

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1082

(SENATE AUTHORS: REST and Latz)

DATE	D-PG	OFFICIAL STATUS
03/05/2013	574	Introduction and first reading Referred to Judiciary
03/21/2013	1415	Author stricken Thompson
04/02/2013	1459a	Comm report: To pass as amended and re-refer to Rules and Administration
03/04/2014	5964	Author stricken Senjem
03/20/2014	6485a	Comm report: To pass as amended and re-refer to State and Local Government
03/24/2014	6761a	Comm report: To pass as amended and re-refer to Rules and Administration
04/03/2014	7374	Author stricken Rosen

A bill for an act

1.1 relating to judicial selection; proposing an amendment to the Minnesota
 1.2 Constitution, article VI, sections 7 and 8; establishing retention elections for
 1.3 judges; creating a judicial performance evaluation commission; appropriating
 1.4 money; amending Minnesota Statutes 2012, sections 10A.01, subdivisions
 1.5 7, 15; 204B.06, subdivision 6; 204B.34, subdivision 3; 204B.36, subdivision
 1.6 4; 480B.01, subdivisions 1, 10, 11; Minnesota Statutes 2013 Supplement,
 1.7 sections 10A.01, subdivision 10; 10A.14, subdivision 1; 10A.20, subdivision 2;
 1.8 proposing coding for new law in Minnesota Statutes, chapters 204D; 480B;
 1.9 490A; repealing Minnesota Statutes 2012, sections 204B.36, subdivision 5;
 1.10 204D.14, subdivision 3.
 1.11

1.12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

CONSTITUTIONAL AMENDMENT

1.15 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

1.16 An amendment to the Minnesota Constitution is proposed to the people. If the
 1.17 amendment is adopted, article VI, section 7, will read:

1.18 Sec. 7. The term of office of all judges shall be six years and until their successors
 1.19 are qualified. They Following appointment by the governor, each justice or judge shall
 1.20 initially hold office for a term ending the first Monday in January following the next
 1.21 regularly scheduled general election held more than one year after the appointment. A
 1.22 justice's or judge's retention shall be elected determined by the voters from the area which
 1.23 they are to serve the justice or judge serves, in the manner provided by law. The term of
 1.24 office of a justice or judge who is retained shall be six years and until a successor is
 1.25 appointed and qualified. A judicial performance evaluation commission shall evaluate in a

2.1 nonpartisan manner the performance of justices or judges according to criteria that the
2.2 commission develops and publishes, and any other criteria established by law.

2.3 article VI, section 8, will read:

2.4 Sec. 8. Whenever there is a vacancy in the office of justice or judge, the governor
2.5 shall appoint ~~in the manner provided by law~~ a qualified person to fill the vacancy ~~until a~~
2.6 ~~successor is elected and qualified.~~ The successor shall be elected for a six-year term at the
2.7 next general election occurring more than one year after the appointment from a list of
2.8 candidates nominated by a judicial selection commission, in the manner provided by law.

2.9 Sec. 2. **SUBMISSION TO VOTERS.**

2.10 (a) The proposed amendment must be submitted to the people at the 2014 general
2.11 election. The question submitted must be:

2.12 "Shall the Minnesota Constitution be amended to establish an independent public
2.13 performance evaluation commission that would empower voters with nonpartisan
2.14 information about the performance of justices and judges; restore accountability to voters
2.15 through judicial retention elections; as well as enhance, protect, and ensure the quality,
2.16 impartiality, and integrity of our courts by requiring merit selection for all justices and
2.17 judges?

2.18 Yes
2.19 No"

2.20 (b) Notwithstanding Minnesota Statutes, section 204D.15, subdivision 1, the title for
2.21 the question submitted to the people under paragraph (a) shall be "Impartial Election of
2.22 Judges, Requiring Merit Selection and Public Performance Evaluation of Judges."

2.23 Sec. 3. **TRANSITION.**

2.24 A justice or judge currently seated or elected at the time the constitutional
2.25 amendment provided in section 1 is adopted shall complete the remainder of the justice's or
2.26 judge's term as it existed before adoption of the amendment. Following completion of their
2.27 terms, these justices or judges are subject to the retention election process as provided in
2.28 the constitution and may file for retention following the procedures described in article 2.

