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SPECIAL ISSUE ARTICLE

SPECIAL ISSUE ON THE POLITICS OF PROSECUTION

Monetizing Prosecutorial Discretion

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Abstract

Campaign contributions – their salience, how they distribute, and their implications for political accountability and local control – have been studied extensively in the executive, legislative, and, increasingly, state judicial contexts. How reported campaign contributions vary across local prosecutor candidates as well as inform prosecutor election outcomes, however, are comparatively less well understood despite an increasing amount of campaign contributions flowing into local prosecutor elections over time. Drawing from a leading and recently released dataset that links campaign information from 3,123 local prosecutor candidates and the most recent election cycles across 2,205 districts between 2012 and 2019, this study seeks to develop an initial accounting of factors which plausibly inform local prosecutor candidates' campaign fundraising success. To do so, the models evaluate how reported campaign contributions distribute at the individual candidate and district levels and separate contested and uncontested prosecutor elections. When it comes to campaign contribution totals, while findings from contested and uncontested election models, as expected, evidence important differences, these differences are generally stable across the candidate and district levels. Comparing findings from candidate- and district-level models, by contrast, uncovers an important difference involving incumbency status. Taken together, the findings make clear that while campaign contributions inform prosecutor election outcomes, factors that inform fundraising success vary across contested and uncontested elections as well as across candidate- and district-levels. These variations, in turn, raise important distributional concerns.

Keywords: prosecutor; criminal law; campaign contributions; prosecutorial discretion

Introduction

Campaign contributions' salience in politics and elections is both obvious and well-understood and persists as the subject of sustained scholarly attention.[1] Such sustained attention no doubt reflects campaign contributions' consistent influence on

[1]All replication materials for this article are available at the *Journal of Law and Courts* Dataverse (https://doi.org/10.7910/DVN/KAKOF8).

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electoral outcomes (Fowler, Garro, and Spenkuch 2020; Green and Gerber 2019). Curiously, however, comparatively far less is known about campaign contributions in the local prosecutor election setting. Indeed, even basic questions about how campaign contributions vary across prosecutor candidates and districts have largely escaped sustained or granular scholarly attention. This is so despite local prosecutors' critical importance to the administration of criminal justice at the retail level in the United States. This is also so despite the ever-increasing amount of campaign contributions that prosecutor elections attract.

Given campaign contributions' salience to election outcomes generally (Fowler et al. 2020; Green and Gerber 2019), the comparative paucity of research on local prosecutor candidate fundraising surprises (but see, e.g., Hessick, Morse, and Pinnell 2023b). While much of the limited research in local prosecutor election context explores how variation in reported campaign contributions across candidates may inform electoral outcomes, far less research explores factors that help explain how campaign contributions vary across local prosecutor candidates. Greater clarity on this issue (and others) is important because while general concerns about campaign contributions' possible corrosive effects on democratic processes are well-understood and documented (e.g., Grier, Grier, and Mkrtchian 2023), whether such concerns emerge in the local prosecutor electoral context remains comparatively underexplored.

Aside from uncertainty about campaign contributions' influence on local prosecutor elections, the sheer scale, and recent growth, of prosecutor candidates' fundraising alone warrant increased scholarly attention (Hessick 2024). While a sizable portion (almost 40%) of candidates in districts' most recent local prosecutor elections reported receiving no campaign contributions, the per-candidate mean of those candidates who received reportable contributions exceeds $71,000. Indeed, one candidate from Cook County, IL (Chicago), Kim Foxx, raised more than $3M for her 2016 election (Hessick et al. 2023b). Similarly, total candidate fundraising in one district election, Queens, NY, surpassed $7M (Hessick et al. 2023b).

Intersections involving prosecutor candidate fundraising, electoral contestation, and candidate incumbency also warrant close research attention, given the out-sized role each factor plays in candidates' prospects for electoral success. Concerns about local prosecutor election contestation issues are both real and growing. For unopposed candidates running in uncontested elections, success was functionally assured. Similarly, though to a slightly lesser extent, incumbent prosecutor candidates win almost 90% of their elections (Hessick and Morse 2020). Of the 2,205 local prosecutor district elections included in this study, 70% involved uncontested elections and 80% included incumbent candidates. As well, almost 59% of the prosecutor elections involved an unopposed incumbent candidate. Such a high *ex ante* likelihood of electoral success should, on balance, reduce pressure on unopposed and incumbent candidates to raise campaign contributions.

Also notable is that unopposed candidates, despite virtual *ex ante* assurance of electoral victory, nonetheless received more than $15.9M in reported campaign contributions. While what motivates donors to contribute to candidates virtually certain to win may be unclear, the array of possible donor motivations includes troubling ones. For example, in those districts where sufficient donor information exists, attorneys emerge as the leading identified group of contributors to prosecutor candidates (Heise 2025). This is important insofar as some percentage of the attorney donors include defense attorneys whose practices could involve professional interactions with local prosecutors.

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This study undertakes two main descriptive tasks. One task involves mapping the broad contours of how reported campaign contributions distribute across local prosecutor candidates and districts. A second, related task involves developing an initial accounting of key factors, including candidate incumbency, electoral contestation, and district population, that plausibly inform local prosecutor campaign fundraising efficacy. To accomplish its objectives, this study leverages a leading and recently released prosecutor election and campaign contributions dataset that includes information on 3,123 prosecutor candidates and their most recent elections across 2,205 districts between 2012 and 2019.

Findings in Table 1 underscore one key point, and this point informs this study's empirical strategy. Specifically, across the 2,205 districts in this study 70% of the most recent prosecutor elections were uncontested. As the outcomes of these uncontested elections were clear *ex ante*, this electoral outcome clarity, in turn, likely informed candidate campaign contribution amounts. Owing to the observed (and assumed) systematic differences distinguishing uncontested and contested local prosecutor elections, analyses in this study consider these two different election types separately.

Notably, these two different electoral contexts (uncontested and contested prosecutor elections) nonetheless share a few key factors that systematically inform variation in candidate fundraising totals. As Tables 5 and 6 illustrate, key factors that influenced local prosecutor candidate fundraising success in uncontested elections include district population as well as electoral districts that include two

Table 1. Descriptive Statistics, by Election Type

	(1)	(2)	(3)
	Mean All	Mean Uncontested	Mean Contested
Candidate-level variables:			
Total contributions (cand. $)	42,793	10,230	75,169
Incumbent candidate (1 = yes)	0.57	0.83	0.30
Female candidate (1 = yes)	0.21	0.18	0.25
Democratic candidate (1 = yes)	0.29	0.25	0.34
Republican candidate (1 = yes)	0.53	0.58	0.48
Progressive (1 = yes)	0.02	0.00	0.04
(N)	*3,123*	*1,557*	*1,566*
District-level variables:			
Total contributions (distr. $)	60,609	10,356	176,484
Incumbent election (1 = yes)	0.80	0.84	0.70
Progressive cand. election (1 = yes)	0.03	0.00	0.09
Multi-county district (1 = yes)	0.15	0.14	0.16
Budget per capita	16.81	16.70	17.07
Population (log)	10.59	10.38	11.09
Partisan mismatch (1 = yes)	0.19	0.19	0.21
(N)	*2,205*	*1,538*	*667*
State-level variables:			
Excludes uncontested (1 = yes)	0.33	0.33	0.33
Partisan election (1 = yes)	0.86	0.85	0.89
Straight ticket option (1 = yes)	0.29	0.28	0.31
(N)	*45*	*44*	*45*

Source: Local Prosecutor Campaign Contributions, 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023) (candidate- and district-level datasets). A scaled ordinal version of the Budget per capita variable is included in the models.

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(or more) more counties. As expected, however, a far richer and more complex set of factors germane to candidate fundraising emerges as salient across contested local prosector elections. Overall, along with the consistent influence of district population, Republican and progressive candidates proved comparatively more successful when it came to campaign fundraising. Somewhat curiously, candidate incumbency's influence on campaign contributions varies across the candidate and district levels. Insofar as increases in candidates' reported fundraising totals (along with incumbency status) systematically correspond with an increased probability of an election win (Table 7), factors that inform local prosecutor candidates' campaign contributions warrant greater and sustained attention. Taken together, findings make clear that while campaign contributions inform prosecutor election outcomes, factors that inform fundraising success vary across the candidate and district levels as well as contested and uncontested elections and, in so doing, suggest important distributional concerns.

Literature review

Research on campaign contributions in various electoral settings is both long-standing and well-developed. Given elections' importance and campaign contributions' potential influence, a great deal of research emphasizes how campaign spending influences election outcomes (e.g., Wang 2022; Schuster 2020; Hall 2016; Bonneau 2007; Gerber 1998). As well, Schuster (2020) helps explain how different types of campaign spending vary in terms of their impact on electoral outcomes. Moreover, the influence of candidate campaign fundraising on electoral success is not limited to elections in the United States. For example, Wang (2022) studied candidate-level election data from 2008 through 2016 in Taiwan and found that increases in a candidate's campaign contributions correspond with increases in that candidate's probability of electoral success. Similar research findings emerge in Irish, Korean, and British elections as well (e.g., Benoit and Marsh 2008; Shin et al. 2005; Pattie, Johnston, and Fieldhouse 1995).

