan, meanwhile, benefited from more than $1.7 million in TV spending by North Carolina Families First (NCFF), a group that also supported Democratic candidates in state legislative races. Make NC First, a dark money group, donated more than $1 million dollars to NCFF for the production of pro-Morgan ads. Obama's endorsement of Morgan in a video posted on YouTube also contributed to the election's high profile. A review of newspaper articles could not find any other example of a state judicial candidate endorsed by a U.S. President.

A decision in a redistricting case also emerged as a major issue during the campaign. NCFF targeted Edmunds for writing a 2014 opinion in which the state supreme court upheld North Carolina's congressional map, which the plaintiffs argued was an unconstitutional racial gerrymander. (A federal court later found that the maps were discriminatory, and the U.S. Supreme Court affirmed the ruling.[34]) The North Carolina Supreme Court had split 4-3 on party lines, and ads depicted Edmunds' 2011 decision as "supporting his party's discrimination."[35]

Partisan wrangling over the North Carolina courts did not end on election day. Since Democrats captured both the state supreme court and the governor's office in November 2016, the Republican-controlled legislature has passed a series of troubling bills that have the effect of building a partisan advantage in the courts — including reintroducing partisan elections at all court levels, and reducing the size of North Carolina's intermediate appellate court from 15 to 12 seats, in order to prevent the Democratic governor from filling anticipated vacancies.[36] A measure to redraw lower court judicial districts was considered in a special October 2017 session and is expected to be taken up again in 2018, along with a bill that would introduce a legislative appointment system for state judges.

State Courts as Political Targets

High-cost elections are not the only way to politicize state courts. Between 2015 and 2017, as documented by the National Center for State Courts, state legislatures have introduced a deluge of bills that risk entrenching partisan interests or weakening judicial independence in state courts across the country. By October 2017, a review by the Brennan Center for Justice identified at least 48 bills targeting courts in 24 states introduced in 2017 alone.[37]

One recent trend has been court-packing (or shrinking): partisan efforts to change the number of state court seats, in order to grant (or deny) the governor an opportunity to appoint additional judges — and thus blurring the line between politics and judging. In Georgia[38] and Arizona,[39] for example, Republican-dominated legislatures passed bills in 2016 to expand their state supreme courts by two justices each, making possible additional appointments by their states' Republican governors. In North Carolina,[40] a Republican-dominated legislature (with a veto-proof majority) passed a law in 2017 reducing the size of its intermediate appellate court from 15 to 12 judges, thus denying the new Democratic governor the opportunity to fill new seats when vacancies emerge. Oklahoma[41] and Washington[42] also had recent unsuccessful efforts to reduce the size of their state supreme courts from nine to five justices.

Several states have also recently considered bills that would allow legislatures to override judicial decisions or refuse to enforce court orders,[43] or that would make it easier to impeach judges for unpopular decisions.[44] While unsuccessful to date, they

reflect a worrying trend of legislative efforts that would weaken judicial independence.

Lawmakers have also used electoral pressures as a way to exert political influence on courts. For example, one recent Texas case addressing benefits for same-sex spouses included a notable self-reversal by the Texas Supreme Court, in the face of substantial pressure from lawmakers and the public that included explicit electoral threats. There, the court originally refused, 8-1, to consider a challenge to same-sex spousal benefits afforded by the City of Houston. The court of appeals had thrown out a trial court order prohibiting Houston from providing benefits to same-sex couples, and instructed the trial court to reconsider the case in light of the U.S. Supreme Court's decision on marriage rights for same-sex couples in *Obergefell v. Hodges*.

After declining to hear the appeal, the Texas Supreme Court received an outpouring of letters opposing its decision and criticism from GOP leaders,[45] including an amicus brief from Republican state legislators noting that "elections have consequences" and that "Judicial candidates, especially those in a party primary, campaign on the issues. They give their opinions on the political concerns of the day and pledge allegiance to their party platform."[46] Following the public outcry, the state supreme court reversed course, accepting the case for review and ultimately reviving the case and sending it back to the trial court for further consideration, concluding that the U.S. Supreme Court's ruling in *Obergefell* had not resolved the question of spousal benefits.[47]

CHAPTER TWO
A Closer Look at Interest Groups

Three full election cycles after *Citizens United,* there is a clear trend line: interest groups are increasingly engaging in outside spending in an effort to influence state supreme court elections. This chapter further explores what we know — and don't know — about the groups that are transforming elections for powerful state high courts.

Overview

In total, 59 interest groups, mostly PACs, Super PACs, 527s, and so-called "social welfare" organizations, tapped their treasuries to engage in outside spending in the 2015-16 election cycle. More than a quarter (16 groups) were new organizations created during the 2015-16 election cycle, many with generic names like "Fair Judges," which spent nearly $1.2 million in North Carolina's supreme court election, or "Citizens for Judicial Excellence," which spent over $600,000 in Louisiana.

In total, 12 states saw outside spending by groups during the 2015-16 cycle, one more than during the last presidential election cycle. Nine groups spent more than $1 million. Pennsylvania, North Carolina, and West Virginia were the states with the highest outside spending totals. However, there is also plenty of room for outside spending to grow. In eight states, only spending by candidates was documented.

A quarter of all spending by outside groups came from national groups or their state affiliates, which spent more than $6.8 million (excluding contributions by national groups to state-based organizations, candidates, or parties).[1] While the presence of national groups in state court elections may suggest a multi-state courts strategy, interestingly, only two groups, the Republican State Leadership Committee and the Center for Individual Freedom, engaged in outside spending in more than one state during 2015-16, suggesting another area where outside spending might have the potential to grow.

The Transparency Problem

While the U.S. Supreme Court has repeatedly made clear that Congress and the states have the power to adopt robust campaign finance disclosure laws, the reality is that loopholes abound, even as outside spending has grown increasingly dominant.[2] As a result, ballooning spending by outside groups in supreme court elections has corresponded with greater secrecy as well.

Again mirroring the trends in elections for political offices, state high court elections during the 2015-16 cycle saw two different forms of shadowy spending by groups: expenditures that lack donor transparency, and spending by groups that failed to report expenditures to campaign finance authorities at all, taking advantage of state laws with reporting loopholes for certain kinds of outside spending deemed independent from the candidate.

The rise of this secret spending means that voters may increasingly lack essential information about who is trying to influence judicial races.

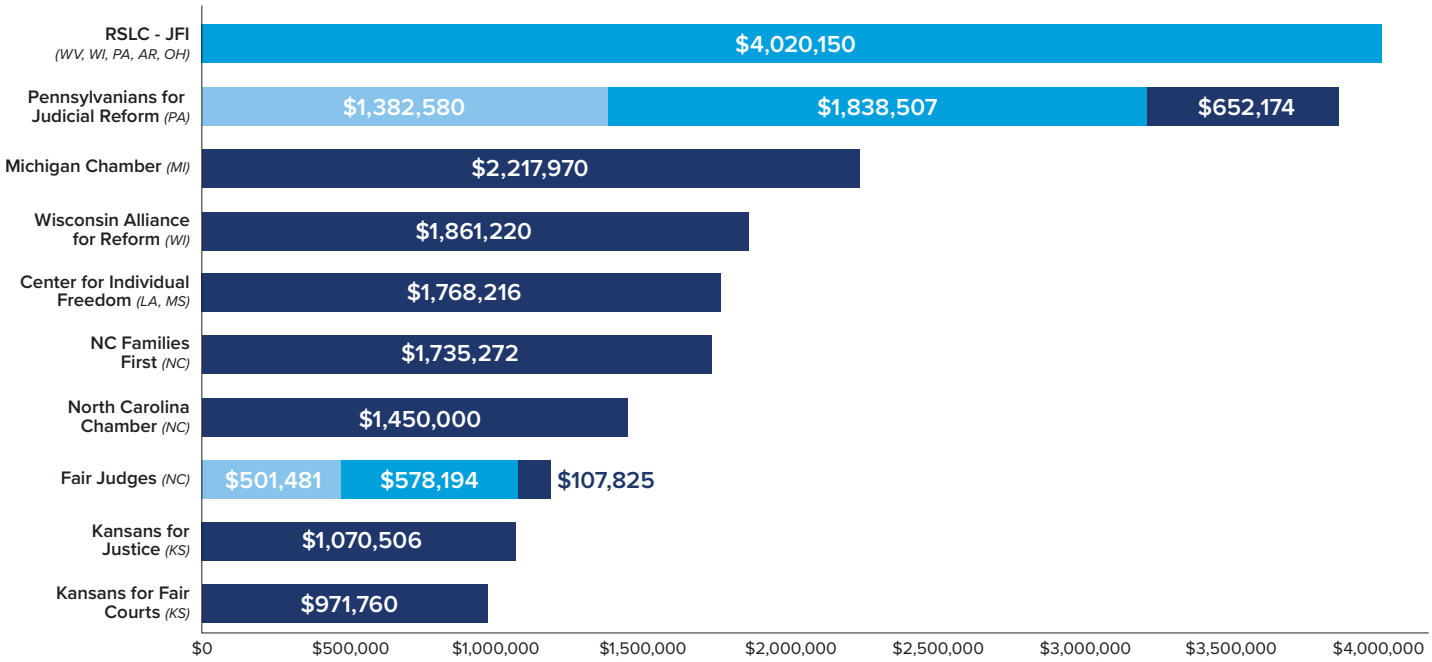
The rise of this secret spending means that voters may increasingly lack essential information about who is trying to influence judicial races. And, while judges often have ethical duties to step aside from hearing cases involving major campaign supporters, secret spending means that litigants (and sometimes even judges hearing cases) may be unaware of potential conflicts of interest warranting judicial recusal.

Dark and Gray Money

With respect to donor transparency, during the 2015-16 cycle, only 18 percent of expenditures by outside groups could be easily traced to transparent donors.[3] Fully 54 percent of expenditures by outside groups consisted of "dark" money where donor information was unavailable. An additional 28 percent of expenditures was "gray" money, where reporting groups listed other groups as donors, making it impossible to identify the original contributors without sifting through multiple layers of disclosures. Overall, the total amount of dark and gray money expenditures during the 2015-16 supreme court election cycle was greater than *all* outside group spending in any previous cycle.

Of the ten highest-spending groups during 2015-16, *none* was fully transparent, and seven were completely dark, meaning that none of the underlying donors could be identified. In two states (Kansas in 2016, and Wisconsin in 2015), all of the outside spending by groups was nontransparent (i.e., either dark or gray).

Top 10 Outside Spenders and Secret Money, 2015-16



This graph is based upon the Brennan Center's analysis of the transparency of outside spending by groups in 2015-16. For details on methodology, see the box, "Methodology for Categorizing Dark and Gray Money Expenditures." Note: The report used Pennsylvanians for Judicial Reform's state campaign finance disclosures for purposes of this dark and gray money analysis, while in other sections, it relied on spending estimates from Kantar Media/CMAG. For this reason, the amount that appears here is slightly lower than the number that appears in other sections of the report.

Methodology for Categorizing Dark and Gray Money Expenditures

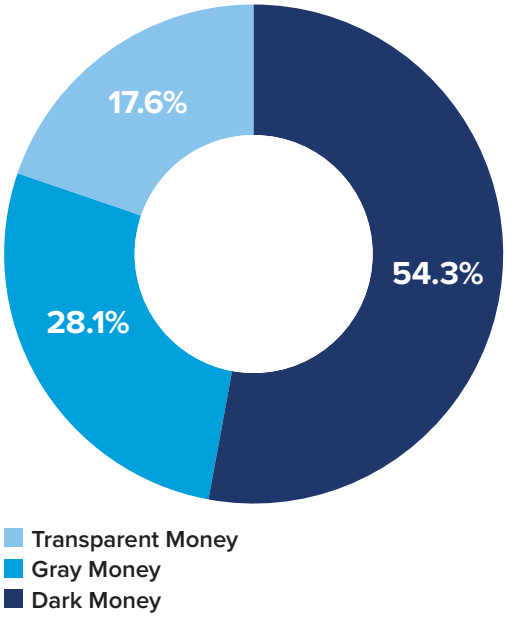
This report's dark and gray money figures are based on an analysis of all independent expenditures related to state high court elections, and closely track the methodology used in an earlier Brennan Center report on secret spending.[4]

If the spender was an individual, corporation, LLC, political party, or labor union, we treated that spending as transparent. For all other spenders, we reviewed state disclosure databases, as well as FEC and IRS filings, to determine whether the spender disclosed its donors.

If the group did not disclosure its donors to any regulator, then we categorized its spending as "dark" money. If a spender disclosed its donors, we then evaluated the transparency of those donors. Contributions from individuals, corporations, LLCs, political parties, or labor unions were considered fully transparent. Contributions from donors outside of these categories were labeled either "dark" or "gray." Contributions were coded as "dark" if the contributor, based on a review of state disclosure databases, and FEC and IRS filings, did not disclose its donors. Contributions were coded as "gray" if the contributor was another entity that disclosed its donors, such that a researcher would need to review at least one additional layer of disclosures to determine the true source of the spender's funds.

Finally, we determined what percentage of the group's funding was transparent, dark, and gray and applied those percentages to the total amount that the group spent on the relevant supreme court election. If disclosures indicated that a contribution was earmarked for use in a specified race, we treated that contribution accordingly.

Outside Group Spending: Dark, Gray, and Transparent Money, 2015-16



The interests underlying secret spending are, by design, hard to discern. However, a recent Brennan Center study examining trends with respect to secret money in state and local elections (including, but not limited to, judicial elections), found, unsurprisingly, that undisclosed donations often came from entities or individuals with "a direct and immediate economic stake" in the election outcome.[5]

In Montana, for example, an investigation by the state campaign finance authority recently revealed that the Montana Growth Network, a dark money group that spent hundreds of thousands of dollars on attack ads in the state's 2012 supreme court election, had financial backing by oil and gas companies in the state — frequent players in state court. Two out-of-state billionaires who owned estates in Montana, Charles Schwab, the founder of the eponymous discount brokerage firm, and James Cox Kennedy, who chairs a media group called Cox Enterprises, also gave six-figure donations to the group. Both Schwab and Kennedy had been engaged in long-standing legal fights in state court about access to waterways on their estates.[6]

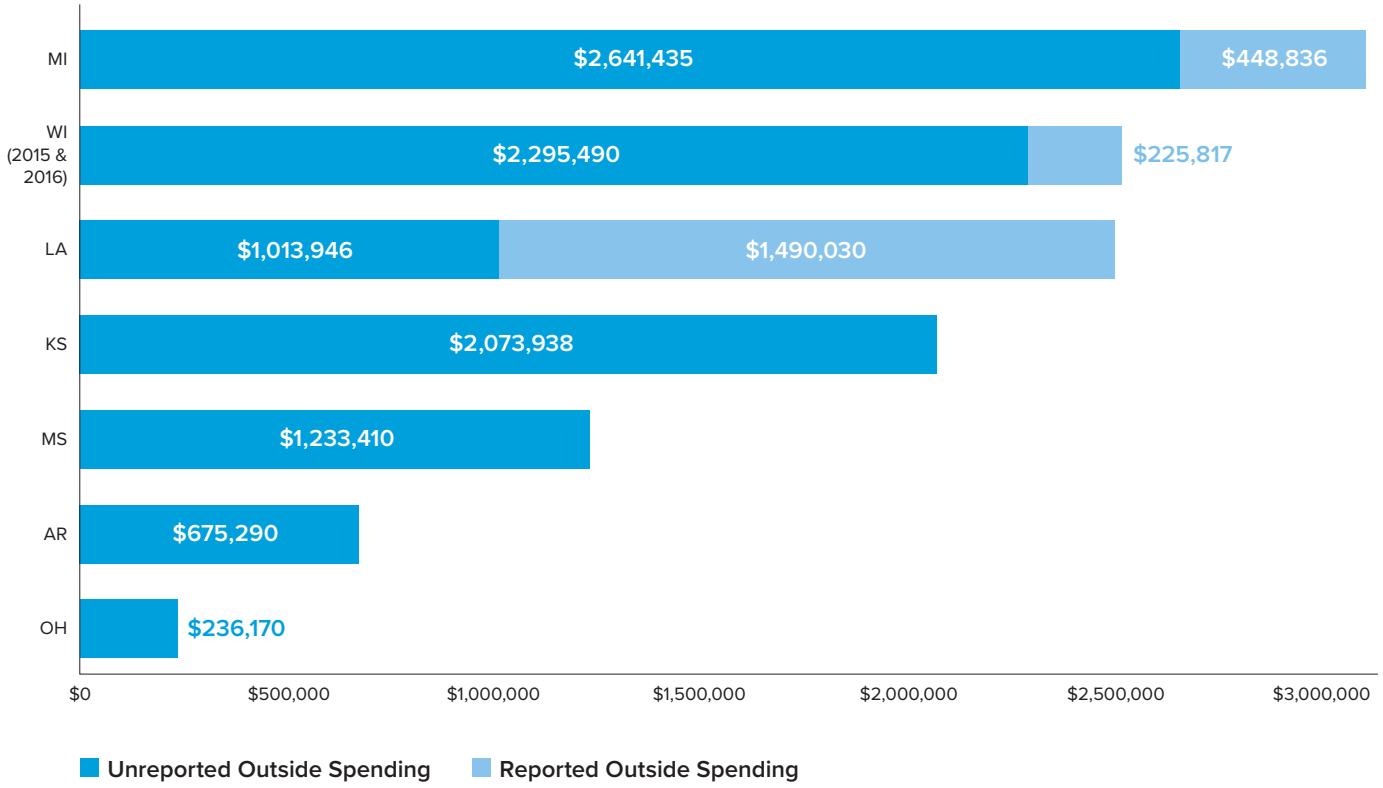
The Montana Growth Network-backed candidate, lower court judge Laurie McKinnon, captured the supreme court seat. Later, she was one of two justices to dissent in an unsuccessful lawsuit challenging the constitutionality of Montana's stream access law, which had been brought by Kennedy prior to McKinnon's election. There is no evidence that McKinnon was aware of Kennedy's involvement in her campaign. However, given these circumstances, Montana voters might reasonably be left to wonder what McKinnon knew about the Montana Growth Network's donors and whether campaign support played any role, even unconsciously, in her vote.

Unreported Spending

A second source of secrecy during the 2015-16 election cycle derived from state law loopholes that enable outside groups to completely avoid reporting their expenditures to campaign finance authorities. Prior to this cycle, a 2014 report by the National Institute on Money in State Politics found that 24 states failed to ensure meaningful disclosure of outside spending. Either the states did not require disclosure absent ads containing "magic words" explicitly calling for the election or defeat of a candidate, or they did not require reporting of outside spending at all.[7]

Remarkably, during the 2015-16 election cycle, nearly $10.2 million in outside spending — more than one third of *all*

States with Unreported Outside Spending, 2015-16



"Unreported spending" reflects television spending estimates from Kantar Media/CMAG and ad contracts posted on the FCC website, in which the corresponding spending by groups or political parties could not be found in searches of state campaign finance databases. Note: Pennsylvania was excluded from this graph, as it only had $8,190 of unreported outside spending.

documented outside spending[8] — was never disclosed to the public in any campaign finance filing.

The only way we were able to identify this spending was through estimates of television ad buys provided by Kantar Media/CMAG under a paid contract with the Brennan Center, or through reviewing individual ad contracts posted online with the Federal Communications Commission (FCC). Ads appeared on TV — and spending on them was documented by Kantar Media/CMAG or in ad buy contracts — but those numbers eluded campaign finance authorities.

In total, the costs of 32 different TV ads, out of 167 unique TV ads aired in elections nationwide, were not reported by sponsors. These unreported ads included an attack ad against Kansas Supreme Court justices for not "following the law," a claim that a judicial candidate in Arkansas "profits from your pain" as a personal injury lawyer, and an ad criticizing a supreme court candidate and appellate judge in Wisconsin for "letting criminals off on technicalities." Six states had at least $500,000 in unreported spending that was only captured by Kantar Media/CMAG or identified in ad contracts posted on the FCC website: Arkansas, Kansas, Louisiana, Michigan, Mississippi, and Wisconsin.

Wisconsin's Weak Recusal Standards Undermine Fair Courts

State recusal rules govern when judges are required to step aside from cases in order to avoid potential biases. More than 9 in 10 voters think that judges should step aside from cases when one of the litigants has spent substantial sums to get them elected.[9] But recusal rules have not kept up with the realities of high cost judicial elections — and particularly the growing importance of outside spending. Only six states have rules governing when outside spending is grounds for recusal.[10]

Wisconsin's recent "John Doe" investigation presented a particularly egregious example of how expensive judicial races can fuel conflicts of interest for judges, and how weak recusal rules can risk undermining the integrity of state courts.

The John Doe investigation considered whether several political groups had illegally coordinated with Governor Scott Walker's 2012 recall campaign in violation of state campaign finance laws. The Wisconsin Supreme Court halted the investigation in July 2015, striking down the state's coordination law in the process. The special prosecutor in the case had sought the recusal of two justices, David Prosser and Michael Gableman, whose own supreme court campaigns had benefited from millions of dollars in outside spending from the very groups under investigation. The justices denied the recusal motion, and then joined the majority in a 4-2 ruling.[11]

In a letter explaining why he denied the recusal request, Justice Prosser cited recent changes the state supreme court had made to Wisconsin's recusal rules, which excluded "campaign contributions" as a basis for recusal.[12] One of the groups that spent millions to support both Justice Prosser and Governor Walker, Wisconsin Manufacturers and Commerce, had helped draft those rules.[13]

In January 2017, 54 former members of the Wisconsin judiciary petitioned the state Supreme Court to strengthen its recusal standards. The former jurists wrote that judges should be required to step aside if they received either campaign contributions or help in the form of independent spending from a party or lawyer before them. (The Brennan Center submitted a letter supporting their petition.) The state supreme court voted 5-2 to reject the proposed change.[14]

Wisconsin's recent "John Doe" investigation presented a particularly egregious example of how expensive judicial races can fuel conflicts of interest for judges, and how weak recusal rules can risk undermining the integrity of state courts.

The Major Players

At the top of the roster of big-spending groups during the 2015-16 supreme court election cycle were the **Republican State Leadership Committee's Judicial Fairness Initiative**, which supported Republican or conservative candidates in nine states and won in four,[15] and **Pennsylvanians for Judicial Reform**, which backed three Democratic candidates who won seats in Pennsylvania's record-setting 2015 supreme court election.

The Judicial Fairness Initiative spent more than $4 million on TV ads and other election activities directly, and contributed an additional $850,000 to other outside spending groups, according to disclosures — an increase from its reported spending in prior election cycles. Its actual spending may have been even more than that. According to its website, the Judicial Fairness Initiative spent "more than $6.1 million" in its 2015 and 2016 efforts.[16] As for Pennsylvanians for Judicial Reform, state disclosures indicate the group spent more than $4.1 million on TV and radio ads, mailers, field work, polling, research, and consultants in Pennsylvania's 2015 election.

The spending profile of both groups is consistent with historical trends, in which the perceived "business" or "plaintiff"-friendliness of judicial candidates has been a major driver of special interest spending.[17] Business interests and conservative groups have tended to back candidates with Republican ties, often spending via national organizations as part of a multi-state strategy. Plaintiffs' lawyers and unions have tended to support candidates with Democratic ties, typically organizing on the state level.[18]

The Judicial Fairness Initiative, as background, was started in 2014 by the Washington-D.C.-based Republican State Leadership Committee, whose mission is to "elect Republicans to multiple down-ballot, state level offices."[19] (Once part of the Republican National Committee, the RSLC reorganized as an independent organization in 2002 in response to the McCain-Feingold campaign finance reform law, which banned "soft money" contributions to national party committees.) Explaining the Judicial Fairness Initiative, RSLC leaders said that conservative policies passed by state legislatures were "running into a hard stop with judges who aren't in touch with the public."[20] The Judicial Fairness Initiative's donations during 2015-16 came entirely from the RSLC, which is in turn funded by the U.S. Chamber of Commerce (which does not disclose its donors), along with corporations and industry groups, including Reynolds American, Altria Group, Blue Cross/Blue Shield, and the Pharmaceutical Research & Manufacturers of America.

Pennsylvanians for Judicial Reform, by contrast, is a state-based group, led by the former chair of the Pennsylvania Demo-

"Ka-Ching," paid for by The Republican State Leadership Committee's Judicial Fairness Initiative. Copyright 2016, Kantar Media/CMAG.

cratic Party.[21] Much of its funding during 2015 came from the Philadelphia Trial Lawyers Association, public employee unions, and the National Education Association (NEA). The group also received over $500,000 from a dark money group, the PA Alliance.

