Judicial Elections, Spending, and Recusal

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Judicial Elections in 2013-14

- Spending took place in 41 judicial races across 19 states
- Total spending exceeded $34.5 million

Outside Spending Grows to New Heights

Outside spending has grown rapidly since the Citizens United decision

Many of these groups are not required to disclose their donors
### Big Spenders Dominated

<table>
<thead>
<tr>
<th>Organization</th>
<th>Total Spending</th>
<th>Outside Spending</th>
<th>Total Contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michigan Republican Party</td>
<td>$3,587,408.54</td>
<td>$295,468.00</td>
<td>$3,882,876.54</td>
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<tr>
<td>Campaign for 2016 (MI)</td>
<td>$2,064,094.15</td>
<td>$2,064,094.15</td>
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<tr>
<td>Richard Bernstein (MI)</td>
<td>$1,896,839.27</td>
<td>$1,896,839.27</td>
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</tr>
<tr>
<td>Republican State Leadership Committee (MT, IL)</td>
<td>$1,645,000.00</td>
<td>$1,645,000.00</td>
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<tr>
<td>Justice for All NC</td>
<td>$1,414,279.26</td>
<td>$1,414,279.26</td>
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<tr>
<td>Mike Bearden (MI)</td>
<td>$1,267,000.00</td>
<td>$1,267,000.00</td>
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<tr>
<td>Americans for Missouri</td>
<td>$994,000.00</td>
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<td>Heritage Action Foundation</td>
<td>$350,000.00</td>
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<td>The Center for Judicial Fairness (MI)</td>
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<tr>
<td>Michigan Republican Super PAC/Michigan Association of Realtors</td>
<td>$198,787.00</td>
<td>$171,000.00</td>
<td>$370,877.00</td>
</tr>
</tbody>
</table>

Total: $11,501,725.83

The Top 10 spenders accounted for nearly 40% of total spending nationwide.

### Spending Favored the Political Right

- **70%** of all expenditures by outside groups supported Republican or conservative candidates.
- Roughly two-thirds of the money spent by the top 10 spenders went to supporting candidates on the right.

### TV Spending in 2013-14

A record 36% of ad spots discussed criminal justice themes.

82% of attack ads used criminal justice themes.
National Groups in 2013-14

- National groups spent $4.8 million dollars
- The Republican State Leadership Committee spent $3.4 million

National group spending accounted for 14% of total spending

Local Issues Drive Spending: Illinois

A $10.1 billion verdict against the cigarette maker Philip Morris USA over “deceptive marketing” using the term “light” was appealed to the Illinois Supreme Court.

85% of the $2,064,994 spent by Campaign for 2016 came from lawyers and law firms representing the plaintiffs in the Philip Morris lawsuit.

Spending Surge in Montana

- Montana Judicial Election Spending 2000-14

- Independent Spending
- End of Free Spending
Montana: Why Was 2014 Different

- Big business targets Wheat over the environment
- A chance to weaken the Democratic majority on the Court to 4-3
- National group spending for the first time

Other Recent Surges: Retention Elections

Recent politically motivated anti-retention efforts in:
- Tennessee
- Kansas
- Illinois
- Iowa (2010)

Ways to Promote a Fair Judiciary

- Judicial Selection is Difficult to Change
- Public Financing
- Increased Financial Disclosure
- Strict Judicial Codes of Conduct
- Recusal Rules that are Responsive to Campaign Spending