While a campaign contribution advantage systematically increases a candidate's likelihood of electoral success (Hall 2016; Le et al. 2024), it does not, of course, guarantee it. Indeed, the most recent United States presidential campaign, anomalous for an array of reasons, is also notable in that the losing candidate, former Vice President Kamala Harris, significantly outraised and outspent her opponent, President Donald Trump (Schleifer and Sun 2024). Anomalies notwithstanding, however, the weight of research findings implies a positive association between a candidate's campaign fundraising and electoral success, and these findings are generally robust over time.

Adjacent to research on the relation between campaign fundraising success and electoral outcomes is a comparatively less well-developed research literature on campaign donors' behaviors, motivations, and objectives. Much of this research separately analyzes contributions from political action committees (PACs) (e.g., Bonica 2013) and individuals (e.g., Barber 2016; McCarty, Poole, and Rosenthal 2006), as Barber (2016) finds that these two different groups of donors give for systematically different reasons. When it comes to individual-level donor motivations for their campaign contributions, Barber (2016) emphasizes donors' ideological preferences. Relatedly, Verba, Schlozman, and Brady (1995) note that more

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ideologically extreme and wealthy individuals are more likely to donate to political campaigns. Research also suggests that specific electoral contexts can attract campaign contributions from predictable sources. For example, attorneys account for an important share of campaign contributors in local elections for state judges (e.g., Yanez and Sukhatme 2024) as well as local prosecutors (e.g., Hessick et al. 2023b). Regardless of the electoral context, however, observed increases in candidate fundraising over time underscore the need for a more granular understanding of factors that inform candidate fundraising success.

Existing empirical research on campaign contributions and their various influences understandably focuses on local, state, and federal legislative bodies, and, to a lesser extent, elected state judges. By contrast, comparatively less research explores campaign contributions in the local prosecutor electoral setting.[2] However, if prosecutor candidate fundraising success influences prosecutor election results, as the weight of research suggests (e.g., Fowler et al. 2020), and if elections influence prosecutors' conduct and use of discretion, as research also implies (McCannon 2018; Nelson and Samarth 2022), the combination of these two findings identifies a potential indirect pathway that plausibly links prosecutors' campaign contributions and how they perform their duties and exercise their broad discretion. This possibility is important as prosecutors' discretionary decisions can lead to incarceration for individuals even though various components of prosecutors' decisions often lack transparency (Misner 1996; Hessick and Pinnell 2021; Ouziel 2022). Such a possibility contributes to the need for greater research attention to campaign contributions in the local prosecutor election context.

Existing research in the local prosecutor context considers the various ways in which local prosecutor decision-making and discretion respond to general electoral pressures. For example, Dyke (2007) observes that case dismissals decrease when a prosecutor is up for re-election. McCannon (2013) finds that appellate courts are less likely to affirm a lower court's conviction when the conviction occurred during the prosecutor's re-election. Bandyopadhyay and McCannon (2015, 2014) argue that the proportion of convictions that arise from jury trials, rather than plea bargains, increases during a prosecutor's re-election and is further distorted in contested prosecutor elections. Bandyopadhyay and McCannon (2018) follow-up their finding of decreased plea bargains during prosecutors' re-elections with parallel findings of growing case backlog queues when prosecutors run for re-election. Likewise, Nadel, Scaggs, and Bales (2017) find that the timing of prosecutor elections corresponds with increased prison admission rates. Finally, evidence of electoral influences on criminal justice outcomes is by no means limited to prosecutors. Studies of public defender elections in Florida, for example, suggest that the timing of elections maps onto systematic increases in plea bargains and defendant acquittals (McCannon 2018).

Emerging research in the local prosecutor setting considers how campaign contributions may inform various prosecutor election outcomes as well as identifies key factors that correspond with candidate fundraising variation. Whether a local prosecutor election is contested, for example, systematically corresponds with

[2]In this context, throughout this Article, and consistent with recent scholarship, the term "local prosecutor" or "prosecutor" is used to refer to the official who is charged with the primary responsibility to bring felony charges in a clearly defined geographic area or district within a state. As such, this definition excludes prosecutors with statewide jurisdiction, such as attorney generals, as well as prosecutors who bring only misdemeanor or municipal code violation prosecutions, such as city attorneys.

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candidates' campaign contribution totals (Heise 2025). Hessick, Treul, and Love (2023a) also note the influence of electoral district population as well as electoral contestation on campaign contribution totals. Moreover, Hessick et al. (2023b) find that, as a donor group, attorneys provide a disproportionate amount of the campaign contributions reported by local prosecutor candidates. This is important owing to the possibility that some of these donors could include defense attorneys who professionally interact with local prosecutors.

That electoral battles persist over local prosecutor offices and their policies underscores that the exercise of prosecutorial discretion possesses real-world consequences for many (Epps 2021; Wright and Miller 2010). This should surprise few, as prosecutors have long occupied a central role in the criminal justice system. Of late, however, and particularly incident to the rise (and more recent fall) of so-called "progressive prosecutors," local prosecutors and their elections have increasingly become political flashpoints nested within enduring national debates over criminal justice reform (Pfaff 2023; Davis and Taylor 2025; Carson et al. 2026). A growing number of progressive prosecutors campaign for office on platforms that emphasize various reforms, which typically include promises to use the power of their office in less punitive ways (Hessick 2023b; Hessick and Su 2023; Pfaff 2023).

This nascent rise in progressive prosecutor candidates, however, has also elicited concurrent state-level efforts to limit or circumvent prosecutorial discretion (Carson et al. 2026). These efforts include legislative proposals to curtail locally-elected prosecutors' authority or discretion or replacing them altogether with state appointees. One consequence incident to the collision of these factors is that local prosecutors have increasingly become controversial and sometimes polarizing political actors (Carson et al. 2026). Accordingly, in this increasingly fraught electoral context, what campaign contributions to local prosecutor candidates might be "purchasing" warrants careful attention.

Data and empirical strategy

Data

The data analyzed in this study derive from three main sources. One source includes candidate-level data on reported campaign contributions to local prosecutor candidates. Candidate-level campaign contribution data were then merged with a nation-wide district-level prosecutor election dataset. Finally, additional state-level information on presidential election results and various state election laws further supplement the final dataset. The resultant candidate- and district-level datasets include information on virtually all prosecutor candidates (N = 3,123) in almost every district across the 45 states that elect local prosecutors and gather sufficient campaign contribution information for each district's (N = 2,205) most recent prosecutor election cycle between 2012 and 2019.

Dependent variables

As this study principally explores factors that inform variation in local prosecutor candidates' reported campaign contributions, the analyses focus on two distinct, though related, dependent variables: *Total contributions (cand.)* and *Total contributions (distr.)*. The former variable measures each prosecutor candidate's campaign contributions, if

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any. The latter reflects the summation of reported campaign contributions across all candidates within each district. In addition, supplementary analyses consider whether candidate fundraising variation systematically influenced electoral success for prosecutor candidates who ran in contested elections (*Candidate won – contested*).

As Table 1 illustrates, prosecutor candidates reported receiving, on average, just under $43,000 in campaign contributions. Insofar as almost 40% of the candidates reported receiving no campaign contributions (or declined all contributions), the mean total for those candidates who reported contributions is $71,000 per candidate. At the district level, Table 1 reports a mean of $60,609 in total campaign contributions raised and reported across candidates within each district. This district-level mean jumps to over $100,000 for the 55% of districts that reported any contributions. To illustrate how money increasingly saturates local prosecutor elections, one prosecutor candidate, Kim Foxx (Cook County, IL), raised more than $3M for her 2016 election. Similarly, district-level campaign contribution totals in one district (Queens, NY) exceeded $7M.

While information on all reported campaign contributions to local prosecutor candidates during the study period are available for 96% of the districts that held prosecutor elections, approximately 45% of these districts reported no contributions. Of course, candidate or district reports of no campaign contributions do not necessarily mean that no dollars flowed to those candidates or into their electoral districts. For example, campaign contribution activity may have failed to exceed a district's reporting threshold. Relatedly, Hessick et al. (2023b) note that campaign contribution reporting thresholds vary across states and range from $200 to $5,000.

Moreover, the absence of reportable campaign contributions in 45% of the local prosecutor districts, for whatever reason, while potentially high, is not necessarily atypical in the local, county-level electoral context. Bellin (2020) observes that local prosecutor elections are "relative bargains" compared to other political offices. In addition, a paucity of campaign contribution activity may also reflect overall voter and candidate disinterest in prosecutor elections. Indeed, prosecutor candidates regularly run unopposed and, in some jurisdictions, "it is difficult to find anyone willing to take the job" (Bellin 2020, 708).

Campaign contribution data from adjacent local elections provide additional context. For example, prior to 2008, state (Texas) district court judicial elections in Harris County (the Houston area) were noted for consistent Republican candidate success and unopposed elections. Consequently, only 25% of the Democratic judicial candidates received any reportable campaign contributions (Yanez and Sukhatme 2024).

Independent variables

Independent variables in this study, summarized in Table 1, aggregate at the candidate, district, and state levels.