2.29 **ARTICLE 2**

2.30 **STATUTORY PROVISIONS**

2.31 Section 1. Minnesota Statutes 2012, section 10A.01, subdivision 7, is amended to read:

3.1 Subd. 7. **Ballot question.** "Ballot question" means a question or proposition that is
 3.2 placed on the ballot and that may be voted on by all voters of the state. "Promoting or
 3.3 defeating a ballot question" includes activities, other than lobbying activities, related to
 3.4 qualifying the question for placement on the ballot. A ballot question does not include a
 3.5 judicial retention election.

3.6 Sec. 2. Minnesota Statutes 2013 Supplement, section 10A.01, subdivision 10, is
 3.7 amended to read:

3.8 Subd. 10. **Candidate.** "Candidate" means an individual who seeks nomination
 3.9 or election as a state constitutional officer, or legislator, or judge retention in a judicial
 3.10 office. An individual is deemed to seek nomination or election if the individual has taken
 3.11 the action necessary under the law of this state to qualify for nomination or election, has
 3.12 received contributions or made expenditures in excess of \$100, or has given implicit or
 3.13 explicit consent for any other person to receive contributions or make expenditures in
 3.14 excess of \$100, for the purpose of bringing about the individual's nomination or election.
 3.15 A candidate remains a candidate until the candidate's principal campaign committee is
 3.16 dissolved as provided in section 10A.243.

3.17 Sec. 3. Minnesota Statutes 2012, section 10A.01, subdivision 15, is amended to read:

3.18 Subd. 15. **Election.** "Election" means a primary, special primary, general, ~~or~~
 3.19 special, or retention election.

3.20 Sec. 4. Minnesota Statutes 2013 Supplement, section 10A.14, subdivision 1, is
 3.21 amended to read:

3.22 Subdivision 1. **First registration.** The treasurer of a political committee, political
 3.23 fund, principal campaign committee, or party unit must register with the board by filing a
 3.24 registration statement ~~no later than~~ within the earliest of:

3.25 (1) 14 days after the committee, fund, or party unit has made a contribution, received
 3.26 contributions, or made expenditures in excess of \$750, ~~or by;~~

3.27 (2) three days after the committee, fund, or party unit has made a contribution,
 3.28 received contributions, or made expenditures in excess of \$750, if the contribution or
 3.29 expenditure was made to advocate the retention or defeat of a candidate for judicial
 3.30 office; or

3.31 (3) the end of the next business day after it has received a loan or contribution
 3.32 that must be reported under section 10A.20, subdivision 5, ~~whichever is earlier.~~ This

4.1 subdivision does not apply to ballot question or independent expenditure political
 4.2 committees or funds, which are subject to subdivision 1a.

4.3 Sec. 5. Minnesota Statutes 2013 Supplement, section 10A.20, subdivision 2, is
 4.4 amended to read:

4.5 Subd. 2. **Time for filing.** (a) The reports must be filed with the board on or before
 4.6 January 31 of each year and additional reports must be filed as required and in accordance
 4.7 with paragraphs (b) to (d).

4.8 (b) In each year in which the name of a candidate for legislative ~~or district court~~
 4.9 ~~judicial~~ office is on the ballot, the report of the principal campaign committee must be
 4.10 filed 15 days before a primary and ten days before a general election, seven days before a
 4.11 special primary and a special election, and ten days after a special election cycle.

4.12 (c) In each general election year, a political committee, a political fund, a state party
 4.13 committee, a party unit established by all or a part of the party organization within a house
 4.14 of the legislature, and the principal campaign committee of a candidate for constitutional
 4.15 ~~or appellate court judicial~~ office must file reports on the following schedule:

4.16 (1) a first-quarter report covering the calendar year through March 31, which is
 4.17 due April 14;

4.18 (2) in a year in which a primary election is held in August, a report covering the
 4.19 calendar year through May 31, which is due June 14;

4.20 (3) in a year in which a primary election is held before August, a pre-general-election
 4.21 report covering the calendar year through July 15, which is due July 29;

4.22 (4) a pre-primary-election report due 15 days before a primary election;

4.23 (5) a pre-general-election report due 42 days before the general election;

4.24 (6) a pre-general-election report due ten days before a general election; and

4.25 (7) for a special election, a constitutional office candidate whose name is on the
 4.26 ballot must file reports seven days before a special primary and a special election, and ten
 4.27 days after a special election cycle.

