

Judicial Public Campaign Financing

Our Position

Democracy North Carolina wants government to be responsible to the people, not distorted by special interests. That includes making sure NC's highest courts are unbiased and its judges free from conflicts of interest. To this end, we advocated for the NC Public Campaign Fund when it was first created and we intend to fight hard to keep this successful program running. It creates an independent, yet accountable, judicial system and is a vitally-needed alternative to the traditional method of judges raising campaign money from the special interests and individuals who appear in their courts. The program's usefulness is proved by the fact that 77% of statewide judicial candidates in contested general elections have used the program since its debut in 2004.

- ▶ **Campaign funds for judges traditionally come from parties who appear in court**, such as business groups and attorneys. This system invites conflicts of interest.
- ▶ **North Carolina needs appellate courts free from real and perceived conflicts of interest.** The NC Supreme Court and Court of Appeals are the last stops for citizens seeking justice in the state court system, and everyone agrees they should be unbiased and free from special interest influence. *But we elect our judges and they have to get campaign money from somewhere.* So long as appellate judges are elected in our state, this program is needed.
- ▶ **The NC Public Campaign Fund offers a more ethical alternative.** North Carolina began a voluntary public financing program in 2004 to provide an alternative source of "clean" campaign money to candidates for the NC Supreme Court and Court of Appeals if they can first meet certain conditions and agree to strict program rules.
- ▶ **The program weeds out candidates who are not viable and imposes strict rules.** It is a sweat equity challenge requiring judicial candidates who hope to qualify for the program to first raise hundreds of small, qualifying donations from registered voters while also abiding by strict spending and fundraising limits.
- ▶ **The program has an outstanding track record.** After four elections, the program has gained broad, bi-partisan support from judicial candidates and reduced their reliance on large donations dramatically.
- ▶ **Candidates using the program cross ideological, racial and gender lines.** Its broad popularity has helped significantly increase the diversity of judges serving on the NC Supreme Court and NC Court of Appeals.
- ▶ **The program has been hailed as a national model for clean judicial elections.** It has won praise from the American Bar Association and many other groups and is the model for programs in New Mexico, Wisconsin and West Virginia.

Facts: The N.C. Public Campaign Fund

Because The N.C. Public Campaign Fund has been in operation since 2004, a track record exists testifying to its usefulness and universal appeal:

- ▶ **The program is widely used by appellate candidates:** 47 of the 61 (77%) candidates in contested general elections for the NC Supreme Court or Court of Appeals have enrolled in the program from 2004 through 2010.
- ▶ **Not everyone qualifies for the program:** eight out of the 47 program applicants hoping to qualify since 2004 failed to do so because they did not raise the required amount of qualifying small donations.
- ▶ **The program enjoys diverse support:** The 39 qualifying program participants to date include 19 winners and 20 losers; 15 Republicans and 24 Democrats; 15 incumbents and ten challengers (the rest sought an open seat); six African Americans and 33 whites; and 19 women and 20 men.
- ▶ **The program encourages bench diversity:** 18 of the 22 judges on the current NC Supreme Court and Court of Appeals qualified for public financing, including all 11 women and all four African Americans. In addition, for the first time in our state's history, as of 2011, the majority of NC Supreme Court justices are women, thanks in part to the program. Plus, in 2002, before the shift to public financing and nonpartisan elections, all three black appellate judges who sought re-election lost, but the four black judges who have run since then in regular elections all used public financing and won.
- ▶ **The program clearly fosters judicial independence:** In the 2002 election, 73% of the non-family funds raised by appellate judicial candidates came from attorneys, attorney groups, business PACs and special interests that appear in court often. That figure dropped to 14% after public financing became an option.
- ▶ **The program does not use money from the NC General Fund.** The N.C. Public Campaign Fund that supports the program gets about half its money from a \$50 assessment on attorneys and the other half from a voluntary \$3 designation on NC's state income tax form.
- ▶ **The program educates the public on judicial races.** The N.C. Public Campaign Fund also pays for a judicial voter guide that is mailed to over 4 million homes during each election year, educating citizens on the candidates running for appellate courts seats as well as the duties of these traditionally little-known offices.