

# Democracy North Carolina

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## **SPECIAL-INTEREST FUNDING DECLINES IN STATE COURT ELECTIONS AS 77% OF THE TOP JUDGES QUALIFY FOR PUBLIC FUNDS**

The end of 2010 marks the eighth year that North Carolina's voluntary public campaign financing program for statewide judicial candidates has been in effect – long enough for it to be used or rejected in the staggered election cycles that have now involved all 22 seats on the state's Supreme Court and Court of Appeals.

An analysis by the nonpartisan group Democracy North Carolina shows that a large majority of candidates across ideological, racial and gender lines have enrolled in the program, and this broad popularity has had a significant impact on increasing the diversity of judges on the two courts and reducing the role of special-interest money in their elections.

When the NC Supreme Court and Court of Appeals convene next year, 17 of the 22 members (77%) will be judges who successfully qualified for public financing in their campaigns. The 17 include all 11 women and the three African Americans elected to the two courts.

“The majority of the NC Supreme Court justices will be women in 2011 for the first time in our state's history,” said Bob Hall, executive director of Democracy North Carolina. “In 2002, before the shift to public financing and nonpartisan elections, all three black appellate judges who sought reelection lost, but the four African-American judges who have run since then in regular elections all used public financing and won. That's a pretty remarkable turnaround.”

According to Democracy North Carolina's analysis, 47 of the 61 (77%) candidates in contested general elections for the Supreme Court or Court of Appeals have enrolled in the program since it began in 2003, but 8 of the 47 failed to qualify for public grants. The 39 who qualified had to first accept strict spending limits and obtain hundreds of small donations from registered voters across the state.

The 39 qualifying candidates from 2003 through 2010 include 19 winners and 20 losers, 15 Republicans and 24 Democrats, 15 incumbents and 10 challengers (the rest sought an open seat), 6 African Americans and 33 whites, 19 women and 20 men.

Ten of the 14 candidates in contested elections who did not enroll in the program were involved in the shortened campaigns to fill the late vacancies created by the resignations of Supreme Court Justice Bob Orr in 2004 and Court of Appeals Judge James A. Wynn Jr. in 2010.

Those who qualify received a grant of \$137,500 to \$240,100 for campaign expenses, based on the office sought, plus possible rescue funds to match excessive spending by their opposition.

“It's not free money,” said Hall. “It comes with conditions that push candidates to succeed at grassroots campaigning rather than rely on a handful of major donors. If they can get enough voters to invest in their campaign, they are then freed from the constant burden of hustling for dollars and judges especially find that liberating.”

In an earlier study, Democracy North Carolina discovered that 73% of the non-family funds raised by appellate judicial candidates in the 2002 election came from attorneys, attorney groups,

business PACs and other special interests that often appear in court. The apparent conflict of judges taking money from those who appear in their courtroom was one factor leading to the adoption of the public financing program, said Hall. “The new law was meant to provide an alternative source of ‘clean’ campaign money to reduce the reliance on large private donations.”

To see how well that idea is working in practice, Democracy North Carolina analyzed the \$1.7 million in private and public contributions received by the 8 qualifying candidates in the 2010 appellate court races (*listed below*). Final disclosure reports covering the last three weeks of the election are not due until January 11, 2011, but these candidates had to stop raising new money after the primary, when they received their public grant, so their total receipts are known.

The analysis revealed that public funds accounted for 72% of the \$1.7 million raised by the 8 candidates, a sharp contrast to the 73% supplied in the 2002 election by donors with a vested interest in judicial decisions. In addition, 88% of the private money raised by the 8 candidates came as qualifying donations from thousands of voters giving an average of less than \$100 each.

“Despite all the skepticism about government programs, here’s one that has delivered on its promise,” said Hall. “It’s working well on several levels, and now other states are copying it,” In the past year, Wisconsin and West Virginia have adopted programs based on the NC model.

The Public Campaign Fund that supports the North Carolina program is not financed with an appropriation from the General Fund. Rather, about half its money comes from a \$50 assessment on attorneys in the state and the other half comes from a voluntary \$3 designation on the state income tax form. The Fund also pays for a judicial voter guide that is mailed to 4 million homes.

### Money Raised by Qualifying Candidates in 2010 Election

Candidate	Private Seed Money	Qualifying Contributions			Total Private Fund-raising	Public Camp. Fund		Total From Public Fund	Total, All Funds	% Total From Public Fund
		# Donation	Total	Aver. Donation		Initial Grant	Rescue Funds			
<b>Supreme Court</b>										
Robert C. Hunter	\$10,000	460	\$77,834	\$169	\$87,834	\$240,100	\$297	\$240,397	\$328,231	73%
Barbara Jackson	\$10,000	819	\$54,428	\$66	\$64,428	\$240,100	\$7,603	\$247,703	\$312,131	79%
<b>Court of Appeals</b>										
Ann Marie Calabria	\$10,000	902	\$55,786	\$62	\$65,786	\$164,400	\$5,450	\$169,850	\$235,636	72%
Jane Gray	\$10,000	439	\$44,825	\$102	\$54,825	\$164,400	\$297	\$164,697	\$219,522	75%
Martha Geer	\$5,090	502	\$59,255	\$118	\$64,345	\$164,400	\$0	\$164,400	\$228,745	72%
<b>IRV-Appeals Crt</b>										
Stan Hammer	\$7,500	335	\$38,609	\$115	\$46,109	\$57,540	\$1,225	\$58,765	\$104,874	56%
Doug McCullough	\$1,535	304	\$27,870	\$92	\$29,405	\$57,540	\$31,013	\$88,553	\$117,958	75%
Cressie Thigpen	\$2,315	411	\$48,258	\$117	\$50,573	\$57,540	\$1,225	\$58,765	\$109,338	54%
TOTALS	\$56,440	4,172	\$406,865	\$98	\$463,305	\$1,146,020	\$47,110	\$1,193,130	\$1,656,435	72%