Key candidate-level independent variables likely to inform campaign contributions include those relating to electoral contestation and incumbency. *Unopposed candidate* signals those prosecutor candidates who ran unopposed in both the primary and general elections. As Table 1 illustrates, among the 3,123 candidates, 1,557 (49.9%) ran unopposed.

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While a candidate's status as unopposed assuredly implicates the candidate's fundraising potential, the direction of its influence is comparatively less clear. On the one hand, unopposed prosecutor candidates whose electoral success is virtually assured *ex ante* presumably require fewer campaign contributions than prosecutor candidates participating in contested elections. Indeed, average candidate total contributions for contested candidates ($75,169) exceed average total contributions for unopposed candidates ($10,230) by more than a factor of seven. On the other hand, however, an alternative "war chest" hypothesis suggests that candidates are incented to raise campaign contributions in an effort to deter potential challengers and help secure uncontested elections. Existing empirical support for these competing hypotheses is mixed (Goodlife 2004; Hessick et al. 2023b).

While the assumption that prosecutor candidates running unopposed require fewer campaign contributions is relatively intuitive, how to operationalize electoral contestation is comparatively less so. Consistent with the weight of existing research (Hessick and Morse 2020; Hessick et al. 2023b), this study construes those districts that operate primary and general elections as engaging in a single electoral contest. Given the ample variation in election mechanics involving 3,123 candidates across 2,205 districts and that elections yield a single prevailing prosecutor for each district, treating each district's election process as a single event better reflects reality. Consequently, and similar to Hessick et al. (2023b), this study construes a candidate as unopposed or an election as uncontested if electoral contestation was absent in both the primary and general elections.

Such an approach to electoral contestation more aptly assesses whether, from a voter's perspective, there was an "electoral opportunity to choose the current prosecutor" (Hessick and Morse 2020, 1563). On balance, the approach adopted in this study better reflects that, in some districts, voters' only meaningful choice occurs in a primary election because voters in that district skew heavily in favor of one political party. Moreover, as virtually all (99.4%) of the unopposed prosecutor candidates in this dataset flow from single-candidate districts, these candidates lacked opposition in both primary and general elections.

Independent of – though related to in many instances – electoral contestation, the importance of incumbency in the prosecutor campaign contribution context is difficult to over-emphasize. Table 1 (Column 1) illustrates that, overall, more than one-half (57%) of the prosecutor candidates ran as incumbents. Table 1 (Columns 2 and 3) also makes clear how incumbency intersects with electoral contestation. Specifically, incumbent candidates were far more likely to run in unopposed (83%) rather than contested (30%) elections.

Incumbent candidates' overwhelming electoral success rate further contributes to incumbency's salience in the local prosecutor electoral setting. Hessick and Morse (2020, 1544) note that incumbent prosecutors seeking re-election "win an astonishing 95 percent of the time." Incumbent candidates in this dataset prevailed in 89% of their elections which comports with prior research. To be sure, however, the palpable electoral advantage enjoyed by incumbent candidates can be partly attributed to the comparatively higher number of uncontested elections that incumbent candidates confront. At the same time, the presence of an incumbent candidate may reduce the probability of a contested election. Regardless of the reason, incumbent candidates confront comparatively less electoral uncertainty *ex ante*, and this reduced uncertainty should, in turn, reduce pressure on incumbent candidates' fundraising efforts.

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While this study of local prosecutor campaign contribution variation focuses on electoral contestation and incumbency's influence, additional variables are both necessary and helpful. For example, given the prominence of so-called "progressive" prosecutors during this study's timeframe (2012–2019), the *Progressive candidate* variable signals the 66 candidates (2%) identified as "progressive" or "reform" prosecutor candidates (Green and Slansky 2017; Green and Rophie 2020; Levin 2021; Hessick et al. 2023b). As Hessick et al. (2023b) note, identifying progressive (or "reform") prosecutor candidates is not an easy task. That no single, stable definition exists reflects the relative infancy of the progressive prosecutor movement as well as the wide array of jurisdictions in which progressive candidates have run. Nonetheless, in an effort to tether this study to prior scholarship, this study incorporates a consensus list of progressive candidates used in prior studies (e.g., Hessick et al. 2023b, 1838-39 tbl.14; Pfaff 2023).

Candidates' various political party options unsurprisingly include the two traditional political parties. As Table 1 notes, the *Democratic candidate* and *Republican candidate* variables identify 29 and 53% of the prosecutor candidates, respectively. To help assess gender's possible influence (Carson et al. 2026), *Female candidate* identifies 21% of the prosecutor candidates in the dataset.

Many of the factors that aggregate at the district level and plausibly inform prosecutor campaign contribution variation track those found at the candidate level. *Incumbent election* identifies those district elections that included an incumbent candidate. Even though most prosecutor districts are single-county districts, *Multi-county district* identifies elections in districts that drew from multiple counties (across 16 states). *Budget per capita* reflects the dollars spent per person by the district's prosecutors' office. As the weight of political science research suggests that electoral contestation is more likely in a general election if an incumbent is not of the party that received the majority of votes in the most-recent presidential election (Jacobson 1989), the *Partisan mismatch* variable identifies those districts where an incumbent prosecutor was not representing the party that received the majority of votes in the 2016 presidential election. Finally, as researchers consistently find that population variation across districts informs prosecutor elections, including the likelihood of contested elections (Hessick et al. 2023a; Heise 2025), models in this study include a *Population* variable which reflects the natural log of each district's 2010 population to explore whether district population variation likewise corresponds with reported campaign contributions' variation.

Although districts in 45 states elect their local prosecutors, the legal rules governing prosecutor elections vary across states. Election law variation across states likely influences such factors as when would-be candidates decide to enter a race, how well candidates fare against one another, and, germane to this study, prosecutor candidate fundraising. To better account for election law variation, this study focuses on three key state-level election law differences.

First, some states exclude uncontested elections from either their primary or general ballots, or both. In these states, unopposed candidates avoid having to stand for election. As Hessick and Morse (2020) observe, this practice could potentially reduce the number of contested prosecutor elections because voters (and potential challengers) are not reminded on an election day that this is, indeed, an elected office and that there is not much of a choice. Excusing unopposed prosecutor candidates from standing for election possesses obvious implications for candidate fundraising

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as well. To account for these possible influences, *Excludes uncontested* identifies those districts in the 17 states that exclude uncontested elections from either primary or general election ballots.

Second, while a local prosecutor's office is a partisan office in a majority of states, a minority of states classify the office as non-partisan and, as a consequence, omit prosecutor candidates' political party affiliation on ballots. Five states hold non-partisan prosecutorial elections, and two additional states permit counties to determine whether to hold partisan or non-partisan elections. Existing research largely splits on whether this rule affects contested prosecutor elections and, in turn, candidate fundraising. On the one hand, Wright's (2014) study of prosecutor elections in fifteen states observes that states with non-partisan elections had higher rates of contested elections. On the other hand, Hessick and Morse (2020) do not observe a correlation between non-partisan elections and contestation. While Hessick and Morse (2020) do not find direct implications for electoral contestation on candidate fundraising, possible candidate fundraising consequences attributable to a non-partisan election persist. To control for these possible influences, the *Partisan election* variable signals prosecutor offices classified as partisan.

Finally, ten states allow voters to cast party-line votes rather than vote on individual candidates. Research implies that a "straight ticket voting" option can nudge some individuals to vote in a partisan direction in general elections (Engstrom and Roberts 2020; Hessick et al. 2023b). Thus, a straight ticket voting option could influence the competitiveness of general elections with a partisan mismatch: that is, an incumbent's comparative advantage could be diluted by voters who select this option since the majority of voters are from the opposing party. If so, Hessick et al. (2023b) suggest that challenging candidates may be more inclined to emerge and, if so, a competitive election is more likely in straight ticket voting states and when a partisan mismatch emerges. Once again, to the extent that a straight ticket voting option informs prosecutor elections and their outcomes, it also follows that a straight ticket voting option may likewise inform prosecutor candidate fundraising. To account for this possibility, *Straight ticket option* identifies districts in the ten states that provide voters the option for straight ticket voting. A descriptive summary of the universe of variables included in the models follows in Table 1.

Data limitations

While it remains difficult to over-state the recently released datasets' importance to empirical work on local prosecutor elections, these datasets are not without limitations. For example, although one of the datasets' key features is that district-level prosecutor election outcomes can be linked to candidate-level campaign contribution data, information on the timing of these candidate campaign contributions is not included. As well, although the datasets span from 2012 to 2019, the datasets are nonetheless fundamentally cross-sectional as they draw from each district's most recent local prosecutor election during that time frame across the more than 2,300 districts nationwide. What will be even more helpful for future research are longitudinal datasets designed to detect possible time trends. This aspect may be especially important to help assess a recent emergence of so-called "progressive" prosecutor candidates.

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Empirical strategy

Two main factors inform this study's empirical strategy. First, because prior research emphasizes that uncontested and contested local prosecutor elections systematically differ in fundamental ways (e.g., Heise 2025; Hessick et al. 2023a), including ways germane to campaign contributions (Heise 2025), the main analyses in this study (Tables 5 and 6) separate uncontested and contested prosecutor elections. Relatedly, contested prosecutor elections challenge the assumed independence between (or among) candidates running against each other in a single district. Accordingly, candidate-level analyses of contested prosecutor elections include an alternative specification that incorporates district-level fixed effects (Table 5, Column 3).

