

ALABAMA JUDICIAL ELECTIONS

1994 - 2002

CAMPAIGN FINANCIAL CONTRIBUTIONS

SUPREME COURT RACES

CONTRIBUTIONS SUMMARIES & COMMENTARY



INTRODUCTION

In the past ten years judicial elections in Alabama for seats on the Alabama Supreme Court have turned from lively, contested elections to highly partisan, extremely negative, and excessively financed elections. This change is threatening to destroy the independence of and public confidence in the highest court in the state. With the increased partisanship of the races and the attendant increases in special interest monies flowing to the candidates, the races have taken an increasingly negative tone not befitting judicial candidates and elections. The general public needs to be informed about this threat to our judiciary, and the present elections system that allows this to happen needs to be reformed to minimize or eliminate political party and special interests money in judicial elections for the appellate courts of this state.

The Alabama Appleseed Center for Law & Justice, Inc. has prepared this compilation report in order that the general public and the policymakers of Alabama can see in a single publication the magnitude and complexity of the campaign financing that characterizes judicial elections for Supreme Court seats. Since there will be at least three Supreme Court races in Alabama during the 2004 election cycle, it is important that this information be disseminated to the public so that they can be aware of what is happening in these judicial races as the 2004 campaigns develop and unfold.

This summary compilation was prepared from the data appearing on the website of The Institute for Money in State Politics at www.followthemoney.org. The Institute prepared their data base from the public campaign finance disclosure records of the Elections Division of the Alabama Secretary of State's Office. The observations and commentary set forth in pages 6-8 of this report are solely those of Alabama Appleseed.

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ALABAMA'S JUDICIAL ELECTIONS

1994 - 2002

ALABAMA SUPRME COURT ELECTIONS CAMPAIGN FINANCING STATS

2002 ELECTIONS

<u>Candidate</u>	<u>Party</u>	<u>Total \$s Raised</u>	<u>Breakdown of \$s Raised</u> (partial listing)	<u>%</u>
Harold F. See (Won)	R	\$1,590,797	General Bus - \$ 759,175 Fin/Ins/RE - 174,200 Lawyers/Lob - 86,375 Party - 36,580	47.72% 10.95% 5.43% 2.30%
James Anderson	D	\$1,327,248	General Bus - \$ 47,500 Fin/Ins/RE - 0 Lawyers/Lob - 153,944 Party - 897,250	3.58% 0% 11.60% 67.60%

2000 ELECTIONS

<u>Candidate</u>	<u>Party</u>	<u>Total \$s Raised</u>	<u>Breakdown of \$s Raised</u> (partial listing)	<u>%</u>
<u>Chief Justice Place</u>				
Roy S. Moore (Won)	R	\$1,515,909	General Bus - \$ 315,505 Fin/Ins/RE - 107,760 Lawyers/Lob - 17,914 Party - 18,155	20.81% 7.11% 1.18% 1.20%
Harold D. See (Lost Republican Primary)	R	\$1,669,164	General Bus - \$ 685,323 Fin/Ins/RE - 129,800 Lawyers/Lob - 29,950 Party - 131,225	41.06% 7.78% 1.79% 7.86%
Pamela Baschab (Lost Republican Primary)	R	\$ 42,204	General Bus - \$,250 Fin/Ins/RE - 0 Lawyers/Lob - 2,650 Party - 0	.59% .00% 6.28% .00%
Sharon Yates (Lost General Election)	D	\$1,425,982	General Bus - \$ 2,792 Fin/Ins/RE - 10,350 Lawyers/Lob - 224,835 Party - 970,396	.20% .73% 15.77% 68.05%

Place # 1

Lyn Stuart (Won)	R	\$1,381,604	General Bus - \$	777,773	56.29%
			Fin/Ins/RE -	123,255	8.92%
			Lawyers/Lob -	31,983	2.31%
			Party -	110,931	8.03%

Ralph D. Cook	D	\$1,039,105	General Bus - \$	16,850	1.62%
			Fin/Ins/RE -	5,000	.48%
			Lawyers/Lob -	134,533	12.95%
			Party -	745,950	71.79%

