



Characteristics of Courts in States with Partisan Judicial Elections

The following tables were compiled by the National Center for State Courts in August 2010. In reviewing the contents of the tables, please note that in some states partisan elections are used for only certain levels of courts or only certain counties in a state.

- Indiana:** Appellate judges do *not* face partisan elections.
- Kansas:** Appellate judges and trial judges in large metropolitan counties do *not* face partisan elections.
- Michigan:** Supreme court candidates are nominated through party primaries but party affiliations are not listed on the general election ballot. All other judicial elections are strictly non-partisan.
- Missouri:** Appellate judges and trial judges in large metropolitan counties do *not* face partisan elections.
- New York:** Supreme Court (called the Court of Appeals) justices are appointed by the Governor and do not face elections. Intermediate appellate judges are selected by the governor from the main trial court bench (called the Supreme Court), where judges run in partisan elections, as do all trial judges.
- Ohio:** All judicial candidates are nominated through party primaries but party affiliations are not listed on the general election ballot.
- Tennessee:** Appellate judges do *not* run in partisan elections.

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Table 1.
Judicial Qualifications

State	Appellate Courts	Trial Courts
Alabama	Licensed to practice law 10 years; 1 year resident; maximum age of 70.	Licensed to practice law 5 years; 1 year resident of circuit; maximum age of 70.
Illinois	U. S. Citizen; district resident; licensed to practice law in state.	U. S. Citizen; circuit/county resident; licensed to practice law in state.
Louisiana	10 years state practice; 1 year district/circuit resident; maximum age of 70.	8 years state practice; 1 year district resident; maximum age of 70.
Ohio	6 years practice of law; maximum age of 70 (Court of Appeals: resident of district.)	6 years practice of law; resident of county; maximum age of 70.
Pennsylvania	1 year state resident; maximum age of 70; state bar member.	1 year district resident; maximum age of 70; state bar member.
Texas	U. S. Citizen; state resident; licensed in state; between 34 and 74 years of age; 10 years practicing lawyer and/or judge.	U. S. Citizen; state resident; licensed in state; between 25 and 74 years of age; 4 years practicing lawyer and/or judge; resident of judicial district 2 years.
West Virginia	State citizen 5 years; minimum age of 30; 10 years practice of law.	State citizens 5 years; minimum age of 30; 5 years practice of law; circuit resident.
Michigan	Qualified elector; licensed to practice law in state; 5 years practice of law; less than 70 years of age.	N/A
Indiana		Circuit resident; admitted to practice law in state (some circuits impose additional qualifications.)
Kansas		State resident; maximum age of 70; member in good standing with bar for at least 5 years.
Missouri		U.S. Citizen 10 years; qualified state voter 3 years; circuit resident 1 year; licensed to practice in state; minimum age of 30; mandatory retirement age of 70.
New York		State or county resident; 10 or 5 years minimum practice, minimum 18 years of age; mandatory retirement age of 70.
Tennessee		Authorized to practice law in state; minimum age 30; state resident 5 years and district resident 1 year.

Table 2.

**Does the State Include Judicial Officers in
Straight Ticket Voting***

State	
Alabama	Yes
Illinois	No
Louisiana	No
Ohio	No
Pennsylvania	Yes
Texas	Yes
West Virginia	Yes
Michigan	Yes
Indiana	Yes
Kansas	No
Missouri	No
New York	No
Tennessee	No

*National Conference of State Legislators, Straight-Ticket Voting, (update October 22, 2008,)

<http://www.ncsl.org/LegislaturesElections/ElectionsCampaigns/StraightTicketVotingStates/tabid/1659>

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Table 3.**Length of Judicial Terms**

State	Appellate Courts	Trial Courts
Alabama	6	6
Illinois	10	6
Louisiana	10	6
Ohio	6	6
Pennsylvania	10	10
Texas	6	4
West Virginia	12	8
Michigan ¹	8	X
Indiana	X	6
Kansas	X	4
Missouri	X	6
New York	X	10 or 14
Tennessee	X	8

¹Supreme Court.

Table 4.

