

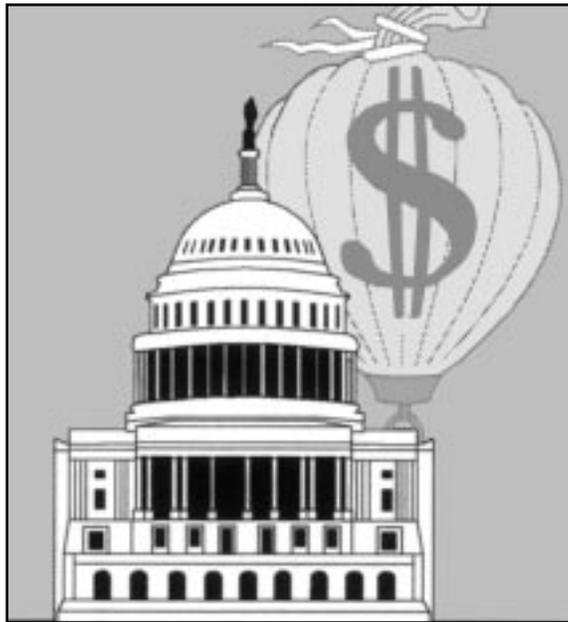
THE FOLLY OF “FULLY” PUBLICLY FINANCING STATE SUPREME-COURT CAMPAIGNS

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According to the Wisconsin state constitution's Article VII, Section 9, "There shall be no election for a justice or judge at the partisan general election for state or county officers, nor within 30 days either before or after such election," and according to Article X, Section 1, "The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the supreme court"

The assumption behind these provisions, apparently, is that these non-partisan offices are "above politics."

By state statute, a "nonpartisan" candidate for the Wisconsin supreme court may qualify for a grant from the official state election campaign fund to pay for certain campaign expenses. The specific grant amount depends on the balance in the supreme-court account in the fund, up to a designated maximum. The supreme-court account is eight percent of the total amount voluntarily designated to the fund by taxpayers on their tax forms in the year preceding a supreme-court election. If there is sufficient money in the account, a can-



didate could receive up to \$97,031.

The thinking behind this statute apparently is that Wisconsin taxpayers would rather finance campaigns through the voluntary "check-off" system on their tax forms than have candidates and thus then some officeholders spending inordinate amounts of private money and beholden to contributors from "special interests" for the money.

There is never sufficient money in the account, though. State taxpayers, in fact, do *not* want to pay for election campaigns — whether wholly partisan or nominally nonpartisan, a distinction that most of them probably don't necessarily see anyway. According to the State Elections Board (SEB), the supreme-court account for the 1997 campaign had \$26,148.03 in it.

One of many campaign-reform bills before the Wisconsin legislature this year would have "fully" funded qualifying state supreme-court candidates, ensuring them the

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maximum \$97,031. It met with some bipartisan success, and it may well meet with more in the future.

The Republican-controlled state Assembly passed it (Assembly Bill 60) in January, 83-14. Forty-three Republicans and 40 Democrats voted for it; only nine Republicans and five Democrats were against it.

Originally, the roughly \$168,000 difference between “full” funding and the meager amount in the account would have come from the same taxpayers who didn’t check off “enough” money in the first place. Just before the bill’s passage in Assembly, however, it was amended to provide for this difference by raising court-filing fees. A litigant doesn’t have to check off anything; he or she just has to write a check in order to be a litigant in the first place.

In March, the Senate referred the bill (Senate Bill 152) to the Joint Finance Committee, where it was killed later that month. It was not revived for the special legislative session in the spring, but will almost certainly be introduced again in the next regular session.

The thinking among enthusiastic campaign-finance reformers — including many Democrats — was that the bill is a good, logical, incremental “first step” towards bigger, better, larger reform legislation. This is an understandable position; it’s based on big, public-financing principles they genuinely hold.

It’s “a no-brainer,” Jay Heck, the executive director of Common Cause of Wisconsin, told the *Milwaukee Journal Sentinel* early this year.

Less clear is the reasoning of the many Republicans who voted for it.

