

Bopp, Coleson & Bostrom
1 South 6th Street
Terre Haute, IN 47807-3510

PRESS RELEASE

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Contact: James Bopp, Jr.

Phone 812/232-2434; Fax 812/235-3685; jboppjr@aol.com

Lawsuit Challenges Public Funding For Supreme Court Races

Today, Wisconsin Right to Life Political Action Committee filed suit in federal court against Wisconsin's recently enacted public funding scheme for Wisconsin Supreme Court candidates, asserting it is an unconstitutional infringement of their First Amendment free speech rights.

Under the scheme, supreme court candidates who agree not to fundraise are given initial campaign funds from the state of \$300,000, with additional "rescue fund" money of up to \$900,000, depending on the amount spent by third parties and their opponents.

Wisconsin Right to Life's PAC plans to spend its own money supporting candidates for the upcoming 2011 Wisconsin Supreme Court race. Wisconsin Right to Life challenges the inclusion of third party spending in determining when a participating candidate has been out-spent by a non-participating opponent and is entitled to rescue funds. It also challenges rules that require additional reports on its spending because the reports are in place solely to make sure candidates receive additional public funding.

According to James Bopp, Jr., counsel for Wisconsin Right to Life, "under this system, simply running an ad against a candidate can result in that candidate getting more taxpayer money." Says Bopp, "third parties are chilled from speaking in support of a candidate because doing so will likely result in providing additional funds to that candidate's opponent."

The case is *Wisconsin Right to Life v. Brennan, et al.*, 3:09-cv-764. The complaint is available in PDF online at the James Madison Center's website, www.jamesmadisoncenter.org, under the "WRTL v. Brennan."

James Bopp, Jr. has a national federal and state election law practice. He is General Counsel for the James Madison Center for Free Speech and former Co-Chairman of the Election Law Subcommittee of the Federalist Society.

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