

Posted on Fri, May. 24, 2002

Finance reform's battling not over

Its immediate effects are uncertain, but fight likely to go on a while

By Julie Wallace

Beacon Journal staff writer

Akron Councilman Dan Horrigan already had a fund-raiser planned for next week when a federal appeals court voted to uphold tough campaign finance reform laws for the city.

That left the Ward 1 Democrat wondering: Would those strict campaign-giving limits go into effect immediately?

After a quick review, Horrigan decided to proceed with his \$25-a-ticket cocktail party anyway.

"We'll see what happens. If it gets imposed, you just have to work with it," he said yesterday.

Others were left with the same question.

Akron's tough new campaign measures have been on hold while a legal fight wound its way through the justice system.

Whether that stay gets lifted in light of the recent ruling remains to be seen.

Robert Gippin, the attorney representing some current and former members of the Akron City Council who challenged Akron's campaign reform measure, says there are plenty of legal arguments still to be made.

There aren't any municipal elections this year. Still, Gippin said he doesn't anticipate seeing the provisions put into place for the politicians trying to raise money in the off-year.

Warner Mendenhall, who helped lead the local campaign for the reform law's passage, thinks otherwise.

"They'll have this law in place. That's my prediction," he said. "They'll have to follow the law, finally. They've been breaking it for four years, as far as I am concerned."

The debate arises from a decision handed down Wednesday by a three-judge panel of the 6th U.S. Circuit Court of Appeals in Cincinnati. Two of the three judges overturned a lower court decision, which had found unconstitutional many provisions of the charter amendment approved by Akron voters in 1998.

The appeals court ruled that four key provisions of that charter change, including limiting some campaign contributions to \$100 per donor, were constitutional.

Gippin said the Cincinnati court decision gives his clients a range of options to pursue, including bringing the case back to U.S. District Court in Akron for trial or appealing to the U.S. Supreme Court.

The first planned step -- seeking a review by all nine of the current appeals court judges -- is unusual but not unprecedented, Gippin said.

A similar, nine-judge review was used most recently in an affirmative action case involving the University of Michigan. It wouldn't be far-fetched, Gippin said, for the judges to consider the Akron case worthy of the same scrutiny, he said.

"It is very, very rare that a full circuit will hear a case... but they will for matters of great public importance," Gippin said. "We think this case is of similar significance."

The decision is garnering national attention. The New York Times and National Public Radio have contacted Mendenhall because the provisions would give Akron some of the most stringent campaign laws in the country.

Individual campaign donations would be limited to \$100 for ward council candidates and \$300 for at-large council and

mayoral candidates, and there would be a \$25 cap on cash contributions.

“These are among the lowest contribution limits in the country, and this appellate court's ruling is quite significant in advancing the basic principle that the purported First Amendment rights of the wealthy must be balanced with the nonwealthy,” said John Bonifaz, executive director of the nonprofit legal center National Voting Rights Institute.

Bonifaz's group has volunteered its services -- whether to file a brief of support for the decision or to provide legal research -- to the local supporters, Dollars for Democracy.

Dollars for Democracy was organized by the American Friends Service Committee, the social action arm of the Quaker church, and the Akron Catholic Commission.

Bonifaz said the appeals court decision also will be used to help defend finance limits enacted in Vermont. There, campaign limits for state races include a maximum \$200 individual donation for state representative races and \$300 for state senators.

“We think this ruling is a major development for the reform movement nationwide, and we're prepared to help defend it,” Bonifaz said.

Julie Wallace can be reached at 330-996-3542 or jwallace@thebeaconjournal.com