

Why Every ote Matters

Judicial Elections

From a Temporary Exhibit, May–July 2014

Michigan's Judges Are Elected

Justices and judges in the Michigan court system must run for election. All are elected on the non-partisan ballot.

Trial court and Court of Appeals judges serve 6-year terms. Michigan Supreme Court justices run for 8-year terms.

Qualifications

All judges and justices must:

- Be a registered and qualified voter of the jurisdiction in which the office is sought.
- Be licensed to practice law in the State of Michigan.
- Have been admitted to the practice of law for at least five years.
- Be less than 70 years of age on the date of election (or appointment). *

* If a judge leaves office before the end of his or her term, the governor may appoint a replacement. The appointee must then run for retention at the next judicial election.



Judicial Campaign Ethics

Judges and candidates for judicial office are held to higher ethical standards than candidates running for other offices. These strict rules appear in the Michigan Code of Judicial Conduct. Each rule is called a “canon.” The canons help maintain the public’s confidence in the judiciary.

Michigan Code of Judicial Conduct

Canon 1

A judge [or judicial candidate] should . . . personally observe[] high standards of conduct so that the integrity and independence of the judiciary may be preserved.

Canon 7

A judge or a candidate for judicial office should refrain from political activity inappropriate to judicial office.



What Is Considered Inappropriate Political Activity?

Many of the actions and behaviors allowed in other political races are forbidden under the Michigan Code of Judicial Conduct.

Candidates May Not

- Make pledges or promises of conduct in office other than the faithful and impartial performance of judicial duties.
- Hold office in a political party.
- Publicly endorse a non-judicial candidate.
- Allow family members or staff to do something the candidate is forbidden to do.
- Ask for campaign funds personally.



Candidates Must

- Be truthful in all advertising.
- Follow restrictions on campaign funds, including rules about asking for and accepting money.

What If a Rule Is Broken?

Both successful and unsuccessful candidates face discipline for judicial campaign misconduct. The Attorney Grievance Commission, Attorney Discipline Board, and Judicial Tenure Commission are involved in the investigation, prosecution, and adjudication of such matters. The Michigan Supreme Court oversees all three bodies.

Possible Consequences

Judge

- Censure.
- Suspension with or without pay.
- Retirement.
- Removal.

Lawyer

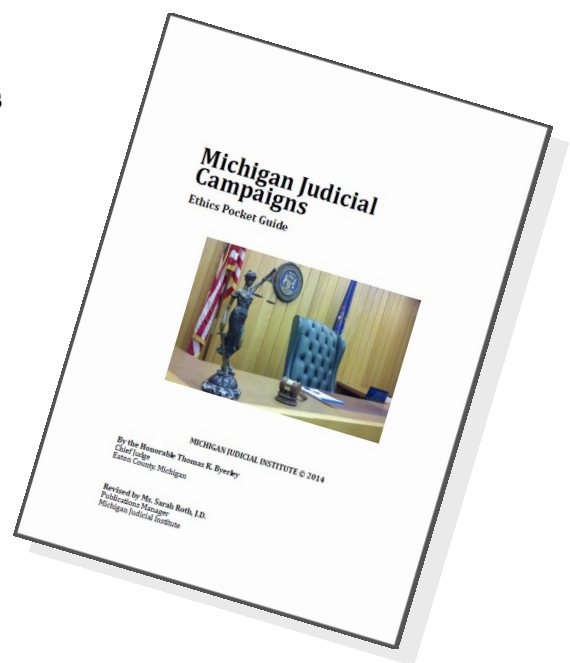
- Disbarment from the practice of law.
- Suspension of the license to practice law.
- Reprimand.
- Probation.
- Restitution.

How Do Judicial Candidates Learn About the Rules?

The Michigan Supreme Court and the State Bar of Michigan offer resources that help judicial candidates and incumbent judges follow the canons that apply to judicial elections.

Resources

- ☑ The Michigan Code of Judicial Conduct is available online at the One Court of Justice website (<http://courts.mi.gov>).
- ☑ The Michigan Judicial Institute, the educational arm of the Michigan Supreme Court, provides election seminars, archived webcasts, and publications to those running for judicial office.
- ☑ The State Bar of Michigan also sponsors an Ethics Helpline (877-558-4760) that offers informal, advisory opinions to lawyers and judges regarding actions they are considering.

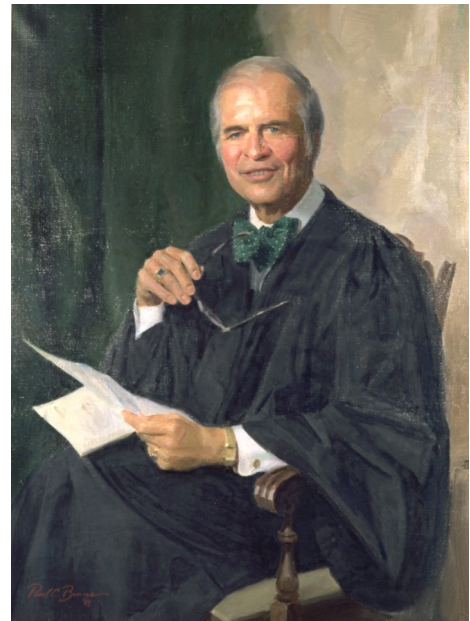


Campaigns in History

G. Mennen “Soapy” Williams served as Governor of Michigan (1949-1960) and as a Justice of the Michigan Supreme Court (1971-1986). Many remember him for his green bowtie and energetic campaign style.

Arguably, he was one of Michigan’s most successful political campaigners. He served 12 years as governor, winning a record six times. He used his party contacts and visited fairs and factory gates to encourage people to vote for him. He made promises like “Extra Dollars to State’s Farmers” and worked hard to invigorate the Democratic Party.

When Justice Williams ran on the non-partisan ballot for the Michigan Supreme Court, he had to change his strategy. He could no longer make specific campaign promises or promote a political party. Instead, he emphasized the need “to do justly” during his 1970 campaign.



Justice G. Mennen Williams continued to wear his green bowtie with his judicial robe while on the Michigan Supreme Court.

Image courtesy Michigan Supreme Court Historical Society.
