

MINNESOTA STATE BAR ASSOCIATION  
JUDICIAL ELECTION CAMPAIGN CONDUCT COMMITTEE

**STATEMENT OF PURPOSE**

The legitimacy of the judicial process depends, in large measure, on public trust and confidence that judges approach all matters with open minds, without preconceived notions of who should prevail or why, and, above all, with a commitment to decide every case as the facts and law require, regardless of their personal or political beliefs. Every person and entity who comes before any judge in the State of Minnesota should and must believe that the judge will apply the law fairly and consistently to them, notwithstanding their background, economic status, or affiliations.

Although Minnesota holds judicial elections, Minnesota law makes clear that the purpose and process for conducting judicial elections is non-partisan and in that respect differs markedly from executive and legislative elections. Elected judges do not represent constituencies in the way commonly associated with non-judicial elected officials; judges are accountable solely for fair and impartial application of the constitutions and laws of Minnesota and the United States. The United States Supreme Court has determined, however, that no governmental body, including the Board on Judicial Standards, may prohibit candidates for judicial office from announcing their views concerning disputed legal or political questions. Similarly, the Eighth Circuit Court of Appeals has held that that no governmental body, including the Board on Judicial Standards, may prohibit a candidate for judicial office from personally signing letters seeking campaign contributions, speaking at political gatherings, and accepting endorsements from political parties.

As members of the bar, officers of the courts, and voters in the State of Minnesota, we believe that the right to engage in campaign speech comes with the responsibility to speak in a

manner that does not compromise, or appear to compromise, the independence, impartiality and integrity of the judiciary. We also believe that the qualities and qualifications of the candidates should determine the outcome of judicial elections, not the ability or willingness to attract dollars from partisan political groups. We believe that allowing partisan campaigning and spending to overtake judicial elections will negatively affect public confidence in the independence and impartiality of the judiciary and further, may discourage or prevent qualified individuals from seeking judicial office.

Thus, we ask and encourage all judicial candidates to uphold an appropriate standard of campaign conduct that preserves their ability to approach matters in an impartial and non-partisan manner, for even the appearance of something less does great harm to the legitimacy of the judicial process. Concomitantly, we believe we have the responsibility to educate the public and candidates for judicial office on the need for restraint in judicial campaign conduct; to observe diligently the campaign conduct of those who seek judicial office in the State of Minnesota; and to make public comment, when necessary, when we believe specific instances of judicial campaign conduct threaten the right of all citizens in the State to a truly independent and fair-minded judiciary.

As United States Supreme Court Chief Justice John Roberts explained during his confirmation hearing in 2005, “Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda, but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench. And I will decide every case based on the record, according to the rule of law, without fear or favor, to the

best of my ability.” We believe that the citizens of the State of Minnesota and the candidates for judicial office themselves should aspire to nothing less.

### **SUMMARY STATEMENT**

All citizens expect and deserve fair treatment in our courts where the outcome depends on the weight of the facts and the applicable rule of law, untainted by outside political influences, prior campaign promises, or upcoming elections. The citizens of the State of Minnesota want judges, not politicians, in the courtroom.