The bill was a bad one — both in and of itself and, more important, because of what it would portend for the predictable argu-

ments surrounding future campaign-finance proposals. There are no compelling public-policy reasons for it, as an extensive examination of SEB figures show. Good politics, though?; an opportunity to be for (supposedly) popular campaign-finance reform, in just this one context, “on the cheap”? Probably not. Its more-enthusiastic proponents are right: it *would* be an incremental first step toward other more-costly measures.

“We can do better than just Supreme Court races,” according to Heck.

In fact, why *not* then also “fully” publicly finance *all* “nonpartisan” judicial campaigns in Wisconsin? Why not then have “full” public financing for the also-constitutionally “nonpartisan” state-superintendent elections? Why not then move to the fall races? Why not have it for all state-legislative contests? For all offices?

Raising court-filing fees will have long been forsaken as a way to pay for all of *this*.

The Republicans may rightly resist, but — as in so many other contexts — the big public-financing principle would essentially have been conceded, and a lot of the rest would thus follow.

But why even *start* moving the cost of campaigns to anywhere else but from the top, where citizens can choose not to incur it?

To the Bottom

As a policy matter, taking the choice not to finance Wisconsin supreme-court elections in particular from state taxpayers and imposing that cost on litigants cannot intellectually plausibly be done on the basis of a belief that these specific elections are inordinately “expensive.” If mere expense decides the issue, then partisan elections — far costlier in both raw numbers and per voter — also deserve “full” public financing (and then, again, we’re looking at more than litigants for the money).

Nor, because of the same per-voter numbers, can it plausibly be argued that since voter turnout for Wisconsin's "nonpartisan" elections in spring, including those for the state supreme court, is consistently lower than that for partisan elections.

Nor could it intellectually honestly be held that supreme-court elections aren't getting enough attention as evidenced by the fact that not *enough* money is being spent on them. Even less is spent on the non-partisan Superintendent of Public Instruction elections. Does that mean they also deserve full public funding?

It cannot honestly be held either that supreme-court elections in particular are somehow "different" from all of the other judicial elections or the also-"nonpartisan" state-superintendent elections.

To the Polls

Voter turnout for Wisconsin's "nonpartisan" elections is, in fact, consistently lower than that for the state's partisan elections. In 1996, for example, as shown in Table 1 on the next page, 909,214 people voted for state supreme-court candidates in the spring and 2,193,845 people voted for presidential candidates in the following fall; in 1994, 549,820 people voted for state supreme-court candidates in the spring and 1,565,090 people voted for U.S. Senate candidates in the fall.

Spending by candidates for "nonpartisan" offices in Wisconsin is also, in fact, consistently lower than that by those for partisan offices, according to figures reported to the SEB. In 1993 and 1994, for example, the total reported spending by all judicial candidates — those running for the supreme court *and* all

other courts in the state — during the entire two-year period was \$1,763,655; for also-"nonpartisan" state-superintendent candidates, it was \$440,442. For all partisan candidates, it was \$16,295,532. Equivalent figures for 1995-96 will not be available until very much later this year, according to the SEB.

Including reported independent expenditures on behalf of specific candidates,¹ as also shown in Table 1, the total spending on all "nonpartisan" judicial general elections during the same period was \$1,767,343; on the only state-superintendent general election in the period, in 1993, it was \$693,326. On the one contested state supreme-court general election, as shown in Table 2 on page 5, it was \$272,516. On all partisan general elections, it was \$ 1 7 , 1 0 1 , 7 7 2 . Independent-expenditure figures for 1995-96 will also be available only later this year, according to the board.

The ratio of total reported spending on all partisan general elections in Wisconsin to the approximate total voter turnout in those fall elections, as shown in Table 1, exceeded the ratio of spending on all "nonpartisan" judicial general elections in the state to the turnout in those spring elections by a factor of roughly 10 to 1.5 in 1993-94 — again, at this writing, the most-recent period for which comprehensive SEB figures are available and on the basis of which such calculations can be made.

As also shown in Table 1, the ratio of total spending to turnout for all partisan general elections during this two-year period (based on the sum of vote totals for candidates for the highest-level offices on the ballots) was \$10.03:1 — or, just more than \$10 per voter.

