

Reprinted from the *King County Bar Journal*, April 2006, p. 1:

Contribution Limits Set for Judicial Races

By John Ruhl

Starting this fall, donors will be limited in what they can give to judicial campaigns at every court level in Washington.

The law, which passed the Legislature and was signed by Gov. Gregoire in March, sets a contribution cap of \$1,400 per donor to a judicial campaign in both the primary election and the general election, for a total of \$2,800 per donor in any one election cycle. The limit applies to contributions made directly to a candidate's campaign by individuals, corporations and political action committees. The new law does not prevent a candidate from contributing unlimited amounts to his or her own campaign.

Until this year, Washington was one of just four states that elect judges without restrictions on campaign contributions and appellate judicial campaign contribution records have been broken repeatedly during recent years. The King County Bar Association was one of the key supporters of the legislation.

"Judicial campaign contribution limits will help to preserve the nonpartisan nature of our judicial elections, preserve public confidence in our judicial election system and prevent well-funded special interest groups from dominating judicial elections," KCBA President Gary Maehara said in a letter to the Legislature earlier this year.

In so acting, the Legislature heeded the Washington Supreme Court's 1996 Walsh Commission Report, which recommended "limits on campaign contributions by persons or organizations and aggregate limits on expenditures by a judicial candidate's campaign committee."

As originally introduced last year, House Bill 1226 proposed adding a new chapter to Title 42 RCW, establishing contribution limits for campaigns for the Supreme Court, Court of Appeals and Superior Court.

The proposed limits were endorsed by KCBA and several other bar associations and civic groups, including the Washington State Bar Association, the Washington State Trial Lawyers Association, the American Judicature Society Washington Chapter, the Washington Defense Trial Lawyers Association and the Municipal League of King County. The League of Women Voters of Washington also later endorsed

the limits. The House passed the bill, but it died in a Senate Committee during the 2005 legislative session.

In January, the bill's primary sponsor, Rep. Shay Schual-Berke, reintroduced the bill, proposing contribution limits only at the appellate court levels. KCBA endorsed those limits.

A Senate committee later expanded the bill to apply to all judicial candidates. Rep. Schual-Berke said the House accepted the amendment to prevent the bill from dying a second time.

The KCBA Board of Trustees and other proponents believed that it was especially important for the Legislature to enact appellate campaign limits this year due to increasing contributions in recent elections and the resultant difficulties of preserving the appearance of fairness and impartiality of the courts.

A recent American Bar Association Journal article confirmed the validity of this concern. The article described a survey in which "76% of voters surveyed said they believe money [contributed to judicial campaigns] has at least some influence on judicial decisions -- and other surveys ... indicate that 26% of state justices agree with them."

The new law does not prohibit political action committees from raising and spending unlimited sums on so-called "independent advertising" that favors or opposes a particular judicial candidate. To date, at least three PACs have been set up to raise funds for the 2006 Supreme Court elections.

The goal is to preserve the appearance of fairness and impartiality of the courts by requiring that PAC activities be conducted independently of the candidates' campaigns. An ad or a mailing produced by a PAC must state that the PAC has produced it. An ad or a mailing sponsored by a candidate's campaign must state that the campaign has approved the message.

For more information about the law and KCBA's activities to foster judicial independence, visit www.kcba.org and select "Judicial Selection and Independence."

###

John Ruhl serves as KCBA first vice president. He worked closely with other bar leaders and with Rep. Schual-Berke to secure the passage of the judicial campaign contribution limits bill.