Place # 3

Thomas A. Woodall (Won)	R	\$1,241,722	General Bus - \$	617,891	49.76%
			Fin/Ins/RE -	139,605	11.24%
			Lawyers/Lob -	97,538	7.86%
			Party -	116,602	9.39%

John A. England	D	\$1,051,501	General Bus - \$	30,331	2.88%
			Fin/Ins/RE -	17,000	1.62%
			Lawyers/Lob -	134,756	12.82%
			Party -	683,651	65.02%

Place # 4

Bernard Harwood (Won)	R	\$1,659,604	General Bus - \$	759,048	45.74%
			Fin/Ins/RE -	166,055	10.01%
			Lawyers/Lob -	90,923	5.48%
			Party -	170,652	10.28%

R. Joel Laird, Jr.	D	\$ 848,748	General Bus - \$	2,550	.30%
			Fin/Ins/RE -	9,750	1.15%
			Lawyers/Lob -	106,575	12.56%
			Party -	640,871	75.51%

1998 ELECTIONS

<u>Candidate</u>	<u>Party</u>	<u>Total \$s Raised</u>	<u>Breakdown of \$s Raised</u>	<u>%</u>
			(partial listing)	

Place # 1

Jean Brown (Won)	R	\$1,564,569	General Bus - \$	639,569	40.89%
			Fin/Ins/RE -	133,675	8.54%
			Lawyers/Lob -	35,910	2.30%
			Party -	328,067	20.97%

Roger M. Moore	D	\$1,297,851	General Bus - \$	3,453	0.27%
			Fin/Ins/RE -	2,560	0.20%
			Lawyers/Lob -	208,230	16.04%
			Party -	707,222	54.49%

Place # 2

J. Gorman Houston	R	\$1,484,492	General Bus - \$	518,532	34.93%
(Won)			Fin/Ins/RE -	105,250	7.09%
			Lawyers/Lob -	88,899	5.99%
			Party -	336,118	22.64%

Janie Baker Clark	D	\$ 130,643	General Bus - \$	0	0.00%
			Fin/Ins/RE -	0	0.00%
			Lawyers/Lob -	7,350	5.63%
			Party -	113,256	86.69%

Place # 3

R.O. Hughes	R	\$ 64,202	General Bus - \$	1,500	2.34%
(Lost Primary)			Fin/Ins/RE -	1,650	2.57%
			Lawyers/Lob -	23,728	36.96%
			Party -	4,300	6.70%

Glen Murdock	R	\$1,841,022	General Bus - \$	694,500	37.70%
			Fin/Ins/RE -	143,719	7.81%
			Lawyers/Lob -	36,925	2.01%
			Party -	349,653	18.99%

Douglas Johnstone	D	\$1,252,677	General Bus - \$	1,533	0.12%
(Won)			Fin/Ins/RE -	4,100	0.33%
			Lawyers/Lob -	136,112	10.87%
			Party -	958,875	76.55%

1996 ELECTIONS

<u>Candidate</u>	<u>Party</u>	<u>Total \$s Raised</u>	<u>Breakdown of \$s Raised</u> (partial listing)	<u>%</u>	
Harold See	R	\$2,686,281	General Bus - \$	551,577	20.53%
(Won)			Fin/Ins/RE -	237,353	8.84%
			Lawyers/Lob -	50,160	1.87%
			Party	854,654	31.82%
Kenneth Ingram	D	\$1,806,574	General Bus - \$	0	0.00%
			Fin/Ins/RE -	1,836	0.10%
			Lawyers/Lob -	545,676	30.21%
			Party -	1,129,729	62.53%