It bears noting, however, that not every state's supreme court election this cycle fit easily into the traditional divide between business interests and trial lawyers. In Washington State, for example, where outside groups spent nearly $1.4 million in an unsuccessful attempt to unseat three justices, a ruling about charter schools appears to have prompted the involvement of several wealthy interests.

Bill Gates, along with former Microsoft CEO Steve Ballmer (and his wife Connie Ballmer), Microsoft's current president, Brad Smith, and Vulcan Inc., which was founded by Microsoft co-founder Paul Allen, donated a total of $542,000 to **Citizens for Working Courts Enterprise Washington**. Armed with those donations, the newly formed group then spent nearly $540,000 opposing Justice Charles Wiggins and supporting his opponent Judge David Larson. Although the donors did not publicly disclose their reasons for intervening in the race, Gates, Vulcan Inc., and Connie Ballmer had all previously backed a successful ballot measure establishing charter schools in the state. The Washington Supreme Court (including Justice Wiggins) struck down this measure in 2015, ruling that it was unconstitutional because it funded charter schools controlled by appointed boards using resources reserved for schools controlled by elected boards.[22]

Another outside group, **Judicial Integrity Washington**, which was backed by billionaire investor Ken Fisher and spent $450,000 on the election, also described the charter school decision as among its reasons for challenging the justices, along with a recent court ruling upholding a $15 minimum wage and another striking down a law requiring a two-thirds legislative majority to raise taxes.[23]

Other major players during the 2015-16 election cycle included the following groups:

- **Judicial Crisis Network** (JCN), a national, conservative group founded in 2004 as the Judicial Confirmation Network to support President George W. Bush's U.S. Supreme Court nominees, spent $554,840 in Arkansas' 2016 supreme court election, and contributed $200,000 to the North Carolina Chamber of Commerce for spending in the 2016 North Carolina Supreme Court election. According to an IRS filing by JCN, the group also contributed $325,000 in "general support" to the Republican State Leadership Committee and $1.4 million to the Wisconsin Alliance for Reform, two groups that made substantial expenditures in state supreme court elections during this cycle. JCN does not disclose its donors, but IRS filings indicate it receives substantial support from another dark money organization, the Wellspring Committee, which also funds the conservative law group the Federalist Society.[24]
- **Wisconsin Alliance for Reform**, a group founded in 2015 by former GOP staffers to promote lower taxes and

limited government[25] ran ads supporting Justice Rebecca Bradley's successful 2016 bid for a full 10-year term on the Wisconsin Supreme Court. The group, which is structured as a 501(c)(4) and does not disclose its donors, spent more than $1.8 million on the election. As discussed above, the Judicial Crisis Network reported in an IRS filing that it contributed $1.4 million in "general support" to the Wisconsin Alliance for Reform.

- The Virginia-based **Center for Individual Freedom**, a dark money group that advocates for tort reform and reduced campaign finance disclosure, among other positions, spent more than $1.7 million in Louisiana and Mississippi during 2015-16. The group ran TV ads in Louisiana characterizing Judge Jimmy Genovese's decisions in criminal cases as "sid[ing]" with "sexual predators" and praising Judge Marilyn Castle for "locking up child sex offenders for good." In Mississippi, its ads described the incumbent Justice Jim Kitchens as having "repeatedly sided with predators and murderers." Neither of the group's preferred candidates won their races.

- **NC Families First**, a group principally funded by North Carolina Citizens for Protecting Our Schools,[26] pumped more than $1.7 million into North Carolina's supreme court election in support of Judge Michael Morgan, who defeated incumbent Justice Robert Edmunds Jr. The group was also active in supporting Democratic candidates in state legislative races. On the other side, **Fair Judges**, which spent nearly $1.2 million in support of Edmunds, received more than $500,000 from the Republican State Leadership Committee's Judicial Fairness Initiative, as well as additional funds from state GOP and business and corporate interests.

- **Color of Change**, a national racial justice organization focused on economic, criminal justice, and democracy reform, also spent $220,000 supporting Judge Morgan in North Carolina. Color of Change, which channeled this money through its PAC, received funding from George Soros and another group, Make NC First, whose board includes prominent boosters of North Carolina Democrats.[27]

- **Kansans for Justice**, which was founded in 2014 and opposed the retention of two justices that year, spent an estimated $1.07 million on advertisements opposing the retention of four Kansas Supreme Court justices in 2016. The group cited a ruling in which the seven-member court overturned the death sentences of brothers convicted of committing grisly murders, ordering a new sentencing hearing. The group, which does not disclose its donors, identified itself as a collection of "friends and family members" of the victims in that case.

- **Kansans for Fair Courts**, an initiative of the Kansas Values Institute, which advocates for greater education

Not every state's supreme court election this cycle fit easily into the traditional divide between business interests and trial lawyers.

and infrastructure funding, as well as independent courts, spent an estimated $970,000 supporting the retention of all five of Kansas' justices up for retention in 2016. The group does not disclose its donors. (The Brennan Center has worked with the Kansas Values Institute on various fair courts initiatives, but took no position on the retention election.)

A Parallel Problem: Dark Money and Judicial Nominations

At the same time state supreme courts are awash with secretive outside money, federal judicial confirmation battles in the Senate are experiencing a similar phenomenon, illustrating how deep-pocketed and secretive interests risk undermining the integrity of federal as well as state courts.

When President Obama first nominated Judge Merrick Garland to succeed Justice Antonin Scalia on the U.S. Supreme Court in 2016, the Judicial Crisis Network (JCN) announced it would spend $7 million to oppose him. When President Trump announced Judge Neil Gorsuch as his Supreme Court pick, after Senate Republicans refused to consider Obama's nominee, JCN announced an additional $10 million of spending in support of Gorsuch.[28] (JCN's actual spending has not been confirmed, although IRS filings show that the group received more than $23 million from the Wellspring Committee during this timeframe, which in turn received a

At the same time state supreme courts are awash with secretive outside money, federal judicial confirmation battles in the Senate are experiencing a similar phenomenon, illustrating how deep-pocketed and secretive interests risk undermining the integrity of federal as well as state courts.

$28.5 million contribution from a single, unnamed donor.[29]) The group targeted vulnerable Senators, broadcasting ads in Republican-leaning states with Democratic senators up for reelection in 2018: Indiana (Sen. Joe Donnelly), Missouri (Sen. Claire McCaskill), Montana (Sen. Jon Tester), and North Dakota (Sen. Heidi Heitkamp).[30]

As detailed previously, JCN, a dark money group, has also been a repeat player in state supreme court elections. The other major spender in connection with the Gorsuch nomination was the National Rifle Association, which announced a $1 million ad campaign.[31] (Actual NRA spending has not been verified, and there was very little spending by Gorsuch opponents.[32])

Similar interest group spending is also playing a role in supporting President Trump's lower court nominees.[33] JCN reportedly purchased $140,000 in airtime for TV ads supportive of Trump's nominee to the Sixth Circuit Court of Appeals, Michigan Supreme Court Justice Joan Larsen.[34] A nonprofit named Concerned Veterans for America, a 501(c)(4) organization affiliated with the billionaire Koch brothers, aired advertising in support of Third Circuit Court of Appeals nominee Stephanos Bibas.[35] (Both Larsen and Bibas were later confirmed by the Senate.) On the other side, NARAL Pro-Choice America announced a six-figure campaign, including ad buys, against Sixth Circuit nominee John Bush, who was later confirmed.[36]

While hard numbers are difficult to come by, the Gorsuch confirmation was not the first time a U.S. Supreme Court confirmation triggered significant spending — outside groups have made expenditures dating at least as far back as the Bork nomination, and the Judicial Crisis Network was first founded as the Judicial Confirmation Network, where it supported the nominations of Justices Roberts and Alito. However, major expenditures on lower court nominations appear to have been rarer until recently.[37]

The discomfiting backdrop of secret spending in connection with federal nominations also occasioned a tense exchange between then-Judge Gorsuch and Sen. Sheldon Whitehouse, D-R.I., during Gorsuch's 2017 confirmation hearing, echoing concerns applicable to state judicial races as well: When Whitehouse asked if Gorsuch would ask donors to JCN's $10 million confirmation campaign to identify themselves "so we can evaluate who is behind this effort," Gorsuch responded that "It would be a politics question" and demurred.[38] Whitehouse then asked why people would want to spend $10 million to see Gorsuch on the U.S. Supreme Court. Gorsuch replied that Whitehouse would have to ask the spenders. "I can't," Whitehouse said, "because I don't know who they are. It's just a front group."[39]

"Justice Joan Larsen," paid for by the Judicial Crisis Network.

CHAPTER 3
Television Ads and the Politicization of Supreme Court Races

Over the past decade and a half, television advertisements have helped transform state supreme court races, and not for the better. The expanded use of 15- and 30-second ads, combined with the growing involvement of outside groups in purchasing TV time, has driven up costs and imported some of the worst aspects of regular politics into judicial campaigns. In 2000, only four states saw television ads broadcast during their supreme court elections, according to data from Kantar Media/CMAG. In 2016, TV ads appeared in 15 states (16 states when the 2015 elections are included).[1]

States also saw more ads go negative than in other recent election cycles, contributing to an increasingly politicized tenor in supreme court elections across the country.

Overview

Candidates, parties, and outside groups spent an estimated $36.9 million on TV ads in 2015-16, topping the previous record of $35.9 million in 2011-12 (inflation-adjusted), the last presidential election cycle.[2] Ten states saw high court races exceed $1 million in TV spending. Outside groups spent a record $20.9 million on TV ads, constituting an unprecedented 57 percent of all dollars spent on television ads during the two-year period. The prior record was 38 percent during the 2011-12 cycle.[3]

The heightened TV spending in 2015-16 infused ad wars with a new level of intensity. In total, 71,571 ad spots flooded the airwaves, the second highest ad count since tracking began in 2000.[4]

Pennsylvania led the nation in overall TV spending (a record $12.4 million) with three Democratic candidates and Pennsylvanians for Judicial Reform, an outside group supporting them, each investing more than $1 million apiece and outspending Republican rivals and allies. The Republican State Leadership Committee's Judicial Fairness Initiative also spent over $900,000 on TV in the state.

Total TV Spending, 2015-16

State	Estimated TV Spending	Spot Count
Pennsylvania (2015)	$12,400,720	19,764
West Virginia	$4,203,576	10,155
North Carolina	$3,493,320	3,641
Wisconsin (2016)	$3,207,070	10,949
Michigan	$2,715,890	2,768
Louisiana	$2,511,800	4,193
Kansas	$2,041,220	3,159
Mississippi	$1,858,710	3,555
Ohio	$1,321,670	4,490
Arkansas	$1,240,730	2,931
Wisconsin (2015)	$530,590	1,747
Montana	$418,340	1,627
Texas	$341,130	230
Washington	$237,690	857
New Mexico	$212,590	973
Kentucky (2016)	$129,680	326
Idaho	$39,730	199
Kentucky (2015)	$1,640	7
Total	**$36,906,096**	**71,571**

Television spending estimates and spot counts reflect data from Kantar Media/CMAG, except for West Virginia, which comes from data from state campaign finance disclosures. Unless otherwise noted, all races took place in 2016.

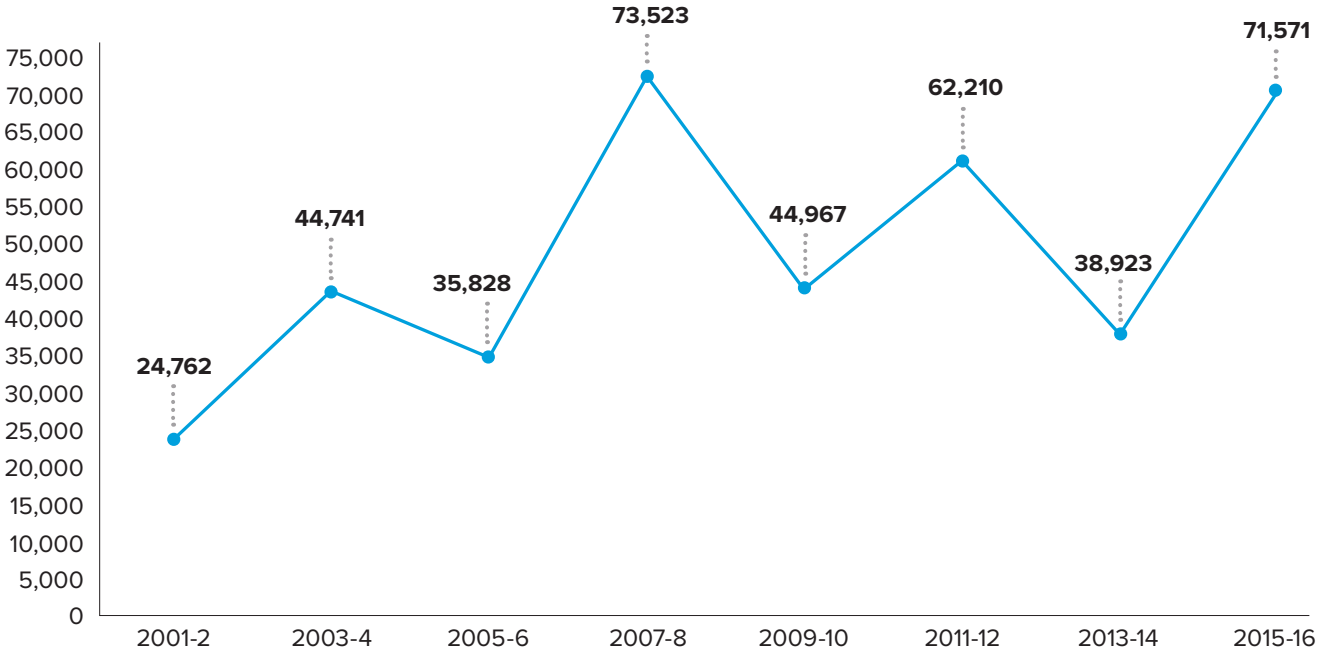
A More Pervasive Negative Tone

States were not only flush with ads in the 2015-16 cycle — they also saw more ads go negative than in other recent election cycles, contributing to an increasingly politicized tenor in supreme court elections across the country. Thirty-five percent of all advertising spots (or more than one out of every three) were negative during 2015-16, up from 21 percent in 2013-14 and 24 percent in 2011-12.[5] Wisconsin had the most negativity overall, with negative ads making up 70 percent of all ad spots in its 2015 and 2016 elections.

Ad Tone

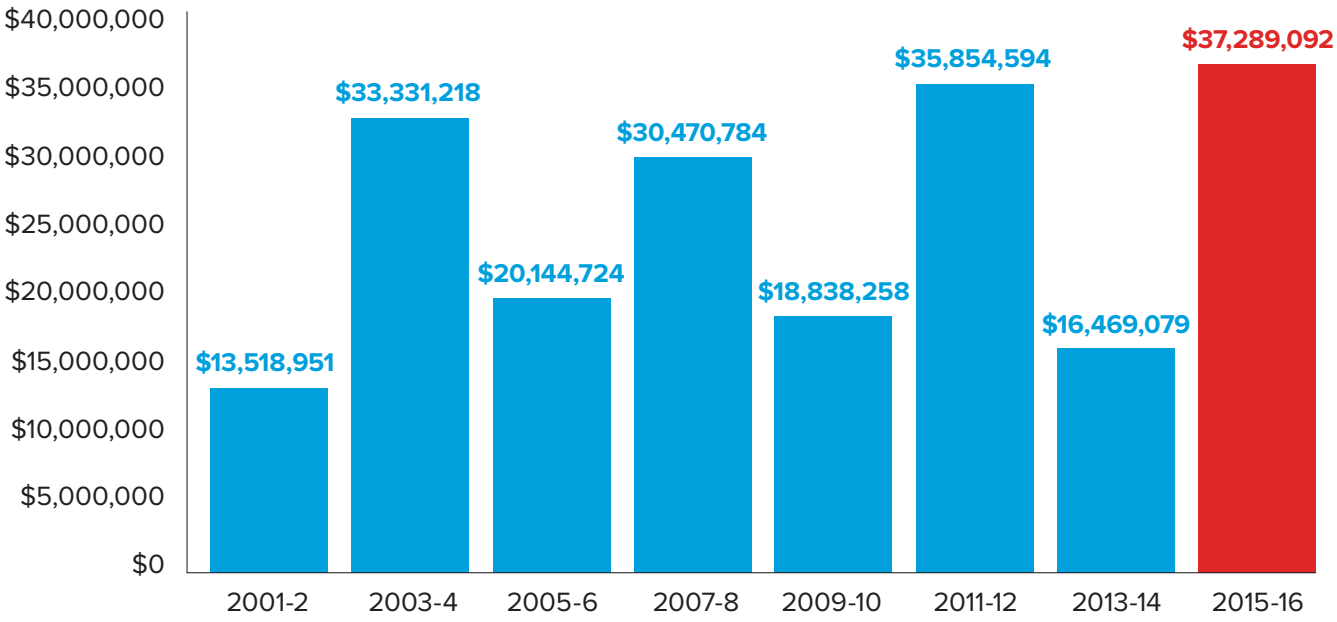
"Positive" ads promote a candidate and highlight their background, experience, and/or accomplishments. "Attack" ads, on the other hand, criticize an opponent. "Contrast" ads promote one candidate while criticizing an opponent. Both attack and contrast ads are considered to be "negative" ads, and they are included in this chapter's calculation of negative ad totals.

Number of Television Ad Spots by Cycle



Television spot count data courtesy of Kantar Media/CMAG.

Total TV Spending by Cycle (2016 Dollars)



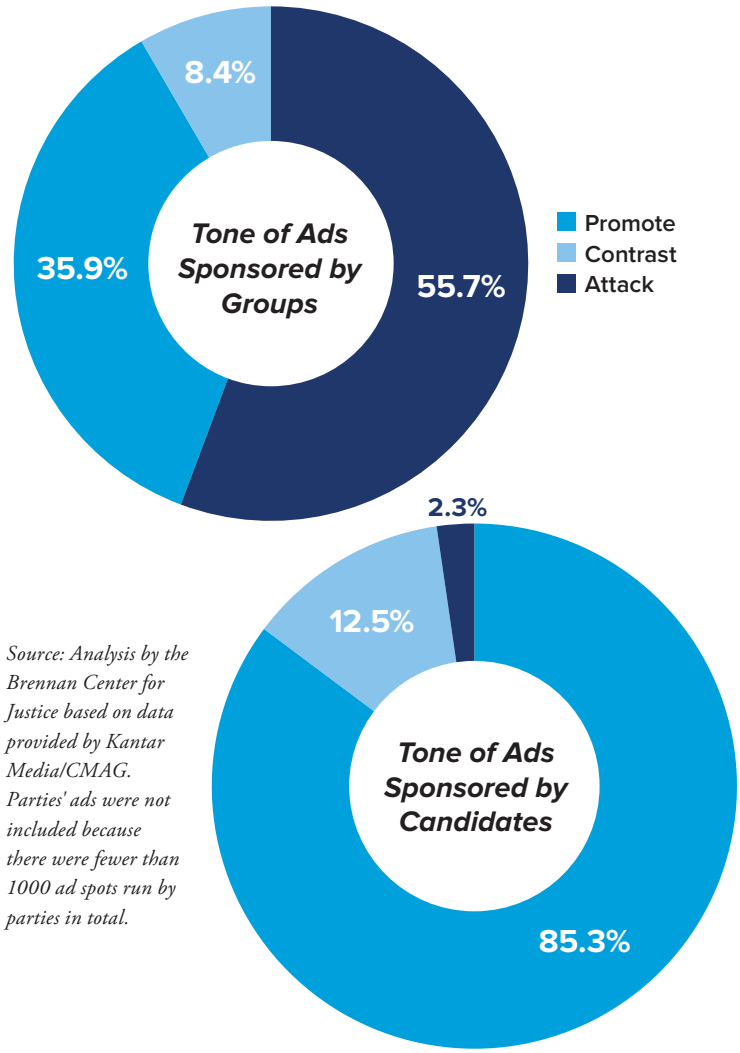
Television spending estimates are from Kantar Media/CMAG, except for West Virginia's 2016 election, which relied upon state campaign finance disclosures. All figures have been converted into 2016 dollars, including TV spending figures for 2015. For this reason, the 2015-16 total in this chart is slightly higher than the figure that appears elsewhere in this report.

This heightened negativity is likely another byproduct of the record outside spending by interest groups in 2015-16. A notable 73 percent of all negative ad spots aired during this cycle were paid for by outside groups. Tellingly, only 15 percent of candidates' own ads had negative content, while 64 percent of spots paid for by groups were negative in tone. This divergence between candidates and groups is not surprising: Judicial candidates are bound by judicial conduct rules that constrain their behavior and may also have a reputational interest in avoiding mudslinging. In some cases, candidates may also forego negativity expecting that an outside group will go on the attack on their behalf.

It is important to recognize that some negative ads, while perhaps unpleasant, are fact-based and may raise legitimate issues for voters. For example, a series of ads in Wisconsin's 2016 supreme court race accurately described past writings by the winning candidate, Justice Rebecca Bradley, in which she said she had no sympathy for "queers" living with AIDS.[6]

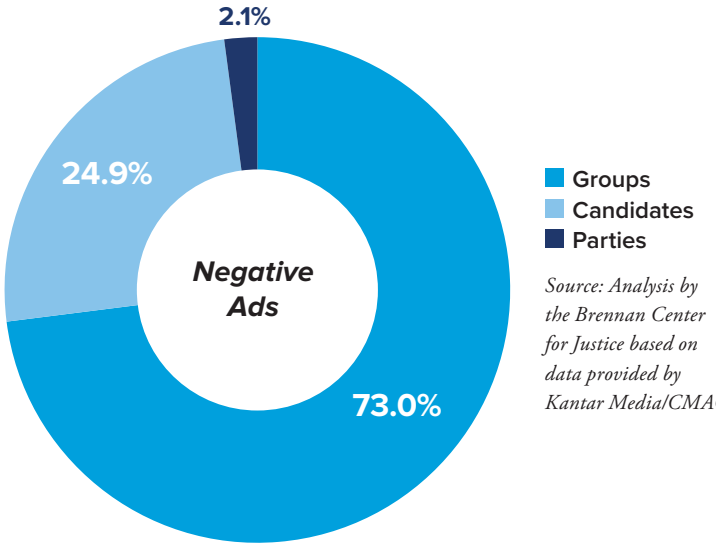
But such ads are atypical. Far more representative was an ad put out by an outside group in Washington State's 2016 supreme court election, criticizing a justice seeking reelection as "enabl[ing] child predators" and "letting dangerous people do dangerous things,"[7] referring to his participation in a 5-4 decision that the police had not given adequate warning when they sought to search a private home without a warrant.[8] The ad drew a rebuke from a retired Washington Supreme Court justice and a former U.S. Attorney, who wrote a public letter describing the ad as "misrepresent[ing] both the impacts — and motives" of the opinion and "borrow[ing] tactics from some of our country's ugliest political moments."[9]

Ad Tone Analysis: Groups vs. Candidates



Source: Analysis by the Brennan Center for Justice based on data provided by Kantar Media/CMAG. Parties' ads were not included because there were fewer than 1000 ad spots run by parties in total.

Percentage of Negative Ads by Sponsor



Source: Analysis by the Brennan Center for Justice based on data provided by Kantar Media/CMAG.

"Can't Be Trusted," paid for by Judicial Integrity WA PAC. Copyright 2016, Kantar Media/CMAG.

In total, more than half of all negative ads aired in 2015-16 attacked judges for rulings on the bench, often in a misleading way designed to stoke emotion and anger, rather than honestly inform voters. The trend of targeting judges for their decisions can also cast a long shadow. As discussed earlier, a growing body of research suggests that fears about election attacks can impact how judges rule in cases, particularly on criminal justice issues.[10] Negative campaigning may also further blur the line between politics and judging — making it harder for judges to focus on doing what the law requires, rather than what is politically popular or expedient.

Heightened negativity may also impact the courts on the front end, making it harder to attract strong judicial candidates to run in elections. As retired Montana Supreme Court Justice James C. Nelson asked in a recent op-ed: "Why would a qualified and experienced attorney choose to run for a judicial office that pays a fraction of that in the private sector; that requires the candidate to raise and spend a small fortune; and that demands the candidate, for months on end, subject herself or himself (along with their families) to a barrage of lies, misinformation and abuse from out-of-state organizations that know nothing — and care less — about the targeted candidate, Montana, its people or its Constitution and laws?"[11]

Ad Themes

As in the prior election cycle, the most common theme in supreme court election ads during 2015-16 was criminal justice, with candidates described as being "tough" or "soft" on crime. Ads typically highlighted a candidate's record prosecuting criminals, standing up for victims' rights, and/or upholding death sentences. A third of all ad spots (34 percent) used criminal justice themes, including 42 percent of all negative ads.