State supreme-court elections are not somehow "different" from — or more "above politics" than — all of the other also-"nonpartisan" elections

TABLE 1 Voter turnout, 1993-96, and reported campaign spending, 1993-94, in Wisconsin's "nonpartisan" general elections in spring compared to that for partisan general elections in fall

	"Nonpartisan" (Spring)		Partisan (Fall)²	
1993	<i>Supreme Court</i>	779,284	<i>Special Legislative</i>	140,195
	<i>State Superintendent</i>	1,074,491		
1994	<i>Supreme Court</i>	549,820	<i>U.S. Senate</i>	1,565,090
			<i>Governor</i>	1,563,153
			<i>Attorney General</i>	1,533,350
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1993-94	Approximate Total Turnout			
	<i>For Judicial Office</i>	1,329,104		
	<i>For State Superintendent</i>	<u>1,074,491</u>		
	Total Turnout	1,624,311		1,705,385
	Reported Spending			
	<i>For Judicial Office</i>			
	By Candidates	\$1,763,655		
	By Independent Groups	<u>\$3,688</u>		
	<i>Total</i>	\$1,767,343		
	<i>For State Superintendent</i>			
	By Candidates	\$440,442		
	By Independent Groups	<u>\$252,884</u>		
	<i>Total</i>	\$693,326		
	Total			
	By Candidates	\$2,204,097		\$16,295,532
	By Independent Groups	<u>\$256,572</u>		<u>\$806,240</u>
	Total Spending	\$2,460,669		\$17,101,772
	RATIO OF SPENDING TO TURNOUT			
	<i>For Judicial Office</i>	\$1.33:1		
	<i>For State Superintendent</i>	\$0.65:1		
	TOTAL	\$1.51:1		\$10.03:1
<hr/>				
1995	<i>Supreme Court</i>	938,698	<i>Special Legislative</i>	52,109
1996	<i>Supreme Court</i>	909,214	<i>Presidential</i>	2,193,845
			<i>Special Legislative</i>	53,455
<hr/>				
1995-96	Approximate Total Turnout	1,847,912		2,299,409

TABLE 2 Voter turnout and reported campaign spending in “nonpartisan” general election of a Wisconsin state supreme-court justice on April 5, 1994, compared to that for the partisan general election of the state attorney general on November 8, 1994

	“Nonpartisan” General Election of a State Supreme-Court Justice on April 5, 1994	Partisan General Election of the State Attorney General on November 8, 1994
Total Turnout	549,820	1,533,350
Reported Spending		
By Candidates ³	\$271,849	\$999,015
By Independent Groups	\$667	\$17,184
Total	\$272,516	\$1,016,199
Ratio of Spending to Turnout	\$0.50:1	\$0.66:1

The equivalent spending-to-turnout ratio for all “nonpartisan” judicial general elections (based on the sum of vote totals for candidates for the highest-level judicial offices, those for state supreme court, on the ballots) was \$1.33:1, a little more than a dollar and a half per voter. For the 1993 state-superintendent election, it was \$0.65:1. For the contested 1994 supreme-court election, as shown in Table 2, it was \$0.50:1 — exactly half a buck per voter.

The mere magnitude of “expense” thus cannot be an argument for “fully” funding only state-supreme court candidates. Nor can any alleged “disproportionate (per-voter) impact” from spending in their spring campaigns be such an argument. And lack of interest as exemplified by *low* spending can’t be an argument for “fully” funding only candidates for a position on the supreme court either.

State supreme-court elections in particular are not inordinately or disproportionately influenced by “special interests” either

Table 2 also shows that the ratio of spending to turnout for the 1994 partisan general election of the state attorney general in particular — perhaps as roughly equivalent a “nonpartisan” position as exists, in that both are statewide and “legal” — was \$0.66:1. This 66 cents per voter⁴ is 16 cents more per voter than for the state supreme court.⁵

There’s the cents. Why “fully” fund one and not the other? Where’s the sense?

