

## Next Steps for Judicial Bill

### Public financing option for campaigns for Washington State Supreme Court

In the 2009 legislation session, two companion bills were filed which would establish a program of public financing for campaigns for seats on the Washington State Supreme Court. HB 1738 was sponsored in the House by Rep. Marko Liias, (D-21st LD, Mukilteo), co-sponsored by 31 other state representatives, nearly a record number. SB 5912 was sponsored in the Senate by Sen. Eric Oemig, (D-45th LD, Kirkland/Redmond), with eight other co-sponsors.

The bills proposed setting up the outlines, "architecture" and administrative procedures for a program, which would not begin until and unless a sum of \$3 million was appropriated and deposited into a newly-created Judicial Election Reform Act Fund. A source of funding was purposely not specified, in recognition of budget challenges facing the legislature this year.

Unfortunately these proposals fell victim—for now—to the state's extreme revenue shortfalls. In the face of large budget cuts that are likely in education, health care and essential human services, not to mention other important state services, there simply was no practical ability to establish and fund new programs, particularly programs that seemed less compelling or with lower priority at the moment than meeting essential needs of our state's population in the economic downturn.

Also, legislative leaders are understandably unwilling to devote precious committee and floor debate time to proposed bills for programs that can't be funded this year.

Nonetheless, HB 1738 did receive a work-session hearing in the House on March 5th, at the State Government and Tribal Affairs Committee. This provided an opportunity to display the support that does exist among many organizations for a judicial public campaign financing program to eventually be established in Washington state. Organizations including the League of Women Voters, Washington Public Campaigns, Washington Public Interest Research Group (WA-PIRG), the Washington Association for Justice (formerly Trial Lawyers Association of Washington), the Washington State Bar Association, and many individual citizens all registered support for the bill and the program.

There is widespread recognition that wherever judges are elected, our courts appear to be influenced by escalating special-interest campaign contributions and by independent electioneering spending, outside of but parallel to the campaigns, by groups backing particular candidates for seats on the court. At a time when many important issues are settled by supreme court rulings, it is essential to maintain public confidence in the impartiality of the courts, especially the state Supreme Court. Sooner or later, we need to adopt public campaign financing as an option for candidates seeking seats on the court, so that both the appearance and the actuality of fairness is maintained, without doubt.

The proposed judicial bills remain in play for both years of the two-year legislative session. There is every possibility that a bill will receive renewed attention by the legislature in 2010 – especially if the state's budget situation improves, and if there is increasing public alarm about special-interest influence over the courts.