

North Carolina Center for Voter Education

Frequently Asked Questions about NC's Judicial Campaign Reform Act & the Public Campaign Fund

Q: What are the main components of the law?

- Creates a Public Campaign Fund to provide financial aid for qualified appellate judicial candidates in the general election, if they voluntarily agree to spending and fundraising limits;
- Makes a shift to nonpartisan elections, so that all judges, not just those at the local level, are now elected without party labels;
- Reduces the basic contribution limit to statewide judicial candidates to \$1,000, from \$4,000. (Contribution limits for district or superior court judges will be lowered from \$1,000 to \$4,000 beginning in 2007.) Immediate family members may contribute \$2,000
- Creates a state voter guide with information about appellate-level judicial candidates, as well as basic information about voting and state election law.

Q: Who is eligible for public financing?

A: Candidates for appellate-level judicial offices (NC Supreme Court and NC Court of Appeals) who are qualified to appear on the ballot may be eligible for public financing if they can sufficiently demonstrate public support (see below). Candidates for trial court judgeships are not eligible.

Q: Are candidates required to use public financing for their campaigns?

A: No, they are not. This is a voluntary program for all concerned. Candidates who do not wish to use public financing for their campaigns can run privately-financed campaigns.

Q: How do candidates qualify for public financing?

A: Candidates must first file a declaration of intent to participate in the program with the State Board of Elections prior to the primary election, then demonstrate they have sufficient public support in order to qualify for public funds. The candidate must raise a specific amount of money during the primary period (the exact sum is dependent upon the office), and a portion of this money must come in the form of qualifying contributions. Qualifying contributions are defined as contributions between \$10 and \$500 that come from a registered North Carolina voter, and to meet the qualifying standards, a candidate must collect a qualifying contribution from at least 350 North Carolina voters.

In 2006 a candidate for Court of Appeals that wants to qualify for public financing will need to raise at least \$34,680, but no more than \$69,360 during the primary period, and part of this minimum/maximum amount must be collected from at least 350 North Carolina voters in contributions between \$10 and \$500.

For candidates for Associate Justice and the Chief Justice of the Supreme Court, it is slightly more: \$36,180 minimum / \$69,360 maximum and \$37,140 & \$74,280 respectively.

Q: How much would a candidate receive to run their campaign?

A: In the primary election, candidates use only their qualifying contributions to run their campaigns, unless they are outspent by a non-participating candidate (see rescue funds, below). Qualifying candidates who win their primaries are then entitled to receive a lump sum disbursement of public funding to operate their campaign in the general election. In 2006 candidates for the Court of Appeals will receive \$144,500, and candidates for the Associate Justice and Chief Justice of the Supreme Court will receive \$211,050 & \$216,650 respectively.

Q: What are "rescue funds" and how are they triggered under this plan?

A: Rescue funds are designed to ensure that a candidate who has opted into the public financing program is not swamped by a candidate who has not opted in, and who spends great sums of personal wealth or raises big money from special interests. Under this plan, rescue funds to a participating candidate are triggered in either the primary or the general election, whenever a non-participating candidate exceeds the trigger amount. The trigger amount is equal to the spending limit imposed upon the participating candidate (which varies depending upon the office). For example, a participating candidate for the Chief Justice of the Supreme Court is limited to spending \$74,280 in the primary and \$216,650 in the general election, so if a non-participating candidate spends more than either of these amounts in the applicable election, rescue funds would be triggered and distributed to the participating candidate. (Rescue funds are available for up to two times the original spending limit.)

Q: What is the maximum amount a candidate could receive under this plan?

A: The maximum amount of money a candidate could receive under this plan would be slightly below \$650,000, which would go to a candidate for Chief Justice of the Supreme Court in the general election. The \$650,000 figure represents the original disbursement of public funds which is a little more than \$216,650, plus the maximum amount of rescue funds that would be available if the candidate's non-participating opponent spent more than the \$216,500 limit imposed on the participating candidate.

Q: Are there any restrictions on how candidates can use this money?

A: In their guide to the judicial public funding program, the State Board of Elections states that, "all expenditures must be made for campaign-related purposes only." In other words, public funds may not be used for the following: Expenditures to any political party or political committee (some exceptions apply); independent expenditures; loans not associated with the current candidacy; any gift to another that is not given for a campaign related purpose; a capital asset that is not used to promote the current candidacy; and any costs incurred as a result of civil penalties assessed against the candidate or committee. (For a full list of restrictions, contact the Board of Elections.)

Q: What happens to any money that is left over, that the candidates don't spend?

A: Any left over money is returned to the state, and is put back into the Public Campaign Fund.

Q: If the elections are going to be nonpartisan, what will my ballot look like?

A: Nonpartisan races will appear at the end of each ballot. Candidates will be listed alphabetically, subject to rotation by the State Board of Elections.

Q: If the races are nonpartisan, can candidates reveal their party membership?

A: Candidates are free to mention party membership and endorsements from political parties, both in their campaign materials and in the voter guide. Some may feel that this defeats the purpose of having nonpartisan races, but to prohibit candidates from announcing party affiliation or endorsements would likely be a violation of the First Amendment.

Q: Who determines what information is in the voter guide, and how will the guide be distributed?

A: The information for the guides comes from the candidates themselves, but the State Board of Elections must approve this information, and has the authority to reject anything deemed profane or offensive and request that candidates edit and resubmit their statements. If funding is available, it is anticipated that the voter guide for the general election will be mailed to every North Carolina household with a registered voter, and the guide for both the primary and general elections is available on-line at the Board of Election's website, as well as at www.ncvoterguide.org.

Q: What is the estimated cost of running this program?

A: A fiscal analysis memorandum prepared by legislative researchers estimated that the average cost is \$1.6 million per year in the program's first six years of operation, more than half of which is estimated for producing and distributing the voter guide. However, costs have varied due to an unexpected number of judicial vacancies and the unusual situation of the Orr Seat "open election" in 2004 in which eight candidates were on the general election ballot for a single seat. A more realistic estimate would be closer to \$2.1 - \$2.6 million per year, especially if the state distributes a primary election voter guide.

Q: How will this program be funded?

A: The program has three primary sources of revenue for the Public Campaign Fund: there is voluntary tax form check-off that allows individual taxpayers to direct \$3 of their previously paid tax money to the Public Campaign Fund; a portion of each NC licensed attorney's state bar dues goes to the Fund; and private contributions to the Fund are made from other sources.

Q: Who will be administering and enforcing the rules of this program?

A: The State Board of Elections.

Q: What are the penalties for program violations?

A: The law provides for a civil fine of up to \$10,000. Violations of the program are also cause for repayment of all funds distributed, subject to the enforcement powers granted the State Board of Elections.

* For more information please visit www.ncjudges.org *