

**Testimony to State Senate Administration Committee Hearing on SB 89**

Good Afternoon Senators.

I am Teresa Jacobs, Voter service Chair for the Missoula LWV and Legislative Steering Committee Chair for the Montana LWV. I'm here today on behalf of the LWV of Montana to speak against SB 89.

SB 89 would jeopardize the nonpartisan nature of our Montana judiciary because it essentially invites big money to play a part in the election of our judges. Fair and impartial justice in our courts is at stake across the country with special interest money flooding judicial elections. Big money and influence inevitably follow the kind of partisan support and endorsement that SB 89 would allow. A candidate would clearly become partisan when any mention of support by a political party or partisan organization would become public knowledge. When big money and special influence flood a judicial election, common citizens lose out in many ways that I will enumerate.

But first I want to say that the LWV is here today to speak to SB 89 as part of our long history of advocating for ways to help citizens engage in self-governance. We see that our national position on Campaign Finance speaks to SB 89. It urges us to "Improve methods of financing political campaigns in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and promote citizen participation in the political process."

Here's how common Montana citizens would lose out with the passage of SB 89.

Big money focused on a high stakes campaign typically focuses on television ads, an 'Air Wars' that stretches the truth in an escalating 'win-at-all-costs' effort. Amidst the ugly ruckus of such races, the electorate can easily lose sight of the 'real' issues and the 'real' candidates. Such campaigns that rely on strategic distortion to influence voters, offer little, if any, substantive information that voters can rely on to inform themselves on issues and candidates. They discourage voters from even trying to inform themselves and perhaps even from showing up to vote. They create cynics not only about elections and democracy, but

in this case, about our judges. Partisan bickering and other indignities as part of judicial races would certainly undermine the public's trust of our courts as a place to expect fair, impartial and independent decision-making based on our Constitution and laws.

The National League, as well as State Leagues such as Montana, have been working for several years on an education campaign to help citizens understand that "judges are different from other elected officials" because their singular role is to uphold the laws that govern us all. The LWV of Montana has a clear formal position supporting "Merit selection of judges" which speaks in part to citizens' rights to select their judges based on candidate's qualifications.

Not only would SB89 likely prevent citizens from getting a clear look at judicial candidates' qualifications and service, it would likely decrease the pool of excellent judges and their chances of being elected. SB 89 would likely inspire non-public alliances between candidates and special interests, thereby giving financial campaign advantage to candidates who are on the extreme, those candidates who are most 'endorse-able' by a special interest with money to spend. Meanwhile, judicial candidates who exercise judicial temperament and show no partisan or ideological interest would likely not be backed by big money nor able to compete fairly in the race. Money wins most campaigns. And so it's likely that the best candidates will be lost in a partisan, polarizing shuffle. The additional tragedy would be when that partisan shuffle would truly extend from the election arena to the courts themselves.

I am willing to answer any questions if you have any.

Please support the fairness, impartiality and independence of our courts and vote against Senate Bill 89.

Thank you.

A handwritten signature in black ink, appearing to read "Teresa Jacobs", written in a cursive style.

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