1994 ELECTIONS

<u>Candidate</u>	<u>Party</u>	<u>Total \$s Raised</u>	<u>Breakdown of \$s Raised</u> (partial listing)	<u>%</u>
<u>Chief Justice Place</u>				
Perry O. Hooper, Jr. (Won)	R	\$ 745,177	General Bus - \$ 48,624 Fin/Ins/RE - 86,010 Lawyers/Lob - 7,775 Party - 402,742	6.53% 11.54% 1.04% 54.05%
Sonny Hornsby	D	\$ 838,990	General Bus - \$ 3,750 Fin/Ins/RE - 30,700 Lawyers/Lob - 517,127 Party - 76,977	0.45% 3.66% 61.64% 9.17%
<u>Place # 2</u>				
Harold F. See	R	\$ 509,783	General Bus - \$ 78,639 Fin/Ins/RE - 46,875 Lawyers/Lob - 12,270 Party - 291,597	15.43% 9.20% 2.41% 57.20%
Mark H. Kennedy (Won)	D	\$ 944,947	General Bus - \$ 80,800 Fin/Ins/RE - 33,984 Lawyers/Lob - 681,088 Party - 26,300	8.55% 3.60% 72.08% 2.78%
<u>Place # 3</u>				
Mark G. Montiel	R	\$ 309,250	General Bus - \$ 10,125 Fin/Ins/RE - 24,725 Lawyers/Lob - 8,395 Party - 232,833	3.27% 8.00% 2.71% 75.29%
Ralph D. Cook (Won)	D	\$ 533,030	General Bus - \$ 13,796 Fin/Ins/RE - 27,200 Lawyers/Lob - 316,854 Party - 91,284	2.59% 5.10% 59.44% 17.13%
<u>Place # 4</u>				
Robert J. Russell	R	\$ 426,224	General Bus - \$ 50,610 Fin/Ins/RE - 34,000 Lawyers/Lob - 28,450 Party - 270,586	11.87% 7.98% 6.67% 63.48%

Terry L. Butts	D \$	943,847	General Bus - \$	2,818	.30%
(Won)			Fin/Ins/RE -	12,855	1.36%
			Lawyers/Lob -	677,674	71.80%
			Party -	128,128	13.58%

OBSERVATIONS & COMMENTARY FROM STATS & RECORDS

A. REGULAR MAJOR CONTRIBUTORS

Listed below are the major contributors who regularly and consistently gave to one party's Supreme Court candidate/s. This list relates to the elections from 1994 - 2002. It is not an all inclusive list of the major contributors, but a list designed to give a sense of who the most regular major contributors were and the general magnitude of their donations. A more complete list of major contributors can be found on the following website - www.followthemoney.org

1. Republican Candidates

<u>Major Contributors</u>	<u>Average Donation Per Elec. Year (5 election yrs)</u>	
	<u>Multi-Race Years</u> (2000, 1998 & 1994)	<u>Single Race Years</u> (2002 & 1996)
Progress Pac	\$ 891,817	\$ 307,925
Republican Party	786,264	415,967
Forest Pac	222,333	108,288
Ala. Civil Justice Reform Committee/ACJRC Pac	214,500	30,000
Auto Dealers' Pac	210,000	78,625
Lawsuit Reform Pac	137,750	66,500
Biz Pac	98,236	45,000
Homebuilders' Pac	51,833	20,000
Regions Bank Pac	26,833	22,500
Retailers' Pac	21,512	28,000

2. Democratic Candidates

<u>Major Contributors</u>	<u>Average Donation Per Elec. Year (5 election yrs)</u>	
	<u>Multi-Race Year</u> (2000, 1998 & 1994)	<u>Single Race Year</u> (2002 & 1996)
Alabama Democ. Party	\$1,386,244	624,933
Alabama Democ. Party (non-federal acc't)	400,906	374,750
Tusco Pac	66,950	32,500
AEA Pac (Ala. Teachers)	16,666	12,000
ASEA/SEA Pac (State E/ees)	14,386	3,106
Alabama AFL-CIO/Pac	7,250	0

