



The League of Women Voters of Ohio Education Fund imPACT e-newsletter.

The purpose of these monthly emails is to provide League members and our partners with information on the most pressing reform issues affecting Ohioans today.

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September 1, 2010

HAS THERE BEEN A MONEY EXPLOSION IN JUDICIAL ELECTIONS?

According to the authors of a new report title, *The New Politics of Judicial Elections*, there has been between 2000 and 2009. The Brennan Center for Justice at NYU School of Law, Hofstra University School of Law, The Justice at Stake Campaign and the National Institute on Money in State Politics issued their report on August 10, 2010 that indicates that the influence of money in judicial elections continues to cast a shadow on judicial elections.

The New Politics of Judicial Elections report makes the following statements:

The surge in spending is pronounced and systemic.

Campaign fundraising more than doubled, from \$83.3 million in 1990–1999 to \$206.9 million in 2000–2009. Three of the last five Supreme Court election cycles topped \$45 million. All but two of the 22 states with contestable Supreme Court elections had their costliest-ever contests in the 2000–2009 decade.

Special-interest “super spenders” played a central role in this surge. A study of 29 elections in the nation’s 10 most costly election states shows the extraordinary power of super spender groups. The top five spenders in each of these elections invested an average of \$473,000, while the remaining 116,000 contributors averaged \$850 each. In the most widely publicized case, one coal executive spent \$3 million to elect a West Virginia justice. The disparity suggests that a small number of special interests dominated judicial election spending even before the *Citizens United* case ended bans on election spending by corporations and unions.

In 2007–08, five states felt the worst blast of the super spender phenomenon. When TV spending by political parties and special-interest groups is factored in, Pennsylvania broke the \$10 million barrier, while spending reached \$8.5 million in Wisconsin. Texas and Alabama each topped \$5 million, and Michigan, which had just under \$5 million in fundraising and independent TV ads, witnessed some of the cycle’s most brutal campaign commercials.

Partisan races drew the most cash, but that may be changing. Candidates in partisan Supreme Court elections raised \$153.8 million nationally in 2000–09, compared with \$50.9 million in nonpartisan elections (retention election candidates raised \$2.2 million). But in some states, notably Wisconsin in 2007–08 and Georgia in 2006, nonpartisan races have been just as costly and nasty as their partisan counterparts.

Special-interest money sometimes comes with a cost. The candidate who raised the most money won 11 of 17 contested high court races in 2007–08. But three well-funded incumbent chief justices were defeated, perhaps in part because they were tied to special-interest patrons.

The trends continued in 2009. In Pennsylvania, Wisconsin and Louisiana, candidates and independent groups spent a total of about \$8.7 million on 2009 elections. And in each race, candidates accused opponents of being ethically tainted.

To read more of the report [click here](#) or paste <http://www.ohioimpact.org/site.cfm/imPACT-Home/Resources/Latest-News/2010-August/Judicial-Independence-.cfm> into your browser. From that page you can download the full report or the executive summary of the report.