To the Spring

Taking the choice not to finance state supreme-court elections in particular from taxpayers cannot intellectually plausibly be done on the basis of a belief that these specific elections are inordinately or disproportionately influenced by “special interests” either. If the

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TABLE 3 Reported 1993-94 "special-interest" campaign contributions to candidates in Wisconsin's "nonpartisan" general elections in spring compared to those for candidates in partisan general elections in fall⁶

	TOTAL			"Nonpartisan" (Spring)			Partisan (Fall)		
	\$	Ratio to Total '93-94 Turnout	Ratio to 1,624,311 Total '93- 94 Turnout	\$	% of "Interest's" Total	Ratio to Total '93- 94 Turnout	\$	% of "Interest's" Total	Ratio to 1,705,385 Total '93- 94 Turnout
Agriculture	\$197,894	\$0.06:1	\$0.003:1	\$4,677	2.4%	\$0.003:1	\$193,223	97.6%	\$0.11:1
Auto Industry	\$199,520	\$0.06:1	\$0.018:1	\$2,950	1.5%	\$0.018:1	\$196,570	98.6%	\$0.12:1
Construction	\$675,252	\$0.20:1	\$0.007:1	\$10,732	1.6%	\$0.007:1	\$664,520	98.4%	\$0.39:1
Education	\$331,611	\$0.10:1	\$0.060:1	\$97,154	29.3%	\$0.060:1	\$234,457	70.7%	\$0.14:1
Finance	\$882,492	\$0.27:1	\$0.028:1	\$45,327	5.1%	\$0.028:1	\$837,165	94.9%	\$0.49:1
Government	\$356,681	\$0.11:1	\$0.012:1	\$18,707	5.2%	\$0.012:1	\$337,974	94.8%	\$0.20:1
Health Care	\$736,082	\$0.22:1	\$0.017:1	\$26,950	3.7%	\$0.017:1	\$709,132	96.3%	\$0.42:1
Insurance	\$289,368	\$0.09:1	\$0.007:1	\$10,991	3.8%	\$0.007:1	\$278,377	96.2%	\$0.16:1
Labor	\$461,447	\$0.14:1	\$0.040:1	\$65,531	14.2%	\$0.040:1	\$395,516	85.8%	\$0.23:1
Legal	\$1,004,161	\$0.30:1	\$0.099:1	\$160,953	16.0%	\$0.099:1	\$843,208	84.0%	\$0.49:1
Leisure	\$352,240	\$0.11:1	\$0.015:1	\$23,809	6.8%	\$0.015:1	\$328,431	92.2%	\$0.19:1
Mercantile	\$311,055	\$0.09:1	\$0.009:1	\$14,760	4.7%	\$0.009:1	\$296,295	95.3%	\$0.17:1
Manufacturing	\$821,675	\$0.25:1	\$0.022:1	\$36,401	4.4%	\$0.022:1	\$785,274	95.6%	\$0.46:1
Miscellaneous	\$1,041,781	\$0.31:1	\$0.074:1	\$119,748	11.5%	\$0.074:1	\$922,033	88.5%	\$0.54:1
Other Business	\$1,200,226	\$0.36:1	\$0.068:1	\$110,998	9.2%	\$0.068:1	\$1,089,228	90.8%	\$0.64:1
Real Estate	\$383,821	\$0.12:1	\$0.017:1	\$27,360	7.1%	\$0.017:1	\$356,461	92.9%	\$0.21:1
Required Resources	\$159,545	\$0.05:1	\$0.002:1	\$3,437	2.2%	\$0.002:1	\$156,108	97.8%	\$0.09:1
	\$208,044	\$0.06:1	\$0.009:1	\$14,327	6.9%	\$0.009:1	\$193,717	93.1%	\$0.11:1
Transportation	\$113,213	\$0.03:1	\$0.003:1	\$5,475	4.8%	\$0.003:1	\$107,738	95.2%	\$0.06:1
Utilities	\$241,775	\$0.07:1	\$0.003:1	\$4,675	1.9%	\$0.003:1	\$237,100	98.1%	\$0.14:1
TOTAL	\$9,977,882	\$3.00:1	\$0.496:1	\$804,962	8.1%	\$0.496:1	\$9,172,920	91.9%	\$5.38:1

