

News Release

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State Bar of Michigan Calls for Halt to Secret Funding of Judicial Campaign Ads

LANSING, Mich. – Michigan must act quickly to stop secret funding of judicial races – ideally before the 2014 judicial elections, the State Bar of Michigan said today in a letter requesting a declaratory ruling from Secretary of State Ruth Johnson.

Under the Michigan Campaign Finance Act, Johnson has 60 days to issue a ruling or provide an informational response to the questions presented. In the letter, the State Bar says that judicial campaigns should not be exempted from the disclosure requirements of the Michigan Campaign Finance Act and that a ruling is “urgently needed.”

“For several election cycles Michigan’s Supreme Court races have been among the nastiest, most expensive, and secret in the nation, and the poison of secret funding is even beginning to spread into trial court races,” said Bruce Courtade, president of the State Bar of Michigan. “Opposition to secret judicial campaign funding is not partisan or political. It is about protecting public confidence in the integrity and fairness of the court system.”

A 2004 Michigan Secretary of State interpretation of the Michigan Campaign Finance Act says that “issue advocacy advertisements” are not “expenditures.” The practical effect of that interpretation has been to allow the vast majority of people and organizations funding advertising in judicial campaigns to remain anonymous.

The State Bar argues in the letter that as a result of that secrecy, a perception of possible judicial bias arises when the public does not know who has funded the election campaigns of Michigan’s judges.

The State Bar also argues that the 2004 interpretation is not valid in light of three U.S. Supreme Court opinions.

“Since 2004, when the Michigan Department of State last spoke on the subject, the U.S. Supreme Court has provided clear guidance on two points: That those who come before the court have a due process right to an unbiased judge, and that free speech rights under the First Amendment do not include a right to secretly influence elections,” said Janet Welch, executive director of the State Bar of Michigan. “There is no excuse left for continuing to allow secret funding, and every reason for the Department of State to

make sure that in 2014 voters know exactly who is paying to influence their opinions of judicial candidates.”

For materials relating to this letter, including links to the amount of undisclosed spending in the last Michigan Supreme Court cycle, the 2004 Michigan Secretary State declaratory ruling on the Michigan Campaign Finance Act, and the Supreme Court opinions cited above – both whole versions and short summaries – visit the [Judicial Campaign Finance Reform Media Kit](#).

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About the State Bar of Michigan

Established in 1935, the State Bar of Michigan is composed of more than 42,000 practicing attorneys and judges. The mission of the Bar is to improve the administration of justice, promote the legal profession, and build public understanding of our legal system. More information about the Bar can be accessed at www.michbar.org.

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