

# Campaign Finance Talk

The Voice of the Michigan Campaign Finance Network

www.mcfn.org

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## Eyes of the Nation on the Michigan Supreme Court

**A**fter a decade of Uncivil War in state supreme court election campaigns in Michigan and across the nation, change for the better may be forthcoming.

In June of this year in the case of *Caperton v. Massey Coal Company*, the U.S. Supreme Court held that it is unconstitutional for an elected judge to rule in a case involving his extraordinary campaign finance supporter. The Court held that the probability of bias deprived the campaign supporter's legal opponent of his due process right to an impartial court hearing. While recognizing the exceptional nature of the *Caperton* case, in writing for the 5-4 majority, Justice Anthony Kennedy said, "Because the States may have codes of conduct with more rigorous recusal standards than due process requires, most recusal disputes will be resolved without resort to the Constitution, making the constitutional standard's application rare."



product of the way Michigan's campaigns are structured. Since 2000, more than \$30 million has been spent, but the candidates' campaign committees account for only \$13.1 million. Independent expenditures reported by political action committees and the political parties account for an additional \$3.3 million. But the greatest share of spending - \$14.3 million - paid for candidate-focused television "issue" advertisements.

Issue advertisements seek to define the candidates' character, qualifications and general suitability for office. They do not explicitly direct the viewer to vote for or against a candidate. Under the prevailing interpretation of the Michigan Campaign Finance Act, they are not considered to be campaign expenditures and they are not disclosed anywhere in the State's campaign finance reporting system. The Michigan Campaign Finance Network compiles its estimates from data collected from the public files of the state's broadcasters and cable systems.

### What does this mean for Michigan?

In a memo from the American Judicature Society in June 2007, the Michigan Supreme Court was singled out as the only state supreme court in the nation with no disqualification rules for its justices. Chief Justice Marilyn Kelly signaled her determination to address that deficiency by putting the topic on the agenda of the Court's first administrative hearing after she became chief justice in January of this year. The Court deferred action until March, but then published three different proposals for disqualification rules and invited public comment on them.

One of the critical challenges to developing effective recusal standards for the Michigan Supreme Court is a

Since the greatest share of campaign spending is off the books, how can a participant in a Supreme Court case know when a disqualification motion is legitimately in order? MCFN has recommended to the Court that it require all participants in its cases to file affidavits that disclose their contributions to the justices' campaign committees, and the committees that pay for independent expenditures and candidate-focused issue ads. Then, the justices and all parties will be able to consider all relevant campaign spending.

Back in July 2000, before Justice Robert Young's first election campaign, he told *George* magazine: "My advisers tell me I'll have to raise \$1 million or more to run a Supreme

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Court race. How can this not be a problem? The public has a right to ask: ‘If you have to raise \$1 million, can you really be impartial?’”

Justice Young had a correct sense of public sentiment. In March of this year, MCFN commissioned a poll of 600 Michigan voters on issues of campaign spending and judicial bias. By a three-to-one margin, Michigan voters doubt a judge’s ability to be fair and impartial in a case where one of the parties spent \$50,000 to support the judge’s election. By a five-to-one margin, Michigan voters doubt a judge’s ability to be fair and impartial in a case where one of the parties spent \$1 million to support his election. Eighty-five percent said that a judge should not participate in a case that involves a person or interest group that spent \$50,000 to support his election.

After the 2000 election, Justice Maura Corrigan told *The Detroit News*, “The current system does make it look like the

justices are up for sale. I hope people will buy into the need for change.”

As it turns out, the justices must follow the wisdom of Gandhi: “You must be the change you wish to see in the world.” The nation is watching to see whether the Michigan Supreme Court will set a standard for state judiciaries across America with the “more rigorous recusal standards” that Justice Kennedy contemplated in the *Caperton* opinion. The justices have a rare opportunity to build public trust and confidence in the fairness and impartiality of the Court, and end the perception that interest groups and privileged individuals have the prerogative to hire the judge they want to hear their case.

*The Michigan Supreme Court will have a public hearing on disqualification rules for Supreme Court justices on September 2nd in Lansing. Read MCFN’s comment at [www.mcfn.org](http://www.mcfn.org).*

## Recession hits Michigan’s Political Sector

**I**t appears that the Great Recession has finally reached the money-in-politics sector of Michigan’s economy. Michigan’s top political action committees (PACs) are accumulating funds at their slowest pace since 2003, according to data compiled by the Michigan Campaign Finance Network from reports filed with the Michigan Bureau of Elections.

Through July 20th, the state’s top 150 PACs have raised \$8.9 million. That total is down by seven percent compared to July 2005 or July 2007, when the top 150 PACs had already raised \$9.5 million. The top 150 PACs had raised \$7.7 million by July of 2003.

The House Democratic Fund leads this year’s fundraising list so far with \$696,905, which is down by 22 percent compared to the same point last election cycle. The Senate Republican Campaign Committee is second on the list with \$492,903, down by 40 percent.

Blue Cross / Blue Shield of Michigan is third on this July’s list of PACs at \$333,139. That figure is up by 24 percent compared to last cycle, when the Blues first reached the million-dollar plateau in PAC resources for a complete election cycle. The Blues are working toward an overhaul of the state’s individual health insurance market and, no doubt, have keen interest in Speaker of the House

Andy Dillon’s proposal to implement a unified health plan for all State public employees. Michigan Health and Hospital Association’s Health PAC is fourth at \$312,376.

Meijer PAC is higher on this year’s PAC list than at any time in the past, ranking fifth with \$306,858. Frederik Meijer is the top individual PAC-man so far this cycle, having contributed \$300,000 to Meijer PAC.