TABLE 4 Reported 1993-94 "special-interest" campaign contributions to candidates in Wisconsin's "nonpartisan" judicial general elections compared to those for the also-"nonpartisan" state-superintendent general election in 1993

	TOTAL "NONPARTISAN" — Judicial			State Superintendent		
	Ratio to 1,624,311 Total '93-94 "Nonpartisan" Turnout	% of "Interest's" Total "Non- partisan"	Ratio to 1,329,104 Total '93-94 Judicial Turnout	% of "Interest's" Total "Non- partisan"	Ratio to 1,074,491 Total '93 "Non- partisan" Turnout	
Agriculture	\$4,677	\$3,377	\$0.003:1	72.2%	\$1,300	\$0.001:1
Auto Industry	\$2,950	\$2,250	\$0.018:1	76.3%	\$700	\$0.001:1
Construction	\$10,732	\$9,139	\$0.007:1	85.2%	\$1,593	\$0.001:1
Education	\$97,154	\$60,285	\$0.060:1	62.1%	\$36,869	\$0.034:1
Finance	\$45,327	\$29,612	\$0.028:1	65.3%	\$15,715	\$0.015:1
Government	\$18,707	\$11,867	\$0.012:1	63.4%	\$6,840	\$0.006:1
Health Care	\$26,950	\$26,150	\$0.017:1	97.0%	\$800	\$0.000:1
Insurance	\$10,991	\$9,698	\$0.007:1	88.2%	\$1,293	\$0.001:1
Labor	\$65,531	\$43,720	\$0.040:1	66.7%	\$21,811	\$0.020:1
Legal	\$160,953	\$159,853	\$0.099:1	99.3%	\$1,100	\$0.001:1
Leisure	\$23,809	\$23,309	\$0.015:1	97.9%	\$500	\$0.000:1
Mercantile	\$14,760	\$13,340	\$0.009:1	90.4%	\$1,420	\$0.001:1
Manufacturing	\$36,401	\$27,576	\$0.022:1	75.8%	\$8,825	\$0.008:1
Miscellaneous	\$119,748	\$86,357	\$0.074:1	72.1%	\$33,391	\$0.031:1
Other Business	\$110,998	\$65,798	\$0.068:1	59.3%	\$45,200	\$0.042:1
Real Estate	\$27,360	\$21,160	\$0.017:1	77.3%	\$6,200	\$0.006:1
Required	\$3,437	\$3,437	\$0.002:1	100.0%	\$0	\$0.000:1
Resources	\$14,327	\$13,027	\$0.009:1	90.9%	\$1,300	\$0.001:1
Transportation	\$5,475	\$5,350	\$0.003:1	97.7%	\$125	\$0.000:1
Utilities	\$4,675	\$2,625	\$0.003:1	56.1%	\$2,050	\$0.002:1
TOTAL	\$804,962	\$617,930	\$0.496:1	76.8%	\$187,032	\$0.174:1

TABLE 5 Reported 1993-94 "special-interest" campaign contributions to candidates in Wisconsin's "nonpartisan" general elections for the state supreme court compared to those for all other, also-"nonpartisan" judicial general elections

