

Political and Campaign Activities for Judges

**District & Superior Court
Judges'
Summer Conferences 2008**

Political Activities

All judges

“... should resign the judge’s judicial office prior to becoming a candidate either in a party primary or in a general election for a non-judicial office”

Canon 7B(5)

Political Activities

All judges

May identify himself/herself as a member of a political party.

Canon 7B(3)

Political Activities

All judges

May make a financial contribution to a political party or organization.

Canon 7B(3)

Political Activities

All judges

May attend, preside over & speak at

- Political party meetings & conventions
- Political organization meetings
- Campaign events including fundraisers for individual candidates

Canon 7B(1)

Political Activities

All judges

May serve as a

- Political party delegate
- Political party leader or officer

Canons 7B(6)

Political Activities

All judges

May ***not*** personally make financial contributions or loans to any individual seeking election to office except as part of a joint judicial campaign.

Canon 7B(3)

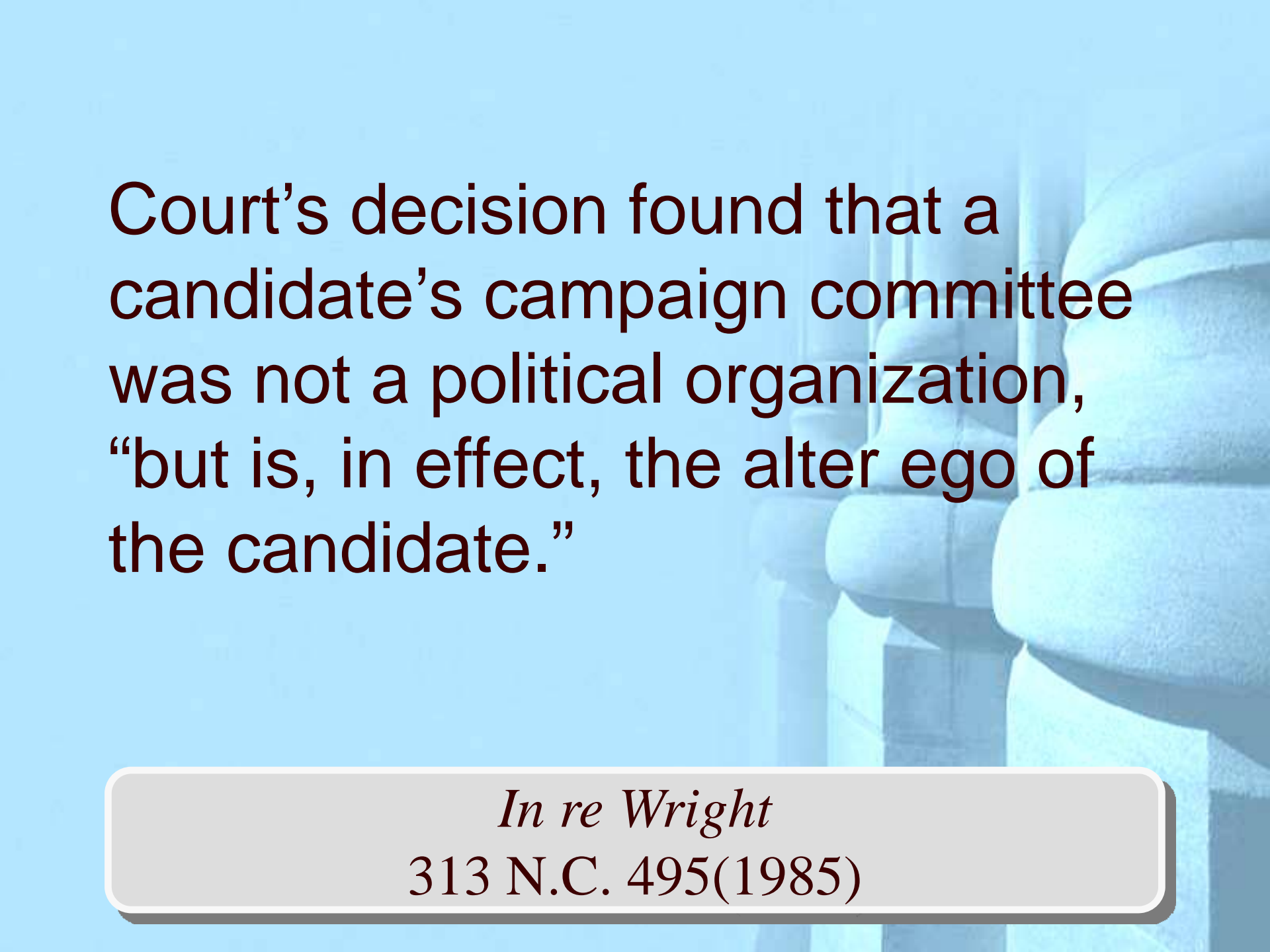
Political Activities

Campaign Contributions

Judge argued his contributions to candidates' campaign committees were contributions to political organizations, not individual candidates.

Case study

In re Wright
313 N.C. 495(1985)



Court's decision found that a candidate's campaign committee was not a political organization, "but is, in effect, the alter ego of the candidate."

In re Wright
313 N.C. 495(1985)

Political Activities

All Judges

May not

- Pay more than the reasonable cost of food and beverages at a fund raising event for a candidate or group of candidates.

Canon 7B(3)

Political Activities

All Judges

May not

- Use official court letterhead for a letter recommending an individual for appointment to a judgeship, unless requested by the appointing authority.

Canon 2B

Political Activities

All Judges

May not

- Solicit funds for a political party, organization or individual, other than himself/herself
- Be listed as a sponsor for a fund raising event

Canons 7C(1), 4C, 5B(2)

Political Activities

Family Members

A judge's spouse and other family members are permitted to engage in political activity.

Canon 7D

Campaign Activities

A judge becomes a candidate when:

1. Makes a public declaration of candidacy
2. Declares or files as a candidate with the appropriate election authority

Canon 7A(1)

Campaign Activities

A judge becomes a candidate when:

- Authorizes solicitation or acceptance of contributions or public support