4.28 (d) In each general election year in which a political committee, political fund,
 4.29 or party unit makes expenditures that, in the aggregate, exceed \$750 to advocate the
 4.30 retention or defeat of a candidate for judicial office, reports must be filed 42 days and ten
 4.31 days before the retention election.

4.32 (e) In each general election year, a party unit not included in paragraph paragraphs
 4.33 (c) or (d) must file reports 15 days before a primary election and ten days before a general
 4.34 election.

5.1 ~~(e)~~ (f) Notwithstanding paragraphs (a) to ~~(d)~~ (e), the principal campaign committee
 5.2 of a candidate whose name will not be on the general election ballot is not required to file
 5.3 the report due ten days before a general election or seven days before a special election.

5.4 Sec. 6. Minnesota Statutes 2012, section 204B.06, subdivision 6, is amended to read:

5.5 Subd. 6. **Judicial retention candidates; designation of term office.** ~~An individual~~
 5.6 A justice or judge who files as a retention candidate for the office of chief justice or associate
 5.7 justice of the Supreme Court, judge of the Court of Appeals, or judge of the district court
 5.8 shall state in the affidavit of candidacy the office of the particular justice or judge for
 5.9 which the individual is a retention candidate. The individual shall be a retention candidate
 5.10 only for the office identified in the affidavit. Each justice of the Supreme Court and each
 5.11 Court of Appeals and district court judge is deemed to hold a separate nonpartisan office.

5.12 Sec. 7. Minnesota Statutes 2012, section 204B.34, subdivision 3, is amended to read:

5.13 Subd. 3. **Judicial elections.** When one or more justices of the Supreme Court or
 5.14 judges of the Court of Appeals or of a district court ~~are to be nominated at the same~~
 5.15 ~~primary or elected at the same general election~~ have filed for retention election, the
 5.16 notice of election shall state the name of each justice or judge ~~whose successor is to~~
 5.17 ~~be nominated or elected~~ seeking retention.

5.18 Sec. 8. Minnesota Statutes 2012, section 204B.36, subdivision 4, is amended to read:

5.19 Subd. 4. **Judicial retention candidates.** ~~The official ballot shall contain the names~~
 5.20 ~~of all candidates for each judicial office and shall state the number of those candidates for~~
 5.21 ~~whom a voter may vote.~~ The official ballot shall contain the names of all justices or judges
 5.22 seeking to retain their offices. Each seat for an associate justice, associate judge, or judge
 5.23 of the district court must be numbered. The words "SUPREME COURT," "COURT OF
 5.24 APPEALS," and "(number) DISTRICT COURT" must be printed above the respective
 5.25 judicial office groups on the ballot. The title of each judicial office shall be printed on
 5.26 the official primary and general election ballot as follows:

5.27 ~~(a)~~ (1) In the case of the Supreme Court:

5.28 "Chief justice";

5.29 "Associate justice (number)";

5.30 ~~(b)~~ (2) In the case of the Court of Appeals:

5.31 "Judge (number)"; or

5.32 ~~(c)~~ (3) In the case of the district court:

5.33 "Judge (number)."

6.1 Sec. 9. [204D.30] RETENTION OF JUSTICES AND JUDGES.

6.2 (a) Within the time period established by section 204B.09, a justice or judge seeking
 6.3 to retain judicial office shall file an affidavit of candidacy with the secretary of state.
 6.4 Justices or judges who have filed an affidavit of candidacy as provided in this section must
 6.5 be placed on the appropriate official ballot at the next regular general election under a
 6.6 nonpartisan designation in the form provided in section 204B.36, subdivision 4.

6.7 (b) If a majority of those voting on a judicial retention question votes "No," then
 6.8 upon the expiration of the term for which the justice or judge was serving, a vacancy
 6.9 exists which must be filled as provided by law. A justice or judge who loses a retention
 6.10 election may not be appointed to fill the resulting vacancy. If a majority of those voting
 6.11 on the question votes "Yes," the justice or judge shall be retained in office for a six-year
 6.12 term, beginning the first Monday in January following the retention election and subject to
 6.13 removal as provided by the Minnesota Constitution.