Notably, groups that paid for criminal justice-centered ads often had little apparent institutional interest in the area. Ten of the organizations that spent money on criminal-justice-themed ads this cycle had websites or other public statements about their mission or focus. Of these, only two listed criminal justice-related topics among their priorities.

The share of criminal justice-themed ads in 2015-16 dropped substantially from the 2013-14 cycle, where a record 56 percent of ad spots discussed criminal justice issues. It is consistent, however, with previous highs prior to 2013-14. (In both 2007-08 and 2009-10, criminal justice themes made up 33 percent of total ad spots.)

"Traditional" ads, which highlight a candidate's experience, personal and professional qualifications, education, character, family, and community involvement, were a close second among ad types during 2015-16,

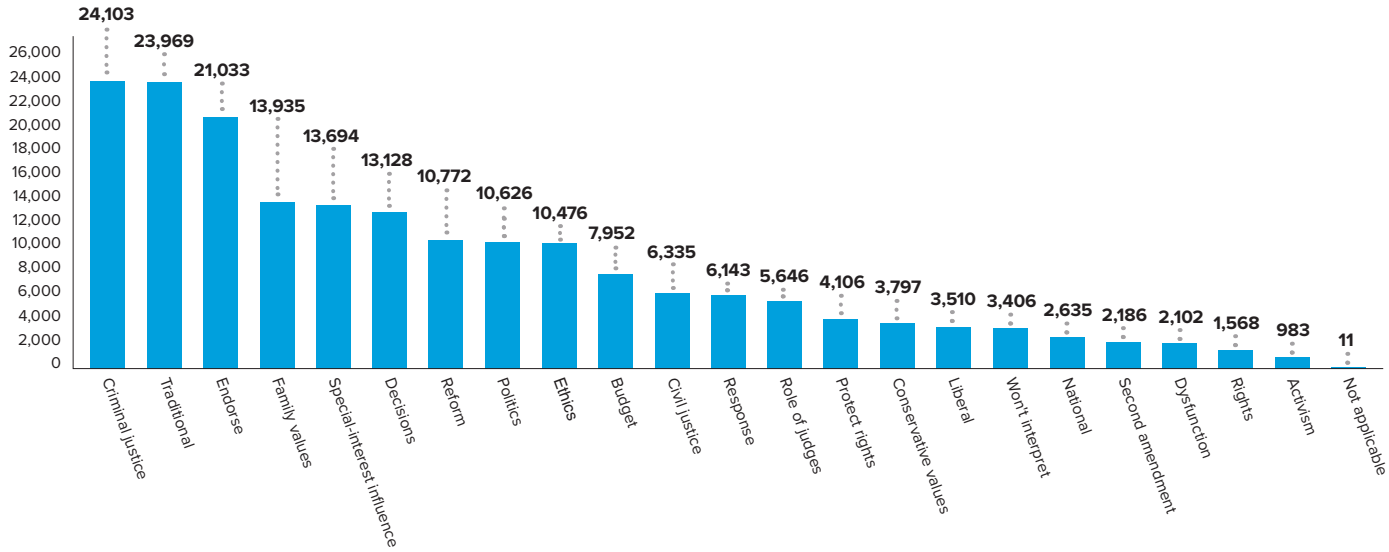
making up 33 percent of ad spots. The vast majority of traditional ads, 85.9 percent, were run by candidates themselves.

Ads touting endorsements by prosecutors, police unions, or other law enforcement groups were also common, accounting for 29 percent of all 2015-16 TV ad spots.

These ads highlight the often-close relationship between law enforcement and judges — in an environment where state courts adjudicate the overwhelming majority of criminal cases.[12] (Because ads can have multiple angles, some were coded as both criminal justice and endorsement-focused.)

Ad Themes for State Supreme Court Elections, 2015-16

Television spot count data courtesy of Kantar Media/CMAG.



Ad Themes

NO. 1

Criminal Justice

Ads describing a candidate as being "tough" or "soft" on crime. Highlights a candidate's record prosecuting criminals, standing up for victims' rights, and/or upholding death sentences.

NO. 2

Traditional

Ads highlighting a candidate's experience, personal and professional qualifications, education, character, family, and community involvement.

NO. 3

Endorse

Ads highlighting a candidate's endorsements by and/or support from law enforcement personnel, including police officers and prosecutors.

NO. 4

Family Values

Ads that praise a candidate for protecting children and families. May deal with issues such as child predators and domestic violence.

NO. 5

Special-Interest Influence

Ads claiming that judges are "for sale" or "in the pocket" of big corporations. May praise a judge for ignoring special interests, or criticize a candidate for favoring outside groups and giving in to political pressure.

NO. 6

Decisions

Ads that criticize a judge for a ruling in a past case, or for their rulings in a specific type of case.

Ad Spotlight

Highlights from some of the most notable ads of the 2015-16 election cycle.

Wisconsin

An ad from the Wisconsin Alliance for Reform criticized a ruling by Judge Joanne Kloppenburg for granting a new hearing to a person convicted of sexual assault. The ad drew a "Mostly False" rating from PolitiFact Wisconsin, "[f]or a statement that contains an element of truth but ignores critical facts that would give a different impression."[13]

"We've heard it before: Liberal judges letting criminals off on technicalities....Tell Judge Kloppenburg courts should protect children, not criminals."

"Technicalities," paid for by Wisconsin Alliance For Reform. Copyright 2016, Kantar Media/CMAG.

Mississippi

An ad by the Center for Individual Freedom accused Justice Jim Kitchens of "siding with child predators." The ad highlighted a case in which Kitchens called for a criminal defendant to receive a new trial because of the ineffectiveness of his appointed attorney. The ad did not note that the entire Mississippi Supreme Court ruled in favor of the defendant in that case, granting him an evidentiary hearing on his claims, just short of the new trial Kitchens would have granted.[14]

"On our Supreme Court, Jim Kitchens is putting criminals ahead of victims."

"Stand Up for Victims," paid for by the Center for Individual Freedom. Copyright 2016, Kantar Media/CMAG.

North Carolina

North Carolina Families First attacked Justice Bob Edmunds for his role in a decision upholding North Carolina's congressional districts against claims it was an illegal racial gerrymander. A federal court later found the districts discriminated against the state's black voters, a ruling affirmed by the U.S. Supreme Court. One ad focused on a district it called "The Snake" based on its shape, as a snake slithered across the screen.

"Justice Bob Edmunds...wrote the decision supporting his party's discrimination."

"Redistricting," paid for by North Carolina Families First. Copyright 2016, Kantar Media/CMAG.

Kansas

An ad aired by Kansans for Justice showed photos of defendants who had been convicted of murder and sentence to death and stamped the word "OVERTURNED" over each image. The ad characterized the justices on the Kansas Supreme Court as having "repeatedly pervert[ed] the law to side with murderers and rapists." The ad instructed viewers to "STAND WITH VICTIMS," and "vote NO on the Kansas Supreme Court."

"The Kansas Supreme Court has chosen sides. They repeatedly pervert the law to side with murderers and rapists."

"Stand with Victims," paid for by Kansans for Justice. Copyright 2016, Kantar Media/CMAG.

CONCLUSION

The corrosive effect of money in politics on democratic values is certainly not unique to state supreme court elections. But these elections are a powerful object lesson, precisely because the courtroom is supposed to be a place where everyone is equal before the law. The growth of high-cost and politicized state supreme court elections, exacerbated by the rise of outside spending by non-transparent and unaccountable interest groups, threatens courts' ability to play this role.

The U.S. Supreme Court's campaign finance jurisprudence looms large over this slow-motion justice crisis — and limits the menu of responses available to states. But the good news is that states retain powerful tools to ensure that judges are not merely politicians in robes.

Strengthening recusal rules and disclosure laws can help avoid the most severe conflicts of interest, while promoting accountability when outside groups choose to weigh in on elections. Public financing of judicial races can give judicial candidates the opportunity to run competitive races without big-money support, so that wealth, connections, and fundraising acumen are not the only pathway to the bench. The adoption of voter guides and judicial performance evaluations can give voters tools to make informed choices, ensuring that a 30-second attack ad is not the only information available about a judicial candidate.

Yet, it is also increasingly clear that politicized supreme court elections are here to stay — and with them, serious threats to judicial integrity. For this reason, states should also look more closely at how they select and retain supreme court justices, and consider structural changes that may better promote important values, including judicial independence and legitimacy.

One key reform would be to adopt a lengthy single term for justices — so that they can decide controversial cases without worrying that it will become fodder for the next election. Another would be to replace elections with a publicly-accountable appointment process, where a nominating commission with diverse membership recruits and vets judicial candidates, and then presents a slate from which the governor can choose. Such a system, some version of

which is already used in 22 states, ensures that democratically accountable actors retain a role in choosing judges, while reducing special interest pressures and the risk of cronyism.

"The founders realized there has to be someplace where being right is more important than being popular or powerful, and where fairness trumps strength," former U.S. Supreme Court Justice Sandra O'Connor has explained. "And in our country, that place is supposed to be the courtroom."[1] Special interest dollars bidding for justice is fundamentally at odds with this basic principle. As it becomes increasingly clear that the politics of judicial elections is entrenched in states across the country, states must consider — with urgency — how to ensure their courts are capable of ensuring equal justice for all.

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APPENDIX

State Profiles

Alabama

The all-Republican Alabama Supreme Court saw no change in its political composition when three incumbents won re-election in 2016. Michael F. Bolin and Kelli A. Wise, both Republicans, faced no opposition, and Tom Parker defeated his Republican rival, attorney Donna J. Beaulieu, in a primary.

	Spending	Rank
Total spending/rank:	$262,319	19
Candidate fundraising total/rank:	$262,319	18
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	0	N/A

Arkansas

In contested races for two Arkansas Supreme Court seats in 2016, overall spending of $2.4 million and TV spending of $1.2 million set state records. The Republican State Leadership Committee's Judicial Fairness Initiative spent an estimated $120,450 on airtime for broadcast TV ads opposing attorney Clark Mason in his race with Circuit Judge Shawn Womack, and the Judicial Crisis Network spent an estimated $554,840 to air TV ads opposing Justice Courtney Goodson, running against Circuit Judge Dan Kemp for chief justice. Goodson was a top 10 fundraiser, pulling in more than $1.02 million, yet she lost to Kemp. Mason lost to Womack.

	Spending	Rank
Total spending/rank:	$2,404,766	11
Candidate fundraising total/rank:	$1,729,476	8
Group spending total/rank:	$675,290	11
Party spending total/rank:	0	N/A
TV spending total/rank:	$1,240,730	10

Georgia

Justice David E. Nahmias won reelection to the Georgia Supreme Court without an opponent in 2016, raising $186,429. Other new justices joined the court after the legislature voted to approve Republican Gov. Nathan Deal's plan to expand the court from seven to nine justices. In November 2016, Deal appointed Appeals Court Judge Nels Peterson and state Solicitor General Britt Grant to newly created seats and Appeals Court Judge Michael Boggs to succeed a justice who retired.

	Spending	Rank
Total spending/rank:	$186,429	20
Candidate fundraising total/rank:	$186,429	19
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	0	N/A

Idaho

After a May 2016 primary that saw the defeat of state Sen. Curtis McKenzie and Court of Appeals Judge Sergio A. Gutierrez, attorney Robyn Brody and Deputy Idaho Attorney General Clive J. Strong advanced to an autumn runoff for an open seat on the high court. Brody spent more than $308,000 and defeated Strong, who spent approximately $64,000. Justice Roger S. Burdick was unopposed in his successful re-election bid. Total spending was $431,258.

	Spending	Rank
Total spending/rank:	$431,258	17
Candidate fundraising total/rank:	$431,258	16
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	$39,730	17

Kansas

The nation's most costly and contentious retention election during the 2015-16 cycle occurred in Kansas. Four justices were targeted by interest groups and elected officials over a controversial ruling in a death penalty case and over political issues; all of the justices were given a new term by voters in 2016. Justices Lawton Nuss, Marla Luckert, Carol Beier and Daniel Biles retained their seats, as did a fifth who was not targeted, Caleb Stegall. Approximately $2.07 million was spent on the election, a state record, according to TV spending estimates from Kantar Media/CMAG and ad contracts posted to the FCC's website. Total spending was likely higher, however, because Kansas does not require candidate committees or outside groups to disclose judicial election spending to campaign finance authorities. Total TV spending hit a Kansas record of an estimated $2.04 million, all of it by outside groups. It was the first time since at least 2000, when the Brennan Center began collecting data, that Kansas saw TV spending in a supreme court retention election.

	Spending	Rank
Total spending/rank:	$2,073,937	12
Candidate fundraising total/rank:	0	N/A
Group spending total/rank:	$2,073,937	7
Party spending total/rank:	0	N/A
TV spending total/rank:	$2,041,220	7

Kentucky (2016)

Appeals Court Judge Larry VanMeter outspent fellow Judge Glenn E. Acree by $449,846 to $38,854 in a 2016 race for a single-district seat and defeated Acree.

	Spending	Rank
Total spending/rank:	$488,700	15
Candidate fundraising total/rank:	$488,700	14
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	$129,680	16

Kentucky (2015)

Appeals Court Judge Janet L. Stumbo marginally outspent Circuit Judge Sam Wright III in a race for another single-district seat. Wright won election.

	Spending	Rank
Total spending/rank:	$426,624	18
Candidate fundraising total/rank:	$426,624	17
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	$1,640	18

Louisiana

Charter schools and energy corporations appeared to be at the center of spending in the 2016 Louisiana Supreme Court election, which set an overall record for the state at nearly $5 million and a state TV spending record of $2.5 million. Court of Appeals Judge Jimmy Genovese received over $1.39 million in contributions in his successful campaign for an open seat, while his opponent, state district court Judge Marilyn Castle, received more than $670,000. Both sides attracted major outside spending, and Genovese was outspent on the airwaves. The largest outside spender was the Center for Individual Freedom, which does not disclose its donors, which supported Castle. Incumbent Justice Marcus R. Clark also ran unopposed for a new term on the court.

	Spending	Rank
Total spending/rank:	$4,912,154	4
Candidate fundraising total/rank:	$2,408,179	4
Group spending total/rank:	$2,503,976	5
Party spending total/rank:	0	N/A
TV spending total/rank:	$2,511,800	6

Michigan

Incumbent Republican Justices David Viviano and Joan Larsen won reelection in 2016 after benefitting from heavy dark-money spending and amassing lopsided fundraising totals over their opponents. The Michigan Chamber of Commerce spent more than $2.2 million in support of the incumbents; meanwhile, Viviano outraised Judge Frank Szymanski, a Democrat, and Doug Dern of the Natural Law Party by 23:1, and Larsen outraised Circuit Judge Deborah A. Thomas, a Democrat, by 8:1. Of $3.1 million in documented independent spending, 86 percent was not reported in state campaign finance filings.

	Spending	Rank
Total spending/rank:	$4,326,234	6
Candidate fundraising total/rank:	$1,214,963	9
Group spending total/rank:	$3,111,271	4
Party spending total/rank:	$455,685	1
TV spending total/rank:	$2,715,890	5

Minnesota

Spending was relatively low ($64,879) in a three-way 2016 contest for a Minnesota Supreme Court seat that saw incumbent Justice Natalie E. Hudson defeat attorney Michelle L. MacDonald in the general election. Attorney Craig Foss was defeated in an earlier primary. It was the first state supreme court election for Hudson, appointed to the court in 2015; she raised $64,669, and MacDonald, $210.

	Spending	Rank
Total spending/rank:	$64,879	22
Candidate fundraising total/rank:	$64,879	21
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	0	N/A

Mississippi

Unions and trial lawyers lined up in 2016 in support of incumbent Mississippi Supreme Court Justice Jim Kitchens. Court of Appeals Judge T. Kenneth Griffis, the challenger, received contributions from medical, insurance, and corporate defense lawyers and business interests, and benefitted from outside spending by a PAC supported by the Mississippi Manufacturers Association and Mississippi Realtors, among others. Kitchens won reelection despite $1.2 million in independent spending that benefitted his opponent; Kitchens raised over $724,000, compared to over $519,000 reported by Griffis. Elections for three other seats attracted far less spending. Incumbents Dawn H. Beam and James D. Maxwell won new terms, while Circuit Judge Robert Chamberlin prevailed in a run-off election.

	Spending	Rank
Total spending/rank:	$3,237,874	9
Candidate fundraising total/rank:	$2,004,464	6
Group spending total/rank:	$1,233,410	9
Party spending total/rank:	0	N/A
TV spending total/rank:	$1,858,710	8

Montana

District Judge Dirk Sandefur defeated law professor Kristen Juras for an open seat on the Montana Supreme Court in 2016. Sandefur was heavily supported by trial lawyers, while Juras received her support from conservative and business interests, including StopSetemFreeSandefur.com, which was almost entirely funded by the Republican State Leadership Committee's Judicial Fairness Initiative. Outside groups invested $985,684 in independent expenditures, the vast majority in support of Sandefur. Overall spending of more than $1.8 million set a record for the state, as did TV spending of more than $418,000. Also winning election were incumbents Jim Shea and Mike McGrath. They ran unopposed.

	Spending	Rank
Total spending/rank:	$1,834,804	13
Candidate fundraising total/rank:	$782,351	12
Group spending total/rank:	$985,684	10
Party spending total/rank:	$66,769	3
TV spending total/rank:	$418,340	12

New Mexico

When Justice Judith K. Nakamura won election over Court of Appeals Judge Michael E. Vigil in 2016, Nakamura became the first Republican woman elected to the New Mexico Supreme Court. Both candidates participated in the state's public financing program, and their race was marked by relatively low spending, positive television ads, and no outside TV advertising. Incumbent Justice Barbara J. Vigil also won a new term in a retention election.

	Spending	Rank
Total spending/rank:	$464,266	16
Candidate fundraising total/rank:	$464,266	15
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	$212,590	15

North Carolina

In a high-profile 2016 election rife with tensions over racial gerrymandering, Superior Court Judge Michael Morgan defeated incumbent Justice Robert Edmunds Jr., flipping the ideological balance of the North Carolina Supreme Court from a Republican to Democratic majority. Both candidates benefitted from millions of dollars in outside spending. Morgan received an endorsement from President Obama. Total TV spending approached $3.5 million, and overall spending surpassed $5.4 million. Three leading outside spenders, North Carolina Families First ($1.7 million in support of Morgan), the North Carolina Chamber of Commerce ($1.45 million in support of Edmunds), and Fair Judges ($1.18 million) ranked among the top 10 outside spenders nationally.

	Spending	Rank
Total spending/rank:	$5,419,151	2
Candidate fundraising total/rank:	$672,230	13
Group spending total/rank:	$4,746,921	2
Party spending total/rank:	0	N/A
TV spending total/rank:	$3,493,320	3

North Dakota

With two North Dakota Supreme Court seats on the ballot, incumbent Justice Lisa Fair McEvers was reelected without an opponent in 2016, and District Judge Jerod Elton Tufte defeated attorney Robert V. Bolinske Sr. The latter race was the first for an open seat on the court in 24 years.[1]

	Spending	Rank
Total spending/rank:	$51,052	23
Candidate fundraising total/rank:	$51,052	22
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	0	N/A

Ohio

Republicans retained their 6-1 majority on the Ohio Supreme Court after the 2016 election, as Chief Justice Maureen O'Connor secured re-election without an opponent and Appeals Court Judges Pat Fischer and Pat DeWine defeated Democrats John P. O'Donnell, a common pleas court judge, and Cynthia Rice, an appeals court judge, respectively. The Republican State Leadership Committee's Judicial Fairness Initiative spent $233,960 in support of the three winning candidates. Overall spending was over $3.3 million.

	Spending	Rank
Total spending/rank:	$3,353,641	8
Candidate fundraising total/rank:	$3,117,471	3
Group spending total/rank:	$233,960	12
Party spending total/rank:	$2,210	5
TV spending total/rank:	$1,321,670	9

Pennsylvania

With the partisan balance of the scandal-plagued Pennsylvania Supreme Court at stake, candidates and outside groups engaged in a 2015 spending free-for-all ($15.6 million and $5.7 million respectively) that easily set a new national record ($21.4 million). Democrats Kevin Dougherty, David Wecht and Christine Donohue outspent their Republican rivals and swept three open seats, giving Democrats a 5-2 majority on the court. The winners, along with Pennsylvanians for Judicial Reform, a group funded by trial lawyers and unions that supported the Democratic candidates, were four out of the nation's five biggest spenders. Outside spending by Pennsylvanians for Judicial Reform ($4.1 million) and the Republican State Leadership Committee's Judicial Fairness Initiative ($1.5 million), when combined, surpassed total spending in any other state supreme court contest in 2015-16. TV spending of $12.4 million also set a national record for a state supreme court election.

	Spending	Rank
Total spending/rank:	$21,417,860	1
Candidate fundraising total/rank:	$15,660,616	1
Group spending total/rank:	$5,749,055	1
Party spending total/rank:	$8,190	4
TV spending total/rank:	$12,400,720	1

Tennessee

Three Tennessee Supreme Court justices, all initially appointed by a Republican governor, won new terms after facing no organized anti-retention effort. It was a sharp contrast to two years earlier when three justices first appointed by Democratic governors faced a rigorous ouster drive but stayed on the court amid record spending. Justices Jeff Bivins, Holly Kirby and Roger A. Page easily won their 2016 retention votes.

	Spending	Rank
Total spending/rank:	$105,108	21
Candidate fundraising total/rank:	$105,108	20
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	0	N/A

Texas

When three incumbents ran for re-election to the Texas Supreme Court in 2016, their sweep maintained 9-0 Republican control of the court. Justices Paul Green, Eva Guzman, and Debra Lehrmann all won new terms after contested primary and general elections.

	Spending	Rank
Total spending/rank:	$4,205,358	7
Candidate fundraising total/rank:	$4,205,358	2
Group spending total/rank:	0	N/A
Party spending total/rank:	0	N/A
TV spending total/rank:	$341,130	13

Washington

Despite $1.4 million spent by outside groups and the state's Republican party to unseat them, incumbent Justices Barbara Madsen, Charles Wiggins, and Mary Yu won reelection to the Washington Supreme Court in 2016. The justices saw only $349,000 in outside group support. The court had ruled in 2015 that charter schools controlled by appointed boards could not receive public funds, and the justices seeking reelection were vigorously opposed by pro-charter school groups and individuals. Charter school enthusiast Bill Gates and other Microsoft executives wrote checks to help fund anti-incumbent groups.

	Spending	Rank
Total spending/rank:	$2,790,726	10
Candidate fundraising total/rank:	$1,060,942	11
Group spending total/rank:	$1,480,455	8
Party spending total/rank:	$249,365	2
TV spending total/rank:	$237,690	14

West Virginia

A five-way contest for one seat on the West Virginia Supreme Court in 2016 attracted nearly $3 million in outside spending, including over $2 million from the Republican State Leadership Committee's Judicial Fairness Initiative, and saw TV ad spending of $4.2 million for a state record. Attorney Beth Walker, who benefitted from the Judicial Fairness Initiative effort, defeated incumbent Justice Brent Benjamin, ex-state legislator William "Bill" Wooton, attorney Wayne King, and former state Attorney General Darrell McGraw Jr. Both Benjamin and Wooton participated in the state's public financing system.

	Spending	Rank
Total spending/rank:	$4,963,973	3
Candidate fundraising total/rank:	$1,972,290	7
Group spending total/rank:	$2,991,682	3
Party spending total/rank:	0	N/A
TV spending total/rank:	$4,203,576	2

Wisconsin (2016)

Often a state supreme court election battleground, Wisconsin saw over $4.7 million spent in the fight for a single seat. Incumbent Justice Rebecca Bradley defeated state Court of Appeals Judge JoAnne Kloppenburg, who had previously challenged Justice David Prosser in 2011. Bradley's campaign was boosted by nearly $1.9 million in outside spending by the Wisconsin Alliance for Reform, one of the top 10 spenders in the biennium, and from $114,000 spent by the Republican State Leadership Committee's Judicial Fairness Initiative. An outside group supporting Kloppenburg, the Greater Wisconsin Committee, spent $389,360 on television ads, and its affiliate The Greater Wisconsin Committee Political Independent Expenditure Fund spent $107,000 on other advertising.