	TOTAL JUDICIAL			Supreme Court			All Other Judicial		
	\$	Ratio to 1,329,104 Total '93-94 Judicial Turnout	% of "Interest's" Total Judicial	\$	Ratio to 1,329,104 Total '93- 94 Judicial Turnout	% of "Interest's" Total Judicial	\$	Ratio to 1,329,104 Total '93- 94 Judicial Turnout	% of "Interest's" Total Judicial
Agriculture	\$3,377	\$0.003:1	4.4%	\$150	\$0.000:1	4.4%	\$3,277	\$0.002:1	95.6%
Auto Industry	\$2,250	\$0.002:1	0.0%	\$0	\$0.000:1	0.0%	\$2,250	\$0.002:1	100.0%
Construction	\$9,139	\$0.007:1	22.2%	\$2,030	\$0.002:1	22.2%	\$7,109	\$0.005:1	77.8%
Education	\$60,285	\$0.045:1	17.5%	\$10,575	\$0.008:1	17.5%	\$49,710	\$0.037:1	82.5%
Finance	\$29,612	\$0.022:1	4.5%	\$1,335	\$0.001:1	4.5%	\$28,277	\$0.021:1	95.5%
Government	\$11,867	\$0.009:1	21.4%	\$2,545	\$0.002:1	21.4%	\$9,322	\$0.007:1	78.5%
Health Care	\$26,150	\$0.020:1	15.7%	\$4,100	\$0.003:1	15.7%	\$22,050	\$0.017:1	84.3%
Insurance	\$9,698	\$0.007:1	32.3%	\$3,135	\$0.001:1	32.3%	\$6,563	\$0.005:1	67.7%
Labor	\$43,720	\$0.033:1	27.3%	\$11,950	\$0.009:1	27.3%	\$31,770	\$0.024:1	72.7%
Legal	\$159,853	\$0.120:1	22.3%	\$35,631	\$0.027:1	22.3%	\$124,222	\$0.093:1	77.7%
Leisure	\$23,309	\$0.018:1	12.5%	\$2,910	\$0.002:1	12.5%	\$20,399	\$0.018:1	87.5%
Mercantile	\$13,340	\$0.010:1	0.0%	\$0	\$0.000:1	0.0%	\$13,340	\$0.010:1	100.0%
Manufacturing	\$27,576	\$0.021:1	26.6%	\$7,326	\$0.006:1	26.6%	\$20,250	\$0.015:1	73.6%
Miscellaneous	\$86,357	\$0.065:1	12.2%	\$10,550	\$0.008:1	12.2%	\$75,807	\$0.057:1	87.8%
Other Business	\$65,798	\$0.050:1	15.8%	\$10,404	\$0.008:1	15.8%	\$55,394	\$0.042:1	84.2%
Real Estate	\$21,160	\$0.016:1	34.3%	\$7,250	\$0.005:1	34.3%	\$13,910	\$0.010:1	65.7%
Required	\$3,437	\$0.003:1	20.1%	\$690	\$0.000:1	20.1%	\$2,747	\$0.002:1	79.9%
Resources	\$13,027	\$0.010:1	15.6%	\$2,027	\$0.002:1	15.6%	\$11,000	\$0.008:1	84.4%
Transportation	\$5,350	\$0.004:1	0.0%	\$0	\$0.000:1	0.0%	\$5,350	\$0.004:1	100.0%
Utilities	\$2,625	\$0.002:1	38.1%	\$1,000	\$0.001:1	38.1%	\$1,625	\$0.001:1	61.9%
TOTAL	\$617,930	\$0.465:1	18.4%	\$113,608	\$0.085:1	18.4%	\$504,322	\$0.379:1	81.6%

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amount of “special-interest” contributions decides the issue, then partisan elections — to which they give much more money, again in both raw numbers and per voter — also deserve “full” public financing.

Nor, again because of the same per-voter numbers, can one honestly maintain that since “nonpartisan” turnout is lower, “special interests” take the chance to unduly influence

these voters in spring more than they would ever be able to do with a higher turnout in the middle of fall.

Contributions to candidates for “non-partisan” offices in Wisconsin by “special interests” are also, in fact, consistently lower than those to candidates for partisan offices, in both raw numbers and per voter, according to calculations based on figures reported to the board.

TABLE 6 **Reported “special-interest” campaign contributions to candidates in the “nonpartisan” general election of a Wisconsin state supreme-court justice on April 5, 1994, compared to those for candidates in the partisan general election of the state attorney general on November 8, 1994⁹**