Second, the number of prosecutor candidates who reported receiving no campaign contributions or whose contributions fell below reporting thresholds contributes to the over-dispersion observed in the dependent variables (Figures 1A and 1B). Accordingly, zero-inflated negative binomial regression ("ZINB") models were estimated to identify factors that correlate with prosecutor candidate campaign contributions.[3] As prosecutor elections legally and administratively nest within states, and consistent with prior research (Hessick et al. 2023b; Heise 2025), specifications cluster on states. Analyses of prosecutor campaign contributions initially focus on candidate-level data (Table 5). A similar (but not identical) set of analyses focuses on prosecutor campaign contributions aggregated at the district-level (Table 6). Moreover, supplemental analyses explore variables, including campaign contributions, which help account for electoral outcomes in contested prosecutor elections (Table 7). As the dependent variable in this final set of analyses is bimodal, the final set of estimations involves logistic regression models.

Results

Before turning to the regression results, a brief discussion of preliminary descriptive findings helps map out some of the broad contours of the local prosecutor electoral and candidate fundraising terrain and, in so doing, supplies useful context.

Descriptive results

A brief description of the magnitude of campaign contributions to local prosecutor candidates, as well as how these contributions distribute across various prosecutor election types, district population, candidate incumbency, and contested election outcomes, follows.

Campaign contributions and electoral contestation

Results presented in Table 2 indicate that prosecutor candidates reported raising approximately $134M (Column 1). Unsurprisingly, campaign contribution totals were comparatively higher in contested elections (Columns 2 and 3). Also notable is

[3]Various alternative models were estimated in unreported robustness checks, including Poisson models (e.g., "zip"). While core reported results are largely impervious to alternative model specifications, where any results differ, the reported results are comparatively more conservative.

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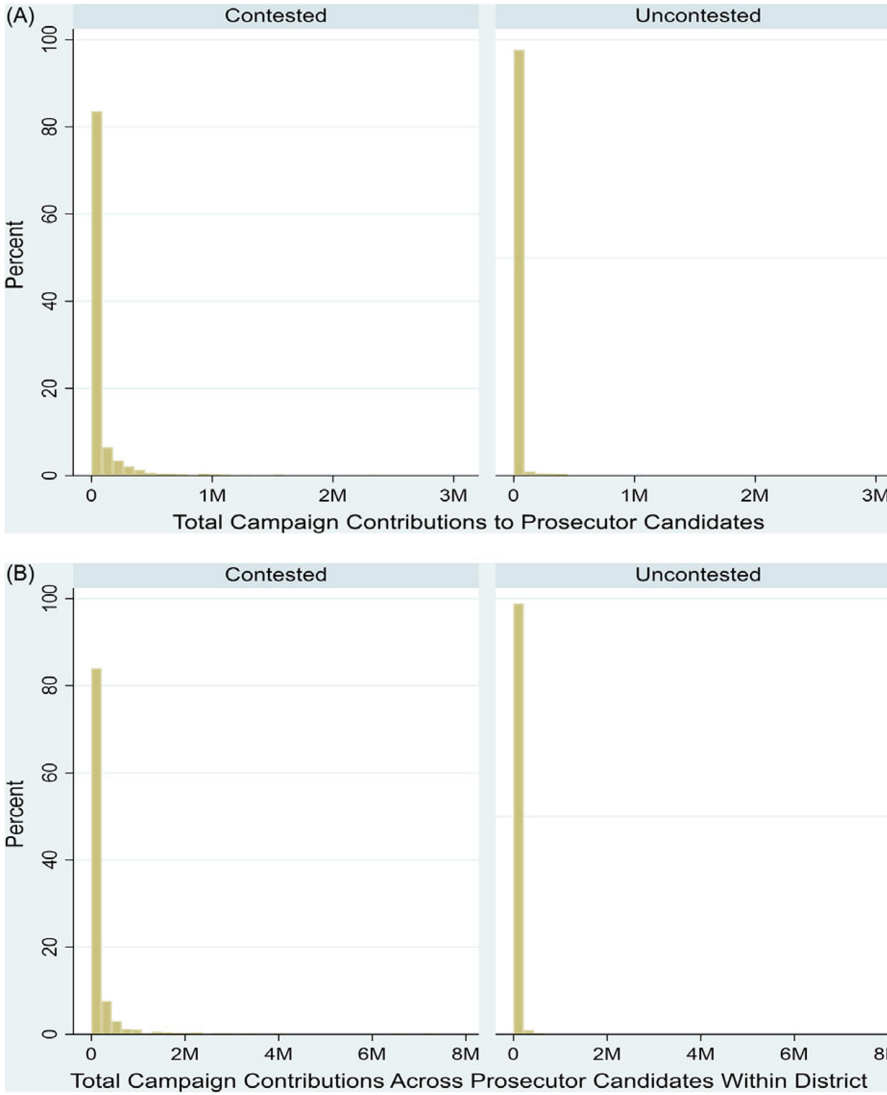


Figure 1. (A) Total Campaign Contributions to Prosecutor Candidates, By Election Type. (B) Total Campaign Contributions Across Prosecutor Candidates Within District, By Election Type.
Notes: (A) Candidate-level dataset; N = 3,123. (B) District-level dataset; N = 2,205.
Source: Local Prosecutor Campaign Contributions, 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023) (candidate- and district-level datasets).

that unopposed prosecutor candidates raised $15.9M (Column 3). Indeed, as Column 4 illustrates, almost 12% of the total $134M contributed to prosecutor candidates went to unopposed candidates in uncontested elections. Finally, it is important to recall that while candidates reported receiving approximately $134M in campaign contributions in total, almost 40% of the 3,123 candidates reported receiving no campaign contributions.

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Table 2. Total Contributions to Prosecutor Candidates, by Election Type

	(1)	(2)	(3)	(4)
	All Elections ($)	Contested Elections ($)	Unopposed Candidates/Uncontested Elections ($)	Uncontested Election Contributions as a Percent of Total (%)
Ttl. raised, all sources	134M	118M	15.9M	11.9
(N)	*3,123*	*1,566*	*1,557*	*1,557*

Source: Local Prosecutor Campaign Contributions (candidate-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

Prosecutor election contestation and incumbency, by district population

Prior research emphasizes election contestation, candidate incumbency status, and district population as salient for explaining variation in local prosecutor candidates' campaign contributions (e.g., Heise 2025; Hessick et al. 2023b).

As Table 3 makes clear, prosecutor elections in almost 70% of the districts were uncontested and just over 80% of the district elections included incumbent candidates. Another important aspect that emerges in Table 3 is how candidate contestation and incumbency vary across population levels. Specifically, district population increases correspond with increased electoral contestation and decreased incumbency.

Campaign contributions and contested prosecutor election outcomes

The weight of prior research implies a positive relation between candidate campaign contributions and electoral outcomes generally (e.g., Wang 2022; Schuster 2020; Hall 2016; Bonneau 2007; Gerber 1998). This study explores, in part, whether this general finding extends into the local prosecutor election context. To do so, however, requires a focus on the sub-set of prosecutor candidates who participated in contested elections (N = 1,566). When it comes to electoral success, despite robust standard deviations, results in Table 4 imply notable variation in winning and losing candidates' fundraising prowess. Specifically, the mean total campaign contribution for winning prosecutor candidates exceeds that of losing candidates by just over 60%.

Taken together, results in Tables 2, 3, and 4 generally comport with prior research (e.g., Heise 2025; Hessick et al. 2023b; Hessick and Morse 2020) and suggest that local prosecutor candidates' reported campaign contribution totals vary across a number

Table 3. Contestation and Incumbency in Prosecutor Elections, by District Population

	All Elections	Uncontested	Contested	Incumbent
Dists. by Population:				
<100K	1,621	1,205	416	1,301
100K–249K	336	212	124	267
250K–1M	205	113	92	162
1M+	43	8	35	37
(N)	*2,205*	*1,538*	*667*	*1,767*

Source: Local Prosecutor Campaign Contributions (district-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

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Table 4. Mean Campaign Contributions in Contested Prosecutor Elections, by Candidate Outcome

	(1)	(2)
	Winning Candidate ($)	Losing Candidate(s) ($)
Mean	95,835	59,836
Std. Dev.	(268,678)	(174,187)
(N)	*667*	*899*

Source: Local Prosecutor Campaign Contributions (candidate-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

of factors, including election types, district population, and electoral outcomes in contested prosecutor elections.

