

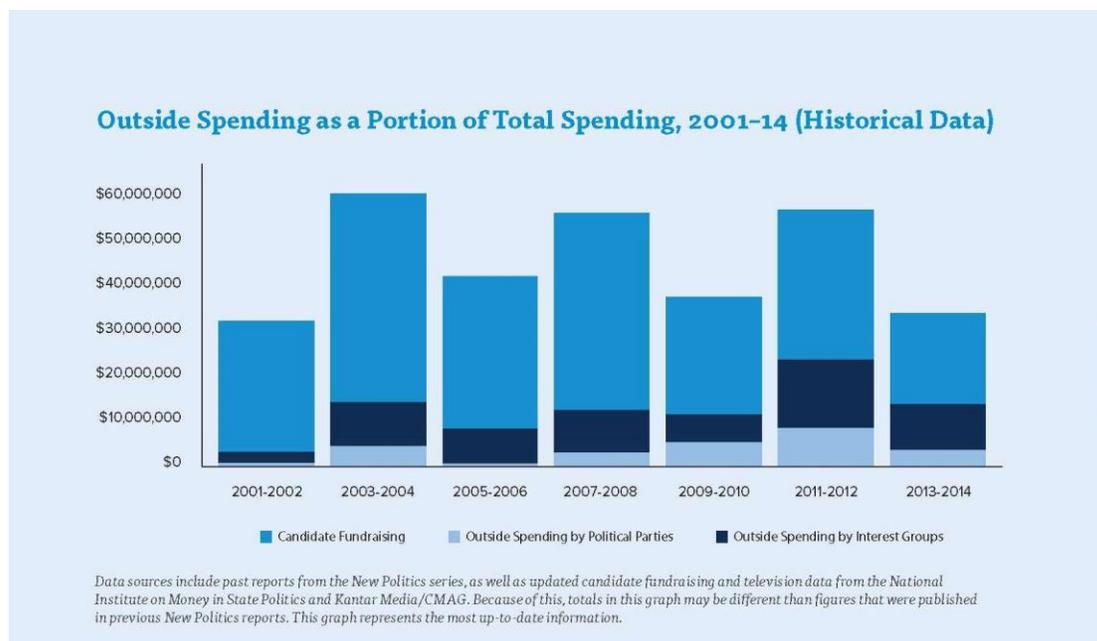
Bankrolling the Bench: The New Politics of Judicial Elections 2013-14

Fact Sheet

In the 2013-14 state judicial election cycle, pressure from big money interests threatened the promise of equal justice for all. Outside spending by special-interest groups made up a record percentage of total spending, as groups with known financial or political agendas sought to influence the outcome of state Supreme Court elections and the makeup of our courts. This fact sheet, based on a new report by the Brennan Center for Justice, Justice at Stake, and the National Institute on Money in State Politics — *Bankrolling the Bench: The New Politics of Judicial Elections 2013-14* — documents the financial and political forces that sought to shape the decisions coming out of our state’s highest courts.

Outside spending by interest groups as a percentage of total election spending set a new record.

- Outside spending by special-interest groups — often funded by businesses or lawyers with financial interests in cases being heard in state court — accounted for a **record 29 percent** of total spending, or **\$10.1 million**, topping the previous record of 27 percent in 2011-12.
- When spending by political parties is added, outside spending reached **40 percent** of total spending, setting a new record for a non-presidential election cycle.
- Total spending in absolute dollars — including by candidates, interest groups, and political parties — exceeded **\$34.5 million** across **19 states**. In three states, outside spending comprised the majority of spending, with **Illinois at 90 percent**, **Montana at 75 percent**, and **Tennessee at 54 percent**.



Big spenders dominated election spending and influenced election outcomes.