6.14 (c) A justice or judge seeking to retain judicial office is considered a candidate for
 6.15 election to that office. A judicial retention election is not a ballot question for the purposes
 6.16 of the Minnesota Election Law.

6.17 Sec. 10. Minnesota Statutes 2012, section 480B.01, subdivision 1, is amended to read:

6.18 Subdivision 1. **Judicial vacancies.** If a judge justice of the Supreme Court, or
 6.19 judge of the Court of Appeals, district court, or Workers' Compensation Court of Appeals
 6.20 dies, resigns, retires, does not file a timely affidavit of candidacy for election to continue
 6.21 in office, or is removed during the judge's justice's term of office, or if a new Supreme
 6.22 Court, Court of Appeals, district, or Workers' Compensation Court of Appeals judgeship is
 6.23 created, the resulting vacancy must be filled by the governor as provided in this section.

6.24 Sec. 11. Minnesota Statutes 2012, section 480B.01, subdivision 10, is amended to read:

6.25 Subd. 10. **Judicial selection commission; notice to public.** Upon receiving notice
 6.26 from the governor that a judicial vacancy has occurred or will occur on a specified date,
 6.27 the chair shall provide notice of the following information:

6.28 (1) the office that is or will be vacant;

6.29 (2) that applications from qualified persons or on behalf of qualified persons are
 6.30 being accepted by the commission;

6.31 (3) that application forms may be obtained from the governor or the commission
 6.32 at a named address; and

6.33 (4) that application forms must be returned to the commission by a named date.

7.1 For a district court vacancy, the notice must be made available to attorney
 7.2 associations in the judicial district where the vacancy has occurred or will occur and to at
 7.3 least one newspaper of general circulation in each county in the district. For a Supreme
 7.4 Court, Court of Appeals, or Workers' Compensation Court of Appeals vacancy, the notice
 7.5 must be given to state attorney associations and all forms of the public media.

7.6 Sec. 12. Minnesota Statutes 2012, section 480B.01, subdivision 11, is amended to read:

7.7 Subd. 11. **Nominees to governor.** Within 60 days after the receipt of a notice of a
 7.8 judicial vacancy, the ~~committee~~ commission shall ~~recommend~~ submit to the governor no
 7.9 fewer than three and no more than five nominees for each judicial vacancy. The names
 7.10 of the nominees must be made public. The governor ~~may~~ shall fill the vacancy from the
 7.11 nominees recommended by the commission. ~~If the governor declines to select a nominee~~
 7.12 ~~to fill the vacancy from the list of nominees, or if no list is submitted to the governor under~~
 7.13 ~~this subdivision, the governor may select a person to fill the vacancy without regard to the~~
 7.14 ~~commission's recommendation. If fewer than 60 days remain in the term of office of a~~
 7.15 ~~governor who will not succeed to another term, the governor may fill a vacancy without~~
 7.16 ~~waiting for the commission to recommend a list of nominees.~~

7.17 Sec. 13. **[480B.03] JUDICIAL RETENTION ELECTIONS.**

7.18 Judicial retention elections must be conducted consistent with the procedures
 7.19 established by law for the administration of state general elections. Justices or judges
 7.20 standing for retention must be placed on the ballot as provided in section 204D.30.

7.21 Sec. 14. **[490A.04] JUDICIAL PERFORMANCE EVALUATION COMMISSION.**

7.22 Subdivision 1. **Establishment.** A Judicial Performance Evaluation Commission
 7.23 is established and shall be an independent body not subject to the direct control of any
 7.24 branch of government.

7.25 Subd. 2. **Duties of commission.** After public hearings, the commission shall adopt
 7.26 and administer for all justices or judges a process for evaluating judicial performance.
 7.27 The performance review process must be designed to assist voters in evaluating the
 7.28 performance of justices or judges standing for retention, facilitate self-improvement of all
 7.29 justices and judges, and promote public accountability of the judiciary.