Modeling campaign contributions to prosecutor candidates and contested election outcomes

While the descriptive patterns implied in Tables 2, 3, and 4 do not generally surprise, whether they survive more exacting empirical scrutiny requires additional analyses. The first set of models (Table 5) involves estimations of local prosecutor candidate contributions at the individual candidate level; a second set of models (Table 6) focuses on contributions aggregated across candidates within a district (that is, at the district level). Overall, results from models at both units of analysis (candidate- and district-level) evidence, as expected, how variables behave slightly differently across

Table 5. Zero-Inflated Negative Binomial Regression Models of Campaign Contributions to Prosecutor Candidates, by Election Type (Candidate Level)

	(1)	(2)	(3)
	Uncontested	Contested	Contested
Incumbent candidate (1 = yes)	−0.22 (0.21)	0.07 (0.06)	0.33** (0.08)
Female candidate (1 = yes)	0.35 (0.30)	−0.03 (0.09)	−0.13 (0.08)
Democratic candidate (1 = yes)	0.66 (0.44)	0.20 (0.17)	0.41* (0.19)
Republican candidate (1 = yes)	−0.09 (0.40)	0.17 (0.18)	0.55** (0.20)
Progressive candidate (1 = yes)	0.09 (0.29)	0.51* (0.21)	0.64** (0.20)
Multi-county district (1 = yes)	−0.52* (0.16)	−0.22 (0.17)	–
Per capita budget (scaled)	0.00 (<0.01)	0.00 (<0.01)	–
District population (log)	0.92** (0.06)	0.85** (0.04)	–
St. excludes uncontest. elect. (1 = yes)	0.44 (0.32)	0.52* (0.21)	–
Partisan election (1 = yes)	0.51 (050)	−0.15 (0.33)	–
Straight ticket option (1 = yes)	−0.20 (0.21)	−0.05 (0.21)	–
constant	−1.62* (0.78)	0.54 (0.53)	10.65** (0.20)
inflate:			
Incumbent cand. (1 = yes)	0.11 (0.24)	0.04 (0.19)	0.01 (0.27)
constant	0.36 (0.31)	−1.50** (0.19)	−1.98** (0.19)
District-level fixed effects?	N	N	Y
AIC	14,022	30,339	29,362
BIC	14,102	30,419	29,592
(*N*)	*1,545*	*1,531*	*1,566*

Notes: The dependent variable is the total amount of reported campaign contributions to prosecutor candidates. * p <0.05; ** p <0.01. Models were estimated using the "zinb" command in Stata (v.19.5); robust standard errors clustered on states in parentheses.
Source: Local Prosecutor Campaign Contributions (candidate-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

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Table 6. Zero-Inflated Negative Binomial Regression Models of Campaign Contributions Across Prosecutor Candidates Within a District, by Election Type (District Level)

	(1)	(2)
	Uncontested	Contested
Incumbent candidate (1 = yes)	−0.44 (0.24)	−0.31** (0.09)
Progressive cand. election (1 = yes)	0.26 (0.20)	0.39* (0.19)
Multi-county district (1 = yes)	−0.68** (0.21)	−0.24 (0.17)
Per capita budget (scaled)	0.00 (<0.01)	0.00* (<0.01)
District population (log)	0.98** (0.07)	0.93** (0.04)
Partisan mismatch (1 = yes)	0.88* (0.39)	0.24** (0.08)
Partisan election (1 = yes)	0.53 (0.28)	0.16 (0.30)
St. excludes uncontest. election (1 = yes)	0.52 (0.32)	0.52* (0.22)
Straight ticket option (1 = yes)	−0.33 (0.21)	0.04 (0.22)
constant	−1.99* (0.80)	0.26 (0.61)
inflate:		
Incumbent election (1 = yes)	−0.03 (0.26)	0.18 (0.40)
constant	0.48 (0.33)	−2.71** (0.33)
AIC	13,772	14,979
BIC	13,841	15,037
(*N*)	*1,521*	*652*

Notes: The dependent variable is the total amount of reported campaign contributions to each prosecutor district (aggregated across all candidates within each district). * p <0.05; ** p <0.01. Models were estimated using the "znib" command in Stata (v.19.5); robust standard errors clustered on states in parentheses.
Source: Local Prosecutor Campaign Contributions (district-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

Table 7. Logistic Regression Model of Contested Prosecutor Election Outcomes (Candidate Level)

Total contributions (10,000$)	0.01** (<0.01)
Incumbent cand. (1 = yes)	1.12** (0.15)
Female cand. (1 = yes)	0.18 (0.15)
Dem. cand. (1 = yes)	−0.20 (0.12)
Rep. cand. (1 = yes)	0.67** (0.13)
Progressive cand. (1 = yes)	1.70** (0.37)
constant	−1.07** (0.11)
(*N*)	*1,566*

Notes: The dependent variable equals 1 if a candidate won a contested election. * p <0.05; ** p <0.01. Models were estimated using the "logit" command in Stata (v.19.5); robust standard errors clustered on state in parentheses.
Source: Local Prosecutor Campaign Contributions (candidate-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

contested and uncontested prosecutor elections. Finally, results also emphasize the salience of fundraising success on a candidate's electoral success in contested local prosecutor elections (Table 7).

Campaign contributions to local prosecutor candidates (candidate-level)

An initial focus on prosecutor campaign fundraising at the candidate level makes sense owing to the considerable fundraising variation observed across the individual candidates. As results in Table 5 suggest, in uncontested elections (Column 1) only the district population and multi-county district variables achieve statistical significance. The persistent systematic influence of district population – specifically, that district population (log) increases correspond with systematic increases in candidate

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campaign contributions – underscores district population's salience and comports with prior research (Hessick et al. 2023b).

While Table 5 makes clear that prosecutor candidates systematically raised more money in more populous districts, it is important to keep this finding in context. Specifically, while campaign contributions are comparably higher in higher population districts, including many urban centers, the number of less populous districts greatly exceeds the number of high population districts. Thus, any observed "urban" (or high population) effect on prosecutor campaign contributions is muted somewhat by the comparatively small number of high population districts. Finally, candidates running in districts that drew from multiple counties reported systematically lower campaign contributions totals.

Results for contested elections (Columns 2 and 3) at the candidate level, by contrast, convey a bit more complexity. While the influence of district population persists, findings from the full model (Column 2) emphasize the influence of two additional variables. Specifically, progressive candidates (in contested elections) systematically reported higher campaign contribution totals than their non-progressive counterparts. Similarly, candidates in states that exclude unopposed candidates from appearing on election ballots reported systematically higher campaign contribution totals.

As previously noted, candidate-level results from contested elections need to account for the possibility that a competitive election itself may influence candidates' (within a district) campaign contribution totals. To account for this possibility, Column 3 reports results that include district-level fixed effects and introduces additional candidate-level variables that warrant note.

Likely contributing to their stunning electoral success rate, incumbent candidates in contested elections systematically raised more campaign contributions than their non-incumbent competitors. Moreover, as these data span local prosecutor elections conducted between 2012 and 2019, which generally map onto a palpable increase in the number of "progressive" prosecutor candidates (Green and Roiphe 2020; Hessick 2023b; Pfaff 2023) competing in local prosecutor elections, "progressive" candidates reported systematically higher campaign contribution totals than their non-progressive counterparts. Finally, independent of a candidate's status as "progressive," reported campaign contributions to candidates who identified as either republican and democratic systematically exceeded contributions to the 18% of prosecutor candidates who did not run as either a republican or democratic.

Campaign contributions to prosecutor elections (district level)

Overall, a shift in analytic focus from the individual candidate level to the district level does not materially disturb core patterns. This is unsurprising insofar as 70% of the districts involved uncontested prosecutor elections. Consequently, for these 70% of the districts reported fundraising totals at the candidate level, by definition, match fundraising totals aggregated across candidates within a district. Nevertheless, insofar as campaign contribution totals can – and did – vary dramatically across districts in contested prosecutor elections, district-level analyses remain important. Indeed, overall results from district-level analyses of fundraising totals aggregated across candidates within districts, presented in Table 6, emphasize a slightly different mix of factors.

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When it comes to variation in campaign contribution totals for uncontested prosecutor elections at the district level, Table 6 (Column 1) illustrates, as anticipated, few changes from candidate-level findings (Table 5, Column 1). Specifically, both the multi-county district and district population variables achieve statistical significance at both the candidate and district level. A district-level focus, however, includes an additional variable, partisan mismatch, that also emerges as salient. The partisan mismatch variable identifies those districts that hold partisan prosecutor elections and where an incumbent prosecutor candidate was not representing the political party that received the majority of votes in the 2016 presidential election. The emergence of these conditions in a district corresponds with a systematic increase in total reported campaign contributions across all prosecutors candidates competing in that district.

Findings from contested prosecutor elections at the district level both comport with and depart from candidate-level findings. What the candidate- and district-level findings share for contested elections includes, for example, the salience of progressive candidates. That is, not only do progressive candidates systematically correspond with increased campaign contributions, but the presence of a progressive candidate in a contested election also corresponds with increased total contributions across all candidates in that district. This overall district-level total campaign contribution total increase (Table 6, Column 2) can be ascribed to a contribution premium realized by progressive candidates (Table 5, Columns 2 and 3), an increase in campaign contributions that flowed to the district's non-progressive candidates, or some combination of both factors. In addition to the presence of a progressive candidate, candidate- and district-level findings in contested elections also emphasize the salience of district population as well as states that exclude unopposed candidates from even appearing on election ballots.

Comparing candidate- and district-level results also uncovers a complicating wrinkle involving incumbency's influence on campaign contributions. At the candidate level, incumbent candidates in contested elections systematically raised more campaign contributions than their non-incumbent competitors (Table 5, Column 3). At the district level, however, contested prosecutor elections that included an incumbent candidate correspond with a systematic decrease in total campaign contributions raised across all candidates within that district (Table 6, Column 2).

