

**The Race for Justice:  
Analysis of a Citizens' Survey of Idaho's  
Judicial Election Process**

Institute for Court Management  
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Since 1994 the number of contested judicial elections in Idaho has increased, bringing more and more politics into the process of judicial selection at the appellate and district court levels. The influence of politics often negatively impacts the way judicial elections are conducted. The impacts lead to more costly campaigns, the perception that elections are partisan, questions about the integrity of the courts, the increased involvement, and influence of special interest groups and their financial contributions, and negative campaign advertisements. These developments have caused a flurry of analysis and debate about the affect of these adverse impacts on the courts and possible reforms. However, to intelligently gauge the scope of the problem and the prospects for improving the public's perception of, and confidence in, the courts, it is first necessary to ascertain what the citizens of Idaho think about the present state of judicial elections and the desirability of reform to the judicial selection process.

Starting with Idaho's historically strong commitment to selecting judges by election rather than appointment, and after reviewing the national surveys and other literature examining the relevant issues, this research project undertakes to discover the opinions of Idaho citizens regarding judicial selection. The objectives include gauging the extent of citizen participation in judicial elections, determining how the public views the conduct of judicial elections, and inquiring as to whether citizens would support certain reforms of the selection process.

To reach these goals, a questionnaire was designed to elicit Idaho public opinion regarding voter participation. The questionnaire asked what citizens' reasons were for not voting, how much information citizens have about judicial candidates, whether citizens are influenced by political attack ads, whether citizens' votes are influenced by campaign contributions, and whether citizens believe campaign contributions influence judges' decisions in office. The questionnaire also asked citizens if they would support reforms such as public financing, lengthening the term of judicial office, and changing to a system of merit selection and retention election. This questionnaire was mailed to eight hundred Idaho citizens selected from a statewide juror database, consisting of persons who were registered to either vote or held driver licenses, or both. Twenty-five percent of the recipients returned completed questionnaires within the provided two-week response period. The responses were then analyzed and compared with data from other sources.

Although the recipients of the questionnaire were drawn from a large, but limited pool of citizens, the demographic information obtained from the respondents indicates that this project's survey reflects a representative sample of the population of Idaho. Certainly additional, more comprehensive studies should be undertaken to complete the picture of public opinion concerning judicial selection. However, the results obtained and analyzed here identify important trends adversely

affecting the public trust and confidence in the courts. The results, in turn, lead to recommendations for both further study and reform.

The conclusions drawn from the responses to this project's questionnaire are that although Idaho citizens generally participate in judicial elections, they are negatively affected. The impacts include negative political advertisements, campaign contributions affecting judicial decisions, and lack relevant information about judicial candidates and the judicial election process. These conclusions lead to the recommendations that the courts and other interested parties need to better educate the public about judicial candidates and the judicial process, pursue reforms including a change to a merit selection and retention election, create an oversight committee to police campaign abuses, and conduct an evaluation of judicial candidates, with the results to be disseminated to the public.

This research paper is available in its entirety in (1) and (2) portable document formats. To access, you must first obtain and install the Adobe Acrobat Reader.



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