

Minnesota State Bar Association
JUDICIAL ELECTION CAMPAIGN
CONDUCT COMMITTEE
OPERATING PROCEDURES

Introduction:

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 and 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, 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. Accordingly, candidates for elected judicial office must focus on the candidate's qualifications for office rather than seek votes by speaking to political issues. Candidates must also avoid engaging in half-truths and other misleading campaign tactics. The Judicial Election Campaign Conduct Committee ("Committee") was founded to help candidates maintain the high ground without fear that their challengers will obtain advantage through inappropriate campaign tactics.

The Committee's "jurisdiction" is state-wide. It is anticipated that the Committee will request that candidates in state-wide races sign our Affirmation and will review election conduct in those races. It is also anticipated that district bar associations in each judicial district may form judicial election campaign committees that will operate according to identical or similar by-laws and operating procedures in their districts, in an effort to preserve public trust and confidence in their local judiciary. To the extent that such a committee exists in a district, this Committee will not operate in such district, unless it is invited to do so or it determines that to do so would be helpful and appropriate.

We ask candidates to sign our Affirmation and intend to educate candidates and the public about what attributes qualify a judicial candidate for a seat on the bench.

1. The Committee will contact the Secretary of State to ascertain the names and addresses of candidates for judicial office. It will then contact candidates and request that they voluntarily sign the Affirmation. The Committee may also mail instructional campaign materials to the candidates.

2. Those judicial candidates who sign and comply with the Affirmation may use the fact of that compliance in their own campaigns, including to educate the public regarding which attributes qualify a judicial candidate for office.

3. The Committee may consider matters pertaining to campaign conduct of which it becomes aware, from any source, including complaints, whether from candidates or others, monitoring compliance with any Affirmation signed by a candidate, issues related to endorsements and campaign contributions, and any other judicial-campaign advertising. "Judicial-campaign advertising" includes any oral or written statements or campaign materials pertaining to a candidate issued by a candidate for judicial office, the candidate's campaign committee, or an independent person or organization, including newspaper, radio or television advertising, website or other electronic communication, press releases, brochures, fliers, sample ballots, yard signs, or other printed material, intended to influence the outcome of a judicial election. The Committee will not consider oral or anonymous complaints from individuals who are not members of the Committee.

4. The Committee may review and attempt to resolve complaints regarding judicial campaign conduct and advertising. Complaints shall be made in writing, identify the complainant and describe alleged improprieties with specificity but concisely and, if possible, be supported with documentation. They must be sent by U.S. mail, fax, or hand delivery during regular business hours to the Chair of the Committee, Ann O'Reilly, at the following address: LeVander, Gillen & Miller, P.A., 633 South Concord Street, Suite 400, St. Paul, MN 55075, or faxed to 651-450-7384.

5. The Committee will notify the committee of the candidate that is the subject of the complaint that a complaint has been made, will provide a copy of the complaint to that candidate, and will invite the candidate to provide a written response within a specified time frame.

6. If the complaint concerns an advertisement sponsored by a third-party person or organization, the Committee will notify the candidate or candidates who is/are the subject of such advertisement as well as the independent person or organization that a complaint has been made. The Committee may ask the candidate to disavow any particular ad or statement or the Committee may take such other action as it deems appropriate.

7. The Committee may investigate the complaint and take action based upon the facts. Action on the complaint will be within the sole discretion of the Committee and shall remain confidential until the investigation is complete. The Committee shall make reasonable attempts to resolve complaints informally in lieu of issuing a public statement. Such informal action and resolution includes, but is not limited to, procuring an agreement from the candidate to withdraw an advertisement, to retract or clarify a campaign statement, or such other informal disposition as may be deemed appropriate.

8. Members of the Committee are not permitted to offer oral responses or opinions to inquiries, whether from citizens or from representatives of the media, regarding the complaint proceeding while it is pending.

9. The Committee may choose to produce a written public Decision. A copy of the complaint, response and Decision, if any, may be made available for release or distribution to anyone interested. Copies of the Decision will be transmitted for information purposes to the Minnesota State Bar Association (the "MSBA"), as appropriate. The Committee may issue a press release or hold a press conference describing the violation. If the Committee believes that a violation of an applicable disciplinary rule or statute has occurred, it will forward the complaint and Decision to the appropriate disciplinary authority.

10. In furtherance of its educational role, the Committee may conduct educational seminars in any part of the state. It may also mail instructional campaign materials to judicial candidates and advise them of upcoming educational seminars. The Committee may also offer informal, non-binding advice and consultation to judges and candidates concerning judicial campaign conduct at educational seminars. The Committee may undertake such other educational efforts it deems appropriate to inform the public about the purposes of the Affirmation of Principles for Responsible Judicial Campaigns and the importance of preserving the independence, fairness, impartiality and integrity of the judiciary.

11. If requested to do so by a candidate, the Chair may designate one or more subcommittees to perform specific tasks, including but not limited to, reviewing campaign advertisements and materials that a candidate is considering using. The subject matter of any such request for informal advice and consultation and the subcommittee's response is confidential.

12. The Committee reserves unto itself the right to amend these Operating Procedures by majority vote.