

2006 North Carolina Voter Guide

Questionnaire for State Judicial Candidates



— Please return by mail with a postmark no later than March 31, 2006 —
P.O. Box 20607, Raleigh, NC 27619
— or by Fax: (919) 807-0900 —

Dear Candidate:

Thank you for seeking to serve North Carolina in an elected judicial office!

Enclosed you will find a candidate questionnaire for the North Carolina Family Policy Council's 2006 Voter Guide. In an effort to be fair and impartial, we are surveying all judicial candidates in districts with primary opposition at this time. **This is your only opportunity to be included in our 2006 Voter Guide, and it is our hope that you will complete and return the enclosed questionnaire with a postmark no later than the March 31, 2006 deadline.**

In *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), the U.S. Supreme Court ruled that it is unconstitutional for a canon of judicial ethics to prevent judicial candidates from expressing their views on "disputed legal or political issues." As a result, candidates running for judicial office may freely express opinions on legal or political issues without fear of being sanctioned by judicial or legal ethics authorities.

The North Carolina Family Policy Council acknowledges your obligation to maintain actual and apparent impartiality in all judicial decisions. We recognize that judicial candidates should not take actions that might violate judicial canons or require judicial recusal. In addition, we realize your responses are subject to your obligation to follow the rulings of higher courts and applicable constitutional and statutory provisions, to uphold state decisions, and to base any future rulings on the law and facts of that particular case. In an effort to better educate the voters of North Carolina, the purpose of this survey is to elicit the opinion of judicial candidates without violating judicial standards or the need for impartiality.

The questionnaire covers a broad range of topics of interest to families in North Carolina. Your answers to these questions will be listed on the North Carolina Family Policy Council's website at www.ncfamily.org prior to the May 2 Primary Election. Your responses will also be included in the North Carolina Family Policy Council's 2006 Voter Guide, which will be published and distributed before the November 7 General Election. The Voter Guide will be utilized by hundreds of thousands of families across the state.

You may provide additional comments and explanations for your responses on a separate sheet(s) of paper if you desire. These additional comments and explanations will be made available on the North Carolina Family Policy Council website at www.ncfamily.org. Several prominent notices directing citizens to this information will be included in the 2006 Voter Guide.

Failure to respond to this survey by the March 31, 2006 postmark deadline will result in a listing of "CANDIDATE DID NOT RESPOND TO QUESTIONNAIRE" in the Voter Guide.

The North Carolina Family Policy Council is a nonpartisan, nonprofit research and education organization. As an independent 501(c)(3) organization, we are not associated with any political party, and we serve the citizens of North Carolina by providing research and education on matters affecting the family. One of our efforts is to ensure that every North Carolina voter—regardless of political affiliation—has the information they need to make an informed decision in the upcoming election.

If you have any questions, please contact John Rustin at (919) 807-0800 or through e-mail at vote@ncfamily.org.

Sincerely,
William J. Brooks, Jr.
President

2006 North Carolina Voter Guide

Questionnaire for State Judicial Candidates



Candidate Information

(Please Print or Type)

Candidate Name _____ Party Affiliation _____
(optional)

Office Sought _____ District/Seat _____

Campaign Address _____ City _____ State ____ Zip _____

Campaign Phone/Fax _____ / _____ Campaign Website _____

Candidate Signature _____ Date _____
(required)

Candidate Questionnaire

Please indicate your position on the following questions by placing a mark in the appropriate space. You may provide additional comments and explanations for your responses on a separate sheet of paper. (Failure to answer will result in a listing of "No Response" in the 2006 Voter Guide.)

1. Which of the current justices of the United States Supreme Court most closely reflects your judicial philosophy?
 Alito Breyer Ginsburg Kennedy Roberts Scalia Souter Stevens Thomas
2. On a scale of 1—10, please rate your constitutional judicial philosophy, with a "living document" approach being a "1" and a "strict constitutionalist" or "originalist" approach being a "10."
 1 2 3 4 5 6 7 8 9 10
3. Do you believe that a judge has the right to display the Ten Commandments in his or her courtroom?
 Yes No Undecided
4. In *Lawrence v. Texas*, 539 U.S. 558 (2003), the United States Supreme Court recognized a right to homosexual sexual relations under the United States Constitution. Do you agree with the *Lawrence* decision, which recognizes a constitutional right to homosexual sexual relationships?
 Yes No Undecided
5. In *Roe v. Wade*, 410 U.S. 113 (1973), the United States Supreme Court recognized a right to abortion under the United States Constitution. Do you agree with the *Roe* decision, which recognizes a constitutional right to abortion?
 Yes No Undecided

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6. In *Lofton v. Secretary of the Department of Children and Family Services*, 358 F.3d 804 (11th Cir. 2004), the United States Court of Appeals for the Eleventh Circuit upheld the State of Florida's position that individuals who "engage in current, voluntary homosexual activity" do not have the right to adopt children under the United States Constitution. Do you agree with the *Lofton* decision, which recognizes that individuals engaged in current, voluntary homosexual activity do not have a constitutional right to adopt children?

_____ Yes _____ No _____ Undecided

7. In *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000), the United States Supreme Court ruled that a student-initiated, student-led invocation over the loudspeakers before a public high school football game was unconstitutional. Do you agree with the *Santa Fe Independent School District v. Doe* decision, which recognizes that student-initiated, student-led invocations prior to a public high school football game violate the United States Constitution?

_____ Yes _____ No _____ Undecided

8. In *Kelo v. City of New London*, 126 S. Ct. 2655 (2005), the United States Supreme Court ruled that a governmental entity's use of eminent domain powers to take private property for economic development purposes did not violate the Fifth Amendment to the United States Constitution. Do you agree with the *Kelo* decision, which recognizes that governmental entities can constitutionally take private property for economic development purposes?

_____ Yes _____ No _____ Undecided

Candidate Signature _____ Date _____
(required)

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