7.30 Subd. 3. **Composition; appointment of commission members.** (a)(1) The
 7.31 commission is composed of 24 members. Each member of the commission must be a
 7.32 citizen of the United States and reside in Minnesota at the time of their appointment
 7.33 and for the duration of their term.

8.1 (2) Sitting justices, judges, and public officials, as defined in section 10A.01,
8.2 subdivision 35, may not be appointed to or serve on the commission. A person may
8.3 not simultaneously serve as either a member of the Commission on Judicial Selection
8.4 established in section 480B.01 or the Board on Judicial Standards established in section
8.5 490A.01 while also serving as a member of the Judicial Performance Evaluation
8.6 Commission established in this section. Members of the commission who are attorneys at
8.7 the time of their appointment must have been admitted to practice before the Minnesota
8.8 Supreme Court for not less than five years.

8.9 (b) Members of the commission must be appointed and serve as follows:

8.10 (1) the governor shall appoint a total of eight members, no more than three of whom
8.11 may be attorneys at the time of their appointment. Gubernatorial appointees serve on the
8.12 commission until the governor who made the appointment leaves office or for a four-year
8.13 term, whichever comes first;

8.14 (2) the chief justice of the Supreme Court shall appoint a total of eight members.
8.15 The chief justice shall designate one of the appointees to serve as chair of the commission.
8.16 No more than four of the appointees may be attorneys at the time of the appointment. The
8.17 chief justice's appointees serve on the commission for a four-year term; and

8.18 (3) the legislature shall appoint a total of eight members, no more than four of whom
8.19 may be attorneys at the time of the appointment. Legislative appointments must be made
8.20 sequentially as follows: the speaker of the house shall appoint one member, the minority
8.21 leader of the house of representatives shall appoint one member, the senate majority leader
8.22 shall appoint one member, and the senate minority leader shall appoint one member. After
8.23 each appointing authority has made the appointments as provided in this clause, a second
8.24 round of appointments must be made in the same sequence. Legislative appointees serve
8.25 on the commission for a two-year term.

8.26 Members of the commission are eligible for reappointment up to two additional full
8.27 terms. Upon expiration of a member's term, the member shall continue to serve until a
8.28 successor is appointed and qualified. In the case of a vacancy on the commission, the
8.29 authority who appointed the member whose seat has become vacant shall appoint a person
8.30 to fill the vacancy for the remainder of the unexpired term.

8.31 (c) In making appointments, the governor, Supreme Court, and the legislature shall
8.32 include qualified members of minority groups as well as consider the importance of
8.33 balanced geographic representation, and appoint individuals of outstanding competence
8.34 and reputation. The governor, chief justice, and the legislature are encouraged to consult
8.35 with each other to ensure the requirements of this paragraph are met.

9.1 (d) Members shall perform commission duties in an impartial and objective
9.2 manner and shall base their recommendations solely upon matters that are in the record
9.3 developed by the commission. Members of the commission are subject to section 10A.07.
9.4 Notwithstanding paragraph (e), a member who violates this paragraph may be removed
9.5 from the commission by majority vote of the commission's membership.

9.6 (e) A member may be removed by the appointing authority at any time for cause,
9.7 after notice and hearing, or after missing three consecutive meetings. After a member
9.8 misses two consecutive meetings and before the next meeting, the executive secretary of
9.9 the commission shall notify the member in writing that the member may be removed if the
9.10 member misses the next meeting. The executive secretary of the commission shall inform
9.11 the appointing authority if a member misses three consecutive meetings.

9.12 (f) A commission member shall serve without compensation but may be reimbursed
9.13 for expenses associated with the member's work on the commission.

9.14 (g) The commission shall appoint an executive secretary to provide administrative
9.15 assistance and coordinate the work of the commission.

9.16 Subd. 4. **Meetings and data.** Meetings of the Judicial Performance Evaluation
9.17 Commission must be open to the public, except that a meeting held to evaluate the
9.18 performance of a justice or judge may be closed to discuss issues related to the justice's
9.19 or judge's health or allegations against the justice or judge that may be defamatory. The
9.20 commission is subject to chapter 13D. Data collected by the commission must be made
9.21 available to the public, except where otherwise provided in this section.