	Spending	Rank
Total spending/rank:	$4,723,444	5
Candidate fundraising total/rank:	$2,249,071	5
Group spending total/rank:	$2,474,373	6
Party spending total/rank:	0	N/A
TV spending total/rank:	$3,207,070	4

Wisconsin (2015)

In another million-dollar-plus election, incumbent Justice Ann Walsh Bradley outspent her challenger, Rock County Circuit Judge James Daley, by more than two-to-one margin and won her third 10-year term. Voters also passed a constitutional amendment to change the way the court chooses its chief justice — from a seniority system to a vote among the justices. Following the amendment, Shirley Abrahamson was replaced as chief justice by Patience Roggensack.

	Spending	Rank
Total spending/rank:	$1,196,620	14
Candidate fundraising total/rank:	$1,149,686	10
Group spending total/rank:	$46,934	13
Party spending total/rank:	0	N/A
TV spending total/rank:	$530,590	11

NOTES

Chapter 1

1. The election cycle's races for 76 court seats included 30 retention races and 15 non-retention races in which only a single candidate ran. Zero spending was recorded in races for 29 seats, 22 of them in retention-election states.

2. All historical comparisons in this report reflect figures converted to 2016 dollars. Unless otherwise noted, historical comparisons and statements about records reflect data beginning with the 1999-2000 election cycle.

3. This analysis counts any justice whose race for a seat on a state high court saw at least $1 million in total spending, including campaign fundraising and independent expenditures on both sides. For retention elections, when multiple justices were standing for retention at the same time and television ads indicated there was a joint campaign supporting or opposing the justices collectively, justices were included in this count if the *aggregate* spending on the retention election surpassed $1 million total. If an incumbent was ousted in a retention election, the justice's replacement was counted toward the total number of judges elected in $1 million-plus races.

4. While 2003-04 holds the record for total overall spending in a supreme court election cycle, only 17 justices were involved in $1 million-plus election during that cycle, as compared with 27 justices during 2015-16. Notably, the 2003-04 spending record is largely driven by a few very high-cost races, including an election for a single seat in Illinois that attracted $19.7 million (inflation-adjusted). In contrast, spending on individual races in 2015-16 was far more diffuse.

5. The number of non-retention seats up for election was 52 in 1999-2000; 46 in 2003-04; 42 in 2007-08; 43 in 2011-12; and 46 in 2015-16. There were also *fewer* total candidates standing for election in 2015-16 than in all but one earlier presidential election cycle. This holds true both including and excluding retention elections.

6. The report excluded retention-election seats for purposes of this comparison because until the 2009-10 election cycle, virtually no retention elections saw substantial spending and even in more recent cycles, most retention-election seats do not attract any spending.

7. When all spending is converted to 2016 dollars, TV spending in the 2015-16 cycle was $37.3 million, as compared with $35.9 million in 2011-12, the last presidential election cycle.

8. In 2016 dollars, the total for the 2013-14 cycle was $6.7 million.

9. Kansas's relatively inexpensive media market also likely kept spending figures down, while actual expenditures were also likely higher than documented in this report because a state campaign finance loophole meant that groups and candidate committees were not required to disclose their spending to state campaign finance authorities. This report's Kansas data is therefore limited to estimates of television spending from Kantar Media/CMAG and ad con-

tracts posted to a website maintained by the Federal Communications Commission.

10. In inflation-adjusted terms, spending in retention elections during 2015-16 was more than one-and-a-half times higher than retention election spending in any cycle prior to 2009-10.

11. In most states, high court judges stand for election statewide, though in six — Illinois, Kentucky, Louisiana, Maryland, Mississippi and Nebraska — justices are elected by geographic district. See Melinda Gann Hall, *Attacking Judges: How Campaign Advertising Influence State Supreme Court Elections*, 2015, 39-40.

12. See Melinda Gann Hall and Chris W. Bonneau, *Does Quality Matter? Challengers in State Supreme Court Elections*, American Journal of Political Science 50, no. 1 (2006): 20 (finding that "differences in campaign spending between incumbents and challengers are important in determining incumbents' electoral performance in state supreme court elections"); see also Chisun Lee et al., *Secret Spending in the States*, Brennan Center for Justice, 2016, 17-19 (discussing the outsize impact of spending in low information elections).

13. Prior to the 2005-06 cycle, this analysis of outside spending was limited to outside TV spending.

14. Citizens United v. Federal Election Comm'n, 558 U.S. 310 (2010); SpeechNow.org v. Federal Election Comm'n, 599 F.3d 686 (D.C. Cir. 2010).

15. This statistic excludes the 2009-10 election cycle, which was ongoing at the time *Citizens United* was decided in January 2010.

16. See Daniel I. Weiner, Citizens United *Five Years Later*, Brennan Center for Justice, 2015, 7, https://www.brennancenter.org/sites/default/files/analysis/Citizens_United_%205_%20Years_%20Later.pdf.

17. When political parties' expenditures were included, total outside spending rose to $28.6 million and the share of total state supreme court spending increased marginally to 41 percent. This ties the all-time record for non-candidate spending from the 2011-12 cycle.

18. See Edwin Bender et al., *Funding the State Political Party Committees Pre- and Post-BCRA, 1996-2016*, National Institute on Money in State Politics, 2017, 29-36, https://www.followthemoney.org/assets/Uploads/PartyCmteAnalysis6.16.17BauerGinsberg.pdf.

19. See Ian Vandewalker, *Election Spending 2016: Post-Election Update*, Brennan Center for Justice, 2016.

20. See Ian Vandewalker and Daniel I. Weiner, *Stronger Parties, Stronger Democracy: Rethinking Reform*, Brennan Center for Justice, 2015, 4.

21. Ibid.; Raymond J. La Raja and Brian F. Schaffner, "The Hydraulics of Campaign Money," chap. 5 in *Campaign Finance and Political Polarization: When Purists Prevail* (Ann Arbor, MI: University of Michigan Press, 2015), https://quod.lib.umich.edu/u/ump/13855466.0001.001/1:7/--campaign-finance-and-political-polarization-when-purists?rgn=div1;view=fulltext.

22. Vandewalker and Weiner, *Stronger Parties, Stronger Democracy*, 4.

23. Alicia Bannon, *Rethinking Judicial Selection in State Courts*, Brennan Center for Justice, 2016, 8, https://www.brennancenter.org/sites/default/files/publications/Rethinking_Judicial_Selection_State_Courts.pdf. In addition to the eight states listed in that report, in 2016, North Carolina's supreme

court also saw a shift in its ideological balance following an expensive election.

24. The state supreme court heard oral arguments in the case on September 5, 2017.

25. Brennan Center for Justice, "Outside Groups Set TV Spending Record in Judicial Races as Obama Endorses NC Judge," press release, October 26, 2016, https://www.brennancenter.org/press-release/new-analysis-outside-groups-set-tv-spending-record-judicial-races-obama-endorses-nc.

26. Suzanne Perez Tobias and Dion Lefler, "Kansas Supreme Court rules school funding inadequate," *Wichita Eagle*, March 2, 2017, http://www.kansas.com/news/politics-government/article135967648.html.

27. The Brennan Center represented Kansas state judges in lawsuits challenging several of these provisions.

28. See Hodes & Nauser v. Schmidt, 368 P.3d 667 (Kan. Ct. App. 2016). In March 2017, the Kansas Supreme Court heard oral arguments in the state's appeal. Dan Margolies, "Kansas Supreme Court Hears Arguments in 'Right to Abortion' Case," *KCUR*, March 16, 2017, http://kcur.org/post/kansas-supreme-court-hears-arguments-right-abortion-case#stream/0.

29. Republican Joan Orie Melvin was suspended in 2012 and convicted the following year for misuse of state funds; then Democrat Seamus McCaffery resigned in 2014 over his role in an e-mail scandal; and later that year Republican Ronald D. Castille stepped down after reaching the mandatory retirement age of 70.

30. Inflation-adjusted, the prior national record for spending in a state supreme court election was Illinois' 2004 election for a single seat on the high court, where total spending was $19.7 million.

31. Christie Thompson, "Trial by Cash," *The Atlantic*, Dec. 11, 2014, https://www.theatlantic.com/politics/archive/2014/12/trial-by-cash/383631/.

32. Joanna Shepherd and Michael S. Kang, *Skewed Justice:* Citizens United*, Television Advertising and State Supreme Court Justices' Decisions in Criminal Cases*, American Constitution Society, 2014, http://skewedjustice.org/.

33. Joanna Shepherd and Michael S. Kang, *Partisan Justice: How Campaign Money Politicizes Judicial Decisionmaking in Election Cases*, American Constitution Society, 2016, https://partisanjustice.org/.

34. Following extensive litigation and appeals, the U.S. Supreme Court struck down the map this year in *Cooper v. Harris*, 137 S. Ct. 1455 (2017), upholding a lower federal court's ruling that North Carolina engaged in unconstitutional racial gerrymandering when it packed African-American voters into two congressional districts. The Brennan Center filed an amicus brief before the U.S. Supreme Court.

35. Mark Binker, "'Snake' ad aims to bite Supreme Court justice*," WRAL.com*, October 20, 2016, http://www.wral.com/-snake-ad-aims-to-bite-supreme-court-justice/16139613/.

36. Melissa Boughton, "An in-depth look at N.C. lawmakers' attempt to shrink the Court of Appeals," *N.C. Policy Watch*, March 16, 2017, http://www.ncpolicywatch.com/2017/03/16/depth-look-n-c-lawmakers-attempt-shrink-court-appeals/.

37. For an earlier review, see Alicia Bannon and Nathaniel Sobel, *Assaults on the Courts: A Legislative Round-Up,* Brennan Center for Justice, 2017, https://www.brennancenter.org/analysis/assaults-courts-legislative-round.

38. Ga. Code Ann. § 15-2-1.1 (2016).

39. Ariz. Rev. Stat. § 12-101 (2016).

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www.brennancenter.org
www.followthemoney.org

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The Columbus Dispatch

POLITICS

Justice Pat DeWine won't recuse himself from lawsuits over maps approved by father Gov. Mike DeWine

Jessie Balmert
Cincinnati Enquirer

Published 2:06 p.m. ET Sept. 30, 2021 | **Updated 3:15 p.m. ET Sept. 30, 2021**

Ohio Supreme Court Justice Pat DeWine said he won't recuse himself from reviewing state House and Senate maps approved by his father Gov. Mike DeWine as a member of the Ohio Redistricting Commission.

"There is no basis for me to do so," Pat DeWine said in a text message, explaining that the governor was one of seven members of the Ohio Redistricting Commission, which drew maps for Ohio Statehouse districts. Therefore, Mike DeWine had "considerably less influence" over the maps than he would over a state department.

Mike DeWine was one of five Republicans who approved the maps over the objections of the commission's two Democrats.

Three lawsuits have been filed against those maps, which would give Republicans a veto-proof majority in the Ohio Legislature. Each accuses the mapmakers of violating anti-gerrymandering principles approved by voters in 2015.

The Ohio Code of Judicial Conduct requires a judge to disqualify himself from "any proceeding in which the judge’s impartiality might reasonably be questioned." That includes when a judge has a personal bias or prejudice concerning a party to the case.

More: 'A flagrant violation of the Ohio Constitution:' Lawsuit challenges 4-year Statehouse maps

"This really isn’t even a close call," Pat DeWine said of his decision, first reported by Spectrum News. He added that each Ohio Supreme Court justice is a member of a political party and will need to set partisan association aside to hear the case.

"The reality is that the redistricting case is going to be adjudicated by seven members of the Ohio Supreme Court," he said.

Democrats disagree with DeWine's decision.

"The DeWine family can't seem to help themselves when it comes to bending the rules to fit their own political interests," Ohio Democratic Party spokesman Matt Keyes said. "Even though Justice DeWine has recused himself before on cases involving his father, they're deciding to play by a different set of rules now that the political future of our state is at stake."

Pat DeWine was elected to the Ohio Supreme Court in 2016, and his father was elected governor in 2018. Before that, Mike DeWine served as state attorney general. Their relationship is one Pat DeWine has had to navigate, deciding when to recuse himself for a conflict of interest and when to remain on the case.

More: The threat of a 4-year map was supposed to inspire Ohio redistricting compromise. It didn't

Pat DeWine recused himself from a case on whether to delay the state's 2020 primary amid COVID-19, a decision made by Mike DeWine's state health department. DeWine also recused himself from weighing in on whether Mike DeWine had the power to stop $300 in weekly federal unemployment benefits early.

Pat DeWine said he stepped away from those cases out of an abundance of caution because Mike DeWine was the primary or exclusive decisionmaker.

Jessie Balmert is a reporter for the USA TODAY Network Ohio Bureau, which serves the Akron Beacon Journal, Cincinnati Enquirer, Columbus Dispatch and 18 other affiliated news organizations across Ohio.

Politics & Government

Supreme Court candidates accuse each other of lying, extremism in sole debate

By: Henry Redman - March 21, 2023 2:27 pm

Dan Kelly and Janet Protasiewicz met on Tuesday for the only debate in the Wisconsin Supreme Court race. (Henry Redman | Wisconsin Examiner)

This story has been updated.

In the only debate of an increasingly expensive and heated campaign between Milwaukee County Judge Janet Protasiewicz and former Supreme Court Justice Dan Kelly for an open seat on the Wisconsin Supreme Court, the two candidates exchanged attacks over their impartiality, legal histories and political allegiances.

During the debate, hosted Tuesday afternoon by the Wisconsin State Bar, each candidate made several accusations that the other is a liar.

The race for the seat, set to become vacant following the retirement of conservative Justice Patience Roggensack, will determine the ideological sway of the seven-member court. While the race is officially nonpartisan, Kelly is running as a conservative and Protasiewicz as a liberal.

The first time the court's lean has been up for grabs in more than a decade, the race has blown away national fundraising records for judicial campaigns.

Kelly served on the court for four years from 2016 to 2020 after being appointed to an open seat by former Republican Gov. Scott Walker. He lost reelection to liberal Justice Jill Karofsky by a 10-point margin.

On Tuesday, Kelly's attacks on Protasiewicz grew increasingly pointed as he argued — as he has throughout the race — that she would bring her political views to the bench. Several times, Kelly said Protasiewicz was a liar or slandering him.

"Again, this is you being quick to lie," Kelly said in response to Protasiewicz saying the support he's received from outside political organizations signals which political side his decisions will benefit. "This has been apparent in all your ads against me. It's been apparent every time you speak about me. It's just full of deceit."

Protasiewicz, on the other hand, regularly argued that Kelly's history of working for the Republican party and its related interest groups should signal how he will rule — even though throughout the campaign he's said he will only decide based on the rule of law.

"I am running against probably one of the most extreme partisan characters in the history of the state," Protasiewicz said. "This is somebody who advised the Republican Party on the fake electors. This is somebody who was running his former office out of the Republican Party headquarters. This is somebody who's given legal advice to the Republican Party over and over and over."

The race for the open seat has taken on an increased importance because the court is likely to play a major role in coming years as the arbiter between the divided government in Wisconsin's executive and legislative branches. The winner of the race will likely be the swing vote in cases over abortion access, the state's

legislative maps and voting rights.

Throughout the campaign, Protasiewicz has repeatedly shared what her "personal values" are over abortion rights, saying she believes women should have the right to choose to get an abortion. Kelly has often pointed to these statements as evidence she is pre-judging a case.

A lawsuit against Wisconsin's 1849 outlawing abortion is currently pending in the courts and the winner is likely to play an important role in its outcome.

"I would say that I have been very clear about my values to the electorate because I think the electorate deserves to know what the person's values are rather than hiding," Protasiewicz said. "I've also been very clear that any decision that I render will be made based solely on the law and the Constitution. I have told everyone I am making no promises to you. But I can tell you that if my opponent is elected, I can tell you with 100% certainty, that 1849 abortion ban will stay on the books."

Protasiewicz, who has received endorsements from Planned Parenthood and Emily's List, organizations that favor abortion rights, pointed to Kelly's endorsements from anti-abortion groups such as Wisconsin Right to Life as evidence he's also signaled his views on the issue.

Wisconsin Right to Life, which is working to strengthen Wisconsin's abortion ban, states on its political endorsement web page that candidates pledge to support their values to receive their endorsement.

"The Wisconsin Right to Life Political Action Committee endorses candidates who have pledged to champion pro-life values and stand with Wisconsin Right to Life's legislative strategy," the page states. "In judicial elections, the Wisconsin Right to Life Political Action Committee endorses candidates whose judicial philosophies and values fit with those of Wisconsin Right to Life."

Kelly said Protasiewicz was lying when she said his endorsements show he has made pledges on the issue.

"That's absolutely not true, once again," Kellys said. "So this seems to be a pattern for you, Janet, is telling lies about me. So you don't know what I"m thinking about that abortion ban. You have no idea, these things you do not know. What I know is this: the endorsements I've received are entirely because of conversations that I have with individuals or organizations in which they asked me what kind of a justice will you be and I explained to them at length the role of a jurist instead of talking about politics, which is all you do."

Whoever wins the race will also be a crucial vote in a likely challenge to the state's legislative maps, which are frequently characterized as the most gerrymandered political lines in the country.

Protasiewicz has said several times throughout the campaign that the maps are "rigged." On Tuesday, she indicated she agreed with the dissent written by the court's liberal justices in the state Supreme Court case that decided the maps last year.

"I think the map issue is really kind of easy, actually. I don't think anybody thinks those maps are fair, anybody," she said. "But the question is, am I able to carefully make a decision on a case? Of course I am. It's what I've spent my entire career doing, follow laws I don't always necessarily like or agree with, you follow the law, that's what you do. I can assure you that every single case that I will ever handle will be rooted in the law 100%. If you look at the dissent in that maps case, that dissent is what I will tell you I agree with."

Kelly, who was one of the lawyers who worked with Republicans to install the 2011 maps that entrenched the state's gerrymandering, said that is another example of an issue in which Protasiewicz is pre-judging a case.

"Well there you have it, I think she's just told you how she'd resolve the case," Kelly said. "See this is the problem you have when we get a candidate who does nothing to talk about her personal politics. She's already told each and every one of us how she will approach this and although she says the formulaic words that she will follow the law, she's never said one thing in this campaign that would lead to any reasonable belief that that's what she would do."

The candidates also sparred over the increasingly negative attack ads that have aired about them during the campaign.

Protasiewicz regularly alluded to the complaints raised in her campaign's ads which paint Kelly as a partisan extremist with a "corrupt" history of siding with groups that had supported him financially and participating in Republican efforts to overturn the 2020 election.

"He is a true threat to our democracy," she said on Tuesday.

Kelly countered that he was just one of many lawyers who advised the Republican party as it searched for ways to change the results of the 2020 election in the weeks and months after it was won by Joe Biden.

Throughout the race, Kelly and outside groups supporting him have regularly highlighted sentencing decisions Protasiewicz made in a handful of cases in which sexual offenders were given little or no prison time. On Tuesday, she said that a few cases were "cherry picked" out of the thousands of sentencing decisions she's made while serving as a judge in Milwaukee County and when Kelly gave direct quotes, she said she'd like to see the transcripts because "it certainly doesn't sound like anything I would do."

In one case, Kelly accused her of not giving a 25-year-old man who got a 15-year-old girl pregnant jail time because of COVID.

The transcripts from the sentencing hearing show that she did say "But for COVID, I would be giving you some House of Correction time." The transcripts also show that the prosecutor in the case did not recommend a jail or prison term, instead recommending the defendant be placed on probation.

In another case highlighted during the debate, Kelly accused Protasiewicz of telling a defendant, who pleaded guilty to sexually assaulting his cousin, that she saw "good" in him.

Protasiewicz did say there were "a lot of good things" in the defendant's character, the transcripts show. Yet the transcripts also show she said the offense was "phenomenally serious" and warranted a heftier sentence because of that.

The prosecutor in the case did not recommend a sentence, instead leaving the decision to Protasiewicz, who imposed 14 months of imprisonment and 18 months of extended supervision.

The Supreme Court election is set for April 4. Early voting has already begun. Voters can check with their local clerk's offices for hours and locations.

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
GAB-2

ORIGINAL

COMMITTEE IDENTIFICATION

Filing Period Name:	Spring Pre-Primary 2016 Covers all activity from 01/01/2016 through 02/01/2016
Name of Committee/Corporation:	Citizens for Justice Rebecca Bradley
Street Address:	P.O. Box 620066
City, State and Zip:	Middleton, WI 53562

OFFICE USE ONLY

GAB ID: 0105427

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$60,551.00	$60,551.00
1B. Contributions from Committees (Transfers-In)	$27,342.47	$27,342.47
1C. Other Income and Commercial Loans	$28.05	$28.05
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$87,921.52	$87,921.52
2. DISBURSEMENTS		
2A. Gross Expenditures	$156,299.16	$156,299.16
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$156,299.16	$156,299.16

CASH SUMMARY

Cash Balance Beginning of Report*	$176,260.25	
Total Receipts	$87,921.52	
Subtotal	$264,181.77	
Total Disbursements	$156,299.16	
CASH BALANCE END OF REPORT*	$107,882.61	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$4,491.87	
LOANS (Balance at the Close of This Period-3B)	$102,500.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:	Daytime Phone:
Knight, Patrick J	Kate Lind	Email: pknight@grgblaw.com	

NOTE: The information on this form is required by ss.11.06, 11.20, Wis. Stats. Failure to provide the information may subject you to the penalties of ss.11.60, 11.61, Wis. Stats.

GAB-2 (Rev. 12/05)

This form is prescribed by the Government Accountability Board, P.O. Box 7984, Madison, WI 53707-7984, 608-266-8005.

SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Citizens for Justice Rebecca Bradley

Date	Full Name	Address	Amount	YTD
Monetary				
01/22/2016	Republican Party of Clark County	PO Box 183, Neillsville, WI 54456	$100.00	$100.00
02/01/2016	Building A Better WI	660 John Nolen Dr, Ste 320, Madison, WI 53713-1469	$1,000.00	$1,000.00
02/01/2016	RPAC - Wisconsin	4801 Forest Run Road, Suite 201, Madison, WI 53704	$18,000.00	$18,000.00
		Sub Total	$19,100.00	
In-Kind				
01/08/2016	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$3,532.74	$8,242.47
01/31/2016	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$4,709.73	$8,242.47
		Sub Total	$8,242.47	
		Grand Total	$27,342.47	
		Non-Monetary (-):	$0.00	
		Total	$27,342.47	

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
GAB-2

ORIGINAL

COMMITTEE IDENTIFICATION

Filing Period Name:	Spring Pre-Election 2016 Covers all activity from 02/02/2016 through 03/21/2016	**OFFICE USE ONLY**
Name of Committee/Corporation:	Citizens for Justice Rebecca Bradley	
Street Address:	P.O. Box 620066	**GAB ID:** 0105427
City, State and Zip:	Middleton, WI 53562	

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$439,277.60	$499,828.60
1B. Contributions from Committees (Transfers-In)	$40,514.87	$67,857.34
1C. Other Income and Commercial Loans	$21.98	$50.03
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$479,814.45	$567,735.97
2. DISBURSEMENTS		
2A. Gross Expenditures	$438,700.64	$594,999.80
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$438,700.64	$594,999.80

CASH SUMMARY

Cash Balance Beginning of Report*	$107,882.61	
Total Receipts	$479,814.45	
Subtotal	$587,697.06	
Total Disbursements	$438,700.64	
CASH BALANCE END OF REPORT*	$148,996.42	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$5,384.14	
LOANS (Balance at the Close of This Period-3B)	$102,500.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:	Daytime Phone:
Knight, Patrick J	Kate Lind	Email: pknight@grgblaw.com	

NOTE: The information on this form is required by ss.11.06, 11.20, Wis. Stats. Failure to provide the information may subject you to the penalties of ss.11.60, 11.61, Wis. Stats.