Closer analysis reveals how this complication may nonetheless cohere. Specifically, when taken together, the candidate- and district-level findings imply that incumbent candidates in contested elections attracted a relatively greater share of that district's total across all candidates. Stated slightly differently, the contribution premium realized by an incumbent candidate was offset by a campaign contribution penalty inflicted upon the non-incumbent candidates attributable to the presence of an incumbent candidate in a district's election.

Modeling contested prosecutor election outcomes

While a focus on factors that help explain the variation observed in prosecutor candidates' ability to attract campaign contributions is important in its own right, a related point involves whether campaign contribution variation correlates with local prosecutor election outcomes. After all, one important reason that likely motivates

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donors to contribute to a local prosecutor candidate is to help ensure that candidate's electoral success.

While a prosecutor candidate's fundraising success can be important for an array of reasons, it is particularly important in the contested election context where, presumably, at least some level of *ex ante* electoral outcome uncertainty exists. One-half of the 3,123 candidates in the dataset competed in contested elections for the local prosecutor's office. The 1,566 candidates who competed in these contested prosecutor elections include 667 candidates who prevailed and were elected to serve as local prosecutors. Insofar as this analysis seeks to explore variation across winning and non-winning candidate(s) within each district and, by definition, each district produced a single winning candidate, the model includes only those independent variables that could vary across candidates and within a district.

Results in Table 7 make clear that, consistent with previous descriptive results (Table 4), campaign contributions to the 667 prosecutor candidates who won their contested elections systematically exceeded campaign contributions to those candidates who lost. This result underscores a strong positive relation between a candidate's fundraising success and the candidate's favorable electoral outcome in the subset of contested prosecutor elections. Notable is that a statistically significant influence exerted by a candidate's campaign contributions emerges independent of the similarly important influence of candidate incumbency.

While the key independent variable of interest – a candidate's *Total contributions* raised – performs as expected, additional results in Table 7 warrant brief discussion. For example, and as expected, incumbent prosecutor candidates systematically outperformed their non-incumbent counterparts. Interestingly, Republican and "progressive" prosecutor candidates also systematically outperformed their respective counterparts.

Interpreting results in Table 7 requires important context as they reflect only the 1,566 prosecutor candidates who competed in the 667 contested elections. As prior results make clear, contested and uncontested prosecutor elections systematically differ in important ways. Consequently, Table 7's findings include virtually all of the relatively small number of "progressive" prosecutor candidates as well as skew toward the comparatively larger and more urban prosecutor districts.

Incumbency, campaign contributions, and prosecutor election outcomes

While evidence of candidate incumbency's influence on campaign contributions in contested elections persists across descriptive and regression analyses, the direction of its influence, as previously noted, varies between the candidate and district levels. To explore this anomaly further, Figures 2 and 3 derive from Tables 5 (Column 3) and 6 (Column 2), respectively, and focus on incumbency's marginal effects on candidate- and district-level campaign contribution totals in contested elections while keeping all other variables at their means. At the candidate level (Figure 2), what is clear is that incumbent candidates systematically raise more campaign contributions than their non-incumbent candidate counterparts. At the district level (Figure 3), however, total campaign contributions across all candidates within a district were higher when a contested election did *not* include an incumbent candidate. Taken together, results from marginal effects analyses (Figures 2 and 3) comport with prior regression results (Tables 5 and 6) and reinforce the explanation that the campaign

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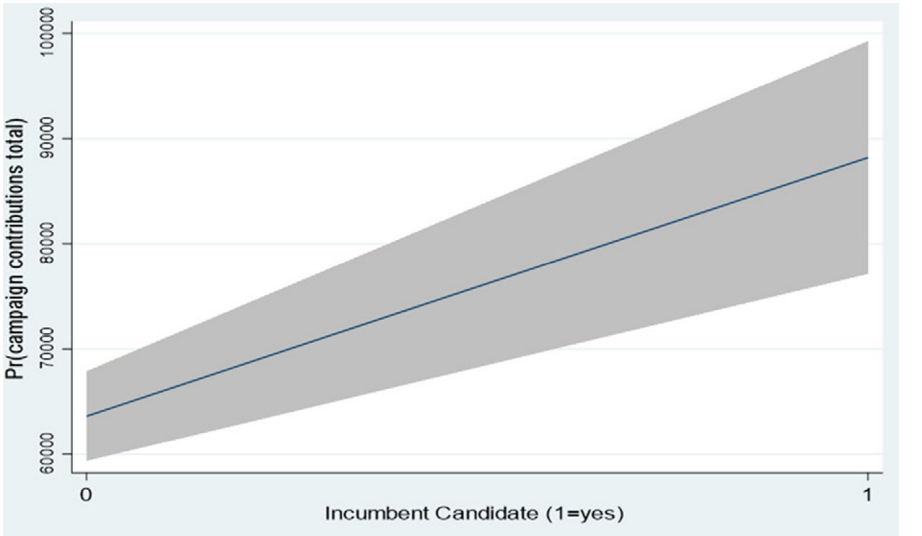


Figure 2. Marginal Effects of Candidate Incumbency on Campaign Contributions to Prosecutor Candidates, Contested Elections (Candidate Level).
Notes: N = 1,566; 95% confidence interval.
Source: Local Prosecutor Campaign Contributions (candidate-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

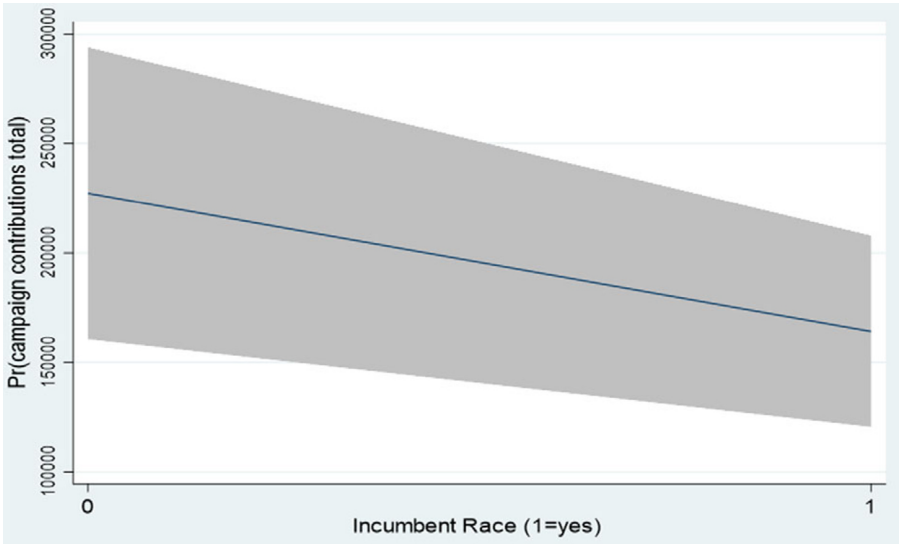


Figure 3. Marginal Effects of a Contested Election Involving an Incumbent on Total Campaign Contributions Across All Candidates Within a District, Contested Elections (District-Level).
Notes: N = 652; 95% confidence interval.
Source: Local Prosecutor Campaign Contributions (district-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

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contribution premium realized by incumbent candidates was offset by a contribution penalty inflicted upon the non-incumbent candidates likely attributable, in part, to the presence of an incumbent candidate.

Despite any potential residual ambiguity relating to candidate incumbency's influence on campaign contributions in contested elections flowing from Figures 2 and 3, a closer look at incumbency's influence on prosecutor election outcomes provides additional evidence of incumbency's outsized role in the local prosecutor election setting. Figure 4 derives from Table 7, focuses on prosecutor election outcomes in contested elections, and assesses the marginal effects of prosecutor candidate incumbency while holding other variables at their means. As Figure 4 makes clear, candidate incumbency's influence on prosecutor election outcomes in contested elections is palpable and, unsurprisingly, consistent with prior descriptive and regression analyses. Thus, even if incumbency's influence is nuanced in the campaign contributions context, comparatively far less nuance exists when it comes to contested local prosecutor election outcomes.

