

ELECTIONS 2016 JULY 28, 2016 11:21 AM

Charter-school backers spending \$116,000 to try to unseat state Supreme Court justice



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Some of the biggest proponents of charter schools in Washington State are pouring money into the race to defeat state Supreme Court Justice Barbara Madsen, who authored last year's decision declaring the privately run, publicly funded schools unconstitutional.

The political arm of Stand for Children spent \$116,000 this month on independent expenditures supporting Greg Zempel, Madsen's chief opponent, in what constitutes the biggest infusion of outside cash in a Washington judicial race since 2010.

The group is funded by some of the same wealthy donors who supported the 2012 initiative to allow charter schools in Washington, which the court's decision overturned.

Zempel, the elected Kittitas County prosecutor, has been critical of the high court's 6-3 decision in the charter schools case, as well as what he has described as the court's tendency to be unpredictable in its rulings.

Madsen, the court's chief justice, wrote the court's majority opinion that said charter schools aren't eligible for public funding because their board members are appointed rather than elected by voters.

State lawmakers passed a bill this year that aims to keep charter schools open, but the statewide teachers union has promised to challenge the new law in court as well.

In the past 10 days, Stand for Children's political action committee has spent about \$86,000 on digital ad buys and another \$30,000 on phone calls supporting Zempel, according to the state Public Disclosure Commission, which tracks campaign spending.

The education reform group recently endorsed Zempel over Madsen in part because of its concerns over last year's charter school decision, spokeswoman Deborah Jaquith said.

"We have become concerned that recent decisions by the Court have reflected political beliefs rather than impartial judgment, most notably in their charter school decision," Jaquith wrote in an email.

Yet the pro-charter group's ads, which are appearing online, don't mention the charter school case. One ad promotes Zempel as someone with "common sense," "civility" and "sound reasoning," while another proclaims him "ready to make a difference."

The PAC's expenditures on Zempel's behalf dwarf what either he or Madsen have raised on their own: about \$38,000 and 30,000, respectively.

Another candidate looking to unseat Madsen, John "Zamboni" Scannell, has filed no records of campaign fundraising. Tuesday's primary election will decide which two of the candidates advance to the November general election.

Madsen said she had no comment on the outside spending in her race, except that it's an inherent part of having a court that is elected rather than appointed.

"We have an elected system, and people are permitted by law to make independent expenditures," she said.

A call to Zempel wasn't immediately returned Thursday.

Zempel is the only Washington candidate who Stand for Children's statewide PAC has spent so much money on this year.

The group has spent \$20,000 on ads supporting the re-election of House Majority Leader Pat Sullivan, D-Covington, but it has yet to invest heavily in other races, outside of the \$2,000 maximum it can contribute directly to candidates' campaigns.

That could soon change, as the PAC has a hefty war chest that it might unleash after next week's primary.

Most of the group's funding this year has come from a single source: Connie Ballmer, a wealthy philanthropist and wife of former Microsoft CEO Steve Ballmer, who donated \$500,000.

The PAC's other two main donors are Reed Hastings, the founder and CEO of Netflix; and Vulcan Inc., which is owned by Microsoft co-founder Paul Allen.

Allen's company and Ballmer were among the biggest financial supporters of Initiative 1240, the ballot measure voters approved to allow charter schools in Washington.

As of earlier this year, about 1,100 students attended the state's eight charter schools, three of which are in Tacoma. Three more charter schools — two in Seattle and one in Walla Walla — are scheduled to open in 2017.

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