GAB-2 (Rev. 12/05)

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SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Citizens for Justice Rebecca Bradley

Date	Full Name	Address	Amount	YTD
In-Kind				
03/18/2016	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$18,263.23	$18,263.23
02/15/2016	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,883.88	$1,883.88
02/29/2016	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,883.88	$1,883.88
03/15/2016	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,883.88	$1,883.88
02/04/2016	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$4,850.00	$4,850.00
02/23/2016	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$4,850.00	$4,850.00
		Sub Total	$33,614.87	
Monetary				
03/21/2016	Friends of David Heaton	8007 E. Jefferson Street, Wausau, WI 54403	$500.00	$500.00
03/09/2016	Friends of Brent Renteria	PO Box 620704, Middleton, WI 53562-0704	$650.00	$650.00
03/15/2016	Ladwig For County Executive	5715 Randal Lane, Racine, WI 53402	$50.00	$50.00
03/15/2016	Racine County Republican Party	P.O. Box 044193, Racine, WI 53404-7004	$750.00	$750.00
03/08/2016	Taxpayers for Lasee	PO Box 5403, De Pere, WI 54115	$250.00	$250.00
03/04/2016	Republican Party of Kenosha County	P.O. Box 853, Kenosha, WI 53141	$500.00	$500.00
02/19/2016	Wisconsin Hospitals PAC	5510 Research Park Drive, PO Box 259038, Madison, WI 53711	$1,000.00	$1,000.00
03/04/2016	Washington Co Republican Party	519 Hickory Street, West Bend, WI 53095	$500.00	$500.00
03/18/2016	Building A Better WI	660 John Nolen Dr, Ste 320, Madison, WI 53713-1469	$1,000.00	$2,000.00
03/18/2016	Polk County Republican Party	942 Bunyan Avenue, Balsam Lake, WI 54001	$200.00	$200.00
02/10/2016	1st District Republican Party of Wisconsin	706 School Street, Silver Lake, WI 53170	$1,500.00	$1,500.00
		Sub Total	$6,900.00	
		Grand Total	$40,514.87	
		Non-Monetary (-):	$0.00	
		Total	$40,514.87	

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
CF-2

AMENDED

COMMITTEE IDENTIFICATION

Filing Period Name:	Spring Pre-Election 2019 Covers all activity from 02/05/2019 through 03/18/2019
Name of Committee/Corporation:	Friends of Brian Hagedorn
Street Address:	PO Box 620066
City, State and Zip:	Middleton, WI 53562

OFFICE USE ONLY

Committee ID: 0105867

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$682,851.02	$900,289.60
1B. Contributions from Committees (Transfers-In)	$65,610.79	$85,162.21
1C. Other Income and Commercial Loans	$125.00	$125.00
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$748,586.81	$985,576.81
2. DISBURSEMENTS		
2A. Gross Expenditures	$752,039.98	$840,678.74
2B. Contributions to Committees (Transfers-Out)	$50,000.00	$50,000.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$802,039.98	$890,678.74

CASH SUMMARY

Cash Balance Beginning of Report*	$429,440.48	
Total Receipts	$748,586.81	
Subtotal	$1,178,027.29	
Total Disbursements	$802,039.98	
CASH BALANCE END OF REPORT*	$375,987.31	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$19,113.32	
LOANS (Balance at the Close of This Period-3B)	$60.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:
Lind, Kate		Daytime Phone:

NOTE: The information on this form is required by ss.11.06, 11.20, Wis. Stats. Failure to provide the information may subject you to the penalties of ss.11.60, 11.61, Wis. Stats.

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SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Friends of Brian Hagedorn

Date	Full Name	Address	Amount	YTD
Monetary				
02/06/2019	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$250.00	$360.40
02/11/2019	Republican Women's Club of Waukesha County	PO Box 663, Waukesha, WI 53186	$1,000.00	$1,000.00
02/14/2019	Fox Valley Initiative	2208 Nottingham Lane, Kaukauna, WI 54130	$131.00	$131.00
02/15/2019	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$1,500.00	$2,130.85
02/18/2019	Racine County Republican Party	P.O. Box 044193, Racine, WI 53404-7004	$1,000.00	$1,000.00
02/21/2019	Direct Supply Partners PAC	6767 N Industrial Road, Milwaukee, WI 53223	$2,500.00	$2,500.00
02/21/2019	Polk County Republican Party	942 Bunyan Avenue, Balsam Lake, WI 54810	$200.00	$200.00
02/25/2019	1st District Republican Party of Wisconsin	2910 Forestview Circle, Franksville, WI 53126	$2,500.00	$2,500.00
02/28/2019	Republican Party of Vilas County	4294 Pine Knoll Lane, Conover, WI 54519-9326	$500.00	$794.75
03/08/2019	Waupaca County Republican Party	PO Box 101, Manawa, WI 54949	$1,000.00	$1,000.00
03/11/2019	Friends of Mike Kuglitsch	21865 W. Tolbert Drive, New Berlin, WI 53146	$500.00	$500.00
03/11/2019	Milwaukee Police Association Political Action Committee	6310 West Bluemound Road, Milwaukee, WI 53213	$5,000.00	$5,000.00
03/11/2019	Republican Party of Dodge County	W3855 Hilltop Rd, Neosho, WI 53059	$500.00	$500.00
03/11/2019	Scott Fitzgerald for Senate	N4692 Maple Road, Juneau, WI 53039	$1,000.00	$1,000.00
		Sub Total	$17,581.00	
In-Kind				
02/12/2019	Friends of Chuck Wichgers	W156 S7388 Quietwood Dr., Muskego, WI 53150	$198.27	$198.27
02/12/2019	People for Rebecca	PO Box 628284, Middleton, WI 53526	$223.50	$223.50
02/25/2019	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$110.40	$360.40
03/01/2019	Waukesha County Republican Party	1701 Pearl St #5, Waukesha, WI 53186	$2,758.88	$2,758.88
03/05/2019	Republican Party of Manitowoc County	PO Box 754, Manitowoc, WI 54221-0754	$57.88	$57.88
03/07/2019	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$630.85	$2,130.85
03/10/2019	Republican Party of Kenosha County	P.O. Box 853, Kenosha, WI 53141	$11.02	$11.02
03/13/2019	Barron County Republican Party	P.O. Box 751, Rice Lake, WI 54868	$858.87	$858.87

In-Kind				
03/15/2019	Republican Party of Portage County	PO Box 590, Stevens Point, WI 54481	$131.37	$131.37
03/15/2019	Republican Party of Vilas County	4294 Pine Knoll Lane, Conover, WI 54519-9326	$165.75	$794.75
03/15/2019	Republican Party of Vilas County	4294 Pine Knoll Lane, Conover, WI 54519-9326	$129.00	$794.75
03/18/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$300.00	$42,754.00
03/18/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$15,094.00	$42,754.00
03/18/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$300.00	$42,754.00
03/18/2019	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$27,060.00	$42,754.00
		Sub Total	$48,029.79	
		Grand Total	$65,610.79	
		Non-Monetary (-):	$0.00	
		Total	$65,610.79	

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
CF-2

AMENDED

COMMITTEE IDENTIFICATION

Filing Period Name:	Spring Pre-Election 2020 Covers all activity from 02/04/2020 through 03/23/2020
Name of Committee/Corporation:	Jill for Justice
Street Address:	5027 W. North Ave.
City, State and Zip:	Milwaukee, WI 53208

OFFICE USE ONLY

Committee ID: 0106129

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$543,854.80	$603,733.83
1B. Contributions from Committees (Transfers-In)	$1,459,019.23	$1,459,519.23
1C. Other Income and Commercial Loans	$0.00	$0.00
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$2,002,874.03	$2,063,253.06
2. DISBURSEMENTS		
2A. Gross Expenditures	$1,419,371.87	$1,582,607.46
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$1,419,371.87	$1,582,607.46

CASH SUMMARY

Cash Balance Beginning of Report*	$87,382.73	
Total Receipts	$2,002,874.03	
Subtotal	$2,090,256.76	
Total Disbursements	$1,419,371.87	
CASH BALANCE END OF REPORT*	$670,884.89	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$0.00	
LOANS (Balance at the Close of This Period-3B)	$15,000.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:
McCarthy, Mary		Daytime Phone:

NOTE: The information on this form is required by ss.11.06, 11.20, Wis. Stats. Failure to provide the information may subject you to the penalties of ss.11.60, 11.61, Wis. Stats.

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SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Jill for Justice

Date	Full Name	Address	Amount	YTD
Monetary				
02/09/2020	MTI Voters (Voice of Teachers)	33 Nob Hill Road, Madison, WI 53713	$9,000.00	$9,000.00
02/19/2020	IBEW Local 494 PAC	3303 South 103rd Street, Milwaukee, WI 53227-4108	$18,000.00	$18,000.00
02/20/2020	Friends of Tod Ohnstad	3814 18th Avenue, Kenosha, WI 53140	$50.00	$50.00
02/21/2020	WI Laborers District Council	4633 Liuna Way, Suite 101, DeForest, WI 53532	$18,000.00	$18,000.00
02/24/2020	MTI Voters (Voice of Teachers)	33 Nob Hill Road, Madison, WI 53713	$9,000.00	$18,000.00
02/27/2020	WEAC Region 3 PAC	1136 N Military Ave, Green Bay, WI 54303	$5,000.00	$5,000.00
02/27/2020	WI PEOPLE Conference	33 Nob Hill Road, PO Box 8003, Madison, WI 53708-8003	$18,000.00	$18,000.00
03/05/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$200,000.00	$1,287,969.23
03/06/2020	CRUE / WEAC Region 4 - PAC	2020 Caroline Street, LaCrosse, WI 54603-1326	$18,000.00	$18,000.00
03/06/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$418,000.00	$1,287,969.23
03/07/2020	American Fed of Teachers, #212, COPE	AFT Local 212 COPE Chairman, 739 W Juneau Ave, Milwaukee, WI 53233	$10,000.00	$10,000.00
03/07/2020	CRUE / WEAC Region 4 - PAC	2020 Caroline Street, LaCrosse, WI 54603-1326	$1,000.00	$1,500.00
03/07/2020	Dodge County Democratic Party	1115 Gomer Drive, Beaver Dam, WI 53916	$500.00	$500.00
03/10/2020	Plumbers Local 75 PAC	11175 West Parkland Avenue, Milwaukee, WI 53224	$5,000.00	$5,000.00
03/10/2020	Wisconsin Carpenters PAC	115 West Main Steet, Madison, WI 53703	$18,000.00	$18,000.00
03/13/2020	WEAC Region 5 PAC	P O BOX 191, Baraboo, WI 53913	$1,000.00	$1,000.00
03/13/2020	WI Pipe Trades Assn PAC	11175 West Parkland Avenue, Milwaukee, WI 53224	$2,000.00	$2,000.00
*03/16/2020 *Amend - Org*	*National Democratic Redistricting Committee*	*700 13th St NW, Ste 600, Washington, DC 20005*	*$18,000.00*	*$18,000.00*
03/16/2020 *Amend - New	National Democratic Redistricting Committee	700 13th St NW, Ste 600, Washington, DC 20005	$18,000.00	$18,000.00
	Comment(s): Federal Committee			
03/16/2020	Planned Parenthood Advocates of WI Election Fund	10 E Doty Street, Suite 205, Madison, WI 53703	$5,000.00	$5,000.00
03/20/2020	AFT Wisconsin COPE	1602 S Park Street, Room 227, Madison, WI 53701-5371	$5,000.00	$5,000.00
03/20/2020	Democratic Party of Walworth County	W1103 Mangrove Road, Genoa City, WI 53115	$500.00	$500.00
03/21/2020	International Brotherhood of Electrical Workers Vi	900 7th St NW, Washington, DC 20001	$10,000.00	$10,000.00

Monetary				
	Comment(s): Federal Committee			
03/23/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$355,000.00	$1,287,969.23
		Sub Total	$1,144,050.00	
In-Kind				
03/01/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$258,007.31	$1,287,969.23
03/01/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$4,861.92	$1,287,969.23
03/01/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$2,100.00	$1,287,969.23
03/01/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$50,000.00	$1,287,969.23
		Sub Total	$314,969.23	
		Grand Total	$1,459,019.23	
		Non-Monetary (-):	$0.00	
		Total	$1,459,019.23	

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
CF-2

ORIGINAL

COMMITTEE IDENTIFICATION

Filing Period Name:	July Continuing 2020 Covers all activity from 03/24/2020 through 06/30/2020	**OFFICE USE ONLY**
Name of Committee/Corporation:	Jill for Justice	
Street Address:	5027 W. North Ave.	**Committee ID:** 0106129
City, State and Zip:	Milwaukee, WI 53208	

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$195,409.31	$799,143.14
1B. Contributions from Committees (Transfers-In)	$134,896.16	$1,594,415.39
1C. Other Income and Commercial Loans	$0.00	$0.00
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$330,305.47	$2,393,558.53
2. DISBURSEMENTS		
2A. Gross Expenditures	$950,943.83	$2,533,551.29
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$950,943.83	$2,533,551.29

CASH SUMMARY

Cash Balance Beginning of Report*	$670,884.89	
Total Receipts	$330,305.47	
Subtotal	$1,001,190.36	
Total Disbursements	$950,943.83	
CASH BALANCE END OF REPORT*	$50,246.53	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$0.00	
LOANS (Balance at the Close of This Period-3B)	$0.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:	Daytime Phone:
McCarthy, Mary	Mary McCarthy	Email: conley@nationconsulting.com	

NOTE: The information on this form is required by 11.0204, 11.0304, 11.0404, 11.0504, 11.0604, 11.0804, 11.0904, Wis. Stats. Failure to provide the information may subject you to the penalties of ss. 11.1400, 11.1401, Wis. Stats.

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SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Jill for Justice

Date	Full Name	Address	Amount	YTD
Monetary				
03/24/2020	DRIVE Committee	25 Louisiana Ave NW, Washington, DC 20001	$18,000.00	$18,000.00
	Comment(s): Federal Committee			
03/28/2020	Friends of Tim Carpenter	2957 South 38th Street, Milwaukee, WI 53215-3519	$250.00	$250.00
04/01/2020	SEIU COPE	1800 Massachusetts Ave NW, Washington, DC 20036	$18,000.00	$0.00
	Comment(s): Federal Committee			
04/06/2020	WEAC Region 2 PAC	370 Orbiting Drive, Mosinee, WI 54455-0158	$500.00	$500.00
04/08/2020	Prof Firefighters of WI PAC	522 Ontario Rd, Green Bay, WI 54311	$5,000.00	$5,000.00
04/10/2020	United Auto Workers	8000 E Jefferson Ave, Detroit, MI 48214	$18,000.00	$18,000.00
	Comment(s): Federal Committees			
04/22/2020	CWA COPE PCC	20525 Center Ridge Rd Ste 700, Cleveland, OH 04411	$5,000.00	$5,000.00
	Comment(s): Federal Committee			
		Sub Total	$64,750.00	
In-Kind				
03/30/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$10,000.00	$1,357,969.23
03/30/2020	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$60,000.00	$1,357,969.23
04/07/2020	Human Rights Campaign	1640 Rhode Island Ave NW, Washington, DC 20036	$146.16	$146.16
	Comment(s): Federal Committee			
		Sub Total	$70,146.16	
		Grand Total	$134,896.16	
		Non-Monetary (-):	$0.00	
		Total	$134,896.16	

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
CF-2

AMENDED

COMMITTEE IDENTIFICATION

Filing Period Name:	Spring Pre-Election 2018 Covers all activity from 02/06/2018 through 03/19/2018	**OFFICE USE ONLY**
Name of Committee/Corporation:	Dallet for Justice	
Street Address:	5027 W. North Ave.	**Committee ID:** 0104609
City, State and Zip:	Milwaukee, WI 53208	

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$359,201.16	$450,847.24
1B. Contributions from Committees (Transfers-In)	$64,712.00	$64,812.00
1C. Other Income and Commercial Loans	$0.00	$0.00
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$423,913.16	$515,659.24
2. DISBURSEMENTS		
2A. Gross Expenditures	$260,209.48	$503,456.22
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$260,209.48	$503,456.22

CASH SUMMARY

Cash Balance Beginning of Report*	$237,090.29	
Total Receipts	$423,913.16	
Subtotal	$661,003.45	
Total Disbursements	$260,209.48	
CASH BALANCE END OF REPORT*	$400,793.97	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$0.00	
LOANS (Balance at the Close of This Period-3B)	$281,000.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:	Daytime Phone:
Cameli, Mark	Mark Cameli	Email: mcameli@reinhartlaw.com	

NOTE: The information on this form is required by 11.0204, 11.0304, 11.0404, 11.0504, 11.0604, 11.0804, 11.0904, Wis. Stats. Failure to provide the information may subject you to the penalties of ss. 11.1400, 11.1401, Wis. Stats.

CF-2 (Rev. 04/16) This form is prescribed by the Wisconsin Ethics Commission, P.O. Box 7984, Madison, WI 53707-7984, 608-266-8005.

SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Dallet for Justice

Date	Full Name	Address	Amount	YTD
Monetary				
02/22/2018	Plumbers Local 75 PAC	11175 West Parkland Avenue, Milwaukee, WI 53224	$2,500.00	$2,500.00
02/28/2018	ATU-COPE Wisconsin Account	10000 New Hampshire Avenue, Silver Spring, MD 20903	$200.00	$200.00
03/02/2018	WI Laborers District Council	4633 Liuna Way, Suite 101, DeForest, WI 53532	$5,000.00	$5,000.00
03/05/2018	WEAC Region 5 PAC	P O BOX 191, Baraboo, WI 53913	$1,000.00	$1,000.00
03/06/2018	MTI Voters (Voice of Teachers)	33 Nob Hill Road, Madison, WI 53713	$18,000.00	$18,000.00
03/08/2018	WEAC PAC	P.O. Box 8003, Madison, WI 53708-8003	$18,000.00	$18,000.00
03/09/2018	Operating Engineers 139 PAC	N27 W23233 ROUNDY DRIVE, PO BOX 130, Pewaukee, WI 53072	$5,000.00	$5,000.00
03/12/2018	IBEW Local 494 PAC	3303 South 103rd Street, Milwaukee, WI 53227-4108	$3,000.00	$3,000.00
03/16/2018	WEAC Region 3 PAC	1136 N Military Ave, Green Bay, WI 54303	$5,000.00	$5,000.00
03/17/2018	Franklin Professional Firefighters Political Action Committee	PO Box 320691, Franklin, WI 53132	$500.00	$500.00
		Sub Total	$58,200.00	
In-Kind				
*03/10/2018 *Amend - Org*	*Democratic Party of Wisconsin*	*15 N Pinckney, Suite 200, Madison, WI 53703*	*$3,483.00*	*$6,404.00*
03/10/2018 *Amend - New	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$3,483.00	$6,512.00
*03/10/2018 *Amend - Org*	*Democratic Party of Wisconsin*	*15 N Pinckney, Suite 200, Madison, WI 53703*	*$2,440.00*	*$2,440.00*
*03/10/2018 *Amend - Org*	*Democratic Party of Wisconsin*	*15 N Pinckney, Suite 200, Madison, WI 53703*	*$2,440.00*	*$6,404.00*
03/10/2018 *Amend - New	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$2,440.00	$6,512.00
*03/10/2018 *Amend - Org*	*Democratic Party of Wisconsin*	*15 N Pinckney, Suite 200, Madison, WI 53703*	*$231.00*	*$6,404.00*
03/10/2018 *Amend - New	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$231.00	$6,512.00
*03/10/2018 *Amend - Org*	*Democratic Party of Wisconsin*	*15 N Pinckney, Suite 200, Madison, WI 53703*	*$250.00*	*$6,404.00*
03/10/2018 *Amend - New	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$250.00	$6,512.00
03/10/2018 *Amend - New	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$108.00	$6,512.00
		Sub Total	$6,512.00	
		Grand Total	$64,712.00	
		Non-Monetary (-):	$0.00	

Total	$64,712.00	

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
CF-2

AMENDED

COMMITTEE IDENTIFICATION

Filing Period Name:	July Continuing 2018 Covers all activity from 03/20/2018 through 06/30/2018	**OFFICE USE ONLY**
Name of Committee/Corporation:	Dallet for Justice	
Street Address:	5027 W. North Ave.	**Committee ID:** 0104609
City, State and Zip:	Milwaukee, WI 53208	

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$180,449.65	$631,296.89
1B. Contributions from Committees (Transfers-In)	$76,599.69	$141,411.69
1C. Other Income and Commercial Loans	$0.00	$0.00
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$257,049.34	$772,708.58
2. DISBURSEMENTS		
2A. Gross Expenditures	$651,638.94	$1,155,095.16
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$651,638.94	$1,155,095.16

CASH SUMMARY

Cash Balance Beginning of Report*	$400,793.97	
Total Receipts	$257,049.34	
Subtotal	$657,843.31	
Total Disbursements	$651,638.94	
CASH BALANCE END OF REPORT*	$6,203.77	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$0.00	
LOANS (Balance at the Close of This Period-3B)	$141,000.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:	Daytime Phone:
Cameli, Mark	Mark Cameli		Email: mcameli@reinhartlaw.com

NOTE: The information on this form is required by 11.0204, 11.0304, 11.0404, 11.0504, 11.0604, 11.0804, 11.0904, Wis. Stats. Failure to provide the information may subject you to the penalties of ss. 11.1400, 11.1401, Wis. Stats.

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SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Dallet for Justice

Date	Full Name	Address	Amount	YTD
Monetary				
03/20/2018	Friends of Nelson	PO Box 361, Kaukauna, WI 54130	$250.00	$250.00
03/20/2018	WI PEOPLE Conference	33 Nob Hill Road, PO Box 8003, Madison, WI 53708-8003	$10,000.00	$10,000.00
03/22/2018	DRIVE Committee	25 Louisiana Ave. NW, Washington, DC 20001	$5,000.00	$5,000.00
	Comment(s): Committee ID: C00032979			
03/23/2018	CRUE / WEAC Region 4 - PAC	2020 Caroline Street, LaCrosse, WI 54603-1326	$1,000.00	$1,000.00
03/23/2018	UAW V CAP	8000 E. Jefferson Ave, Detroit, MI 48214-3963	$4,000.00	$4,000.00
	Comment(s): Committee ID: C00002840			
03/26/2018	Green Bay PAC	2256 Main St, Green Bay, WI 54311-5330	$1,000.00	$1,000.00
03/26/2018	NorthEast WI Bldg & Cons Trade	2828 North Ballard Road, Room 207, Appleton, WI 54911-8703	$500.00	$500.00
03/26/2018	Prof Firefighters of WI PAC	522 Ontario Rd, Green Bay, WI 54311	$5,000.00	$5,000.00
03/27/2018	AFT Wisconsin COPE	1602 S Park Street, Room 227, Madison, WI 53701-5371	$2,000.00	$2,000.00
03/27/2018	Colon for Milwaukee	821 S. 3rd St., Milwaukee, WI 53204	$1,180.00	$1,180.00
03/27/2018	NEA Fund for Children and Public Education	1201 16th St. NW #420, Washington, DC 20036	$18,000.00	$18,000.00
	Comment(s): Committee ID #: C00003251			
03/28/2018	Bradley for Justice	117 Wind Tree Drive, Wausau, WI 54401	$3,000.00	$3,000.00
03/28/2018	Wisconsin Carpenters PAC	115 West Main Steet, Madison, WI 53703	$5,000.00	$5,000.00
03/31/2018	American Fed of Teachers, #212, COPE	AFT Local 212 COPE Chairman, 739 W Juneau Ave, Milwaukee, WI 53233	$10,000.00	$10,000.00
03/31/2018	Democratic Party of Green County	P.O. Box 721, Monroe, WI 53566-0721	$150.00	$150.00
03/31/2018	Douglas County Democratic Party	PO Box 355, Superior, WI 54880	$200.00	$200.00
05/16/2018	CWA - COPE PCC	501 3rd St., NW, Washginton, DC 20001	$1,000.00	$1,000.00
		Sub Total	$67,280.00	
In-Kind				
03/29/2018	Democratic National Committee	430 S Capitol St, Washington, DC 20003	$1,516.30	$1,516.30
03/30/2018	Democratic National Committee	430 S Capitol St, Washington, DC 20003	$2,749.34	$4,264.64
04/02/2018	Democratic National Committee	430 S Capitol St, Washington, DC 20003	$1,489.75	$5,755.39

In-Kind				
04/02/2018	Democratic Party of Wisconsin	15 N Pinckney, Suite 200, Madison, WI 53703	$3,564.30	$3,564.30
		Sub Total	$9,319.69	
		Grand Total	$76,599.69	
		Non-Monetary (-):	$0.00	
		Total	$76,599.69	

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
CF-2

AMENDED

COMMITTEE IDENTIFICATION

Filing Period Name:	Spring 2023 / 8th Senate Spring Pre-Election 2023 Covers all activity from 02/07/2023 through 03/20/2023
Name of Committee/Corporation:	Friends of Justice Daniel Kelly
Street Address:	8383 Greenway Boulevard Suite 600
City, State and Zip:	Middleton, WI 53562

OFFICE USE ONLY

Committee ID: 0105892

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$1,655,661.59	$1,754,530.63
1B. Contributions from Committees (Transfers-In)	$557,630.67	$558,930.67
1C. Other Income and Commercial Loans	$0.00	$0.00
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$2,213,292.26	$2,313,461.30
2. DISBURSEMENTS		
2A. Gross Expenditures	$2,020,159.64	$2,194,916.80
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$2,020,159.64	$2,194,916.80

CASH SUMMARY

Cash Balance Beginning of Report*	$201,965.59	
Total Receipts	$2,213,292.26	
Subtotal	$2,415,257.85	
Total Disbursements	$2,020,159.64	
CASH BALANCE END OF REPORT*	$395,098.21	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$0.00	
LOANS (Balance at the Close of This Period-3B)	$0.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:
Turke, Jon		Daytime Phone:

NOTE: The information on this form is required by ss.11.06, 11.20, Wis. Stats. Failure to provide the information may subject you to the penalties of ss.11.60, 11.61, Wis. Stats.

