

SB 12 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 4/7

WHAT THE MEASURE DOES:

The measure prohibits the Secretary of State from including the word "incumbent" on a ballot next to the name of an appointed judge who is seeking election to that same office for the first time since being appointed. It applies to judges for the Oregon Supreme Court, Court of Appeals, Oregon Tax Court, and circuit court.

Fiscal impact: The measure may have a fiscal impact, but a statement has not yet been released.

Revenue impact: The measure may have a revenue impact, but a statement has not yet been released.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

All judges for the Oregon Supreme Court, Court of Appeals, the circuit courts, and the Oregon Tax Court are elected to six-year terms in nonpartisan elections. There are seven justices on the Oregon Supreme Court, 13 judges on the Court of Appeals, and one judge and three magistrates on the Oregon Tax Court. The circuit courts, which are trial courts where cases are decided by a judge or jury, have 179 judges in 27 judicial districts across Oregon. (Oregon Judicial Department, [Oregon's State Courts Overview](#))

The Oregon Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. A judge or judicial candidate must comply with the provisions and may be disciplined for violations. Rule 5 articulates the specific requirements for engaging in political and campaign activity, including restricting the solicitation or acceptance of campaign contributions other than through a lawfully established campaign committee, except for certain family and judge exceptions, and prohibiting the making of pledges, promises, or commitments related to issues or cases likely to come before the related court.

The statutory requirement for "incumbent" to be used on the ballot for Supreme Court, Court of Appeals, Oregon Tax Court, and circuit court candidates originated in 1985. Until 1983, various partisan and nonpartisan candidates had been allowed a 10- or 12-word statement of the candidate's principles or qualifications on the primary, nominating, or general election ballot, which were known as ballot slogans. For an elected or appointed judge of the Oregon Tax Court, the word "incumbent" had to follow the candidate's name on the ballot if the term was used in the candidate's nominating petition or declaration of candidacy. The 1983 Legislative Assembly eliminated the use of ballot slogans and incumbent on the ballot for the Oregon Tax Court.

In 1985, the Judicial Branch and Oregon State Bar successfully argued that judges are different than other candidates in how they can campaign and raise funds and that voters should know who the incumbent is so they can vote on job performance and not on name familiarity. Opponents argued that listing incumbent on the ballot was another form of ballot slogans and that judges could use the voters' pamphlet to let voters know about the candidate's qualifications and incumbency. House Bill 2092 (1985) required the word "incumbent" to follow the name of each candidate who seeks election for a judicial position to which the candidate had previously been elected or appointed.