Length of Initial Term after Appointment

State	
Alabama	Stand in next general election after 1 yr in office.
Illinois	Stand in next general election more than 60 days after appointment.
Louisiana	Stand in general election after expiration of unexpired term.
Ohio	Stand in next general election more than 40 days after appointment; hold office for remainder of unexpired term.
Pennsylvania	Appellate court judges traditionally stand in election upon expiration of unexpired term; trial court judges either stand in the next municipal election more than 10 months after vacancy occurs or upon expiration of term.
Texas	Stand in next general election for unexpired term.
West Virginia	Stand in next general election; hold office for remainder of unexpired term.
Michigan	Stand in next general election; hold office for remainder of unexpired term.
Indiana	Stand in next general election.
Kansas	Stand in next general election.
Missouri	Stand in next general election.
New York	Stand in next general election more than three months after vacancy.
Tennessee	Stand in next general election at least 30 days after vacancy occurs; hold office for remainder of unexpired term.

"Term Allowed" and "Qualification Requirements" information taken from American Judicature Society website, www.judicalselection.us.

Table 5.

**Limits on Campaign Contributions: Judicial Races
and Recusal Standards**

State	Limits on Campaign Contributions	Recusal Presumption*
Alabama	<p>According to The Fair Campaign Practices Act: Section 17-22A there is no limit on contributions from individuals, political action committees, labor unions, and party organizations to judicial candidates. However, there is a \$500 contribution limit for corporations.</p>	<p>ALA CODE § 12-24-1: The Legislature intends by this chapter to require the recusal of a justice or judge from hearing a case in which there may be an appearance of impropriety because as a candidate the justice or judge received a substantial contribution from a party to the case, including attorneys for the party, and all others described in subsection (b) of Section 12-24-2. This legislation in no way intends to suggest that any sitting justice or judge of this state would be less than fair and impartial in any case. It merely intends for all the parties to a case and the public be made aware of campaign contributions made to a justice or judge by parties in a case and others described in subsection (b) of Section 12-24-2. [Never enforced.]</p>
Illinois	<p>A law was passed in 2009 imposing the first-ever limits on campaign contributions to judicial candidates. Limits were set at \$125,000 for candidates in the first judicial district and at \$75,000 for candidates in all other districts. The limits apply to contributions from individuals, businesses, and special interest groups in both the primary and general elections, but only apply to contributions from political leaders and leadership committees in the primaries. 10 ILCS 5 (Election Code).</p>	<p>There is no such provision.</p>
Louisiana	<p>Individuals, PACs, labor unions, and corporations may contribute up to \$5,000 per candidate per election to supreme court and court of appeals candidates and to district court candidates in Orleans parish. Large PACs (more than 250 members) may contribute up to \$10,000 per candidate per election to candidates for these offices, but candidates may not accept more than \$80,000 from all PACs combined in any election cycle. Contributions to all other judicial candidates are limited to \$2,500 per candidate per election, except for large PACs, which may donate up to \$5,000 per candidate per election. For these candidates, contributions from all PACs combined are capped at \$60,000 per election cycle. Campaign Finance Disclosure Act which references R.S. 18:1505.2 H, K (§1505.2).</p>	<p>There is no such provision.</p>

State	Limits on Campaign Contributions	Recusal Presumption*
Ohio	As of 2009, limits on campaign contributions from individuals are set at \$3,450 for supreme court candidates; \$1,150 for court of appeals candidates; and \$575 for candidates for the court of common pleas, municipal court, and county court. PAC contribution limits are set at \$6,325 for supreme court candidates and \$3,450 for candidates for other courts. Limits are the same for both the primary and general elections. However, if a primary is uncontested, the general election limits apply throughout the fundraising period. Ohio Code of Judicial Conduct Rule 4.4 (which references.)	There is no such provision.
Pennsylvania	There are no limits on campaign contributions from individuals and PACs. However, contributions from corporations, labor unions, and regulated industries are prohibited. Code of Judicial Conduct, Canon 7.	There is no such provision.
Texas	The contribution limits are: \$5,000 for candidates for statewide judicial offices; \$5,000 for candidates for courts of appeals, district courts, statutory county courts, or statutory probate courts if the population of the judicial district is more than one million; \$2,500 for candidates for courts of appeals, district courts, statutory county courts, or statutory probate courts if the population of the judicial district is from 250,000 to one million; and \$1,000 for candidates for courts of appeals, district courts, statutory county courts, or statutory probate courts if the population of the judicial district is less than 250,000. These limits apply to total contributions, both monetary and in-kind, from an individual or from an entity in connection with an election. (Judicial Campaign Fairness Act passed in 1995). Corporations and labor organizations are no longer generally prohibited from making political contributions. Professional corporations, however, were not subject to this prohibition. Elec. Code § 253.091, et seq. Partnerships that include one or more corporate partners are subject to the prohibition.	There is no such provision.
West Virginia	Contributions from individuals, PACs, and unions are limited to \$1,000 per candidate per election. Contributions from corporations and regulated industries are prohibited. §3-8-12	There is no such provision.