B. MAJOR TRENDS and COMMENTARY

1. In the multi-race election years (1994, 1998, & 2000), total campaign contributions increased 125% from \$5.2 million in 1994 to \$11.8 million in 2000.
2. In the multi-race election years (1994, 1998, & 2000), the total raised by Republican candidates increased 275% from \$1.9 million in 1994 to \$7.4 million in 2000.
3. In the multi-race election years (1994, 1998, & 2000), the total raised by Democratic candidates increased only 33% from \$3.2 million in 1994 to \$4.3 million in 2000.
4. In the five election years during the period 1994-2002, the Republican candidates raised more than the Democratic candidates in every year except 1994.
5. In 1994, the year the Democratic candidates raised more than their Republican opponents, the Democratic candidates won three out of the four races.
6. In every year in which the Republican candidates raised more than their Democratic opponents, the Republicans won eight out of nine races.
7. Taking into account the facts sets for in # 5 & 6 above, there appears to be a correlation between the amount of money raised and winning - the greater amounts raised equates to a greater chance of winning.
8. Although in 2002 (a single-race election year), the two candidates raised less (\$2.9 million) than the two candidates in the other single-race election year, 1996 (\$4.4 million), the Republican candidate both years (Harold F. See) raised more than his Democratic opponent and Justice See won both elections.
9. In 1998, five out of the six candidates raised more than \$1 million - an average of \$1.4 million per candidate.
10. In 2000, seven out of the eight candidates raised more than \$1 million - an average of \$1.3 million per candidate, and one candidate who lost in the primary (Justice See - Chief Justice's place) raised \$1.6 million.
11. In 2002, the Republican candidate raised \$1.5 million and the Democratic candidate raised \$1.4 million - an average of \$1.4 million.
12. In 2000, the \$11.8 million raised by all candidates was the highest amount raised for Supreme Court races in the nation.
13. Both Republican and Democratic candidates are heavily dependent on contributions from their respective political parties - in multi-race election years, the Republican Party gave an average of \$786,264 per

election year (to all candidates) and the Democratic Party gave an average of \$1.3 million per election year (to all candidates).

14. Candidates from both political parties are heavily dependent on contributions from political action committees (PACs) - Republicans more so than Democrats.

15. Republican candidates are heavily dependent on contributions from a wide range of business interests (timber and forest products, insurance, banking, retailers, realtors, homebuilders and automobile dealers, to mention just a few), whereas Democratic candidates are heavily dependent on contributions from lawyers and law firms.

16. Multi-race election years are becoming increasingly expensive and a candidate for a Supreme Court seat should anticipate needing to raise at least \$1.4 million in order to be competitive in the race.

17. There currently are no African-American justices on the Supreme Court, as both incumbent African-American justices (Justice Ralph D. Cook and Justice John A. England) were defeated by Republican opponents in 2000. Both of their Republican opponents raised more than they did.

18. In a study of the Alabama Supreme Court races in 1994, 1996 and 1998 by The Institute on Money in State Politics, it was shown that during the study period, 9 percent (or 622) of the 8,374 contributors to Supreme Court candidates appeared before the Court after making a contribution. Contributors were involved, either as a party, an attorney, or an amicus, in 63 percent (or 904 cases) of the 1,424 cases heard during the study period. See L. Stafford & S. Sanchez, Campaign Contributions and the Alabama Supreme Court, May 5, 2003.

19. Consistent with the experience in other states, Supreme Court candidates in Alabama have used television advertising extensively to promote their candidacies. In the 2000 elections, the candidates spent \$1.2 million on television ads, which aired 4,432 times. This expenditure represents about 10% of the total monies (\$11.8 million) that the candidates raised in 2000. Also consistent with national trends, in 2000 the political parties and special interest groups supplemented the candidates' ads: the two political parties spent \$34,448 on television ads, which aired 139 times, and special interest groups spent \$60,696 on television ads, which aired 187 times. See D. Goldberg & C. Holman, The New Politics of Judicial Elections, February 2002 (published by the Brennan Center for Justice at the NYU School of Law).

This publication was prepared by the Alabama Appleseed Center for Law & Justice, Inc., a non-profit, non-partisan legal advocacy organization located in Montgomery, Alabama. Contact John A. Pickens, Executive Director, Alabama Appleseed Center for Law & Justice, Inc., P.O. Box 4864, Montgomery, Alabama 36103-4864. Telephone: 334/263-0086; Fax: 334/263-6225; Email: alaappleseed@msn.com