9.22 Subd. 5. **Standards and procedures.** (a) The Judicial Performance Evaluation
9.23 Commission shall develop written standards, subject to approval of the Supreme Court
9.24 in its entirety, by which judicial performance is to be evaluated. The standards must
9.25 be periodically reviewed and updated and must include knowledge of the law, legal
9.26 procedure, integrity, impartiality, temperament, respect for litigants, respect for the rule
9.27 of law, administrative skill, punctuality, and communication skills. The commission
9.28 must not evaluate judicial performance based on substantive legal issues or opinions that
9.29 are subject to standard appellate processes.

9.30 (b) The commission shall adopt procedures for collecting information and
9.31 conducting reviews and shall create and implement a program of periodic review of the
9.32 performance of each justice or judge. The commission must request public comment on
9.33 these procedures before adoption. The request for public comment shall be made in the
9.34 same manner provided for in section 480B.01, subdivision 10.

9.35 Subd. 6. **Surveys.** (a) Midway through a justice's or judge's six-year term and again
9.36 no fewer than nine months before the date of a justice's or judge's retention election, the

10.1 commission must distribute anonymous survey forms eliciting performance evaluations of
10.2 the justice or judge to a representative sampling of attorneys, litigants, other justices or
10.3 judges, and other persons who have been in direct contact with the justice or judge being
10.4 evaluated and who have direct knowledge of the justice's or judge's judicial performance
10.5 during the evaluation period.

10.6 (b) The commission must employ or contract with qualified individuals to prepare
10.7 survey forms, process responses, and compile the statistical reports of the survey results in
10.8 a manner that ensures confidentiality and accuracy.

10.9 (c) Each survey conducted must seek evaluations in accordance with the written
10.10 performance standards adopted as provided in paragraph (a) and must solicit narrative
10.11 comments regarding the justice's or judge's performance. Narrative comments contained
10.12 in a survey response and data on an individual who completes or responds to a survey
10.13 form must not be made available to the public.

10.14 Subd. 7. **Midterm evaluation.** The commission shall evaluate each justice or
10.15 judge halfway through the justice's or judge's six-year term, as nearly as practicable,
10.16 to provide feedback to the justice or judge about the justice's or judge's performance
10.17 and to give the justice or judge an opportunity for improvement. The commission shall
10.18 adopt procedures for conducting the midterm evaluation. Midterm evaluations must not
10.19 be made available to the public.

10.20 Subd. 8. **Retention-year evaluation.** (a) In each year in which a justice or judge has
10.21 the opportunity to file as a candidate for retention, the Judicial Performance Evaluation
10.22 Commission must conduct an evaluation of the justice or judge and determine whether the
10.23 justice or judge meets or does not meet judicial performance standards. Upon completion
10.24 of the evaluation, the commission must rate the justice or judge "well-qualified,"
10.25 "qualified," or "unqualified" for office. A rating of "unqualified" does not prohibit a justice
10.26 or judge from seeking retention by the voters.

10.27 (b) The evaluation of a justice or judge must include a public hearing and an
10.28 opportunity for submission of written public comments on the performance of a justice or
10.29 judge standing for retention. Before accepting public comment and conducting a hearing,
10.30 the executive secretary must notify each justice or judge to be evaluated of the process for
10.31 conducting the evaluation and the justice's or judge's right to submit written comments
10.32 and appear in person at the hearing. The hearing and evaluation may be conducted by a
10.33 panel of commission members, as provided in subdivision 9.

10.34 (c) A justice or judge who does not intend to seek retention may waive the evaluation
10.35 process by providing written notice to the commission affirming the justice's or judge's
10.36 intention to not file as a retention candidate for the justice's or judge's current office. If

11.1 a justice or judge waives the evaluation under this paragraph, the justice or judge is not
11.2 eligible to file an affidavit of candidacy for the office and is not eligible to be appointed to
11.3 fill the resulting vacancy.