- Sends a letter of intent to the Judicial Standards Commission Chair

Canon 7A(1)

Campaign Activities

Candidate Judges

May

Endorse any individual seeking election to any office regardless of whether the candidate judge has any campaign opposition

Canon 7B(2)

Campaign Activities

Candidate Judges

For his/her own campaign **May**

- Personally solicit contributions
- Personally solicit support
- Serve as treasurer of own campaign

Canon 7B(4)

Campaign Activities

Candidate Judges

May

Conduct a joint campaign with other judicial candidates, including the solicitation of funds and support

Canon 7B(3)

Campaign Activities

Candidate Judges

May respond to special interest group surveys provided the responses

- Promotes public confidence in the integrity and impartiality of the judiciary

Canons 2A 2B

- Do not convey the impression that the group is in a special position to influence the judge
- Do not cast substantial doubt on the judge's capacity to decide impartially any issue that may come before him/her

Canons 2A 2B

Campaign Speech

Candidate Judges

May not

Knowingly misrepresent his/her identity, qualifications, present position, or other fact nor that of opponent

Canons 2A & 7C(3)

Campaign Speech

Candidate Judges

Should not

Make statements which cast doubt on the judge's capacity to decide impartially any issue that may come before the judge

Canons 2A & 7C(3)

Campaign Activities

Candidate Judges

May not

Solicit campaign contributions and support from parties and attorneys appearing before the judge. All campaign activity should occur away from the courthouse.

Canons 1, 2A and 3A(1)

Campaign Activities

Candidate Judges

May not

Request public officials/employees subject to the judge's direction or control to do for the judge what he/she cannot do himself/herself.

Canon 3B(2)

Campaign Activities

Candidate Judges

May not

- Use or permit use of contributions for private benefit of candidate or others
- Donate unused campaign funds to any other candidates campaign

Canons 1, 2A, 2B and 7B(3)

Disqualification Issues

Candidate Judges

Should disqualify in matters w/

- Campaign manager or treasurer
- Election opponent
- Opponent's campaign manager or treasurer

Canons 3C(1) 3D

Disqualification Issues

Candidate Judges

May disqualify in matters w/

Law partner or associate of the judge's opponent if provides public support or if the judge is actually biased.

Canons 3C(1) 3D

Judicial Standards Commission

PO Box 1122

Raleigh NC 27602

Main 919-831-3630

Fax 919-831-3637

Paul Ross 919-831-3631