# Participation in the Judicial Public Campaign Program

## Profile of the Top Courts for 2011

**The 2011 NC Supreme Court – 7 members:** *Qualified for public funding:* Chief Justice Sarah Parker and Justices Robert Edmunds, Robin Hudson, Barbara Jackson, Paul Newby and Patricia Timmons-Goodson. *Elected without seeking to enroll in public financing program:* Mark Martin

**The 2011 NC Court of Appeals – 15 members:** *Elected with public funding support:* Cheri Beasley, Wanda Bryant, Ann Marie Calabria, Sam Ervin IV, Martha Geer, Robert C. Hunter, Robert N. Hunter Jr., Linda McGee, Linda Stephens, Donna Stroud and Doug McCullough. *Not eligible for public financing because ran unopposed:* John Martin, Sanford Steelman. *Enrolled in the program but failed to qualify:* Rick Elmore. *The governor fills the 15<sup>th</sup> seat (vacated by Barbara Jackson).*

## Who Enrolled & Who Qualified for Public Funds, By Election Cycle

### 2004 Election (Race/Sex/Party) 12 qualified, 14 tried\*

Sarah Parker (W/F/D)                      James A. Wynn Jr. (B/M/D)  
John Tyson (W/M/R)                      Linda McGee (W/F/D)  
Howard Manning (W/M/R)                Bill Parker (W/M/R)  
Betsy McCrodden (W/F/D)                Wanda G. Bryant (B/F/D)  
Fred Morrison Jr. (W/M/D)                Alice C. Stubbs (W/F/R)  
Paul M. Newby (W/M/R)                    Alan Thornburg (W/M/D)

\* *In 2004, Ronnie Ansley and Barbara Jackson tried but didn't qualify*

\*\* *In 2006, Kris Bailey tried but did not qualify*

### 2006 Election: 8 qualified, 9 tried\*\*

Sarah Parker (W/F/D)  
Eric Levinson (W/M/R)  
Patricia Timmons-Goodson (B/F/D)  
Ann Marie Calabria (W/F/R)  
Robin Hudson (W/F/D)  
Robert C. Hunter (W/M/D)  
Linda Stephens (W/F/D)  
Donna Stroud (W/F/R)

### 2008 Election: 11 qualified, 11 tried

Robert H. Edmunds (W/M/R)  
Suzanne Reynolds (W/F/D)  
James A. Wynn Jr. (B/M/D)  
Sam J. Ervin IV (W/M/D)  
Kristin Ruth (W/F/D)  
Cheri Beasley (B/F/D)  
Doug McCullough (W/M/R)  
Linda Stephens (W/F/D)  
Dan Barrett (W/M/R)  
John S. Arrowood (W/M/D)  
Robert N. Hunter Jr. (W/M/R)

### 2010 Election 8 qualified, 13 tried\*\*\*

Robert C. Hunter (W/M/D)  
Barbara Jackson (W/F/R)  
Ann Marie Calabria (W/F/R)  
Jane Gray (W/F/D)  
Martha Geer (W/F/D)  
Stan Hammer (W/M/D)  
Doug McCullough (W/M/R)  
Cressie Thigpen (B/M/D)  
\*\*\**In 2010, Rick Elmore, Steven Walker, Dean Poirer, Anne Middleton and Harry Payne tried but did not qualify*

## Summary Profile of 39 Candidates Who Qualified: 2004-2010

**19 Winners earned public financing:** *2004:* Sarah Parker, Paul Newby, Linda McGee, Wanda Bryant; *2006:* Sarah Parker, Patricia Timmons-Goodson, Robin Hudson, Robert C. Hunter, Donna Stroud; *2008:* Robert Edmunds, James Wynn, Sam Ervin, Cheri Beasley, Linda Stephens, Robert N. Hunter; *2010:* Barbara Jackson, Ann Marie Calabria, Martha Geer, Doug McCullough

**20 Losers earned public financing:** *2004:* John Tyson, Howard Manning, Betsy McCrodden, Fred Morrison, James Wynn, Bill Parker, Alice Stubbs, Alan Thornburg; *2006:* Eric Levinson, Ann Marie Calabria, Linda Stephens; *2008:* Suzanne Reynolds, Kristin Ruth, Doug McCullough, Dan Barrett, John Arrowood; *2010:* Robert C. Hunter, Jane Gray, Stan Hammer, Cressie Thigpen

**15 Incumbents:** *2004:* Sarah Parker, Linda McGee, Wanda Bryant, Alan Thornburg; *2006:* Sarah Parker, Patricia Timmons-Goodson, Robert C. Hunter, Linda Stephens; *2008:* Robert Edmunds, James Wynn, Doug McCullough, Linda Stephens, John Arrowood; *2010:* Ann Marie Calabria, Martha Geer

**10 Challengers:** *2004:* John Tyson, Bill Parker, Alice Stubbs; *2006:* Eric Levinson, Donna Stroud; *2008:* Suzanne Reynolds, Cheri Beasley, Dan Barrett, Robert N. Hunter; *2010:* Jane Gray