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SCHEDULE 1-B

RECEIPTS
Contributions from Committees
(Transfers-In)

Complete Committee Name: Friends of Justice Daniel Kelly

Date	Full Name	Address	Amount	YTD
In-Kind				
02/08/2023	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$149.62	$920.00
02/10/2023	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$96.00	$920.00
02/15/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$12.46	$12.46
02/15/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$333.90	$333.90
02/15/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$625.49	$625.49
02/17/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,000.00	$1,000.00
02/20/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$88.00	$88.00
02/20/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,926.42	$1,926.42
02/20/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,510.17	$1,510.17
02/22/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$115.42	$452,370.60
02/22/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$1,775.00	$452,370.60
03/02/2023	People for Rebecca	8383 Greenway Blvd, Suite 600, c/o Aspect Consulting, LLC, Middleton, WI 53562	$301.32	$2,126.93
03/06/2023	People for Rebecca	8383 Greenway Blvd, Suite 600, c/o Aspect Consulting, LLC, Middleton, WI 53562	$910.98	$2,126.93
03/06/2023 *Amend - New	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$1,932.00	$1,932.00
03/06/2023 *Amend - New	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$600.00	$600.00
03/06/2023 *Amend - New	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$111.00	$111.00
03/09/2023	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$96.00	$920.00
03/09/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$2,089.68	$452,370.60
03/10/2023	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$192.00	$920.00
03/10/2023 *Amend - New	Republican Party of Walworth County	P.O. Box 493, Elkhorn, WI 53121-0493	$803.00	$803.00
03/14/2023	Door Co Republican Party	P.O. Box 94, Sturgeon Bay, WI 54235	$750.00	$2,875.28
03/14/2023	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$194.38	$920.00

In-Kind				
03/14/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$33,657.50	$452,370.60
03/15/2023	Door Co Republican Party	P.O. Box 94, Sturgeon Bay, WI 54235	$1,000.00	$2,875.28
03/18/2023	Republican Party of Pierce County	PO Box 539, River Falls, WI 54022	$192.00	$920.00
03/20/2023	Door Co Republican Party	P.O. Box 94, Sturgeon Bay, WI 54235	$1,125.28	$2,875.28
03/20/2023	People for Rebecca	8383 Greenway Blvd, Suite 600, c/o Aspect Consulting, LLC, Middleton, WI 53562	$784.76	$2,126.93
03/20/2023	People for Rebecca	8383 Greenway Blvd, Suite 600, c/o Aspect Consulting, LLC, Middleton, WI 53562	$129.87	$2,126.93
03/20/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$143,017.00	$452,370.60
03/20/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$139,984.00	$452,370.60
03/20/2023	Republican Party of Wisconsin	148 East Johnson Street, Madison, WI 53703	$131,732.00	$452,370.60
03/20/2023 *Amend - New	Ron Johnson For Senate	PO BOX 1159, Oshkosh, WI 54903	$2,145.42	$2,145.42
03/20/2023	Steil for Wisconsin, Inc.	1818 Milton Avenue, #1448, Janesville, WI 53545	$250.00	$250.00
		Sub Total	$469,630.67	
Monetary				
02/27/2023	Friends for Paul Farrow		$10,000.00	$10,000.00
02/27/2023	Polk County Republican Party	796 Wapogasset Lake Lane, Amery, WI 54001	$3,000.00	$3,000.00
02/27/2023	Republican Party of Vilas County	4887 River Road, Conover, WI 54519	$1,500.00	$1,500.00
03/01/2023	Citizens for Tiffany	P.O. Box 59, Merrill, WI 54452	$5,000.00	$5,000.00
03/01/2023	REALTORS Political Action Committee - Wisconsin	4801 Forest Run Road, Suite 201, Madison, WI 53704	$18,000.00	$18,000.00
03/01/2023	Republican Party of Dodge County	Beaver Dam, WI 53916	$500.00	$500.00
03/01/2023	Republican Party of Milwaukee County	PO Box 14665, Milwaukee, WI 53214	$1,000.00	$1,000.00
03/02/2023	Waukesha County Republican Party	1701 Pearl St #5, Waukesha, WI 53186	$10,000.00	$10,000.00
03/09/2023	Washington Co Republican Party	519 Hickory Street, West Bend, WI 53095	$2,000.00	$2,000.00
03/11/2023	Republican Party of 6th Congressional District of WI	1609 West 6th Avenue, Oshkosh, WI 54902	$2,000.00	$2,000.00
03/11/2023	Republican Party of Oneida County	PO Box 1223, Rhinelander, WI 54501	$2,000.00	$2,000.00
03/12/2023	Adams County Republican Party	643 Deerborn Dr, Grand Marsh, WI 53936	$1,000.00	$1,000.00
03/14/2023	Columbia Co Republican Party	P.O. Box 882, Portage, WI 53901	$1,000.00	$1,000.00
03/15/2023	Rep Assembly Campaign Com RACC	148 East Johnson, Madison, WI 53703	$21,250.00	$21,250.00
03/16/2023	Friends of Jesse James	2511 Botsford Avenue, Altoona, WI 54720	$1,000.00	$1,000.00
03/16/2023	Friends of Julian Bradley	Po Box 320641, Franklin, WI 53132	$1,000.00	$3,000.00

Monetary				
03/16/2023	Friends of Julian Bradley	Po Box 320641, Franklin, WI 53132	$2,000.00	$3,000.00
03/20/2023	1st District Republican Party of Wisconsin	1995 KNOB RD, BURLINGTON, WI 53105	$2,000.00	$2,000.00
03/20/2023	Burnett County Republican Party	3716 Rainbow Circle, Danbury, WI 54830	$500.00	$500.00
03/20/2023	Florence County Republican Party	W1498 County Rd N, Niagara, WI 54151	$200.00	$200.00
03/20/2023	Jim Ott for Assembly	11743 North Lake Shore Drive, Mequon, WI 53092	$175.00	$175.00
03/20/2023	Northwestern Wisconsin REALTORS PAC	3460 Mall Drive, #5A, Eau Claire, WI 54701	$825.00	$825.00
03/20/2023	Republican Party-Eau Claire County	P.O. Box 325, Eau Claire, WI 54702-0325	$50.00	$50.00
03/20/2023	Republican Women's Club of Waukesha County	PO Box 663, Waukesha, WI 53187	$2,000.00	$2,000.00
		Sub Total	$88,000.00	
		Grand Total	$557,630.67	
		Non-Monetary (-):	$0.00	
		Total	$557,630.67	

The Daily Tar Heel

Monday, Aug. 28, 2023
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CITY & STATE

Two Republicans win seats on the NC Supreme Court, flipping majority

The Daily Tar Heel

By Ethan E. Horton and Eliza Benbow
Published Wednesday, Nov. 9, 2022

Republicans have reclaimed a majority of the North Carolina Supreme Court with the election of Judge Richard Dietz to Seat 3 and Trey Allen to Seat 5.

Both seats were previously held by Democrats, allowing Republicans to take a 5-2 majority.

Seat 3

Dietz narrowly beat Democratic candidate Lucy Inman for the open Seat 3 with just over 52 percent of votes statewide.

Inman won Orange County by collecting over 77 percent of the votes cast.

Dietz said in an email statement to The Daily Tar Heel that he centered his campaign on being a leader in the court system, basing his definition on skill, character and improvement of the justice system beyond the courtroom.

“I’ve made the theme of my campaign ‘leadership, not politics,’" he said. "I don’t bring any political mission to my job. My only mission — from the moment I took the oath as a judge--is to defend our rights, protect the rule of law, and help people resolve their legal disputes fairly."

Seat 5

Incumbent Justice Sam Ervin IV lost his reelection bid against Republican Trey Allen. Ervin earned about 47.6 percent of the

The Daily Tar Heel

Allen is currently general counsel for the N.C. Administrative Office of the Courts, and was formerly on the faculty of the UNC School of Government as an associate professor. He has worked as a clerk for the court's Chief Justice Paul Newby and is a Marine Corps veteran.

"I hope he enjoys doing the work of the court as much as I have," Ervin said.

Allen's judicial philosophy, according to his website, is based on the idea that "judges must follow the Constitution as originally understood and the laws as written."

He says on his website that judges should remain non-partisan, and that judges who issue rulings based on their political views, "they exceed their authority and abuse the public's trust."

Allen's term will last until 2030.

Republican majority

Having a Republican majority in the N.C. Supreme Court opens the opportunity for the overturning of various decisions made along party lines, such as the N.C. Supreme Court's order to allocate of hundreds of millions of dollars for public education in the **Hoke County Board of Education v. North Carolina case**.

Some N.C. voters are concerned that the Republican majority will impact reproductive rights in the state.

"The Supreme Court races for North Carolina are very important to me specifically due to the ongoing legislation on abortion rights and health care for pregnancy," said Anne Stuart Freemon, a 19-year-old nursing major at UNC.

Currently, abortion access is legal in North Carolina through 20 weeks of pregnancy, but the shift in majority could allow for harsher abortion restrictions.

The state Supreme Court has also been involved in gerrymandering cases, including a recent case which determined that a **racially gerrymandered legislature cannot propose amendments to the state's constitution**.

The Court also ordered **districts to be redrawn in February**. Leaders in the Republican-led General Assembly appealed this intervention to the Supreme Court. The case, Moore v. Harper, will be argued in the U.S. Supreme Court in December.

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"With the U.S. Supreme Court decision coming out soon about whether or not they have the right to gerrymander without the NC court being able to say anything makes me really nervous for our voting rights in the future," Kailey Murray, a fifth-year senior at UNC and resident of Chapel Hill, said.

Hannah Ma and Sam Kornylak contributed reporting for this story.

The Daily Tar Heel

Ethan E. Horton

Ethan E. Horton is the 2023-24 city & state editor at The Daily Tar Heel. He has previously served as a city & state assistant editor and as the 2023 summer managing editor. Ethan is a senior pursuing a double major in journalism and media and political science, with a minor in history.

Eliza Benbow

Eliza Benbow is the 2023-24 lifestyle editor at The Daily Tar Heel. She has previously served as summer university editor. Eliza is a junior pursuing a double major in journalism and media and creative writing, with a minor in Hispanic studies.

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Republicans take all three Ohio Supreme Court elections

Big implications for abortion, gerrymandering

By: Marty Schladen - November 9, 2022 12:46 am

From left to right, Ohio Supreme Court Justices Sharon Kennedy, Pat DeWine, and Pat Fischer. Official photos. Graphic by WEWS.

Republicans swept all three open seats on the Ohio Supreme Court Tuesday. The eventual Republican majority will have big implications in the state for years to come.

Associate Justice Sharon Kennedy, a Republican, beat Associate Justice Jennifer Brunner, a Democrat, in the race for chief justice.

Incumbent Justices Pat Fischer and Pat DeWine, both Republicans, also won over Democratic challengers Terri Jameson and Marilyn Zayas, respectively, according to unofficial results posted by the Secretary of State's office.

Two other Democratic justices, Melody Stewart and Michael P. Donnelly, weren't up for reelection. But with Gov. Mike DeWine — Justice DeWine's father — poised to appoint an associate justice to replace Kennedy, the court is likely to have a 4-3 Republican majority.

And, while retiring Chief Justice Maureen O'Connor often played the role of a swing voter, Kennedy is expected to vote more consistently with the Republican majority.

"I'm extremely proud of the successful campaign we ran and thank the many Ohioans who put their trust in me to serve as Chief Justice," Kennedy said in a statement late Tuesday. "I congratulate my opponent on a hard-fought campaign and look forward to continuing to work with her as colleagues on the Court. I've prepared my entire career to serve as Chief Justice and will be ready to lead on day one of my term."

Pat DeWine said he'd continue to protect the rule of law.

"I'm thrilled with the support from so many Ohioans and thank the more than 1 million people who re-elected me to the Ohio Supreme Court," he said. "Protecting the rule of law as a Supreme Court Justice has been the highlight of my legal career and I'm honored to continue doing it for another six years."

This year's Supreme Court elections have taken on perhaps their highest profile in state history.

One big reason is because the U.S. Supreme Court in June pushed the job of deciding the constitutionality of harsh abortion restrictions onto state supreme courts.

In Dobbs v Jackson Women's Health, the conservative majority on the federal high court ruled that nothing in the U.S. Constitution prevents states from banning abortion outright. As it did so, the court ignored claims by the medical community that the procedure is often necessary to protect women's health.

Now many state supreme courts — including Ohio's — are being asked to decide whether strict limitations on abortion violate their states' constitutions.

When Dobbs was handed down, it allowed enforcement of a 2019 state law that prohibits abortions after about five or six weeks of pregnancy. The law doesn't make exceptions for rape and incest, and Ohio doctors say it's protections for mother' health are often vague and unworkable.

After reports of very young rape victims being forced to leave the state for abortions — along with mothers with serious health problems — Ohio abortion clinics sued. A Cincinnati judge in September temporarily blocked enforcement of the Ohio law, ruling that it violates the state Constitution.

But the state is appealing that ruling and the case is expected to make its way up to the Ohio Supreme Court, possibly early next year. Also possibly coming before the court would be any near-total abortion ban that might be passed in this year's lame-duck session.

Republicans on the Supreme Court might already have hinted how they'll rule in abortion cases.

Judicial candidates frequently tell the press that they can't comment publicly on issues that are likely to come before them. But in October, News 5 Cleveland reported that Ohio's Republican candidates — Pat DeWine, Fischer and Kennedy — told an anti-abortion group in questionnaires that they didn't agree with a federal constitutional guarantee of abortion.

While the question they would have to decide is whether the state Constitution guarantees access to abortion, the Republicans' responses could be telling.

Another important issue that's likely to come before the court has already been before it and has been a major factor in Tuesday's election — redistricting.

Pursuant to constitutional amendments passed by more than 70% of Ohio voters, the state is supposed to draw congressional and state legislative districts that don't wildly overrepresent one party, as the Republicans are now. For example, the state has gone roughly 54% R and 46% D over the past decade, yet the GOP controls 76% of the seats in the Ohio Senate.

The constitutional amendments created a redistricting commission that was controlled by Republicans by a 5-2 margin.

That group submitted five sets of legislative maps that all were rejected by Chief Justice O'Connor, a Republican, and the three Democrats on the court. It also submitted two sets of congressional maps that were rejected.

The maps still were too favorable to Republicans, the majority ruled.

Justice DeWine voted in favor of the Republican maps even though some ethics experts said he should have recused himself because his father, Gov. DeWine, was a member of the redistricting commission.

In the end, time ran out and Ohio's state lawmakers and congressional candidates all ran Tuesday in districts that are officially unconstitutional.

A frustrated Chief Justice O'Connor has said Ohio voters must pass a more ironclad ballot measure if they want to end extreme partisan gerrymandering in the Buckeye State.

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TEXAS 2022 ELECTIONS

Republican dominance continues for the two highest courts in Texas

> Three seats were up for election in the Texas Supreme Court, which handles civil cases, and three in the Texas Court of Criminal Appeals. Democrats haven't been elected to either court since the late 1990s.

BY **ROXANNA ASGARIAN** NOV. 9, 2022 9 AM CENTRAL **SHARE**

Sign up for The Brief, our daily newsletter that keeps readers up to speed on the most essential Texas news.

Republicans held on to all their seats on Texas' two highest courts in Tuesday's midterm elections, an expected outcome in a state where Republicans have dominated statewide elections for the last quarter-century.

In statewide races for the Texas Supreme Court, which handles civil cases, incumbent Debra Lehrmann was joined by fellow Republicans Rebeca Huddle and Evan Young in securing wins Tuesday. In contests for the Texas Court of Criminal Appeals, the state's top appellate court for criminal cases, three GOP incumbents — Mary Lou Keel, Scott Walker and Jesse McClure — were also victorious.

Final voting tallies were not yet available at 9 a.m. Wednesday, but all the Republican candidates held leads of 12 percentage points or higher with more than 90% of voting centers counted.

Each of the two courts has nine seats, with winners elected to six-year terms. Three seats were up for reelection this year in each court. Texas is one of eight states that fill their top courts through partisan elections, and a Democrat was last elected to the Supreme Court in 1994. The last time a Democrat served on the Court of Criminal Appeals was when Lawrence Meyers, who was elected as a Republican, switched parties in 2013. Meyers lost his 2016 bid for reelection to Keel.

In recent years, the Supreme Court has ruled on a wide variety of high-impact cases, including the enforcement of the state's pre-Civil War abortion ban, the COVID-19 mask mandates, the attempted state takeover of the Houston Independent School District board,

and Gov. Greg Abbott's directive to the state child welfare agency to investigate families of trans youth.

Seven out of nine of the Supreme Court's justices were initially appointed to the court by Republican governors in between elections.

Criminal cases in the state can move through one of 14 appellate courts before reaching the Court of Criminal Appeals. Appeals in death penalty cases in Texas go straight to this court, which reviews the cases for legal errors. The Court of Criminal Appeals is also the final arbiter of "habeas corpus" appeals, in which people incarcerated for felonies claim they are being illegally punished or unlawfully detained; this type of case includes innocence claims and alleged violations of incarcerated people's civil rights.

Recently, the court has also ruled on cases involving illegal voting, as well as a high-profile decision against Attorney General Ken Paxton's attempts to pursue election-related cases without the permission of local prosecutors. A Democrat has not been elected to the court since the late 1990s.

Texas Supreme Court winners

In Place 3, Lehrmann beat Democratic challenger Erin Nowell, a justice on the 5th District Court of Appeals. This is Lehrmann's third reelection to the Supreme Court; she was appointed to the court by Gov. Rick Perry in 2010.

Huddle won her first election to Place 5 after Abbott appointed her to the role in 2020. Huddle beat Democrat Amanda Reichek, a justice on the 5th District Court of Appeals.

Young, in Place 9, also won his first election after Abbott appointed him to the court in November 2021. Young, who previously clerked for U.S. Supreme Court Justice Antonin Scalia, beat Julia Maldonado, a Democrat who presides over the 507th Family Court in Harris County.

Texas Court of Criminal Appeals winners

Keel ran uncontested for Place 2 on the Court of Criminal Appeals. She has been on the bench since 2016.

For Place 5, Walker, an incumbent who was first elected in 2016, kept his seat. He beat Democrat Dana Huffman, an attorney and municipal judge in North Texas.

For Place 6, Jesse McClure retained his seat, to which he was appointed in 2020. Before his appointment, he was the presiding judge of the 339th District Court in Harris County. He beat Democrat Robert Johnson, the presiding judge for the 177th Criminal District Court in Harris County.

The Texas Tribune is a nonprofit statewide news organization dedicated to keeping Texans informed on politics and policy issues that impact their communities. This election season, Texans around the state will turn to The Texas Tribune for the information they need on voting, election results, analysis of key races and more. ***Get the latest.***

ELECTION 2022

Illinois Supreme Court balance of power likely to remain Democratic; party may expand majority

By John Garcia

Tuesday, November 8, 2022

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Democrats appear poised to maintain and expand their majority in the Illinois Supreme Court after winning one seat and being on the verge of winning the other.

LIBERTYVILLE, Ill. (WLS) -- Republicans had the chance to take control of the Illinois Supreme Court for the first time in 50 years if the won the two open races Tuesday, but it appears that the Democrats are likely to retain control of the court and may even gain a seat.

Voters in the 2nd and 3rd districts decided two contested races for the state's highest court.

READ MORE: Full coverage of the 2022 Illinois election results

Democrat Elizabeth Rochford declared victory in the 2nd District, saying her opponent, Republican Mark Curran, called her to concede the race.

In the 3rd District, Democrat Mary Kay O'Brien was leading Republican Mike Burke with about 95% of the vote counted, though the race has not yet been called.

As voters in Elk Grove Village cast their ballots, many have seen tons of ads for candidates over the last couple months, including the two open seats on the Illinois Supreme Court.

Rhonda Decicco said abortion rights are important to her, and she was expecting to vote for a Supreme Court justice based on that issue.

"I thought it was the most important race besides the governor," she said.

Troy Neal is in the same situation, but because he lives in Cook County he does not get to vote in a Supreme Court race this time around.

"You're expecting to do something, now you get here and you can't do it," he said.

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The Illinois Supreme Court is divided into five districts, and only the 2nd and 3rd have contested races this year. Cook County is in the 1st district.

"There's all this attention to a part of our state government we know very little about and I think it's very confusing," said Dr. Suzanne Chod, North Central College.

Issues like abortion rights and gun control likely to come before the court in the next years, and as of 10:30 p.m. Tuesday, Democrats looked likely to expand their majority to 5-2.

Report A Correction Or Typo

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What if WW1 had never happened? Game simulates historical scenarios
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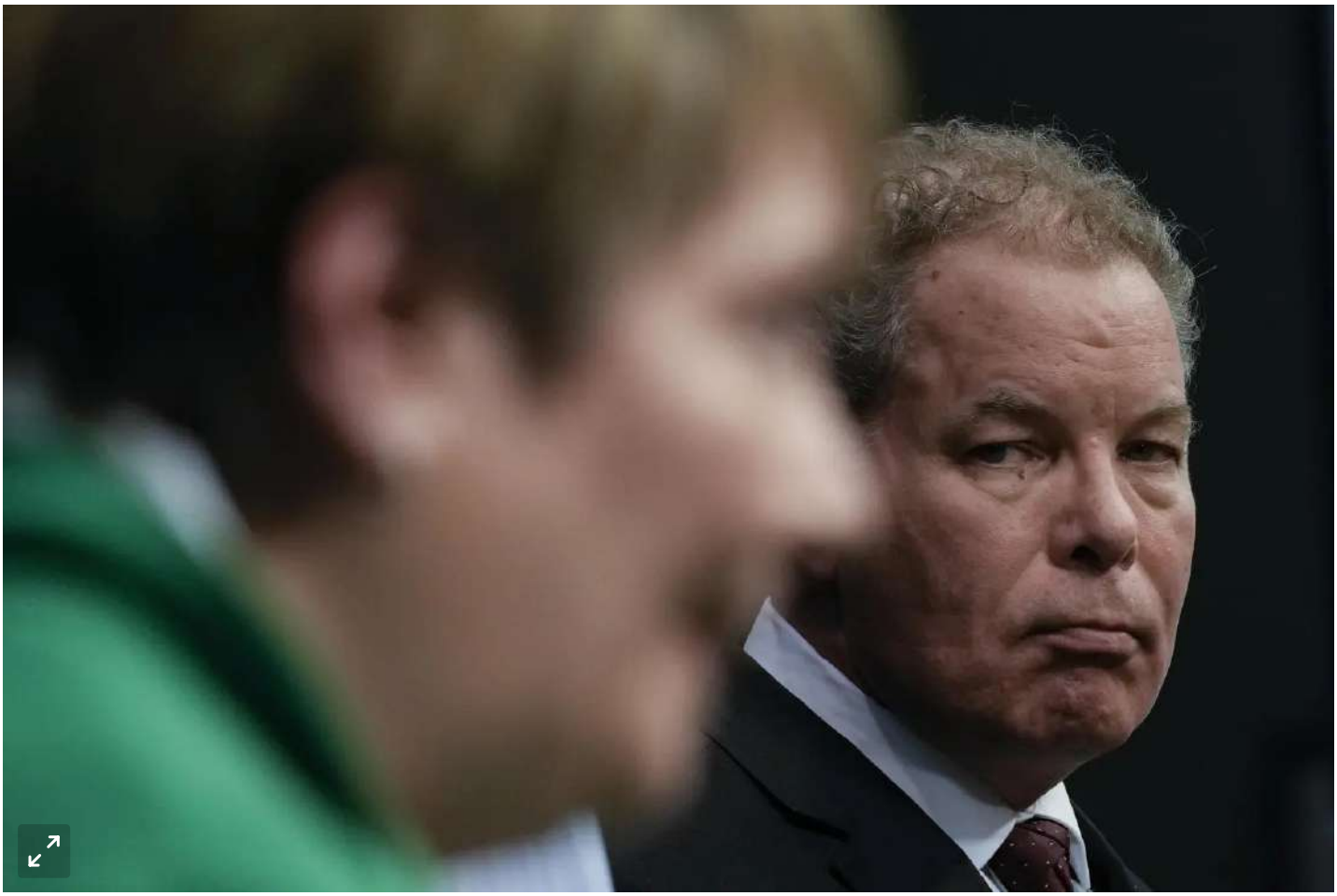
Spending in Wisconsin Supreme Court race tops $42 million



1 of 2 | Wisconsin Supreme Court candidates Republican-backed Dan Kelly and Democratic-supported Janet Protasiewicz participate in a debate Tuesday, March 21, 2023, in Madison, Wis. (AP Photo/Morry Gash)

BY SCOTT BAUER
Published 12:19 PM CDT, April 3, 2023

MADISON, Wis. (AP) — Spending on the high stakes Wisconsin Supreme Court race has topped $42 million, nearly triple the previous national record for a court race, with the Democratic-backed candidate having a roughly $6 million advantage, according to a report released on Monday just before polls opened.

