

Race for open Idaho Supreme Court seat attracted big money

By KIMBERLEE KRUESI, Associated Press

BOISE, Idaho (AP) — Campaign finance reports show that the most expensive seat on the 2016 ballot was for an open spot on the Idaho Supreme Court — a rarity in the state.

Twin Falls attorney Robyn Brody won the competitive race against Republican Sen. Curt McKenzie after spending nearly \$285,000 while campaigning for the seat. McKenzie spent roughly \$126,000 as reported in the most recent campaign finance reports, but also received more than \$80,000 in independent expenditures from outside group.

Combined, it was the most expensive race for the nonpartisan judicial seat in Idaho's history. However, that's mainly because Idahoans rarely see a Supreme Court runoff election, which means candidates have a shorter campaign time to raise money.

In Idaho, a state supreme court candidate must win the majority of the vote in the May primary. If not, the top two candidates face off in a runoff election in November, and the last time that happened was in 1998.

Back then, winner Wayne Kidwell defeated opponent Michael Wetherell in the runoff election after raising and spending nearly \$61,900. Kidwell won the runoff election even after being outspent by Wetherell, who had raised \$99,747, according to state campaign records.

The uptick in campaign funds needed to secure a judicial seat in Idaho matches the growing trend of focusing more resources in order to secure or sway state supreme courts across the country.

Outside groups spent a record \$16.4 million on TV spots this election cycle, topping the \$13.5 million spent during the 2011-12 races, according to data from the Brennan Center for Justice. Total TV spending, including ads by the candidates themselves, neared \$33 million, just shy of the amount spent four years ago.

Data released by the Center for Public Integrity showed that Brody spent \$9,950 on television ad time through November. The Washington-based center bases its figures on widely accepted estimates from Kantar Media/CMAG, a New York-based firm that monitors 211 broadcast markets around the country.

The center's data also showed that Clive Strong was the only other judicial candidate to spend money on television ads. Strong spent \$11,530 for 71 ad spots during the early half of the election, but ultimately, Strong came in last place in the four-way race in the primary.

State supreme courts often affirm or overturn policies set by state legislatures, handing down key rulings regarding public school funding, taxes and criminal justice.

In Idaho, McKenzie received big financial support from the state's influential business lobby, anti-abortion groups and gun advocates. Brody received support from a wave of trial lawyers, who often argue in front of the supreme court.

Unlike other state campaigns, Idaho bans judicial candidates from directly asking for campaign contributions in an effort to insulate judges from outside influence — even though campaign finance reports are public records. Instead, justice candidates are only allowed to solicit contributions through a committee.

Brody will begin her six-year term on the five-seat bench in January.