State	Limits on Campaign Contributions	Recusal Presumption*
Michigan	Individual and political PAC contributions to supreme court and court of appeals candidates and to circuit court candidates in larger circuits are limited to \$3,400 per candidate per election cycle. Individual and political PAC contributions to circuit court candidates in smaller circuits are limited to \$1,000 or \$500 per candidate per election cycle, based on the size of the circuit. Candidates' campaign committees are prohibited from soliciting contributions greater than \$100 from lawyers. Michigan Campaign Finance Act- Mich. Comp. Laws Ann. § 169.252(4).	There is no such provision.
Indiana	There are no limits on contributions to judicial candidates from individuals and PACs. In Allen County, however, candidates for the superior court may collect no more than \$10,000 in contributions from all sources, and contributions from political parties and political action committees are prohibited (IC 33-33-2-11). A special statute which only applies to Lake County superior court judges (IC 33-33-45-44(c)) provides that a political party shall not directly or indirectly campaign for or against a judge who is subject to a retention vote under IC 33-33-45.	Commentary to Canon 4.4 of the Indiana Judicial Code of Conduct: " Although lawyers and others who might appear before a successful candidate for judicial office are permitted to make campaign contributions, the candidate should instruct his or her campaign committee to be especially cautious in connection with such contributions, so they do not create grounds for disqualification if the candidate is elected to judicial office. See Rule 2.11."
Kansas	Campaign financing regulations are relevant to judges standing for retention whose retention is opposed and to district court judges who run in partisan elections. Individuals and organizations may contribute up to \$2000 per candidate per election to statewide candidates and up to \$500 per candidate per election to district court candidates.	Commentary to Kansas Supreme Court Rule 4.4 (Canon 4): " Although lawyers and others who might appear before a successful candidate for judicial office are permitted to make campaign contributions, the candidate should instruct his or her campaign committee to be especially cautious in connection with such contributions, so they do not create grounds for disqualification if the candidate is elected to judicial office. See Rule 2.11."
Missouri	Under Missouri law, there are no limits on contributions to judicial candidates.	There is no such provision.

State	Limits on Campaign Contributions	Recusal Presumption*
New York	<p>Limits on contributions to judicial candidates are determined according to a formula, which is based on the number of enrolled party members in the candidate's district for the primary election and the number of registered voters in the candidate's district for the general election. There are different limits for family and non-family contributors. The limit on non-family contributions is determined by the following formula: $\\$0.05 \times$ the number of party members or the number of registered voters in the candidate's district. Non-family contribution limits are at least \$1,000, with a maximum of \$50,000. The aggregate limit on contributions from a candidate's family is calculated as follows: $\\$0.25 \times$ the number of party members or the number of registered voters. Aggregate family contribution limits are at least \$1,250, with a maximum of \$100,000. New York also imposes aggregate calendar-year limits on political contributions. Individuals may contribute up to a total of \$150,000 in a calendar year, and corporations may contribute up to \$5,000.</p>	<p>No such provision found in court rules.</p>
Tennessee	<p>Individuals may contribute up to \$1,000 to judicial candidates. PACs may contribute up to \$5,000 to judicial candidates.</p>	<p>Commentary to Canon 5C2 of the Tennessee Code of Judicial Conduct: "Though not prohibited, campaign contributions of which a judge has knowledge, made by lawyers or others who appear before the judge, may be relevant to disqualification under Section 3E." Section 3E does not explicitly address campaign contributions or contribution limits.</p>

*Contains information on any explicit reference to contribution limits and recusal within Supreme Court Rules or Judicial Codes of Conduct as well as Fair Campaign Practices Acts.

Table 6.**Post-Caperton Changes to Recusal Standards**

State	
Alabama	No change to court rules.
Illinois	No change to court rules.
Louisiana	No change to court rules.
Ohio	No change to court rules.
Pennsylvania	No change to court rules.
Texas	No change to court rules.
West Virginia	No change to court rules.
Michigan	Michigan Court Rule 2.003 (C) 1 (b) amended as follows: "The judge, based on objective and reasonable perceptions, has either (i) a serious risk of actual bias impacting the due process rights of a party as enunciated in <i>Caperton v. Massey</i>"
Indiana	No change to court rules.
Kansas	No change to court rules.
Missouri	No change to court rules.
New York	No change to court rules.
Tennessee	No change to court rules.