Speaker Andy Dillon has the top officeholder’s leadership PAC, with \$232,870. He is followed by: Senate Majority Leader Mike Bishop - \$167,739; Lieutenant Governor John Cherry’s Genesee Fund - \$104,570; Wayne County Executive Robert Ficano - \$91,050; and Macomb County Public Works Commissioner Anthony Marrocco, - \$90,805. Governor Jennifer Granholm’s Leadership Fund is down by 77 percent compared to last cycle, at \$61,163.

“The totals are off a little compared to the past,” said Rich Robinson of the Michigan Campaign Finance Network, “But money still matters in the world of public policy. It’s clear that the Blues are ready to play offense and the Beer and Wine Wholesalers are ready to play defense. As far as the public interest goes, I’m not sure where that is represented on this list.”

*The complete list of the top 150 Michigan state PACs is online at [www.mcfn.org](http://www.mcfn.org).*

# Top 50 Michigan PACs - 2010 Election Cycle

Through 7/20/2009

Rank	Name	01/09-7/09	01/07-7/07	Change (%)	2008 Cycle
1	MI House Democratic Fund	\$ 696,905	\$ 891,795	(21.9)	\$ 2,751,312
2	Senate Republican Campaign Committee	492,903	828,758	(40.5)	1,905,648
3	Blue Cross/Blue Shield of MI / BCBSM PAC	333,139	268,701	24.0	1,055,212
4	MI Health & Hospital Assn. / Health PAC	312,376	304,059	2.7	622,695
5	Meijer PAC	306,858	19,063	1,509.7	62,017
6	Senate Democratic Fund	300,836	281,065	7.0	860,871
7	House Republican Campaign Committee	287,809	699,247	(58.8)	1,969,112
8	United Auto Workers / UAW MI Voluntary PAC	250,000	-	n/a	1,950,000
9	(Andy) Dillon Leadership Fund	232,870	n/a	n/a	833,476
10	MI Assn for Justice / Justice PAC 1	216,112	163,299	32.3	814,480
11	MI Education Assn. / MEA PAC	202,037	194,049	4.1	1,142,653
12	Coalition for Progress (Jon Stryker)	200,390	n/a	n/a	4,208,610
13	MI Bankers Assn. PAC / MI BANK PAC	179,929	190,883	(5.7)	469,853
14	(Mike) Bishop Majority Fund	167,739	n/a	n/a	500,704
15	MI Assn. of Realtors / REALTORS PAC	159,437	271,076	(41.2)	931,370
16	MI Beer & Wine Wholesalers Assn. PAC	152,964	148,394	3.1	809,977
17	DTE Energy Co. PAC	150,516	123,764	21.6	472,939
18	Miller Canfield PAC	125,000	75,000	66.7	240,625
19	Comerica Inc. PAC	113,838	133,049	(14.4)	496,371
20	MI Credit Union League Action Fund	112,372	105,646	6.4	296,119
21	MI Farm Bureau PAC	110,007	119,869	(8.2)	364,636
22	Auto Dealers of Michigan PAC 2	106,859	220,608	(51.6)	613,051
23	JDC Genesee Fund (John Cherry)	104,570	113,750	(8.1)	253,000
24	(Robert) Ficano PAC	91,050	3,350	2,617.9	129,500
25	Anthony Marrocco Victory PAC	90,805	-	n/a	-
26	MI Regional Council of Carpenters PAC	85,526	109,700	(22.0)	364,181
27	MI Infrastructure & Transportaion PAC / MITA PAC	84,525	81,720	3.4	251,971
28	Comcast Corp. PAC / COMPAC	78,025	50,000	56.1	369,592
29	MI Assn. of CPAs / MACPA PAC	77,353	53,012	45.9	190,996
30	MI Chamber of Commerce PAC	69,567	46,812	48.6	297,609
31	CMS Energy Employees for Better Government	68,537	49,225	39.2	186,345
32	MI Soc of Anesthesiologists PAC	67,942	64,514	5.3	175,434
33	AFSCME PAC	64,319	59,517	8.1	249,241
34	(Jennifer) Granholm Leadership Fund	61,163	268,350	(77.2)	1,168,031
35	United Food & Commercial Workers PAC	59,386	7,929	649.0	136,675
36	MI Restaurant Assn. PAC	57,986	80,841	(28.3)	238,214
37	(Andy) Coulouris Leadership Fund	57,400	-	n/a	19,650
38	Operating Engineers Local 324 PAC	56,810	33,873	67.7	391,730
39	Health Care Assn. of MI / HCAM-PAC	56,370	-	n/a	86,261
40	Community Coalition PAC	53,000	7,430	613.3	10,710
41	MHSA PAC	53,000	52,000	1.9	167,028
42	MI Assn. of Nurse Anesthetists PAC	51,950	1,775	2,826.8	59,506
43	Intl. Brotherhood of Electrical Workers / IBEW COPE	51,871	121,754	(57.4)	390,472
44	MI Assn. of Insurance Agents / Agent PAC	51,532	59,681	(13.7)	156,464
45	AT&T Michigan PAC	50,521	77,482	(34.8)	248,575
46	MI Assn. of Health Plans PAC / MAHP PAC	48,500	45,010	7.8	197,169
47	Ed Gaffney Victory Fund	47,441	18,936	150.5	49,436
48	(Kathy) Angerer Leadership Fund	45,416	n/a	n/a	156,450
49	Troopers PAC	45,000	50,000	(10.0)	110,075
50	Progressive Women's Alliance of West MI	42,642	36,503	16.8	121,904

# Campaign Finance Talk

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## Campaign Finance Talk

All articles were written by Rich Robinson, executive director of the Michigan Campaign Finance Network.

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