The winner in Tuesday's election between Democratic-backed Janet Protasiewicz and Republican-backed Dan Kelly will determine majority control of the court, with issues like abortion access, redistricting and more than a decade of Republican priorities, hanging in the balance.

The court has been under conservative control for 15 years, helping to enshrine priorities of the GOP-controlled Legislature and former Gov. Scott Walker. Liberals have cast the race as a defining moment for their side to exert power and potentially overturn the state's 1849 abortion ban law and redraw maps created by Republicans that have led to them increasing their control of the Legislature.

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The winner will also set majority control of the court ahead of the 2024 presidential election. The current court came one vote short of overturning President Joe Biden's win in Wisconsin in 2020.

OTHER NEWS

Brewers principal owner is optimistic about stadium negotiations, wants to keep team in Milwaukee

---

Wisconsin elections head won't testify at reappointment hearing that state AG says is improper

Legislators press DNR policy board appointees on wolves, pollution, sandhill crane hunt

As of Monday, Protasiewicz and her backers have spent about $23.3 million compared with about $17.6 million for Kelly and his supporters, according to a report from the Wisconsin Democracy Campaign, which tracks campaign spending.

The previous record high for spending in a court race was $15 million in Illinois in 2004.

Protasiewicz has spent nearly $12 million compared with Kelly's more than $2.2 million. Protasiewicz's campaign has received nearly $9 million from the state Democratic Party, based on the latest campaign finance reports. Kelly, who previously worked for the state and national Republican parties, has also gotten financial backing and in-kind contributions in this race from the state GOP and county parties.

Special interest groups backing Kelly have spent nearly $15.4 million, compared with $11.3 million for Protasiewicz, according to the Democracy Campaign.

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The liberal group A Better Wisconsin Together led all special interest spending at $6.2 million, followed by Wisconsin Manufacturers & Commerce, the state chamber of commerce, at $5.2 million in support of Kelly. Fair Courts America, a conservative group backing Kelly that's funded by GOP mega-donor Richard Uihlein, was next at just over $5.3 million.

After those big three, no other special interest group had spent more than $2 million on the race.

Protasiewicz is a Milwaukee County judge. Kelly previously served on the Supreme Court from 2016 to 2020 before being defeated that year. The winner will serve a 10-year term beginning in August, replacing retiring conservative Justice Pat Roggensack.

SCOTT BAUER
Covering Wisconsin politics and news

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Madeleine Behr USA TODAY NETWORK-Wisconsin

Published 5:23 p.m. CT April 6, 2016

To the dismay of liberal Wisconsinites, State Supreme Court Justice Rebecca Bradley retained her seat on the bench after Tuesday's election, ensuring a strong conservative majority on the court.

"That was probably the last chance for liberal forces and Democrats to find someone a home on the bench," said Charles Jacobs, a St. Norbert College political science professor who studies state courts.

Bradley won 53 percent of the vote against Court of Appeals Judge JoAnne Kloppenburg. It was Kloppenburg's second failed run for the state's highest court, after losing to Justice David Prosser in another competitive race in 2011.

The turnout for Tuesday's election was 44 percent, or more than 2 million Wisconsinites, according to the state's Government Accountability Board — the highest turnout for a spring primary since 1972.

The next justices up for re-election — Annette Ziegler and Michael Gableman — likely won't face strong opponents in 2017 and 2018, Jacobs said, adding that it will be similar to what former chief justice Shirley Abrahamson, often seen as one of the court's two liberal justices, saw in her race in 2009.

Ed Fallone, a Marquette University Law School professor and state Supreme Court candidate in 2013, said Bradley had three advantages over Kloppenburg that aided her win: Money, incumbency and more voters in the Republican presidential primary.

Nearly 100,000 more voters cast ballots in the Republican presidential primary than the Democratic primary.

With financing, Bradley and Kloppenburg showed comparable spending by their campaigns, but the contrast grew as outside spending increased.

Bradley benefited from more outside spending from conservative groups like Wisconsin Alliance for Reform. The group spent $3 million in support of Bradley, according to a report in the Milwaukee Journal Sentinel.

Post Crescent.

The same conservative forces working against GOP front-runner Donald Trump in the state primary were also the same trumpeting Bradley as the best candidate for the court, Fallone said.

"Another important factor to look at is the coalition between the state Republicans, talk radio and the business special interest groups," Fallone said. "The three were able to come together in a cohesive and disciplined way to help (Texas Sen. Ted) Cruz, and that effort obviously helped Justice Bradley as well."

After reports surfaced on Bradley's controversial opinion columns from her college days and of representing a former romantic interest in a child custody case, Bradley eschewed Wisconsin's traditional media like newspapers and TV stations in favor of conservative media.

Talk radio hosts like Charlie Sykes interviewed Bradley. Shedid not participate in any newspaper editorial board interviews.

Having support from Walker, through her three appointments, also helped as a surrogate for voters in the nonpartisan race, Jacobs said.

Neither candidate was truly free from the nonpartisan labels. Kloppenburg was tied to more liberal interests, and received supportive comments from the state Democratic Party Chair Martha Laning.

Democratic presidential candidates Bernie Sanders and Hillary Clinton also criticized Bradley for her college columns while the two campaigned in the state.

With the voters' rejection of Kloppenburg, they are likely signaling they are happy with the decisions the court has made in cases like the state's collective bargaining law and voter ID, Jacobs said.

"With the selection of conservative justices in the last several elections, (voters) find the outcomes of these cases agreeable and the direction the court is taking," Jacobs said.

Although Kloppenburg argued for balance on the court, that message might not have resonated with voters, he added.

Post Crescent.

be."

Madeleine Behr: 920-996-7226, or mbehr@gannett.com; on Twitter @madeleinebehr

CAMPAIGN FINANCE REPORT
STATE OF WISCONSIN
GAB-2

ORIGINAL

COMMITTEE IDENTIFICATION

Filing Period Name:	Spring Pre-Election 2016 Covers all activity from 02/02/2016 through 03/21/2016
Name of Committee/Corporation:	Citizens for Justice Rebecca Bradley
Street Address:	P.O. Box 620066
City, State and Zip:	Middleton, WI 53562

OFFICE USE ONLY

GAB ID: 0105427

SUMMARY OF RECEIPTS AND DISBURSEMENTS	Column A This Period	Column B Calendar Year-To-Date
1. RECEIPTS		
1A. Contributions (Including Loans) from Individuals	$439,277.60	$499,828.60
1B. Contributions from Committees (Transfers-In)	$40,514.87	$67,857.34
1C. Other Income and Commercial Loans	$21.98	$50.03
TOTAL RECEIPTS (Add totals from 1A, 1B and 1C)	$479,814.45	$567,735.97
2. DISBURSEMENTS		
2A. Gross Expenditures	$438,700.64	$594,999.80
2B. Contributions to Committees (Transfers-Out)	$0.00	$0.00
TOTAL DISBURSEMENTS (Add totals from 2A and 2B)	$438,700.64	$594,999.80

CASH SUMMARY

Cash Balance Beginning of Report*	$107,882.61	
Total Receipts	$479,814.45	
Subtotal	$587,697.06	
Total Disbursements	$438,700.64	
CASH BALANCE END OF REPORT*	$148,996.42	
INCURRED OBLIGATIONS		
(Balance at the Close of This Period-3A)	$5,384.14	
LOANS (Balance at the Close of This Period-3B)	$102,500.00	

**Cash Balance as reported by committee*

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Candidate or Treasurer:	Signature of Candidate or Treasurer	Date:	Daytime Phone:
Knight, Patrick J	Kate Lind	Email: pknight@grgblaw.com	

NOTE: The information on this form is required by ss.11.06, 11.20, Wis. Stats. Failure to provide the information may subject you to the penalties of ss.11.60, 11.61, Wis. Stats.

GAB-2 (Rev. 12/05)

This form is prescribed by the Government Accountability Board, P.O. Box 7984, Madison, WI 53707-7984, 608-266-8005.

SCHEDULE 1-A

RECEIPTS
Contributions From Individuals

Complete Committee Name: Citizens for Justice Rebecca Bradley

Date	Full Name	Address	Occupation	Employer Name	Employer Address	Amount	YTD
In-Kind							
03/19/2016	Glojek, Gary A	W238N3251 High Meadow Court, Pewaukee, WI 53072	ATTORNEY			$120.00	$120.00
02/27/2016	Glojek, Bronwyn	W238N3251 High Meadow Court, Pewaukee, WI 53072	ATTORNEY			$300.00	$300.00
03/10/2016	Dragotta, Kenneth	N76W29220 CTH VV, Hartland, WI 53029	Engineer			$898.60	$898.60
02/01/2016	Driscoll, Robert S	2647 North 81st Street, Wauwatosa, WI 53213	Attorney			$100.00	$100.00
					Sub Total	$1,418.60	
Conduit Contribution							
02/12/2016	Gasterland, Dirk L.	W5136 Keil Coulee Road, La Crosse, WI 54601	CHAIRMAN			$100.00	$100.00
02/19/2016	Brenton, Andrew	2926 McKinley Street, Madison, WI 53705	EMPLOYEE			$100.00	$100.00
03/09/2016	Masterjohn, David R.	PO Box 144, Spooner, WI 54801	REALTOR			$100.00	$100.00
02/19/2016	Gullingsrud, Tim	15767 W Kadlec Road, Hayward, WI 54843	CEO			$250.00	$250.00
02/19/2016	Starmann-Harrison, Mary	708 Lismore Lane, Springfield, IL 62704	PRESIDENT & CEO			$500.00	$500.00
02/22/2016	Grogan, John	7860 N Club Circle, Milwaukee, WI 53217	SVP INS & INVEST PROD			$500.00	$750.00
03/16/2016	Provancher, Stephen B.	6108 N Shoreland Avenue, Whitefish Bay, WI 53217	REALTOR			$100.00	$100.00
02/19/2016	Borgerding, Eric	325 Glacier Ridge Tr, Verona, WI 53593	CEO			$500.00	$500.00
02/04/2016	Howley, Kevin	920 Honey Creek Parkway, Milwaukee, WI 53213	ATTORNEY			$500.00	$500.00

Monetary							
03/14/2016	Schierl, Paul	111 N. Washington Street, Green Bay, WI 54301	Retired			$5,000.00	$6,000.00
02/05/2016	Burke, Kathryn	7710 N Merrie Lane, Milwaukee, WI 53217	Homemaker			$1,000.00	$6,000.00
02/22/2016	Burke, Kathryn	7710 N Merrie Lane, Milwaukee, WI 53217	Homemaker			$5,000.00	$6,000.00
03/14/2016	Gentine, Michele A.	PO Box 747, Elkhart Lake, WI 53020	Homemaker			$10,000.00	$10,000.00
03/14/2016	Gentine, Louis	PO Box 747, Elkhart Lake, WI 53020	CEO			$10,000.00	$10,000.00
03/18/2016	Young, Fred M.	3201 Michigan Bouelvard, Racine, WI 53402	Retired			$5,000.00	$10,000.00
02/22/2016	Young, Fred M.	3201 Michigan Bouelvard, Racine, WI 53402	Retired			$5,000.00	$10,000.00
03/10/2016	Hendricks, Diane M.	One ABC Parkway, Beloit, WI 53511	Business Owner			$15,000.00	$15,000.00
03/15/2016	Fabick, Jere C.	11200 W Silver Spring Road, Milwaukee, WI 53225	CEO			$20,000.00	$20,000.00
					Sub Total	$421,979.00	
					Total UnItemized Contributions	$0.00	
					Total Anonymous Contributions	$5.00	
					Grand Total	$439,277.60	
					Non-Monetary (-):	$0.00	
					Loan Forgiven (-):	$0.00	
					Total	$439,277.60	

WEC Canvass Reporting System
County by County Report

2019 Spring Election

JUSTICE OF THE SUPREME COURT

County	Total Votes Cast	NP Brian Hagedorn	NP Lisa Neubauer	SCATTERING
ADAMS	4,313	2,401	1,911	1
ASHLAND	3,209	1,262	1,943	4
BARRON	7,737	4,657	3,075	5
BAYFIELD	4,852	1,841	3,009	2
BROWN	51,092	27,027	24,031	34
BUFFALO	2,599	1,442	1,154	3
BURNETT	3,071	1,953	1,118	0
CALUMET	9,993	6,136	3,857	0
CHIPPEWA	10,813	6,159	4,654	0
CLARK	5,603	3,596	2,007	0
COLUMBIA	12,609	5,801	6,794	14
CRAWFORD	2,985	1,343	1,642	0
DANE	152,044	31,741	120,151	152
DODGE	17,905	11,782	6,123	0
DOOR	9,778	4,508	5,266	4
DOUGLAS	7,179	3,102	4,067	10
DUNN	7,287	3,744	3,543	0
EAU CLAIRE	20,175	8,396	11,764	15
FLORENCE	883	595	288	0
FOND DU LAC	22,319	14,268	8,051	0
FOREST	2,015	1,265	748	2
GRANT	8,131	3,999	4,125	7
GREEN	8,369	3,420	4,942	7
GREEN LAKE	4,091	2,795	1,296	0
IOWA	6,231	2,255	3,973	3
IRON	2,130	1,139	988	3
JACKSON	3,361	1,711	1,650	0
JEFFERSON	19,423	11,219	8,198	6
JUNEAU	4,340	2,537	1,799	4
KENOSHA	23,454	12,086	11,352	16

WEC Canvass Reporting System
County by County Report

2019 Spring Election

County	Total Votes Cast	NP Brian Hagedorn	NP Lisa Neubauer	SCATTERING
KEWAUNEE	4,549	2,862	1,687	0
LA CROSSE	22,733	8,885	13,848	0
LAFAYETTE	3,331	1,593	1,738	0
LANGLADE	3,826	2,493	1,333	0
LINCOLN	5,457	3,200	2,256	1
MANITOWOC	16,260	10,192	6,059	9
MARATHON	27,771	16,483	11,271	17
MARINETTE	8,124	5,162	2,962	0
MARQUETTE	3,579	2,101	1,476	2
MENOMINEE	322	113	209	0
MILWAUKEE	150,246	56,541	93,569	136
MONROE	8,413	4,532	3,872	9
OCONTO	8,540	5,634	2,906	0
ONEIDA	8,347	4,642	3,692	13
OUTAGAMIE	35,429	19,663	15,766	0
OZAUKEE	27,074	16,962	10,092	20
PEPIN	1,305	708	597	0
PIERCE	6,226	3,129	3,095	2
POLK	8,516	5,037	3,479	0
PORTAGE	14,795	6,782	8,003	10
PRICE	3,870	2,214	1,656	0
RACINE	36,985	21,025	15,927	33
RICHLAND	3,670	1,721	1,949	0
ROCK	28,261	11,376	16,864	21
RUSK	3,270	2,018	1,246	6
SAUK	13,645	5,922	7,723	0
SAWYER	3,428	1,983	1,444	1
SHAWANO	8,193	5,531	2,662	0
SHEBOYGAN	25,011	15,665	9,338	8
ST. CROIX	13,279	7,329	5,938	12
TAYLOR	3,739	2,609	1,129	1
TREMPEALEAU	5,737	2,850	2,882	5

WEC Canvass Reporting System
County by County Report

2019 Spring Election

County	Total Votes Cast	NP Brian Hagedorn	NP Lisa Neubauer	SCATTERING
VERNON	6,261	2,878	3,382	1
VILAS	6,221	3,659	2,559	3
WALWORTH	20,024	12,322	7,685	17
WASHBURN	3,315	1,876	1,439	0
WASHINGTON	37,534	28,088	9,446	0
WAUKESHA	115,428	79,071	36,303	54
WAUPACA	10,906	6,916	3,983	7
WAUSHARA	5,081	3,328	1,753	0
WINNEBAGO	34,249	17,690	16,526	33
WOOD	16,628	9,449	7,170	9
Office Totals:	**1,207,569**	**606,414**	**600,433**	**722**

WEC Canvass Reporting System
County by County Report

2022 General Election

SECRETARY OF STATE

County	Total Votes Cast	DEM	REP	LIB	IND	
		Doug La Follette	Amy Lynn Loudenbeck	Neil Harmon	Sharyl R. McFarland	SCATTERING
ADAMS	9,845	3,540	5,940	160	202	3
ASHLAND	6,914	3,777	2,842	105	185	5
BARRON	20,059	7,079	12,322	378	276	4
BAYFIELD	9,240	5,131	3,811	145	150	3
BROWN	112,708	49,962	58,303	2,582	1,822	39
BUFFALO	6,089	2,216	3,645	115	112	1
BURNETT	8,182	2,814	5,145	130	93	0
CALUMET	24,734	9,331	14,572	503	325	3
CHIPPEWA	28,868	11,190	16,519	694	457	8
CLARK	11,561	3,522	7,642	206	186	5
COLUMBIA	27,110	13,102	12,980	625	389	14
CRAWFORD	6,944	3,226	3,484	130	102	2
DANE	297,676	222,397	63,324	6,034	5,788	133
DODGE	38,557	12,525	24,677	786	569	0
DOOR	17,169	8,451	8,187	276	254	1
DOUGLAS	18,505	10,049	7,735	420	292	9
DUNN	18,385	7,655	9,950	433	347	0
EAU CLAIRE	47,935	25,742	19,906	1,261	1,009	17
FLORENCE	2,500	615	1,833	35	17	0
FOND DU LAC	45,994	15,684	28,803	839	664	4
FOREST	4,099	1,364	2,573	87	74	1
GRANT	19,885	8,496	10,634	431	317	7
GREEN	17,351	8,839	7,860	333	312	7
GREEN LAKE	8,608	2,579	5,758	162	107	2
IOWA	11,520	6,431	4,662	247	175	5
IRON	3,240	1,208	1,951	39	42	0
JACKSON	7,947	3,283	4,352	163	149	0
JEFFERSON	38,244	15,566	21,220	872	572	14
JUNEAU	10,665	3,706	6,599	185	173	2
KENOSHA	65,419	30,360	32,650	1,355	1,028	26

WEC Canvass Reporting System
County by County Report

2022 General Election

County	Total Votes Cast	DEM	REP	LIB	IND	
		Doug La Follette	Amy Lynn Loudenbeck	Neil Harmon	Sharyl R. McFarland	SCATTERING
KEWAUNEE	9,825	3,361	6,155	165	140	4
LA CROSSE	54,472	29,488	22,391	1,444	1,127	22
LAFAYETTE	6,509	2,846	3,474	112	77	0
LANGLADE	8,960	2,794	5,904	154	108	0
LINCOLN	13,353	4,948	7,953	258	192	2
MANITOWOC	35,508	13,461	20,767	728	540	12
MARATHON	61,230	23,789	35,496	1,122	807	16
MARINETTE	18,368	5,743	12,048	338	233	6
MARQUETTE	7,276	2,523	4,534	127	92	0
MENOMINEE	1,204	904	253	18	29	0
MILWAUKEE	341,589	232,340	95,754	6,774	6,453	268
MONROE	17,240	6,410	10,223	354	246	7
OCONTO	19,365	5,611	13,059	446	244	5
ONEIDA	20,063	8,139	11,215	405	298	6
OUTAGAMIE	84,985	36,455	45,216	1,945	1,369	0
OZAUKEE	51,795	21,275	28,882	1,059	553	26
PEPIN	3,283	1,183	1,985	76	39	0
PIERCE	17,994	7,418	9,752	461	361	2
POLK	20,412	7,068	12,576	438	330	0
PORTAGE	33,310	16,865	15,127	659	651	8
PRICE	7,014	2,477	4,303	128	106	0
RACINE	80,866	36,151	41,781	1,661	1,230	43
RICHLAND	6,972	3,141	3,592	130	102	7
ROCK	64,736	34,044	28,588	1,160	925	19
RUSK	6,374	2,072	4,098	101	101	2
SAUK	28,688	14,243	13,440	560	445	0
SAWYER	8,514	3,525	4,783	100	103	3
SHAWANO	17,808	5,400	11,772	362	274	0
SHEBOYGAN	52,961	20,974	30,003	1,109	860	15
ST. CROIX	43,805	17,041	24,836	1,258	662	8
TAYLOR	8,618	2,190	6,150	160	118	0
TREMPEALEAU	12,164	4,827	6,884	257	193	3

WEC Canvass Reporting System
County by County Report

2022 General Election

County	Total Votes Cast	DEM	REP	LIB	IND	
		Doug La Follette	Amy Lynn Loudenbeck	Neil Harmon	Sharyl R. McFarland	SCATTERING
VERNON	13,101	6,101	6,443	307	247	3
VILAS	13,100	4,732	8,008	196	161	3
WALWORTH	45,641	16,507	27,641	871	606	16
WASHBURN	8,294	3,042	4,986	143	122	1
WASHINGTON	73,316	21,041	50,072	1,448	755	0
WAUKESHA	221,651	81,432	133,635	4,369	2,141	74
WAUPACA	23,047	7,522	14,734	453	332	6
WAUSHARA	11,257	3,547	7,336	184	190	0
WINNEBAGO	73,619	33,431	36,811	2,070	1,270	37
WOOD	32,703	12,847	18,767	572	512	5
Office Totals:	**2,626,943**	**1,268,748**	**1,261,306**	**54,413**	**41,532**	**944**

ELECTIONS

Wisconsin Supreme Court candidate Kelly worked for Republican Party in 2020

Testimony to the U.S. House's Jan. 6 committee revealed that former Wisconsin Supreme Court Justice and 2023 candidate Daniel Kelly was paid by state and national Republicans to advise on election issues in 2020.

Associated Press
February 20, 2023

Wisconsin Supreme Court Justice Daniel Kelly speaks at a news conference in the court chamber on May 28, 2019, in Madison. Kelly, one of the two conservative candidates for an open Wisconsin Supreme Court seat in the 2023 primary, was paid by state and national Republicans to advise on election issues in 2020, including the plan to have fake electors cast ballots for Donald Trump even though he lost the state. (*Credit: AP Photo / Scott Bauer, File*)

By Scott Bauer, AP

MADISON, Wis. (AP) — One of the two conservative candidates for an open Wisconsin Supreme Court seat was paid by state and national Republicans to advise on election issues, including the plan to have fake GOP electors cast ballots for Donald Trump even though he lost the state.

Daniel Kelly is a former state Supreme Court Justice who is one of four candidates in the Feb. 21, 2023 primary. The top two vote-getters will advance to the April 4 general election, with the winner determining whether the court remains 4-3 majority conservative or flips to liberal control.

Kelly was a justice on the court from 2016 to 2020. He was endorsed by Trump during his unsuccessful run for the court in 2020.

After Kelly left the court in August 2020, he went on to be paid nearly $120,000 by the Wisconsin Republican Party and the Republican National Committee to work on election issues, the *Milwaukee Journal Sentinel* first reported Feb. 17.

Kelly's work for the state GOP was revealed in testimony that former party Chairman Andrew Hitt gave the U.S. House committee that investigated the Jan. 6, 2021, attacks on the U.S. Capitol.

Hitt, according to his testimony that was released by the committee last month, said that Kelly was working as a "special counsel" and had "pretty extensive conservations" about the fake Republican electors. Hitt testified that he brought in Kelly to "kind of advise on election law matters."

The Republican fake electors met in the Wisconsin Capitol building on the same day that Democrats cast the state's 10 electoral votes for Biden. Hitt and others who cast ballots for Trump said they were doing so in case courts overturned Biden's win and gave the state to Trump.

Biden won the state by nearly 21,000 votes, and every attempt by Trump and his allies to overturn the results failed.

Kelly's campaign spokesperson, Jim Dick, said Kelly "took a call from RPW Chairman Hitt on the subject of Republican electors and was asked if he was in the loop about this issue and Justice Kelly stated he was not."