	“Nonpartisan” General Election of a State Supreme-Court Justice on April 5, 1994		Partisan General Election of the State Attorney General on November 8, 1994	
	\$	Ratio to 549,820 Total Turnout	\$	Ratio to 1,533,350 Total Turnout
Agriculture	\$150	\$0.0003:1	\$2,850	\$0.0019:1
Auto Industry	\$0	\$0.0000:1	\$16,175	\$0.0105:1
Construction	\$2,030	\$0.0037:1	\$10,125	\$0.0066:1
Education	\$10,575	\$0.0192:1	\$42,408	\$0.0277:1
Finance	\$1,335	\$0.0024:1	\$32,145	\$0.0210:1
Government	\$2,545	\$0.0046:1	\$24,610	\$0.0160:1
Health Care	\$4,100	\$0.0075:1	\$19,185	\$0.0125:1
Insurance	\$3,135	\$0.0057:1	\$7,310	\$0.0048:1
Labor	\$9,950	\$0.0181:1	\$64,150	\$0.0418:1
Legal	\$34,331	\$0.0624:1	\$112,829	\$0.0736:1
Leisure	\$2,910	\$0.0053:1	\$11,554	\$0.0075:1
Mercantile	\$0	\$0.0000:1	\$12,265	\$0.0080:1
Manufacturing	\$7,026	\$0.1278:1	\$26,181	\$0.0171:1
Miscellaneous	\$10,550	\$0.0188:1	\$82,543	\$0.0538:1
Other Business	\$10,404	\$0.0189:1	\$54,492	\$0.0355:1
Real Estate	\$7,250	\$0.0132:1	\$8,200	\$0.0053:1
Required	\$690	\$0.0013:1	\$9,285	\$0.0061:1
Resources	\$2,027	\$0.0037:1	\$3,165	\$0.0021:1
Transportation	\$0	\$0.0000:1	\$11,100	\$0.0072:1
Utilities	\$1,000	\$0.0018:1	\$12,000	\$0.0078:1
TOTAL	\$110,008	\$0.2001:1	\$695,115	\$0.4433:1

The SEB considers contributions from an “interest giving source” to be all of those “from special interest committees and referenda groups, and contributions from individuals in excess of \$100.” The board has 20 categories for such “special interests.”⁷

In 1993 and 1994, as shown in Table 3 on the next page, the total reported contributions to all “nonpartisan” general-election candidates during the entire two-year period was \$804,962 — or, just more than eight percent of all such “special-interest” contributions for the period, and exactly three dollars per voter. To partisan candidates, it was \$9,172,920 — almost 92% of all such contributions, and more than five dollars a voter.⁸ Figures from which to calculate these equivalent numbers for 1995-96 will not be available until later this year either.

Table 4 on page 57 breaks down the “special-interest” contributions to all “nonpartisan” general-election candidates into those to judicial and to state-superintendent candidates in particular. Table 5 on page 8 then further breaks down such contributions to all judicial general-election candidates into those to just supreme-court candidates and then to all other judicial candidates.

According to numbers in Tables 4 and 5, the 1993-94 total of “special-interest” contributions to all “nonpartisan” judicial (general-election) candidates was \$617,930; to all non-supreme-court judicial candidates, it was \$504,322; to both 1993 state-superintendent candidates, it was \$187,032; and to the two 1994 supreme-court candidates in particular, it was \$113,608.

From calculations for Tables 3 through 5, the two-year total of *per-voter* “special-interest” contributions to all partisan (again, general-election) candidates was \$5.38; to all “nonpartisan” candidates, it was 50 cents; to all judicial candidates, it was 38 cents; to state-superintendent candidates, 17 cents; and to supreme-court candidates in particular, 8.5 cents.

Pretty penny-ante; cents, not sense. Which set of officeholders is it that would supposedly be more “ beholden ” to “ special interests ” and thus in dire need of “ full ” public financing?

Finally, again specifically comparing just the 1994 “nonpartisan” spring general election for a state supreme-court justice with the following fall’s partisan election for the state attorney general, as shown in Table 6 on page 9, a little more than \$110,000 worth of “special-interest” contributions were given to the supreme-court candidates and over \$585,000 in “special-interest” money was given to those vying for attorney general. The per-voter difference here is 20 cents.

The “interest” with the biggest actual dollar amounts going to candidates for these races was the one categorized as “legal,” as also shown in Table 6, with \$34,331 going to the supreme-court candidates — or, more than six cents per voter — and \$112,829 going to attorney-general candidates — a little more than seven cents a voter.

NOTES

1 These figures include spending for the “express advocacy” of specific candidates and do not include, of course, unreported spending on “issue advocacy” and other activities. See Charles J. Sykes, “A Case of Censorship: Wisconsin Gags Political Speech,” *Wisconsin Interest*, Fall/Winter 1997, p. 7.