- **21 of the 23** contested seats this cycle — or over **90 percent** of seats — were won by the candidate whose campaign raised the most money.
- State Supreme Court campaigns were backed by wealthy interests: in 15 of the 19 states that saw spending, a majority of all campaign contributions **were at least \$1,000**.
- The **top 10 spenders** this cycle accounted for nearly **40 percent** of total spending nationwide.
- **Eight states** saw more than **\$1 million** spent on state Supreme Court races in 2013-14, with **Michigan** leading with more than **\$9.5 million** in spending across three races.
- An average of at least **\$1 million *per seat*** was spent in **Michigan, North Carolina, Illinois, Ohio, and Wisconsin**.

National organizations continued to target state — and even local — judicial elections.

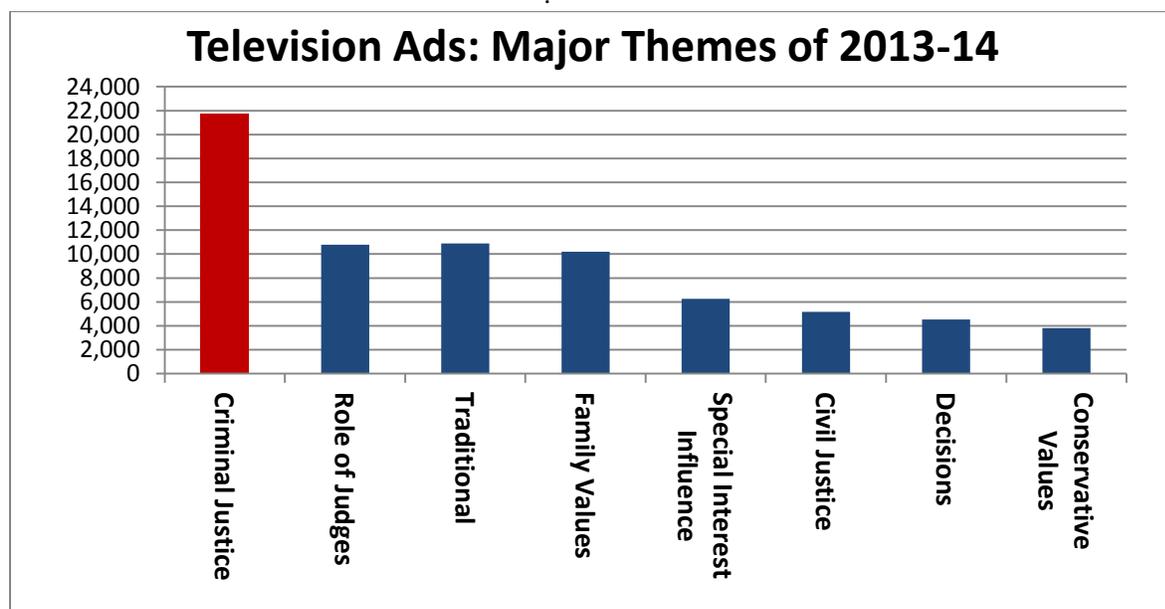
- National special-interest groups and their state affiliates spent at least **\$4.8 million** on state Supreme Court races, accounting for approximately **14 percent** of total spending.
- National special-interest groups made up **three of the top 10** biggest spenders in 2013-14, more than in both 2011-12 and 2009-10.
- The **Republican State Leadership Committee (RSLC)** spent nearly **\$3.4 million** across four state Supreme Court elections and one county court race.

Spending — particularly by outside groups — favored candidates on the political right.

- **70 percent** of all expenditures by outside groups supported Republican or conservative candidates.
- However, **two of the three top spenders** of the 2013-14 cycle either supported Democratic candidates or opposed Republican candidates.

“Tough on Crime” was the most common campaign theme in TV advertisements.

- A **record 56 percent** of TV spots discussed criminal justice issues, compared to the previous high of 33 percent in 2007-08 and 2009-10.
- **82 percent** of attack ads featured criminal justice themes.



Overall ad negativity hit a record low—but outside groups were overwhelmingly responsible for those negative ads that did run.