Dick said that after Kelly left the state Supreme Court in August 2020, he "provided legal counsel to several clients, amongst which were the RNC and RPW. It is a maxim in the legal profession that the views of clients are not attributable to their attorneys."

Kelly faces conservative Waukesha County Circuit Judge Jennifer Dorow and two liberal candidates, Milwaukee County Circuit Judge Janet Protasiewicz and Dane County Circuit Judge Everett Mitchell.

"There's no doubt Dan Kelly is a partisan extremist, as much as he'd like to dishonestly pretend otherwise," Sam Roecker, a spokesperson for Protasiewicz, said in a statement to the AP. "His continued efforts to overturn Wisconsin's 2020 presidential election results are disqualifying."

Mitchell said in a statement to the AP that "I believe that just as we have a separation of church and state, we need a separation between partisanship and justice. Because when partisanship invades our court system, it leads to pre-determined outcomes, the diminishing of justice, and the destruction of equity."

Dorow did not immediately respond to messages seeking comment.

Kelly has been critical of Protasiewicz for publicly stating her support for abortion rights and saying that Republican-drawn legislative maps were "rigged." Mitchell has also voiced support for abortion rights and been critical of the GOP-drawn maps.

In addition to advising the state party on the fake elector scheme in 2020, federal elections records show that the Republican National Committee paid Kelly and his firm, Daniel Kelly Consulting, $110,000 from March to December 2022 for "legal and compliance services," the *Journal Sentinel* first reported. That included a $40,000 payment he received after he announced his run for the state Supreme Court in September.

Kelly also lists the RNC as a client on his ethics statement, calling himself a spokesman for the national party.

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THE WISCONSIN VOTER

New election data highlights the ongoing impact of 2011 GOP redistricting in Wisconsin

Craig Gilbert Milwaukee Journal Sentinel

Published 10:06 a.m. CT Dec. 6, 2018 | **Updated 10:55 a.m. CT Dec. 6, 2018**

Detailed election data posted by the state this week illustrates once more the ongoing impact of Wisconsin's gerrymandered, Republican-friendly legislative map.

GOP Gov. Scott Walker lost his bid for re-election by roughly 1 percentage point Nov. 6 to Democrat Tony Evers.

Yet Walker carried 63 of the state's 99 state Assembly districts.

In fact, the data show that 64 of the 99 districts are more Republican than the state as a whole, based on their vote for governor.

In other words, Republicans enjoy a built-in 64-35 advantage in the partisan makeup of the 99 Assembly districts. In a hypothetical 50-50 election, in which there are equal numbers of Democratic and Republican voters in Wisconsin, no one crosses party lines and independents split down the middle, that translates into a massive 29-seat GOP advantage in the Assembly. That's very close to the 27-seat margin (63-36) that Republicans won last month.

Every election since the current map was drawn has told the same story:

> Republicans enjoy a natural edge in the battle for the Legislature because Democratic voters are more concentrated geographically in urban areas, especially in Milwaukee and Madison, meaning their voting power is confined to a smaller number of districts.
>
> The legislative map drawn by the GOP in 2011 added greatly to that natural Republican advantage. Under the old map, Democrats had to outperform the GOP by 2 or 3 points statewide to have a good shot at winning control of the Assembly. But under the current map, Democrats need to out-perform the GOP by closer to 9 or 10 points statewide to

have a good shot at winning an Assembly majority.

Aside from locking in Republican control, the gerrymandered map has almost killed off competitive Assembly elections. To maximize their partisan advantage, Republicans drew a minority of hugely lopsided Democratic districts (minimizing the impact of the Democratic vote) and a sizable majority of less lopsided but safe GOP seats. That leaves hardly any truly "purple" Assembly districts in this "purple" state. In the Nov. 6 election, only five of 99 Assembly races were decided by less than 5 points. Only two were decided by less than 3 points.

Exactly how tilted is the current map?

One way to gauge this is to look at the results for governor or president by legislative district. That tells you how Republican and Democratic voters are distributed across districts and how many districts favor each party in their underlying partisan makeup.

RELATED: Wisconsin undergoes striking political shifts, even as it remains a 'purple' battleground

RELATED: Democrats' heavy investment in Wisconsin's started with cash and 3 million cellphone numbers

RELATED: Supreme Court sends redistricting case back to lower court, leaving GOP-friendly map in place

The 2018 numbers below are based on the ward-level election returns posted by the state this week. John Johnson, a research fellow at Marquette University Law School who works with Marquette pollster Charles Franklin, used those returns to calculate the vote for governor in every Assembly district and shared his data for this analysis.

I've also done the same analysis for the past seven Wisconsin elections, using the district-by-district results for governor or president to measure the partisan tilt of the state's legislative map.

Wisconsin's tilted map

The numbers all show that the current map is far more tilted toward the GOP than the previous map — and all but ensures Republican control of the state Assembly in "good" years or "bad" for the GOP.

Let's start with the 2010 race for governor, which was conducted under the old map. Walker won statewide by just under 6 points. Based on how they voted for governor, 56 of the 99 Assembly districts were more Republican than the state as a whole (meaning Walker did better in those places than he did statewide).

That meant the GOP had a built-in advantage under the old map of 13 seats (56 seats were more Republican than average, 43 were more Democratic).

Then Republicans redrew the lines in 2011 and that advantage grew dramatically. In the first midterm elections under the new map (2014), 62 seats were more Republican than the state as a whole based on how they voted for governor. A baked-in 13-seat GOP advantage (56-43) became a baked-in 25-seat edge (62-37).

Even that doesn't tell the whole story, because not only did Republicans increase the number of GOP-leaning seats, they increased their partisan advantage in those individual seats. In order to win 50 seats under the old map, Democrats had to win at least seven seats that had a GOP lean. But those seven seats were fairly competitive, with a Republican lean of 0 to 3 points.

The math got far worse for Democrats under the new map. The 2014 results showed that to get a bare 50-seat majority, Democrats needed to win at least 13 seats with a Republican lean, including five seats with a GOP lean of more than 8 points.

The 2018 elections results tell a similar story. Of the 99 Assembly seats, 64 were more Republican in their vote for governor than the state as whole. Walker carried 63 of them despite losing statewide.

To win a bare majority of 50 seats, Democrats would have needed to win at least 14 seats that Walker carried, including nine he carried by more than 5 points. In an era of diminished ticket-splitting, that wasn't remotely going to happen. Republican Assembly candidates won all but two of the 63 districts carried by Walker. And Democratic Assembly candidates won all by two of the 36 Assembly districts carried by Evers.

Democrats had no prayer in Assembly

In short, in a year when Democrats swept the statewide elections, they had no prayer of winning the state Assembly.

So how many Assembly seats would Democrats have won in 2018 with a "fair" map?

As critics of the map have pointed out, Democrats won 53% of all the Assembly votes cast statewide while coming away with only 36% of the seats. But it would be wrong to suggest Democrats should have won 53% of the Assembly seats under a fair map. The GOP didn't bother to field candidates against 30 Democrats in ultra-blue Assembly districts, so using the statewide Assembly vote as a measure of how many seats Democrats "should have" won is misleading.

It would also be a stretch to suggest Democrats should have won an Assembly majority at all this year, even though their candidate for governor, Tony Evers, won just over 50% of the two-party vote.

Urban-rural divide

That's because under even an unbiased map, the concentration of Democratic voters in urban areas is going to limit Democrats' voting power across 99 Assembly districts. This has become an even bigger problem for Democrats because the party has lost ground in rural areas in recent years. Democrats are destined under these circumstances to underperform their statewide vote when it comes to how many Assembly seats they win.

But if a growing urban-rural divide has made it a challenge for Democrats to compete for Assembly control, any fair reading of the numbers shows that the gerrymandered GOP map has tilted the playing field a great deal more. That map has given Republicans a grip on the Legislature that is entirely disproportionate to the party's level of popular support in the state and no doubt emboldened the party when it moved this week to diminish the powers of the incoming Democratic governor and attorney general.

RELATED: Controversial lame-duck proposals now in Scott Walker's hands as Democratic groups eye lawsuits

RELATED: Winners and losers: Vos and Fitzgerald get what they want, plus a public outcry, in lame-duck session

RELATED: Lame duck moves by GOP in Wisconsin and Michigan: How they're alike, how they're different

The victory of Evers Nov. 6 means that the next legislative map (in place for the 2022 elections) will likely be less partisan than the current one because it will be the product of divided government.

But since 2011, that map has effectively locked in large GOP majorities, even in an election year like 2012, when Democrats carried Wisconsin for president by 7 points. These majorities are utterly predictable when more than 60% of the Assembly seats are more Republican than the state as a whole.

The dominant grip Republicans retained in the Assembly Nov. 6 despite the narrow defeat of a Republican governor was exactly what was expected in a competitive election year — based purely on how the districts were drawn in 2011.

POLITICO

ELECTIONS

Democrats flood Wisconsin to take down Scott Walker

Wisconsin Gov. Scott Walker is trying to win his third term, but there are signs that the independents who made all the difference to his past victories are moving away from him. | Win McNamee/Getty Images

By NATASHA KORECKI
10/26/2018 11:44 AM EDT
Updated: 10/26/2018 06:48 PM EDT

MILWAUKEE, Wis. — Want to know just how important Wisconsin is in the midterm election? Take a look at the political luminaries who visited over the past six days.

Advertisement

Sen. Kamala Harris on Sunday. Sen. Bernie Sanders on Monday. President Donald Trump on Wednesday. And, the biggest prize of all for Democrats, former President Barack Obama on Friday.

“The consequences of anyone sitting out of this election are profound,” Obama told a crowd of about 3,500 people in a north Milwaukee high school auditorium Friday. “The character of our country is on the ballot.”

With a tight contest for Speaker Paul Ryan’s open congressional seat, a competitive Senate race and a battle for governor that is about as close as it can get, the state that slipped through Democrats’ hands in the 2016 presidential election is getting obsessive attention from both parties in the run-up to Election Day.

"This is an incredibly important battleground state," said Mike Tate, a Democratic strategist and former Wisconsin state party chair. "It may end up being one of the closest governor's races in the country."

The marquee race features Scott Walker, beloved by Republicans nationally, who is attempting to win his third term as governor amid signs that the independents who made all the difference to his victories in the past are now moving away from him.

Schools Superintendent Tony Evers holds a marginal lead in recent polls, but he needs a big turnout from Democratic strongholds of Madison and Milwaukee, where many voters stayed home in 2016.

"Only a fool thinks that race isn't a coin flip," Republican strategist Brandon Scholz said of the Walker-Evers contest.

AD

And it's a toss-up that has major implications for both parties. Whoever wins the governor's race will head up the 2020 round of redistricting and get a key role in shaping the makeup of the state's congressional map. For Democrats, knocking out a longtime nemesis like Walker would offer a significant morale boost both here and nationally, and lay the groundwork for winning back the state in the 2020 presidential election.

Likewise, if Walker can hold on for yet another term, Republicans would be emboldened — a veteran warrior for conservative values and against organized labor will have beaten back a supposed blue wave.

"We have a governor going for a third-term reelection. In the big scheme of things, in states that are losing their Republican governor and switching Democrat, it's a big thing," said Scholz, a former Wisconsin Republican Party executive director. "Walker, who is a bright star, who has been a good governor — certainly well-heeled — the Republican Party nationally needs people like this. They don't want to lose him."

With Wisconsin's electorate so evenly split, partisan energy is now shifting to rigorous GOTV campaigns. Both parties are trotting out their most visible surrogates and sinking resources into a turnout operation designed to energize their base and to draw a small group of independent voters who could end up tilting the election.

Wisconsin got a vivid reminder of the impact of get out the vote efforts on Election Day 2016, when the state posted its worst voter turnout in 16 years, which included depressed numbers in Milwaukee. Trump carried the state by just 27,000 voters.

By contrast, Wisconsin voters turned out in big numbers in 2008, when Obama won his first election by 14 percentage points.

It's no wonder then that Democrats dispatched Obama to Milwaukee today, as the party hopes the former president can do what Hillary Clinton was unable to do in 2016: drive the party's base to the polls.

Obama quickly riled up the auditorium, with the crowd jumping to its feet, cheering and calling out to him in between remarks: "Run again!"

"We need you back, Obama!" and "You're our president!"

Next week, former Vice President Joe Biden will headline rallies in Milwaukee and Madison, the state's two largest cities and Democratic strongholds.

AD

"It's a turnout issue," Rep. Mark Pocan (D-Wis.) said of the midterm election. Visits from Obama and Bernie Sanders animate Democrats, he said, offering a useful boost in the homestretch. "We do elect Republicans statewide, but we tend to be a little more blue — if people get out to vote. So for us, it really is a big get out the vote effort."

Gillum and DeSantis battle over FBI probe, racist attacks

BY **MARC CAPUTO** AND MATT DIXON | OCTOBER 24, 2018 09:14 PM

Earlier this week, Sanders rallied voters in Milwaukee for Evers. But he also brought his message of economic populism to a union hall here in Kenosha, where a fierce battle over Ryan's soon-to-be vacant House seat is underway between Democrat Randy "Ironstache" Bryce and Republican Bryan Steil.

Sanders, who carried Wisconsin over Hillary Clinton in the 2016 primary, hung his argument on Trump's tax and health care policies, telling the room that he understood why some Wisconsin residents voted for Trump, but said they were sold a bill of goods.

"I know that Donald Trump won Wisconsin in 2016. But I wanna say this. I believe that Trump won this state and many other states because people did not understand then that this man is a pathological liar," Sanders said. "Two years ago when he ran for president he told the people of Wisconsin, if elected president he was going to provide health care to everybody. Problem was, he lied."

Helping combat the parade of Democratic superstars, the Republican Governors Association on Thursday launched a new TV ad targeting Evers on

education, charging he supports bureaucrats over Wisconsin students.

It is his challenge to Walker that has drawn the most attention both inside and outside state borders. Walker faces voter fatigue as he seeks his third term, but he is an experienced hand at winning in Wisconsin, with two gubernatorial wins and a third in a recall election.

The governor's long been better funded than Evers and has a solid ground operation in place.

"What cuts in Walker's favor is the national economy is really strong," said Sachin Chheda, a Democratic strategist. "What hurts him is it's very rare for a Wisconsin governor to be elected from the same party as the party that's in the White House – hasn't happened since 1990."

Whether the star-studded surrogate lineup can translate into real votes for Democrats, remains to be seen.

AD

This weekend, Democratic Governors Association director Jay Inslee will be behind yet another GOTV push in the state.

A roaring crowd who came out to see Trump in north-central Wisconsin, a Republican bastion, suggested GOP enthusiasm remains high as well.

As Trump touted tougher border security, supporters chanted, "Build the wall! Build the wall!"

Then the president got local, pointing out that he worked with Walker to lure Foxconn, a manufacturer that's poised to bring in 13,000 jobs at the high end, though it has also drawn controversy after the state handed it lucrative tax breaks.

"He did something that I didn't think would be happening in this country for a long time. I got him set up with an incredible company called Foxconn," Trump said of his former presidential rival. "Ninety-nine percent of the people if they were governor could never have done that job — not only do the job, do it so well. It was almost 15,000 jobs. And much more important, there's no plant like it anywhere in the United States. One of the most incredible things I've ever seen."

Trump brought Walker on stage as well as Leah Vukmir, who is attempting to unseat Democratic Sen. Tammy Baldwin, who's held a consistent lead in the polls. As in other states, Wisconsin Democrats are focusing their messaging on health care and hitting hard on the issue of pre-existing conditions.

There's evidence Republicans recognize the potency of the attack. A new Walker ad features his mom and her battle with cancer. In Wednesday night's boisterous Trump rally, Walker took the stage and referenced his wife's pre-existing condition: Type 1 Diabetes.

"Don't believe the lies. Don't believe the lies," Walker said, Trump applauding beside him. "We will cover people with pre-existing conditions."

On Friday, Obama took issue with that statement, saying Republicans have worked to repeal protections for pre-existing conditions but have now changed their tune in the run-up to the midterms. Obama specifically called out Walker, who has backed two plans that would curb pre-existing condition protections. Walker has said he would support new legislation offering such protections.

"Your governor has been running an ad, during election time saying he is going to protect pre-existing conditions when he is literally doing the opposite. That is some kind of gall. That is some kind of chutzpah. But let's also call it what it

is: It is a lie," Obama said. "That brings us to a bigger question about this election … if you take one position then you should be held accountable for the position you take. You can't pretend you didn't take the position because it's politically expedient. You can't just lie about it."

Walker responded promptly.

"@BarackObama got the national Politifact Lie of the Year for saying 'if you like your health care plan, you can keep it.' It takes some kind of gall for him to come into Wisconsin and lie again about health care and about pre-existing conditions."

FILED UNDER: BARACK OBAMA, JOE BIDEN, JOE BIDEN 2020, HILLARY CLINTON,

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Report: Wisconsin Legislature maps have the worst partisan-bias of any court-drawn map in the nation

WUWM 89.7 FM | By Joy Powers

Published May 9, 2022 at 12:17 PM CDT

LISTEN • 10:30

SLOWKING / Wikimedia

Gerrymandering protest in front of the U.S. Supreme Court in 2017.

The U.S. Supreme Court's recent leak of its decision to overturn Roe v. Wade suggests the court has left the decision over abortion rights and women's autonomy to state governments. But in Wisconsin, that Legislature is unlikely to reflect the state's voting base, thanks in part to another U.S. Supreme Court decision over Wisconsin's new state

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The new maps, drawn by the Wisconsin State Legislature, are considered the most partisan-biased, court-adopted maps in the nation. That's according to a new analysis from the University of Wisconsin Law School. The maps heavily advantage Republican politicians, all but guaranteeing Republican-rule in the state Legislature, regardless of what most voters want.

The analysis looked at four metrics: partisan-bias, efficiency gap, mean-median difference and declination.

"On every one of these standard partisan fairness metrics, these new maps are the worst, court-adopted maps that we've seen anywhere in the country," says Rob Yablon, an associate professor at the law school, who published the analysis.

The analysis finds that Wisconsin's state legislative maps have substantially higher levels of partisan inequity than other court-adopted maps, with a score three to five times worse on each metric. The inequity in these maps means that despite Republicans and Democrats getting approximately the same number of votes statewide, Republican politicians will likely continue to control the vast majority of seats in the Wisconsin state Legislature.

The maps are the result of intense gerrymandering on the part of the Wisconsin Legislature by "cracking and packing" districts, effectively subverting a voter's ability to choose their representation based on partisan affiliation.

"If part of being a healthy democracy means that people have an equality of voice and that equality of voice is meant to be converted into representation so more often-than-not, what the majority of people want, the majority of people get — you know, gerrymandering makes that very difficult," Yablon explains.

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Joy Powers

Joy Powers is a WUWM host and producer for Lake Effect.

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Wisconsin Supreme Court adopts GOP-drawn legislative maps

April 18, 2022

U.S. Supreme Court tosses Wisconsin legislative voting maps

March 23, 2022

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ARCHIVE

Wisconsin Supreme Court Ends Walker Investigation, Eviscerating State's Campaign Finance Limits and Raising Questions about Judicial Impartiality

The Wisconsin Supreme Court ruled 4–2 to end the investigation into Scott Walker's 2012 campaign, reducing the legal barriers between political campaigns and independent groups and raising serious concerns about judicial impartiality.

July 16, 2015

This morning, the Wisconsin Supreme Court **ruled 4–2** to end a John Doe investigation into whether ostensibly "independent" groups had illegally coordinated with Scott Walker's 2012 gubernatorial recall campaign.

Each of the four justices who ruled to toss out the investigation heavily benefited from campaign spending from the groups under investigation during their own elections for judicial office. Their misguided ruling greatly reduces Wisconsin's legal barriers separating political campaigns from supposedly independent groups, which, post *Citizens United*, are not subject to campaign finance limits.

"This ruling raises grave concerns about the fairness and impartiality of the court in this case," said **Matt Menendez, counsel at the Brennan Center for Justice**. "Based on publicly-available information, it is extraordinary that the Wisconsin Supreme Court refused to explain how several the justices could, ethically and constitutionally, even rule on this case."

"This decision effectively eviscerates contribution limits in Wisconsin," said **Daniel Weiner, senior counsel at the Brennan Center**. "By limiting the reach of Wisconsin coordination rules to 'express advocacy,' for or against candidates, the court has made campaign finance law extraordinarily easy to evade. No other court has gone this far and for good reason — it is a misreading of the law and threatens fair and transparent elections."

The Brennan Center **filed a brief** earlier this year urging those justices to consider their recusal obligations in light of U.S. Supreme Court recusal precedent, but only one justice, Ann Walsh Bradley, stepped aside due to a conflict of interest involving her son, an attorney working for a law firm involved in the case.

In 2010, the Wisconsin Supreme Court specifically changed the state's recusal rules in 2010 to exclude "campaign contributions" as a basis for judicial recusal. One of the targets of the investigation, Wisconsin Manufacturers & Commerce, helped **draft** the rule change.

According to the **Wisconsin Democracy Campaign**, a group that tracks political spending, the four justices who ruled in the case received the following election support from the groups who won in today's decision:

- The Wisconsin Club for Growth reportedly spent $400,000 for Justice Annette Ziegler in 2007, $507,000 for Justice Michael Gableman in 2008, $520,000 for Justice David Prosser in 2011, and $350,000 for Justice Patience Roggensack in 2013.
- The Wisconsin Manufacturers & Commerce spent an estimated $2.2 million for Justice Ziegler, $1.8 million for Justice Gableman, $1.1 million for Justice Prosser, and $500,000 for Justice Roggensack.
- Citizens for a Strong America spent an estimated $985,000 in support of Justice Prosser.

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https://captimes.com/opinion/guest-columns/opinion-ziegler-roggensack-should-have-recused-from-wmc-case/article_80679add-1a34-52b5-b890-04dae6a13e2b.html

Opinion | Ziegler, Roggensack should have recused from WMC case

By Sarah O'Brien | guest column

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iSTOCK

Last week The Wisconsin Supreme Court issued a 4-3 decision in the case Wisconsin Manufacturers & Commerce, et al. v. Tony Evers, et al. I write not to commend or critique the majority or dissenting opinions, but to question why Chief Justice Annette Ziegler and Justice Patience Roggensack took any part at all in deciding the case given their financial relationship with the plaintiff.

According to the Wisconsin Democracy Campaign website, Roggensack received donations for her 2013 election to the court from Wisconsin Manufacturers & Commerce of approximately half a million dollars. Ziegler was the beneficiary of even greater donations to her campaign. In 2007, when she was elected to the court, WMC spent $2.2 million dollars supporting her election.

The Wisconsin Code of Judicial Conduct says that a judge shall recuse (take themself off the case) in a proceeding when “reasonable … persons knowledgeable about judicial ethics standards … and aware of the facts and circumstances the judge knows … would reasonably question the judge's ability to be impartial.”

Any well-informed Wisconsin citizen concerned about judicial ethics would question the ability of these two justices to be impartial after such significant financial assistance was given to their campaigns by the lead plaintiff in the case. Both ruled in favor of WMC in this week’s case.

I’m sure the two justices would point out in their defense that the Wisconsin Code of Judicial Ethics says specifically that a judge shall not be required to recuse herself in a proceeding solely because they received a lawful campaign contribution, independent expenditure or issue advocacy ad from an individual or entity involved

in the case. That's right, no matter how large a campaign contribution is — even millions of dollars — the code doesn't view that as making it likely the justice would favor the party who gave her all that money. Strange, right?

Stranger still is the fact that these sections of the Wisconsin Judicial Code were actually written word for word by WMC. In 2010, the Wisconsin Supreme Court adopted verbatim a petition to amend the Judicial Code written by WMC and the Wisconsin Realtors Association, despite widespread opposition by newspaper editors, citizens and fair court organizations across the state. Roggensack and Ziegler voted in favor of the WMC rule. In 2017, 54 retired Wisconsin judges and a justice filed a petition with the Wisconsin Supreme Court seeking an amendment to the ethics code requiring a judge to recuse if they received large campaign contributions from a party in the case. Ziegler and Roggensack voted to deny the petition without a hearing.

The people of Wisconsin deserve better from their elected Supreme Court justices. The United States Supreme Court agrees. In 2009 in Caperton v. A.T. Massey Coal Co. the U.S. Supreme Court held that where a party in a case made a large contribution to the judge who heard his case, both the actual bias of the judge and the appearance of bias must be considered as a matter of due process and the judge should recuse.

I wait for the day the Wisconsin courts are subject to similar rules of ethics protecting the integrity of the court.

Sarah O'Brien was a Circuit Court judge in Dane County from 1992 to 2012, and for the last 10 years has served as a reserve judge throughout southern Wisconsin.

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