

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 87

January 12, 2009

Authored by Mullery

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

1.1 A bill for an act
1.2 relating to elections; establishing voluntary conduct restrictions for judicial
1.3 candidates; modifying ballot format for judicial elections; amending Minnesota
1.4 Statutes 2008, sections 204B.06, subdivision 6; 204B.36, by adding a
1.5 subdivision; proposing coding for new law in Minnesota Statutes, chapter 211B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 204B.06, subdivision 6, is amended to read:

1.8 Subd. 6. **Judicial candidates; designation of term.** (a) An individual who files as a
1.9 candidate for the office of chief justice or associate justice of the Supreme Court, judge of
1.10 the Court of Appeals, or judge of the district court shall state in the affidavit of candidacy:

1.11 (1) the office of the particular justice or judge for which the individual is a candidate;

1.12 and

1.13 (2) whether the individual agrees to be bound by the regulations on judicial conduct
1.14 established in section 211B.095, in addition to the regulations provided in court rule.

1.15 (b) The individual shall be a candidate only for the office identified in the affidavit.

1.16 Each justice of the Supreme Court and each Court of Appeals and district court judge is
1.17 deemed to hold a separate nonpartisan office.

1.18 Sec. 2. Minnesota Statutes 2008, section 204B.36, is amended by adding a subdivision
1.19 to read:

1.20 Subd. 6. **Judicial candidates; notation of ethical conduct agreement.** (a) Except
1.21 as provided in paragraph (b), all candidates for judicial office shall have the following
1.22 notation printed above their names on the ballot: "WARNING: This candidate has refused
1.23 to be voluntarily bound by campaign ethics rules for judicial candidates." Notwithstanding
1.24 subdivision 1, this notation must be printed in red ink and in a larger typeface than that

2.1 used for the candidate's name. The word "WARNING" must be printed in bold, and be
 2.2 larger in size than the remainder of the notation.

2.3 (b) A candidate who agrees to be bound by the regulations on judicial conduct
 2.4 provided in section 211B.095, and who indicated this intent when filing the affidavit of
 2.5 candidacy for office, shall not have the notation provided in paragraph (a) included above
 2.6 the candidate's name on the ballot. Instead, the following notation shall be printed in the
 2.7 same location: "This candidate has voluntarily agreed to be bound by campaign ethics
 2.8 rules for judicial candidates." This notation must be printed in black ink, and in a typeface
 2.9 equal in size to the candidate's name.

2.10 **Sec. 3. [211B.095] JUDICIAL CANDIDATES; PARTISAN STATEMENTS AND**
 2.11 **ACTIVITIES.**

2.12 Subdivision 1. **Applicability.** This section applies to candidates for judicial office
 2.13 who agree to be bound by the provisions of this section. Agreement or refusal to be bound
 2.14 by this section must be indicated at the time the candidate files an affidavit of candidacy
 2.15 for judicial office. The candidate's agreement or refusal shall be noted on the ballot in
 2.16 the manner provided in section 204B.36, subdivision 6.

2.17 Subd. 2. **Announcement of views.** A candidate for judicial office must not
 2.18 announce his or her views on disputed legal or political issues.

2.19 Subd. 3. **Partisan activities.** A candidate for judicial office must not:

2.20 (1) identify himself or herself as a member of a political party or organization,
 2.21 except as necessary to vote in an election;

2.22 (2) attend political gatherings, or seek, accept, or use endorsements from a political
 2.23 party or organization; or

2.24 (3) speak to gatherings of a political party or organization on the candidate's own
 2.25 behalf.

2.26 Subd. 4. **Solicitations.** A candidate for judicial office must not personally solicit
 2.27 or accept campaign contributions or solicit publicly stated support. The candidate may
 2.28 establish a committee for these purposes, in the manner provided by law and court rule.

2.29 Subd. 5. **Violations.** In addition to the remedies provided in this chapter, a
 2.30 candidate for judicial office bound by the provisions of this section shall also be subject to
 2.31 professional discipline by the Board on Judicial Standards for any violation. The board
 2.32 shall adopt any rules necessary to establish disciplinary processes related to enforcement
 2.33 of this section.