

# NATIONAL VOTING RIGHTS INSTITUTE

*working to fulfill the legal promise of American democracy*

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## NEWS RELEASE

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## **STATE COURT TO HEAR CONSTITUTIONAL CHALLENGE TO NORTH CAROLINA'S CAMPAIGN FINANCE SYSTEM**

### **Coalition of Voters, Candidates and Organizations Will Argue That The Current System Violates The North Carolina Constitution**

**Court Hearing Set for 11 AM, Monday, October 30**

[**NOTE TO PRESS:** Argument will be heard on the state's motion to dismiss the case (*Royal v. State of North Carolina*) before North Carolina Superior Court Judge Howard E. Manning, Jr., at 11 a.m., Monday, October 30, 2000, at the Wake County Courthouse, 316 Fayetteville Street Mall, in Raleigh. The plaintiffs and their attorneys will be available to answer questions immediately following the conclusion of the court hearing.]

RALEIGH - A North Carolina state superior court will hear arguments on Monday from a broad coalition of citizens and organizations that the campaign finance system for North Carolina's state elections violates the equal protection rights of non-wealthy voters and candidates. The plaintiffs, including North Carolina's State Conference of NAACP Branches, North Carolina Fair Share, and the North Carolina Alliance for Democracy, say that the current system of private money in elections undermines the rights of non-wealthy citizens to vote and to run for political office. The defendants include the state of North Carolina and the North Carolina Board of Elections.

The plaintiffs filed this first-ever constitutional challenge to North Carolina's campaign finance system in December 1999. The former Chief Justice of the North Carolina Supreme Court, James G. Exum, Jr., represents the plaintiffs, along with the Boston-based National Voting Rights Institute, which specializes in campaign finance and voting rights litigation. The legal team also includes Harry C. Martin, former Associate Justice of the North Carolina Supreme Court, Legal Services of North Carolina and the Chapel Hill law firm of Ferguson & Stein. Mr. Exum's appearance as counsel in

this litigation is through his law firm of Smith Helms Mulliss & Moore, with offices in Atlanta, Charlotte, Greensboro, Raleigh and Wilmington.

“It costs entirely too much money for the average citizen to run for public office and then be elected,” says Gary Grant, director of Concerned Citizens of Tillery, a plaintiff organization. “People who don’t have access to big money just can’t mount a meaningful campaign.”

The lawsuit highlights the electoral races of a number of plaintiffs across the political spectrum who have run for state legislative office and who have faced the money barrier. The plaintiffs argue that the current system of financing North Carolina’s state campaigns operates as a “wealth primary,” excluding non-wealthy voters and candidates from meaningful participation in elections. They say that, like the unlawful white primaries of the past, today’s wealth primary violates the constitutional guarantee for equal protection for all in the political process.

“In our local chapters, there are people who know the issues and have worked hard for fairness within their counties. These people would make great representatives. But they don’t have the personal finances to put into any campaign, let alone something massive,” says Lynice Williams, director of North Carolina Fair Share, a non-partisan, social issues advocacy organization. “In a race between these dedicated but low-income people versus the people with ample money to run a campaign of magnitude, it’s almost impossible for low-income folks to be viable candidates.”

Expert analysis of data from the four most recent General Assembly election cycles support the plaintiffs’ claim, concluding that the amount of money spent in a race bears a strong and consistent statistical relationship to the proportion of votes a candidate receives. In plain terms, according to the plaintiffs’ expert witness Professor Theodore Arrington, chair of the political science department at the University of North Carolina in Charlotte, without money a candidate cannot meaningfully compete. A candidate’s ability to raise money, he says, has become more important than the candidate’s qualifications or policies.

The plaintiffs argue that the Constitution of North Carolina requires a fairer system. In its most fundamental provisions, the state Constitution expressly guarantees the sovereign power of the people and the equality of all persons under the law. It unequivocally requires that all citizens exercise equal political rights in the electoral process. To advance these guarantees, the state Constitution mandates that each citizen’s participation in self-government be meaningful, fair and free from any qualification based on wealth.

In their complaint, the plaintiffs seek a court order requiring adequate public financing for North Carolina legislative elections “...to allow any and all qualified citizens to meaningfully compete for public office, regardless of their economic status.”

CONTACTS: Individuals and candidate-plaintiffs involved in this case include:

**Daniel Mallison III, candidate plaintiff (Democrat). phone: 252-758-8800**

(from interview for the NAACP's journal, "The New Crisis") "I have two sons, and they know that their father is a fighter. And, like most parents, I do all I can to make a better life for them. Well, to make a better life for them politically, I hope to change the system so that one day if they want to run for office, I won't have to tell them they aren't rich enough to try. I want my sons to have a chance to run and win. That makes any risk worth it to me."

**Reverend George I. Allison, Executive Director, North Carolina State Conference of Branches, NAACP. phone: 336-275-0851**

(from interview for the NAACP's journal, "The New Crisis") "I've served as a campaign chairman for several political and judicial offices. I've been involved in the political world for the past 18 years, and I've seen what money can do and what a lack of money won't allow you to do... People know they're disenfranchised. They said, why even bother to vote? We're left out of the process anyway. They feel that their vote doesn't count because there isn't a candidate on the ballot that will represent their interests."

**Mary Jo Loftin, candidate plaintiff (Republican). phone: 919-920-6462**

(from the complaint, page 27) "Based on her ... longstanding involvement in local politics and her active commitment as a government watchdog, Plaintiff Mary Jo Loftin is eminently qualified to serve her community in the General Assembly. Notwithstanding... substantial popular support for her candidacies, Ms. Loftin was unable to mount a viable campaign for a seat in the General Assembly because she is not wealthy..."

**Pastor Randy B. Royal, voter plaintiff. Phone: 252-752-0850 or 752-7205**

(from the complaint, page 32) "Pastor Royal has volunteered in numerous political campaigns, including three seats on the General Assembly... As a campaign volunteer, Pastor Royal distributed fliers, raised money, and spoke publicly on behalf of the candidates... Without exception, lack of adequate campaign funds was the dominant factor leading to the defeat of the candidates..."

**Gary Grant, voter plaintiff and Director of the Concerned Citizens of Tillery. phone: 252-826-3017**

(from interview for the NAACP's journal, "The New Crisis") "I had considered running for the House of Representatives in N.C., and looked at the figures as to how much one would have to raise. I quickly saw that the dollars -- \$1 and \$5 contributions -- would not amount to the amount I'd need to run an effective campaign. I was discouraged from even entering the process, because [of the money] required to run an effective campaign. Everything else would have been in place for a campaign; it was the dollars that were the final blow.