

## HOW PHILLY WORKS

### Cashing in on Local Judicial Elections

On May 21, Philadelphians will be choosing from 24 Democrats and one Republicans for six vacancies on the Court of Common Pleas. They will also be voting for three of the 11 candidates for Municipal Court (all are Democrats) and three candidates for Traffic Court out of 25 Democrats and two Republicans. (Remember that you can only vote for candidates of the political party with which you are registered during primary elections.)

In earlier editions of **HOW PHILLY WORKS**, we discussed a possible alternative method of choosing statewide judges – merit selection – and filled you in on the upcoming local judicial races in Philadelphia.

So why aren't we debating how we choose *local* judges? To answer that question we will need to dig a little deeper into the dirt of local judicial elections, how they work and who is benefiting from the current system.

Today we explain how local judicial elections operate, and how you can wade through the muck to make informed decisions about the May 21 election.

-- April 22, 2013

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#### What's so controversial about electing local judges?

It boils down to the fact that the majority of Philadelphians have no clue about most, if not all, of the judicial candidates. As we said in our past **HOW PHILLY WORKS**, we aren't aware of any non-partisan source of detailed information on all local judicial candidates. The Philadelphia Bar Association provides [ratings](#) of candidates running for the Court of Common Pleas and Municipal Court, but not Traffic Court (since they are not required to be attorneys.) As a result, most people rely on local party endorsements and advice to decide who to vote for.

#### I don't get what's wrong with that.

There is nothing wrong with political parties putting their support behind a candidate. The problem starts when the party endorsement is considered necessary to winning an election. The party doesn't necessarily choose who to endorse based on the candidates' qualifications.

#### How do political parties choose which candidate to endorse?

Insiders would say that the first thing that matters is who is willing to pay. Numbers vary, but according to an [article](#) by WHYY's NewsWorks, the price for a Democratic City Committee endorsement is typically \$35,000. And that's on top of other fees candidates are paying to consultants who help them win votes from particular constituencies or neighborhoods.

#### \$35,000? Is it legal to basically buy an endorsement?

It's not exactly buying an endorsement, and it is legal as long as candidates disclose the payment. Money paid to a political committee is called "street money." It supposedly gets funneled through ward leaders down to committee people – the lowest level of elected party representatives who are responsible for getting out the vote – to pay for everything from printing sample ballots to compensating people to get voters to the polls on Election Day.

### **I think I've heard of street money.**

You probably have. Street money is considered by some to be as Philadelphian as a cheesesteak. Local party officials have come to expect candidates for everything from President of the U.S. to Traffic Court will shell out the cash if they want support on the ground on Election Day. The Obama campaign made waves in 2008 when it said that it would not pay street money in Philly.

### **If there is street money in all elections, why is it so bad for judicial races?**

Street money is particularly troubling in judicial races because people are generally uninformed about judicial candidates. This gives political parties that make endorsements an enormous amount of power. Barack Obama did not need to use street money to become President, but a judicial candidate who doesn't have name recognition and doesn't benefit from media coverage might not have other alternatives.

### **Are there alternatives to getting the party endorsement?**

There are a few. Candidates can try to improve their chances by running for multiple courts at the same time, or by cross-filing to put their names on both the Democratic and Republican ballot (although, in Philadelphia, winning the Democratic primary is usually the ticket to success in the general election). Name recognition can help a candidate, as well as a top ballot position.

### **What's ballot position?**

Ballot position is the order in which candidates' names are listed on the ballot. Before each election, candidates draw a number out of a coffee can in the City Commissioners' office to determine their ballot position. Lucky candidates whose names appear at the top of the ballot are far more likely to win. In packed races, some candidates who draw a bad ballot position decide to withdraw their candidacy immediately.

### **That sounds like luck of the draw to me. Are there other ways candidates can try to win without the party behind them?**

One way is by targeting individual ward leaders for support. Ward leaders are elected party representatives in each of the city's 66 wards who work to register individuals to vote and then get them to vote for party candidates on Election Day.

### **How does that work?**

Sometimes ward leaders back different candidates than the citywide party organization. Wooing their support can be especially useful if they can help a candidate get on sample ballots in other wards too. But it doesn't come without a price: ward leader support is often influenced by cash, too.

### Couldn't party committees endorse candidates who would make good judges?

There is no doubt that candidates who have won the party endorsement can be highly qualified and, once they are elected, become great judges. But that's not always the case.

### If the current system doesn't work, why are we stuck with judicial elections in Philly?

Although we talked in a [HOW PHILLY WORKS](#) about the possibility of merit selection at the state level, it is highly unlikely to happen at the local level. In this highly-blue town, Democratic party support will be necessary to reconsider the way we choose judges. Judicial elections bring in a lot of money. Party endorsement is also a way to reward loyal party members who have done pro bono legal work for the organization for years. So there is no incentive for the Democratic party establishment to change the system.

### Why have you only been talking about Democrats?

Democratic party dominance in Philadelphia makes the party endorsement much more coveted (and therefore costly) than the Republican endorsement. But the Republicans have a party apparatus too.

### Where does that leave us now?

With the May 21 primary coming up, you can begin to learn about the local judicial candidates and come to your own conclusions. Visit our [website](#) to see who will be on the May 21 ballot, and find links to available candidate information.

*Check out Seventy's website ([www.seventy.org](http://www.seventy.org)) on the 2013 elections and other important elections-related news. Please e-mail us at [futureofthecity@seventy.org](mailto:futureofthecity@seventy.org) if there is anything you want to know to make your voting experience better.*