- Only **21 percent** of all ads were negative in tone, making this the cycle with the **least ad negativity since 2000**.
- However, **46 percent** of all ads run during *retention races* this cycle were negative in tone, up from 10 percent in 2011-12.
- Special-interest groups were overwhelmingly responsible for the negative ads this cycle, sponsoring **86.4 percent** of all negative ads and **100 percent of all attack ads**.

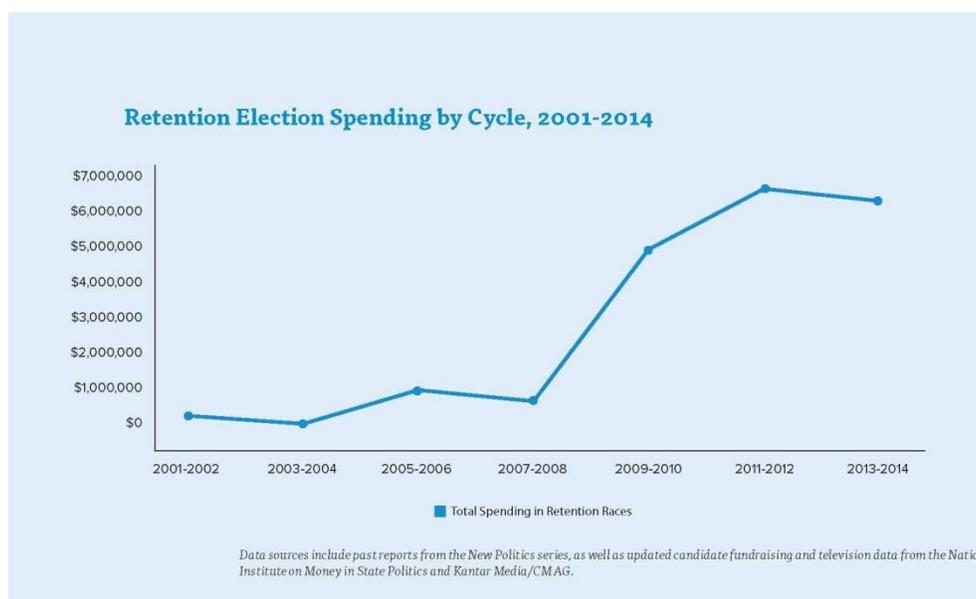
Spending on television advertisements mirrored overall spending patterns.

- Special-interest groups were responsible for 36 percent of all TV spending this cycle, a record for a non-presidential election year.
- Of the **18 races** in which TV advertisements aired, **15** were won by the candidates who saw the most TV dollars spent in their favor.
- The **top 10 TV spenders** were responsible for **67 percent** of total TV spending.
- In the states that saw television spending, spending averaged about **\$600,000 per open seat** in 2013-14, higher than in both 2009-10 and 2005-06.



Retention elections remained battlegrounds for special interests and partisan politics.

- Nearly **\$6.5 million** was spent on retention — or “yes” or “no” — races in four states in 2013-14.
- Average per seat spending in retention elections in 2009-14 reflected a **tenfold** increase from the average over the previous eight years.
- Outside groups accounted for nearly **68 percent** of total spending in retention elections, compared to **44 percent** of total spending in 2009-10.



Unopposed races were unusually prevalent.

- Candidates ran unopposed in **18 races** in 2013-14, or **44 percent** of all contestable seats. This is the **highest number and percentage of unopposed races since 2000**.
- This rise in uncontested races could be an anomaly, or it could be a sign that certain states are seeing a decrease in meaningful electoral competition, or that their courts have been “captured” by a single political party.
- In contested elections for state Supreme Court seats, however, spending averages per race **were virtually the same as previous years**, suggesting that fundraising and spending pressures continue to be a concern.

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To read the report in its entirety, visit www.newpoliticsreport.org.

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