Adjacent to concerns about candidate incumbency's influence in the local prosecutor electoral context reside related – though distinct – concerns about campaign contributions' influence. Hessick (2024) documents the palpable growth over time in the raw amount of reported campaign contributions in local prosecutor elections. Moreover, results in Table 7 illustrate a strong positive relation between a candidate's fundraising success and electoral outcome in the sub-set of contested prosecutor elections. As well, descriptive results discussed previously evidence the various ways that campaign contributions to local prosecutor candidates distribute unevenly across candidates. The interaction of these points helps motivate questions about

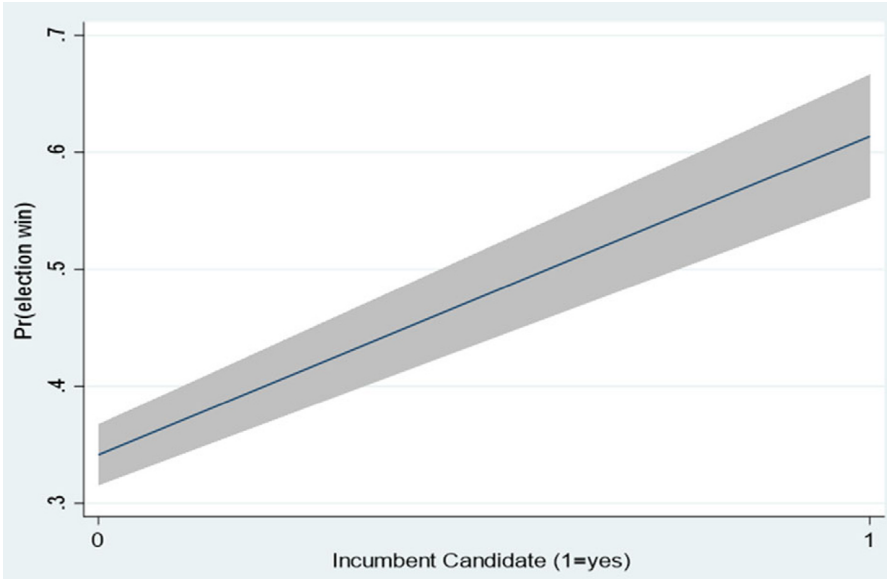


Figure 4. Marginal Effects of Candidate Incumbency on Election Win, Contested Elections.
Notes: N = 1,566; 95% confidence interval.
Source: Local Prosecutor Campaign Contributions (candidate-level dataset), 2012–2019, Prosecutors and Politics Project Dataverse, UNC Dataverse (June 23, 2023).

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whether increased regulation over local prosecutor candidate fundraising is desirable as a policy matter and, if so, legally feasible.

To enhance transparency, one permissible regulatory lever involves campaign contributions disclosure requirements. Of course, various disclosure requirements already exist and, indeed, the candidate-level campaign contribution data used in this study largely flow from existing campaign contribution disclosure requirements that attach to most candidates for public and elected office, including local prosecutor candidates. Rules mandating campaign contribution disclosure have repeatedly been upheld by the Supreme Court (e.g., *Citizens United v. FEC* 2010; *Buckley v. Valeo* 1976).

Efforts to limit or restrict campaign contributions to candidates, including efforts in the elected state judicial candidate context, have consistently confronted various legal barriers. For example, in *Caperton v. Massey* (2009), the Supreme Court for the first time recognized Due Process concerns arising out of the potential for judicial bias attributable to campaign contributions from a litigant appearing before a judge who was the recipient of financial support from that litigant. Notably, the Court's opinion as well as the dissents in *Caperton* implicitly assume an empirical relation between campaign contributions to judicial candidates and their subsequent votes as judges. While the *Caperton* decision may be narrowly framed as a "recusal" case, the Court's concerns implicate broader issues flowing from campaign contributions to judicial candidates (which can involve sitting judges) running for election (or re-election) to the bench (Lerner 2013). Additional evidence of the Court's growing unease with practical implications flowing from campaign contributions to elected judges emerged in a more recent case, *Williams-Yulee v. Florida Bar* (2015), where the Court upheld Florida Code of Judicial Conduct's prohibition of state judicial candidates personally soliciting campaign contributions from donors.

Notably, the Court's *Williams-Yulee* (2015) decision implies a distinction between judicial and non-judicial elections. Specifically, where campaign contributions to non-judicial candidates raise concerns over the potential for a *quid pro quo*, contributions to judicial candidates elicit additional concerns involving an appearance of impropriety and judicial integrity. If the Court's distinction between judicial and non-judicial elections coheres in the context of campaign contribution regulations, precisely where local prosecutors and their elections land on such a continuum is not obvious. That is to say, to the extent that public perceptions of judicial integrity might justify the imposition of comparatively more exacting campaign contribution regulations on judicial elections, similar reasoning may also plausibly attach to local prosecutor candidates and their elections as well.

Conclusion

Insofar as Professors Kang and Shepherd (2013, 1240), among many others, note that "money buys things" in the electoral context, questions about what campaign contributions to local prosecutor candidates might be purchasing warrant close attention. Indeed, public and scholarly attention to local prosecutor candidates, campaign contributions to them, and their elections has increased over time. Much of this increased attention is both explained by, and a function of, increased local prosecutor candidate fundraising. While general concerns about campaign contributions' possible deleterious effects on democratic processes are well-understood and

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documented, the salience of such concerns in the elected local prosecutor context remains comparatively under-explored. This is particularly ironic insofar as campaign contributions' potential influence on prosecutorial discretion can involve potentially life-altering decisions for investigation targets and defendants. Making matters potentially even worse is that many components of prosecutors' discretionary decisions are often shrouded in secrecy.

When it comes to understanding how reported campaign contribution totals distribute, findings from contested and uncontested election models, as expected, evidence important differences. Notably, however, these differences are generally stable across the candidate- and district-level models. Comparing overall findings from candidate- and district-level models also uncovers one unexpected difference involving a candidate's (or district election's) incumbency status. Taken together, findings from this study make clear that while campaign contributions inform prosecutor election outcomes, factors that inform candidate fundraising success vary across contested and uncontested elections as well as across candidate and district levels. These variations, in turn, raise important distributional concerns. The potential distributional concerns emerging from variation in candidate fundraising success in the local prosecutor election context underscore that research on prosecutor candidate fundraising is not merely an academic exercise. After all, related findings from this study also make clear how increases in local prosecutor candidates' campaign fundraising totals correspond with an increased likelihood of success in contested elections.

In the end, while expanding and extending the empirical literature on prosecutor candidates' campaign contributions and electoral outcomes provide helpful additional granularity, results from this study do not, however, uncover any obviously efficacious policy levers that respond to various normative and political implications flowing from campaign contribution variation across prosecutor candidates in the United States. Moreover, and complicating matters further, any potential policy levers seeking to regulate the relation between campaign contributions (or incumbency) and local prosecutor candidates will need to navigate among various state and federal constitutional concerns that loom large in this context.

Data availability statement. Replication materials are available at the *Journal of Law and Courts* Dataverse (https://doi.org/10.7910/DVN/KAKOF8). Source datasets are available at the UNC Prosecutors and Politics Project Dataverse (https://dataverse.unc.edu/dataverse/ppp).

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References

Bandyopadhyay, Siddhartha, and Bryan C. McCannon. 11 January 2018. Queuing Up for Justice: Elections and Case Backlogs. Available at: SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3097736.

Bandyopadhyay, Siddhartha, and Bryan C. McCannon. 2015. Prosecutorial Retention: Signaling by Trial. *Journal of Public Economic Theory* 17 (2): 219–256. https://doi.org/10.1111/jpet.12107.

https://doi.org/10.1017/jlc.2026.10023 Published online by Cambridge University Press

Bandyopadhyay, Siddhartha, and Bryan C. McCannon. 2014. The Effect of the Election of Prosecutors on Criminal Trials. *Public Choice* 161 (1/2): 141–156. https://www.jstor.org/stable/24507520.

Barber, Michael. 2016. Donation Motivations: Testing Theories of Access and Ideology. *Political Research Quarterly* 69 (1): 148–159. https://doi.org/10.1177/1065912915624164.

Bellin, Jeffrey. 2020. Expanding the Reach of Progressive Prosecution. *Journal of Criminal Law and Criminology* 110 (4): 707–717. https://scholarlycommons.law.northwestern.edu/jclc/vol110/iss4/2.

Benoit, Kenneth, and Michael Marsh. 2008. Incumbent and Challenger Campaign Spending Effects in Proportional Electoral Systems: The Irish Elections of 2002. *Political Research Quarterly* 63 (1): 159–173. https://doi.org/10.1177/1065912908325081.

Bonica Adam. 2013. Ideology and Interests in the Political Marketplace. *American Journal of Political Science* 57 (2): 294–311. https://doi.org/10.1111/ajps.12014.

Bonneau, Chris W. 2007. The Effects of Campaign Spending in State Supreme Court Elections. *Political Research Quarterly* 60 (3): 489–499. https://doi.org/10.1177/1065912907305680.

Buckley v. Valeo, 424 U.S. 1 (1976).

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009).

Carson, Jamie L., Damon M. Cann, Jeffrey L. Yates, and Ronald F. Wright. 2026. Breaking Barriers: Analyzing Women Prosecutors' Electoral Success. *Political Behavior*. https://doi.org/10.1007/s11109-026-10131-0.

Citizens United v. FEC, 558 U.S. 310 (2010).

Davis, Joshua, and Whitney K. Taylor. 2025. In Their Own Words: Prosecutors on the Politics of Backlash (September 3, 2025). Available at: SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5437019.

Dyke, Andrew. 2007. Electoral Cycles in the Administration of Criminal Justice. *Public Choice* 133 (3/4): 417–437. https://www.jstor.org/stable/27698195.

Engstrom, Erik J., and Jason M. Roberts. 2020. *The Politics of Ballot Design*. Cambridge, UK: Cambridge University Press. https://doi.org/10.1017/9781108904254.

Epps, Daniel. 2021. Checks and Balances in the Criminal Law. *Vanderbilt Law Review* 74 (1): 1–84. https://scholarship.law.vanderbilt.edu/vlr/vol74/iss1/1/.