11.4 Subd. 9. **Evaluation panels; review by full commission.** (a) The evaluation of
11.5 a justice or judge may be conducted by an evaluation panel. An evaluation panel is
11.6 composed of five members, including at least one member appointed by each branch of
11.7 government, but otherwise chosen randomly. All five members of the panel must cast a
11.8 vote in determining the rating of a justice or judge. If a member of the panel has a conflict
11.9 of interest, that member shall be removed from the panel and the entity that made the
11.10 initial appointment shall appoint a new member. A panel must report its results to the full
11.11 commission. The full commission shall review a panel's evaluation if the panel rates
11.12 a justice or judge unqualified, or if one panelist or three members of the commission
11.13 request a review within 15 days after the panel makes its report. The commission may
11.14 overturn a panel's rating. When reviewing a panel decision, if there is a tie vote by the
11.15 full commission, the commission must reconvene no sooner than seven days and no later
11.16 than 14 days from the date of the tie vote. The justice or judge may submit additional
11.17 information to the panel during this time. When the commission reconvenes, it must vote
11.18 again on the justice's or judge's rating. If there is a tie vote, the panel's determination is
11.19 final. If a panel's report and rating is not reviewed, the panel's determination is final.
11.20 Decisions of an evaluation panel or the full commission regarding a justice's or judge's
11.21 performance are not subject to judicial review.

11.22 (b) If an evaluation is reviewed by the full commission, the executive secretary shall
11.23 provide written notice to the affected justice or judge. The justice or judge has the right
11.24 to submit written comments to the commission and to appear before and be heard by
11.25 the commission prior to a final vote of the commission members regarding the justice's
11.26 or judge's performance.

11.27 Subd. 10. **Publication of evaluation results.** Following the evaluation of a justice
11.28 or judge, the commission shall compile a factual report on the judicial performance of the
11.29 justice or judge, including the final rating assigned to the justice's or judge's performance.
11.30 The report must be made available to the public at least one month before the time period
11.31 established in section 204B.09 for filing an affidavit of candidacy with the secretary of
11.32 state. The report must be made in the same manner as provided for in section 480B.01,
11.33 subdivision 10.

11.34 Subd. 11. **Appropriation.** (a) The amount necessary to fund the Judicial
11.35 Performance Evaluation Commission is annually appropriated from the general fund

12.1 to the Judicial Performance Evaluation Fund. Money in this fund shall only be used
12.2 for purposes of the commission.

12.3 (b) The appropriation in paragraph (a) must be reduced by the amount of any money
12.4 specifically appropriated for the same purpose in any year from any state fund.

12.5 Sec. 15. **JUDICIAL PERFORMANCE EVALUATION COMMISSION; FIRST**
12.6 **MEETING; TRANSITION.**

12.7 (a) Initial appointments to the Judicial Performance Evaluation Commission must
12.8 be made by July 1, 2015.

12.9 (b) Initial appointees shall serve for a term ending January 15, 2017, and may be
12.10 considered for reappointment as provided in Minnesota Statutes, section 490A.04, at that
12.11 time. The chair of the commission must convene the first full meeting of the commission
12.12 no later than August 1, 2015, and appoint an acting executive secretary to serve the
12.13 commission until an executive secretary is appointed at the first meeting.

12.14 Sec. 16. **REVISOR'S INSTRUCTION.**

12.15 The revisor of statutes shall replace "judge" with either "justice or judge" or "justice
12.16 and judge" in Minnesota Statutes wherever a specific office is not being referenced.

12.17 Sec. 17. **REPEALER.**

12.18 Minnesota Statutes 2012, sections 204B.36, subdivision 5; and 204D.14, subdivision
12.19 3, are repealed.

12.20 Sec. 18. **EFFECTIVE DATE.**

12.21 If the constitutional amendment in article 1 is adopted, this article is effective July
12.22 1, 2015, except that the governor, legislature, and Supreme Court may immediately
12.23 undertake any procedure necessary to consider and select potential appointees to the
12.24 Judicial Performance Evaluation Commission.

APPENDIX
Article locations in S1082-3

ARTICLE 1 CONSTITUTIONAL AMENDMENT Page.Ln 1.13
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APPENDIX
Repealed Minnesota Statutes: S1082-3

204B.36 BALLOTS; FORM.

Subd. 5. **Designation of incumbent; judicial offices.** If a chief justice, associate justice, or judge is a candidate to succeed again, the word "incumbent" shall be printed after that judge's name as a candidate.

204D.14 BALLOTS; NONPARTISAN OFFICES.

Subd. 3. **Uncontested judicial offices.** Judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court on the ballot.