



Mary Campbell McQueen
President

A nonprofit organization improving justice through leadership and service to courts

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Dear Ms. McQueen:

The Knowledge and Information Service (KIS) was asked the effect of changing from partisan to non-partisan judicial elections on efficiency in the judiciary, customer satisfaction, voter turnout, etc.

As we discussed, states with judicial elections tend to move from partisan to nonpartisan, not vice versa. The change is often a result of compromise between partisan elections and appointment. Some states that have moved from partisan to nonpartisan elections eventually did away with elections altogether.

The American Judicature Society (AJS) has identified two different trends in the shift toward nonpartisan elections. The first occurred in the western states in the Progressive Era of the early 1900s as a response to influence of railroad companies on political parties. The second, more recent trend occurred mainly in southern states. Nearly half of the states utilize nonpartisan judicial elections. States that have recently amended their constitutions to allow nonpartisan judicial elections include Arkansas, Mississippi, and North Carolina.

"Nonpartisan" may be defined in various ways. The spectrum of nonpartisanship ranges from prohibiting candidates from identifying their party on the ballot to restricting party endorsements of and contributions to a candidate. Even where the stricter definition is used, parties may still have a role in the selection process. Moreover, some restrictions on party involvement have been held unconstitutional.

Nonpartisan elections aim to improve judicial independence, reduce campaign spending, and . Ironically, one study found that the level of special interest group involvement rose in Mississippi, where candidates appear on the ballot without party affiliation. (See Becker and Reddick, enclosed, p. 32.) The researchers concluded that other measures, such as campaign finance reform, be part of the reform package.

The following materials are enclosed. Please note that items with call numbers are NCSC library loan copies that must be returned within 30 days by

Headquarters
70 Newport Avenue
Arlington, VA 22201-4147
(800) 616-6164

Court Consulting
707 Seventeenth Street, Suite 2900
Denver, CO 80202-3429
(800) 466-3063

Washington Office
2425 Wilson Boulevard, Suite 350
Arlington, VA 22201-3326
(800) 532-0204

www.ncsonline.org

UPS or another insured carrier:

Becker, Daniel, and Malia Reddick. *Judicial Selection Reform: Examples from Six States*. Des Moines: American Judicature Society, 2003. See especially chapter 4, "Partisan to Nonpartisan Elections in Mississippi," pp. 27-33. This is available online at www.ajs.org/js/jsreform.pdf.

Henry, Jr., M.L., et al. *The Success of Women and Minorities in Achieving Judicial Office: The Selection Process*. New York: Fund for Modern Courts, 1985 (KF8776 S83 1985). Many advocates of particular judicial selection methods base their position on such method's effect on the diversity of the bench. This study, while dated, attempted to measure diversity in jurisdictions with partisan versus nonpartisan elections (as well as other methods of judicial selection). (pp. 18-19)

Flango, Victor Eugene, and Craig R. Ducat. "What Difference Does Judicial Selection Make? Selection Procedures in State Courts of Last Resort." *Justice System Journal* 5 (1979): 25. This is quite dated; however, the basic research issues posed are still valid.

I was unable to reach anyone at the Institute of Government (IOG) at the University of North Carolina Chapel Hill. The IOG focuses on various political science issues in North Carolina, and someone there might be able to speak about North Carolina's experience with nonpartisan judicial elections. See www.sog.unc.edu/ to find out more about IOG. I will let you know if I hear more from them.

I hope this has been helpful. If you would like to explore the possibility of commissioning NCSC to convene a study on this topic, please contact David Rottman at 757-259-1856, or Laura Klaversma at 303-308-4301.

KIS is supported by assessments from all fifty states and individual contributions. In exchange for our services we ask that you complete and return the enclosed evaluation.

Sincerely yours


Anne Skove

Pc: David L. Ratley, Director
Dr. David Rottman, Principal Court Research Consultant
Laura Klaversma, Court Services Operations Manager