Fowler, Anthony, Haritz Garro, and Jorg L. Spenkuch. 2020. Quid Pro Quo? Corporate Returns to Campaign Contributions. *The Journal of Politics* 82 (3): 844–858. https://doi.org/10.1086/707307.

Gerber, Alan S. 1998. Estimating the Effect of Campaign Spending on Senate Election Outcomes Using Instrumental Variables. *American Political Science Review* 92 (2): 401–411. https://doi.org/10.2307/2585672.

Goodliffe, Jay. 2004. War Chests as Precautionary Savings. *Political Behavior* 26 (4): 289–315. https://doi.org/10.1007/s11109-004-0898-7.

Green, Bruce A., and Rebecca Roiphe. 2020. When Prosecutors Politick: Progressive Law Enforcers Then and Now. *Journal of Criminal Law and Criminology* 110 (4): 719–768. https://scholarlycommons.law.northwestern.edu/jclc/vol110/iss4/3.

Green, Donald P., and Alan S. Gerber. 2019. *Get Out the Vote: How to Increase Voter Turnout* (4th ed.). Washington, DC: Brookings Press. https://www.brookings.edu/books/get-out-the-vote-2/.

Grier, Kevin, Robin Grier, and Gor Mkrtchian. 2023. Campaign Contributions and Roll-Call Voting in the U.S. House of Representatives: The Case of the Sugar Industry. *American Political Science Review* 117 (1): 340–346. https://doi:10.1017/S0003055422000466.

Hall, Andrew B. 2016. Systemic Effects of Campaign Spending: Evidence from Corporate Contribution Bans in US State Legislatures. *Political Science Research and Methods* 4 (2): 343–359. https://doi.org/10.1017/psrm.2015.43.

Heise, Michael. 2025. Understanding Uncontested Local Prosecutor Elections: An Empirical Perspective. *Creighton Law Review* 58 (2): 189–216. https://cdr.creighton.edu/items/ee592799-ed6a-406d-9088-5270f73d6997.

Hessick, Carissa B. 2024. National Study of Prosecutor Elections and Campaign Contributions: 2018-2019. https://law.unc.edu/wp-content/uploads/2024/12/R2-Election-Report-FINAL.pdf.

Hessick, Carissa B. 2023b. Pitfalls of Progressive Prosecution. *Fordham Urban Law Journal* 50 (2): 973–988. https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2927&context=ulj.

Hessick, Carissa B., and Rick Su. 2023. The (Local) Prosecutor. *Wisconsin Law Review* 2023 (5): 1669–1705. https://doi.org/10.59015/wlr/CMDB9344.

Hessick, Carissa B., Sarah Treul, and Alexander Love. 2023a. Understanding Uncontested Prosecutor Elections. *American Criminal Law Review* 60: 31–77. https://scholarship.law.unc.edu/faculty_publications/630/.

https://doi.org/10.1017/jlc.2026.10023 Published online by Cambridge University Press

Hessick, Carissa B., Michael Morse, and Nathan Pinnell. 2023b. Donating to the District Attorney. *UC Davis Law Review* 56 (4): 1769–1847. https://lawreview.law.ucdavis.edu/archives/56/4/donating-district-attorney.

Hessick, Carissa B., and Michael Morse. 2020. Picking Prosecutors. *Iowa Law Review* 105 (4): 1537–1590. https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2023-02/Hessick_Morse.pdf.

Hessick, Carissa B., and Nathan Pinnell. 2021. Special Interests in Prosecutor Elections. *Ohio State Journal of Criminal Law* 19 (1): 39–74. http://hdl.handle.net/1811/101750.

Jacobson, Gary C. 1989. Strategic Politicians and the Dynamics of U.S. House Elections, 1946–86. *American Political Science Review* 83 (3): 773–793. https://www.jstor.org/stable/1962060.

Kang, Michael S., and Joanna M. Shepherd. 2013. The Partisan Foundations of Judicial Campaign Finance. *Southern California Law Review* 86 (6): 1239–1308. https://southerncalifornialawreview.com/2013/09/03/the-partisan-foundations-of-judicial-campaign-finance-article-by-michael-s-kang-joanna-m-shepherd/.

Le, Thanh, Ilke Onur, Rubayat Sarwar, and Erkan Yalcin. 2024. Money in Politics: How Does It Affect Election Outcomes? *SAGE Open* 14 (1): 1–19. https://doi.org/10.1177/21582440241279659.

Lerner, Lawrence. 2013. *The Price of Justice: A True Story of Greed and Corruption*. New York, NY: Macmillan Publishers. https://us.macmillan.com/books/9781250048684/thepriceofjustice/.

Levin, Benjamin. 2021. Imagining the Progressive Prosecutor. *Minnesota Law Review* 105 (3): 1415–1451. https://minnesotalawreview.org/wp-content/uploads/2021/02/Levin_MLR.pdf.

McCarty, Nolan, Keith Poole, and Howard Rosenthal. 2006. *Polarized America: The Dance of Ideology and Unequal Riches*. Cambridge, MA: MIT Press. https://mitpress.mit.edu/9780262633611/polarized-america/.

McCannon, Bryan C. 2018. Debundling Accountability: Prosecutor and Public Defender Elections in Florida (June 29, 2018). Available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3204623.

McCannon, Bryan C. 2013. Prosecutor Elections, Mistakes, and Appeals. *Journal of Empirical Legal Studies* 10 (4): 696–714. https://doi.org/10.1111/jels.12024.

Misner, Robert L. 1996. Recasting Prosecutorial Discretion. *Journal of Criminal Law and Criminology* 86 (3): 717–777. https://scholarlycommons.law.northwestern.edu/jclc/vol86/iss3/3/.

Nadel, Melissa R., Samuel J.A. Scaggs, and William D. Bales. 2017. Politics in Punishment: The Effect of the State Attorney Election Cycle on Conviction and Sentencing Outcomes in Florida. *American Journal of Criminal Justice* 42: 845–862. https://doi.org/10.1007/s12103-017-9388-4.

Nelson, Michael, and Taran Samarth. 2022. Judging Prosecutors: Public Support for Prosecutorial Discretion. *Research and Politics* 9 (4): 1–7. https://doi.org/10.1177/20531680221134999.

Ouziel, Lauren M. 2022. Prosecution in Public, Prosecution in Private. *Notre Dame Law Review* 97 (3): 1071–1143. https://scholarship.law.nd.edu/ndlr/vol97/iss3/3.

Pattie, Charles J., Ronald J. Johnston, and Edward A. Fieldhouse. 1995. Winning the Local Vote: The Effectiveness of Constituency Campaign Spending in Great Britain, 1983–1992. *American Political Science Review* 89 (4): 969–983. https://doi.org/10.2307/2082521.

Pfaff, John F. 2023. The Poor Reform Prosecutor: So Far From the State Capital, So Close to the Suburbs. *Fordham Urban Law Journal* 50 (5): 1013–1066. https://ir.lawnet.fordham.edu/ulj/vol50/iss5/4.

Schleifer, Theodore, and Albert Sun. December 6, 2024. How Much Did Trump, Biden and Harris Raise? A Stunning $4.7 Billion. *The New York Times*, p. A16. https://www.nytimes.com/2024/12/06/us/politics/trump-harris-campaign-fundraising.html?searchResultPosition=4.

Schuster, Steven S. 2020. Does Campaign Spending Affect Election Outcomes? New Evidence from Transaction-Level Disbursement Data. *The Journal of Politics* 82 (4): 1502–1515. https://doi.org/10.1086/708646.

Shin, Myungsoon, Youngjae Jin, Donald A. Gross, and Kihong Eom. 2005. Money matters in party-centered politics: campaign spending in Korean congressional elections. *Electoral Studies* 24 (1): 85–101. https://doi.org/10.1016/j.electstud.2004.03.003.

Sklansky, David A. 2017. The Changing Political Landscape for Elected Prosecutors. *Ohio State Journal of Criminal Law* 14 (2): 647–674. http://hdl.handle.net/1811/80791.

Verba, Sidney, Kay Lehman Schlozman, and Henry Brady. 1995. *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge, MA: Harvard University Press.

Wang, Ching-Hsing. 2022. The Effect of Political Donation on Election Outcomes: Evidence from Taiwan Legislative Elections, *SAGE Open* 12 (1). https://doi.org/10.1177/21582440221084991.

Williams-Yulee v. Florida Bar, 575 U.S. 433 (2015).

https://doi.org/10.1017/jlc.2026.10023 Published online by Cambridge University Press

Wright, Ronald F. 2014. Beyond Prosecutor Elections. *SMU Law Review* 67 (3): 594–615. https://scholar.smu.edu/smulr/vol67/iss3/11.

Wright, Ronald F., and Marc L. Miller. 2010. The worldwide accountability deficit for criminal prosecutors. *Washington and Lee Law Review* 67 (4):1587–1658. https://scholarlycommons.law.wlu.edu/wlulr/vol67/iss4/9/.

Yanez, Arturo R., and Neel U. Sukhatme. 2024. Judges for Sale: The Effect of Campaign Contributions on State Criminal Courts (February 1, 2024). Available at: SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4602994.

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