

HOW CAN WE KEEP OUR COURTS IMPARTIAL

Experts predict that, unless reforms are made, candidates for judicial seats will have to continue raising record-breaking amounts of money, and that special interests will spend even more. But judicial elections don't have to be so expensive—or so political. You can get involved.

- Educate yourself about ways to reform judicial elections by visiting the Web sites listed in this brochure;
- Watch for proposals that make their way to the General Assembly for consideration;
- Call for debates and forums on judicial elections in your community;
- VOTE!

What is at stake? No less than the legitimacy of our judicial system. When the public believes that their judges can be bought, that they're beholden to campaign donors, or that their decisions are influenced by special interests, our respected system of justice is jeopardized. Get involved in the effort to keep our courts fair and independent.

FOR MORE INFORMATION:

The League of Women Voters of the United States~www.lwv.org
Justice At Stake Campaign~www.justiceatstake.org
Brennan Center for Justice~www.brennancenter.org
The Constitution Project~www.constitutionproject.org
imPACT website~www.ohioimpact.org

THE LEAGUE

For more than 80 years the League of Women Voters has been a leader in working to ensure that all citizens have a free role in making democracy work. Year in and year out, the League provides many kinds of voter service and education projects, such as:

- Voter registration drives
- Publications and brochures
- Nonpartisan candidate forums
- Printed voter guides
- Online voter information and voter guides
- Nonpartisan issue forums
- Presentations on radio/television and to groups

Working independently and with other civic groups that share our interests, the League is dedicated to helping citizens become informed and active participants in government at all levels.



~Website ~
<http://www.lwvohio.org>



~Toll-Free ~
877-LWV-OHIO



~Email ~
lwvoinfo@lwvohio.org



17 South High Street/Suite 650
Columbus, Ohio 43215
(614) 469-1505
www.lwvohio.org

Changing the Way Ohio Elects Judges



THE LEAGUE OF WOMEN VOTERS
OF OHIO EDUCATION FUND

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CHANGING THE WAY OHIO ELECTS JUDGES

Do you know how much money is spent on Judicial campaigns?



Since Ohio's Supreme Court elections of 2000, when special interests began politicizing the process with mud-slinging ads, the state has earned a national reputation for high-stakes big money campaigns. And the situation is only getting worse.

- In the 1980's a campaign for a seat on the Ohio Supreme Court cost \$100,000.
- Today it is likely to cost \$2 million.

Moneys spent directly on the candidate's campaigns are only a small part of the story.

- Millions more have been spent by advocacy groups on the right and left.
- In 2000, \$4.4 million was spent by special interest groups in Ohio seeking to defeat one Supreme Court candidate.
- A recent Supreme Court decision permits corporations and unions to make unlimited donations to advocacy groups.

Nationally, many states which elect judges have seen great increases in the money pouring into judicial campaigns. National spending went from \$83.3 million in 1990-1999 to \$206 million in 2000-2009.

WHAT DOES ALL THIS MONEY DO?

The result is that people's confidence in the impartiality of the judiciary has been greatly undermined.

- Seven out of ten people believe that judges' decisions are affected by contributions.
- Nearly half of state judges agree.

HOW CAN THE PROCESS BE FIXED?

Appointment Retention Election System

The League has long supported an appointment retention election system featuring an open diverse nominating commission which would select Supreme Court judicial candidates for appointment by the Governor. The performance of Supreme Court justices would be evaluated by another commission whose findings would be available to voters who would have the opportunity to vote whether to retain the justices based on their performance in office.

This crisis of confidence in the impartiality of the judiciary is real and growing. Left unaddressed, the perception that justice is for sale will undermine the role of law that the courts are supposed to uphold."

Sandra Day O'Connor

Who would have the opportunity in a retention election to vote whether to retain the justices based on their performance in office?

Many states do not elect any or all of their judges and using a version of the appointment retention election system have minimized the role of money in selecting their judiciary.

Other reforms which would help address the problem

- ✓ **Requiring disclosure of contributions:** If disclosure laws mandated faster reporting, comprehensive information (such as the donor's employer), and disclosure of third-party contributors, voters would have a better understanding of the special interests seeking to influence elections.
- ✓ **Stricter recusal standards:** Requiring judges to step aside and not hear cases where one of the parties has made significant contributions to their campaign or to special interest groups working to promote or defeat their candidacy.
- ✓ **Educating voters about the role of a judge and providing information which would help them make an informed decision.** Today many voters do not bother to vote for judges – probably because they lack information. Others make decisions based on a name or on information which is not relevant to the judge's role.
- ✓ **Financing campaigns with public money:** Candidates would not have to rely so heavily on campaign donations if tax dollars were used to help them get their message out to voters.

JUDGES AND POLITICS: NOT A GOOD MIX

Politics shouldn't play as big a role in judicial elections as it does in legislative or executive-branch campaigns. Ohioans vote a senator or a governor who shares their political views; Lawmakers and other politicians are elected to represent their constituency. But judges are different because their job is to interpret the law in the fairest and most impartial way.

No one wants to go before a judge whose mind is made up on the outcome of a case before it's even heard, or who represents the viewpoints of campaign donors.

Judges must remain independent. But as spending in recent elections shows, just the opposite is becoming the norm.