

Retention Elections Solution for Uncontested Judgeships

Every fall a familiar sight appears on the ballot concerning the election of judges. Many of the judicial contests will show incumbent judges running unopposed, which means that the incumbent judge is not responsible to the voter or held accountable because he has won before the election began. The voter has no choice or say concerning who should occupy seats on the bench.

Should a judge get a free ride the rest of his judicial career if he faces no opposition in judicial elections? My answer is NO. A judge should serve with periodic approval of the people, which is by election. In Illinois and some other states all judges must periodically run in retention elections. This means that all judges run against themselves. A judge who seeks another term is listed on the ballot with the following:

“Should this incumbent judge be retained for another term? Mark Yes or No.”

In Illinois the judge must receive 60% approval in order to serve another term.

In some states special commissions conduct and publish unbiased surveys concerning judicial performance in order to inform the public about the judiciary. This resolves the common problem of the public not knowing anything about the judges. At this time Arizona is the only state whose Constitution mandates this type of commission. Colorado has a very good law which achieves the same purpose.

At the local level where the average citizen is more likely to encounter the legal system the citizen will feel more reassured about the integrity of the judge if the judge has periodic reviews and approval by means of a retention election. Taking this one step further the citizen would feel more reassured about the integrity of the legal system if the citizen could police the legal system instead of the legal system policing itself, which is currently the case. This is why the passage of the ***Golden Legal Oversight Amendment*** is so important. Proper controls must be in place and maintained if the legal system is to function in an ethical and high level manner.

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