2 Special legislative elections are not necessarily held in fall.

3 The statutory spending limit on candidates for Wisconsin’s supreme court is \$215,625; on those for state attorney general, it is \$539,000 (*Wisconsin Statutes*, Ch. 11).

4 The results of this 1994 election for state attorney general were as follows (State of Wisconsin, *Blue Book*, 1995-1996):

	Votes	As Percentage of Total
Jim Doyle, Democrat	805,334	53%
Jeff Wagner, Republican	709,927	46%
Steven S. Diebert, Libertarian	18,089	1%
Total	1,533,350	100%

5 The results of this 1994 state supreme-court elec-

tion were as follows (State of Wisconsin, *Blue Book, 1995-1996*):

	Votes	As Percentage of Total
Janine P. Geske	424,549	77%
William A. Pangman	125,271	23%
Total	549,820	100%

6 Contributions to one minor candidate who ran for both a “nonpartisan” and a partisan position, collectively listed by the SEB, are not included in those categories.

7 “A special interest committee is assigned to a category based on information provided by the committee at the time of registration with the Elections Board,” according to the SEB. “Contributions from individuals in excess of \$100 are placed in the appropriate category based on the occupation and principal place of business reported for the contributor.”

The board categorizes these “special interests” as follows:

Agriculture — any business or organization associated with crop or food production (*e.g.*, farming, dairy, livestock, commercial fishing, fertilizer, and farm implements).

Auto Industry — management and professional-level occupations in the auto and truck industry (*e.g.*, auto-company management and engineers, auto dealers, and auto services and parts).

Construction — management and professional-level occupations in the construction industry (*e.g.*, construction-company management, builders, and architects).

Education — educators (*e.g.*, administrators and teachers).

Finance — management and professional-level occupations in the financial industry (*e.g.*, banks, credit unions, savings and loans, brokers, certified public accountants, independent investors, and speculators).

Government — management and professional-level occupations in government (*e.g.*, elected officials, administrators, and government accountants and attorneys).

Health Care — health-care industry (*e.g.*, hospitals, doctors, nurses, dentists, and therapists).

Insurance — insurance industry (*e.g.*, agents, adjusters, and management).

Labor — occupations that are not management or professional-level (*e.g.*, construction workers, auto workers, clerical, teamsters, restaurant, and retail).

Legal — *e.g.*, attorneys and judges.

Leisure — management and professional-level occupations in the leisure industry (*e.g.*, tourism, hotels, restaurants, taverns, and theaters).

Mercantile — management and professional-level occupations in retail or wholesale businesses (*e.g.*, food distributors, grocers, beer distributors, and department stores).

Manufacturing — management and professional-level occupations in a manufacturing business not including the auto industry (*e.g.*, beverages, food process-

ing, tools, paper industry, and manufactured homes).

Miscellaneous — *e.g.*, single-issue committees, retired, students, and unemployed.

Other Business — management and professional-level occupations in miscellaneous businesses (*e.g.*, consultants, information services, and engineers).

Real Estate — real-estate industry (*e.g.*, realtors, building owners and managers, and developers).

Required — individual contributions when information on occupations has not been completed.

Resources — management and professional-level occupations in the natural-resources industry (*e.g.*, oil companies, mining companies, timber industry, and natural-gas pipeline).

Transportation — management and professional-level occupations in the transportation industry (*e.g.*, airlines, railroads, and trucking).

Utilities — management and professional-level occupations in a utility (*e.g.*, electric power, telephone company, water, and recycling).

(SEB, *1993-94 Biennial Report*).

8 These figures include contributions to “continuing candidates” — those who did not actually participate in an election during the two-year period — and thus not all of this money may have ended up being “spent” by candidates to influence the particular voters constituting the total turnout numbers used to calculate the following contribution-to-turnout ratios in both the text and Table 3. The ratios, though, nonetheless still help to validly represent the relative importance placed by contributors on influencing voters in either “nonpartisan” or partisan elections.

9 The statutory limit on contributions to candidates for Wisconsin’s supreme court from a political action committee (PAC) is \$8,625; on those to candidates for state attorney general, it is \$21,560 (*Wisconsin Statutes*, Ch. 11).