

**A TOOL FROM OUR OWN GARAGE: USING ARTICLE I, SECTION 8 OF THE
OREGON CONSTITUTION AS A MEANS FOR ADDRESSING THE
IMPLICATIONS OF *MINNESOTA REPUBLICAN PARTY V. WHITE***

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I. INTRODUCTION

Oregon selects its judiciary through a system of open, competitive judicial elections. Since 1931, those elections have been nonpartisan in the sense that ballots do not indicate a candidate's party affiliation.¹ Like other states with elective systems of judicial selection, Oregon has adopted rules of judicial conduct that regulate the campaign activities of both judges and lawyer-candidates. The validity of Oregon's rules of judicial conduct presents a timely topic in light of the United States Supreme Court's decision in *Edith and Underinclusiveness*. *Although*
Minnesota rule at issue, White

those rules under Article I, section 8 of the Oregon Constitution. The Comment proceeds in three parts. First, it discusses the present standard governing application of Article I, section 8 and the policies underlying that standard. Second, the Comment applies Article I, section 8 to the rules and suggests possible revisions. Third, it explains why an Article I, section 8 analysis satisfies the requirements of the First Amendment, in addition to the requirements of the Oregon Constitution.