



JUDICIAL INVESTIGATION COMMISSION

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June 14, 1995

Re: JIC Advisory Opinion 1995-17

Dear

In correspondence to Counsel received April 28, 1995, you asked the Judicial Investigation Commission for an advisory opinion regarding Canon 5 as to activities of a circuit judge that may be considered as an endorsement of a candidate for political office. In that correspondence you asked whether a circuit judge could give an unsolicited financial contribution to a political candidate; whether a circuit judge could attend a public fundraising event for a political candidate if the judge made no financial contribution to the candidate; and whether there was any distinction if the candidate is for a judicial office rather than a political office. This opinion will address the questions which you have raised in the order set forth in your correspondence.

Canon 5C(1) of the Code of Judicial Conduct states:

CANON 5

**A JUDGE OR JUDICIAL CANDIDATE SHALL REFRAIN
FROM INAPPROPRIATE POLITICAL ACTIVITY**

C. Judges and Candidates Subject to Public Election.

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(1) A judge or a candidate subject to public election may, except as prohibited by law:

- (a) at any time
 - (i) purchase tickets for and attend political gatherings;
 - (ii) identify himself or herself as a member of a political party; and
 - (iii) contribute to a political organization;
- (b) when a candidate for election
 - (i) speak to gatherings on his or her own behalf;
 - (ii) appear in newspaper, television, and other media advertisements supporting his or her candidacy; and
 - (iii) distribute pamphlets and other promotional campaign literature supporting his or her candidacy.

Based on the language set forth in Canon 5C(1) (a) (iii) a circuit judge could not give an unsolicited financial contribution to a political candidate.

Based on the language set forth in that section of Canon 5 a judge could contribute to a political organization which is defined as "a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office." While a contribution to a political organization is permitted under this section of Canon 5, a contribution to an individual political candidate is not permitted.

Canon 5C(1) (a) (i) permits a judge subject to a public election to purchase tickets for and attend political gatherings at any time. The Commission feels that this Canon would permit a circuit judge to attend a public fundraising event.

The Canon does not make a distinction between a candidate for judicial office and a candidate for other political office. It should be noted, however, that Canon 5D states that an incumbent judge "shall not engage in any political activity except (i) as authorized under any other Section of this Code, (ii) on behalf of measures to improve the law, the legal system or the administration of justice, or (iii) as expressly authorized by law." Canon 5C(1) permits judges subject to public election at any time to be involved in limited political activity.

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If you have any other questions concerning the matters which you have raised in this request, do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

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