

## FACT SHEET ON JUDICIAL SELECTION METHODS IN THE STATES

### State High Courts:

For state high courts (which are called supreme courts in 48 states) a total of 38 states have some type of judicial elections. The breakdown of selection systems for state high courts is as follows:

- **Seven (7) states have partisan elections** (AL, IL, LA, NC, PA, TX, WV; All judges in both Illinois and Pennsylvania run in uncontested retention elections for additional terms after winning a first term through a contested partisan election)
- **Fourteen (14) states have nonpartisan elections** (AR, GA, ID, KY, MI, MN, MS, MT, NV, ND, OH, OR, WA, WI; Ohio and Michigan have nonpartisan general elections, but political parties are involved with the nomination of candidates, who frequently run with party endorsements)
- **Seventeen (17) states have uncontested retention elections after initial appointment** (AK, AZ, CA, CO, FL, IN, IA, KS, MD, MO, NE, NM, OK, SD, TN, UT, WY; All judges in New Mexico are initially appointed, face a contested partisan election for a full term, and then run in uncontested retention elections for additional terms)
- **The remaining 12 states grant life tenure or use reappointment of some type for their highest courts** (CT, DE, HI, MA, ME, NH, NJ, NY, RI, VT, VA, SC)

### Intermediate Appellate Courts:

Thirty-nine (39) states have intermediate appellate courts. The breakdown of selection systems for intermediate appellate courts is as follows:

- **Six (6) states have partisan elections** (AL, IL, LA, NC, PA, TX; see note above on IL and PA)
- **Eleven (11) states have nonpartisan elections** (AR, GA, ID, KY, MI, MN, MS, OH, OR, WA, WI; see note above on MI and OH)
- **Fourteen (14) states have uncontested retention elections after initial appointment** (AK, AZ, CA, CO, FL, IN, IA, KS, MO, NE, NM, OK, TN, UT; see note above on NM)
- **Eight (8) states grant life tenure or use reappointment of some type for their intermediate appellate courts** (CT, HI, MD, MA, NJ, NY, SC, VA)
- **Eleven (11) states do not have intermediate appellate courts** (DE, ME, MT, NV, NH, ND, RI, SD, VT, WV, WY)

### Trial Courts:

A total of 39 states hold elections—whether partisan, nonpartisan, or uncontested retention elections—for trial courts of general jurisdiction. The breakdown of selection systems for trial courts of general jurisdiction is as follows:

- **Eight (8) states have partisan elections for all general jurisdiction trial court judges** (AL, IL, LA, NY, PA, TN, TX, WV; see note above on IL and PA)
- **Twenty (20) states have nonpartisan elections for all general jurisdiction trial court judges** (AR, CA, FL, GA, ID, KY, MD, MI, MN, MS, MT, NV, NC, ND, OH, OK, OR, SD, WA, WI)
- **Seven (7) states have uncontested retention elections for all general jurisdiction trial courts** (AK, CO, IA, NE, NM, UT, WY; see note above on NM)
- **Four (4) states use different types of elections—partisan, nonpartisan, or retention—for general jurisdiction trial courts in different counties or judicial districts** (AZ, IN, KS, MO)
- **Eleven (11) states grant life tenure or use reappointment of some type for all general jurisdiction trial courts** (CT, DE, HI, ME, MA, NH, NJ, RI, SC, VT, VA)

**Money in Judicial Elections:**

*Candidate fundraising:* State supreme court candidates raised a total of \$45.6 million during the 2000 judicial elections, a 61 percent increase over the amount raised by candidates in 1998. Lawyers and business interests account for 49 percent of all contributions to supreme court candidates. Partisan judicial elections are by far the most expensive, with candidates raising an average of \$380,724 in 2000 (as opposed to an average of \$107,388 raised by supreme court candidates in nonpartisan elections). (Source: “The New Politics of Judicial Elections,” Brennan Center for Justice at NYU and National Institute on Money in State Politics, published by the Justice at Stake Campaign, February 2002.)

*Interest group activity:* Trial lawyers and business groups are spending more on unregulated “issue advertisements” in judicial elections. The Litigation Fairness Campaign, sponsored by the U.S. Chamber of Commerce and the Business Roundtable, hopes to raise \$25 million, primarily for television advertisements, in at least eight states holding supreme court elections in 2002. Trial lawyer organizations and unions in “battleground” judicial election states are expected to spend significant amounts, as well. Because expenditures by groups that do not expressly advocate the election or defeat of a candidate are not subject to disclosure, precise figures on interest group spending are not available. (Source: Peter H. Stone, “The Blitz to Elect Business-Friendly Judges,” National Journal, February 16, 2002.)

**Public Confidence in the System:**

- Seventy-six percent (76%) of voters, and 26 percent of state judges, believe that campaign contributions made to judges have at least some influence on their decisions.
  - Sixty-two percent (62%) of voters—including nearly 90 percent of African-American voters—feel that “there are two systems of justice in the U.S.—one for the rich and powerful and one for everyone else.”
  - Nine in 10 voters, and 8 in 10 state judges, say they are quite concerned about special interest groups buying advertising to influence the outcomes of judicial elections.
- (Source: Justice at Stake Campaign, National Surveys of American Voters and State Judges, October 2001 – January 2002. Available at [www.justiceatstake.org](http://www.justiceatstake.org))