

“Judges are not politicians who can promise to do certain things in exchange for votes.”

Chief Justice John Roberts  
U.S. Supreme Court

## What is a judicial retention election?

In a retention election, voters decide whether a judge should be retained or removed from office. If a judge receives a simple majority of “yes” votes, the judge serves another full term. If a judge receives a simple majority of “no” votes, the judge is removed from office at the end of the year.

## Why does Iowa have a retention election?

In 1962, Iowa voters approved a constitutional amendment that replaced the election of judges with merit selection and retention elections. Although no judicial selection system is completely free of politics, a process using merit selection and retention elections:

- Curbs the influence of political parties and special interest groups in the selection of Iowa’s judges.
- Emphasizes the selection of judges based upon their professional qualifications.
- Gives voters the final say about who serves as a judge.
- Is the most effective way to ensure fair and impartial courts.

*“State courts resolve the most important legal matters in our lives, including child custody cases, settlement of estates, business-contract disputes, traffic offenses, drunken-driving charges, most criminal offenses and most foreclosures. More than 100 million cases are filed in state courts each year.”*

*“When you enter one of these courtrooms, the last thing you want to worry about is whether the judge is more accountable to a campaign contributor or an ideological group than to the law.”*

Sandra Day O’Connor  
Retired United States Supreme Court Justice  
The New York Times, May 21, 2010

# JUDICIAL RETENTION ELECTION GUIDE

## Learn About Iowa’s Judicial Retention Elections



## What makes a good judge?

- **Integrity** - honest, upright and committed to the rule of law
- **Professional Competence** - keen intellect, extensive legal knowledge and strong writing abilities
- **Judicial Temperament** - neutral, decisive, respectful and composed
- **Experience** - strong record of professional excellence
- **Service** - committed to public service and the administration of justice

## Where do I find information about a judge's professional experience?

For information about judges on the ballot this year, click on the Iowa Voters Judicial Directory (available after August 15) posted at: [www.iowacourts.gov](http://www.iowacourts.gov)

## What about a judge's personal views on certain issues?

- It is inappropriate for a judge to consider his or her personal views, political pressure or public opinion when deciding cases. Judges must be neutral and follow the rule of law.
- A judge has the First Amendment right to free speech, but if a judge announces a position on an issue, the judge's impartiality may be called into question. If this occurs, the judge may need to decline presiding over any case that involves that issue.
- Judicial ethics prohibit judges from commenting about cases pending in court to ensure that litigants receive a fair trial.



## Where can I find an attorney survey about judges on the ballot?

Each election year the Iowa State Bar Association surveys its members about judges standing for retention. The results of this opinion survey are available one month prior to the general election at: [www.iowabar.org](http://www.iowabar.org)

## How are courts accountable?

Our system of government is carefully designed to foster fair and impartial courts while maintaining judicial accountability through a series of checks on judicial power.

- If a party in a case believes a judge made an error in a case, the party may appeal to a higher court to review the judge's ruling.
- If citizens disagree with a judge's interpretation of a law, they may petition the legislature to amend the law and change the law's effect in the future.
- 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.
- If a person thinks a judge has behaved unethically, the person may ask the Judicial Qualifications Commission to investigate.

In these ways, courts are accountable to the laws, to the constitution and to the people.

## What about an unpopular court decision?

There are many reasons why a voter may want to consider more than the outcome of one case when assessing a judge's performance:

- Over the course of a career, a judge will dispose of thousands of cases. One case alone is not necessarily an accurate barometer of a judicial career.
- Judges must follow the law, and sometimes the law leads to unpopular results. If citizens disagree with a law, they may petition the legislature to change it.
- High-profile cases that catch the media's attention often bear little resemblance to the cases that constitute the bulk of a judge's work. Most court cases do not involve hot-button issues.

## What about decisions reversed by a higher court?

Sometimes a higher court reverses the decision of a lower court. Reversal by a higher court does not in itself indicate the quality of a judge's work. For instance, the higher court could be ruling on an issue for the first time or clarifying one of its earlier opinions that served as precedent for the lower court.

"The law sometimes demands unpopular outcomes, and a judge who is forced to weigh what is popular rather than focusing solely on what the law demands has lost some independence and impartiality."

Sandra Day O'Connor  
Retired United States Supreme Court Justice