



# VOTERS' GUIDE TO JUDICIAL ELECTIONS

## Why Is It Important to Exercise Your Right to Vote in Judicial Elections?

Any resident of San Francisco could find themselves interacting with our local courts. Our courts decide disputes in a wide range of areas including traffic violations, Small Claims Court disputes, landlord/tenant and other housing-related disputes, small business disputes, criminal matters and wills, trust, conservancy, to name a few. Your vote is important.

## Why Is an Independent Judiciary Important?

An independent judiciary is vital to a healthy and functioning democracy. It provides one of the checks and balances that are at the core of our democratic system of government which is made up of three branches of government (Legislative, Executive and Judicial). The role of the judiciary is to interpret the laws that are passed by the legislature and to overturn laws that violate the Constitution. The judiciary also performs other important functions, such as providing for the orderly settlement of disputes between parties in controversy, determining the guilt or innocence of those accused of violating laws, and protecting the rights of individuals. To perform these functions properly, judges must act impartially and not be beholden to special interests. If judges are concerned about being targeted for making decisions that are well founded in the law but may be unpopular, that undermines the rule of law and – by extension – democracy itself.

## How Are Judges Appointed and Elected?

Most judges in California are appointed by the Governor. Thereafter, their seat comes up for election every six years. When a judge is up for re-election but no one else runs for their seat (not challenged), they continue to serve for the next six years, at which point their seat is up for election again. If someone runs against a judge who is up for re-election, then this seat is placed on the voting ballot for the public to decide which candidate, the sitting judge or the challenger, will have that seat.

## How Are Judges Different From Other Elected Officials?

- Unlike legislators who are directly accountable to the voters for their political actions, **judges must stand apart from partisan politics** and focus on the fair resolution of disputes under the Constitution and laws. Judges are duty-bound to interpret and apply the law and to make decisions based on the law and facts without regard to political considerations, public opinion or special interests. While the law is sometimes imprecise and interpretations might differ, judges are required to interpret the law in good faith.



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### How Are Judges Different From Other Elected Officials? (Continued)

- Judges have a duty to **perform their work impartially and ethically**.
- Unlike other elected officials or even those challenging judges for their seats, judges are **restricted in what they can say publicly about pending cases**. Judges are required to always conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- Judges are **held accountable** through a series of checks on judicial power, which include:
  - **Appeals**: If a party in a case believes a judge made an error, they may appeal to a higher court
  - **Amend the laws**: If citizens disagree with a court's interpretation of a law, they may petition the legislature to amend the law and change the law's effect in the future. For example, after the U.S. Supreme Court ruled that Lilly Ledbetter's sex discrimination claims were too old to be brought to court, Congress introduced – and President Obama signed into law – the Lilly Ledbetter Fair Pay Act, which revised the law to allow discrimination claims based on acts that occurred further back in the past.
  - **Amend the Constitution**: If citizens disagree with a court's interpretation of the Constitution, they have the ultimate power to amend the Constitution to change its effect in the future. Both the California and United States Constitutions have been amended multiple times.
  - **File a claim** with the Commission on Judicial Performance: Judges charged with unethical behavior are subject to investigation and disciplinary measures, up to and including removal from office.
  - **File a motion** to challenge a judge for bias: Judges can be challenged for bias by litigants in a case.

### What Characteristics Should You Value In A Judge?

The California Commission on Judicial Nominees Evaluation and the Judiciary Committee of the Bar Association of San Francisco vet judicial candidates thoroughly for characteristics that are valued in a judge, including the following:

- Integrity
- Judgment
- Intellectual capacity
- Legal experience
- Professional ability
- Industry
- Judicial temperament
- Decisiveness
- Ability to transcend personal biases
- Community respect