



## JUDICIAL INVESTIGATION COMMISSION

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March 28, 2002

Re: JIC Advisory Opinion 2002-10

Dear

You have recently asked for an advisory opinion from the Judicial Investigation Commission. That request has been reviewed by the Commission. In your letter you asked for an opinion relative to a judicial candidate running with other candidates and appearing with other candidates during the campaign. Specifically you asked for the propriety of a judicial candidate allowing his posters to be placed publicly with posters from other candidates. You also asked the propriety of a judicial candidate going campaigning, traveling and visiting potential voters, with another candidate for a non judicial office and the propriety of a judicial candidate going campaigning, traveling and visiting potential voters, with another judicial candidate. You also asked whether it was appropriate for a magistrate candidate to solicit campaign support for a family court judge and to put up family court judge signs.

To address the questions which you have raised, the Commission has reviewed relevant Sections of Canon 5. Canon 5 states in those Sections as follows:

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

A. All judges and candidates. - (1) Except as authorized in Sections 5B(2), 5C(1), and 5C(3), a judge or a candidate for election or appointment to judicial office shall not:

(b) publicly endorse or publicly oppose another candidate for public office; . . .

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The Commentary to Canon 5A states in relevant part:

A candidate does not publicly endorse another candidate for public office by having that candidate's name on the same ticket.

C. Judges and candidates subject to public election.

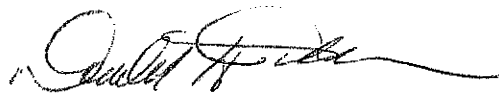
(3) Except as prohibited by law, a candidate for judicial office in a public election may permit the candidate's name: (a) to be listed in election materials along with the names of other candidates for elected public office, and (b) to appear in promotions of the ticket.

The Commentary to this Section of the Canon states that "Section 5C(3) provides a limited exception to the restrictions imposed by Section 5A(1)." Based upon the language contained in the relevant Sections of Canon 5, it is the opinion of the Commission that the candidate's name can be listed on election materials along with the names of other candidates for elected public office and may appear in promotions of the ticket.

However, the restrictions imposed by Canon 5A(1)(b) would not permit a judicial candidate going campaigning, traveling and visiting potential voters with another candidate for nonjudicial office nor would it permit a judicial candidate going campaigning, traveling and visiting potential voters with another judicial candidate. That same Section of the Canon would prohibit a magistrate candidate from soliciting campaign support for a family court judge and from carrying and putting up a family court judge's signs.

It is hoped that this opinion fully addresses the issues which you have raised in your correspondence. If there is any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald H. Cookman", with a long, sweeping horizontal line extending to the right.

Chief Judge Donald H. Cookman  
Chairman