

**American Bar Association  
CPR Policy Implementation Committee**

**Comparison of ABA Model Judicial Code and State Variations**

<b>Canon 4</b>	
<p><b>A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.</b></p> <p>Eighteen (18) states have identical language (AZ, AR, CO, IN, IA, KS, MN, MO, MS, MT, NE, NV, NY, OK, TN, UT, WA, WY)                      Two (2) states have similar language (HI, OH)                      Four (4) states have different language (DE, MD, NH, VA)                      One (1) state has currently approved revisions to parts of its Judicial Codes (NY)</p>	
<b>AL</b>	
<b>AK</b>	
<b>AZ</b> Effective 9/1/09	Identical
<b>AR</b> Effective 7/1/09	Identical
<b>CA</b> (as pro- posed)	Identical
<b>CO</b> Effective 7/1/10	Identical
<b>CT</b> Effective 1/1/11	Deletes “or candidate for judicial office”
<b>DE</b> Effective 11/1/08	<i>A judge should refrain from political activity inappropriate to the judge's judicial office.</i>
<b>DC</b>	
<b>FL</b>	
<b>HI</b> Effective 1/1/09	Deletes “or candidate for judicial office” and “or campaign”
<b>ID</b>	
<b>IL</b>	
<b>IN</b> Effective	Identical

<b>1/1/09</b>	
<b>IA Effective 5/3/10</b>	Identical
<b>KS Effective 3/1/09</b>	Identical
<b>KY</b>	
<b>MD Effective 7/1/10</b>	Canon 4 is renamed Section 4 - "Rules Governing Political Activity."
<b>MA</b>	
<b>MI</b>	
<b>MN Effective 7/1/09</b>	Identical
<b>MO Effective 1/1/2012</b>	Identical
<b>MS (as pro- posed)</b>	Identical
<b>MT Effective 1/1/09</b>	Identical
<b>NE Effective 1/1/2011</b>	Identical
<b>NV Effective 1/19/10</b>	Identical
<b>NH Effective 4/1/2011</b>	NH Canon 4: <i>A judge or judicial candidate shall refrain from inappropriate political activity.</i>
<b>NJ</b>	
<b>NM (as pro- posed)</b>	Adds commentary: <i>[1] The public's perception of a fair and impartial judiciary may be greatly affected by the manner in which judges or candidates for judicial office comport themselves. This canon imposes narrowly tailored restrictions upon the political and campaign activities of all judges and judicial candidates, taking into account the various methods of selecting judges. Campaigns for judicial office must be conducted differently from campaigns for other offices. The narrowly drafted restrictions upon political and campaign activities of judicial candidates provided in Canon 4 allow candidates to conduct campaigns that provide voters with sufficient information to permit them to distinguish between candidates and make informed electoral choices. [2] Public confidence in the independence and impartiality of the judiciary is eroded if</i>

	<p><i>judges or judicial candidates are perceived to be subject to political influence. Although judges and judicial candidates may register to vote as members of a political party, they are prohibited by Rule 21-401(C)(1) NMRA from assuming leadership roles in political organizations, such as ward chair or delegate to a party convention. Non-candidate judges may attend political events, but must be conscious that the presence of judges may lend the prestige of judicial office to the event and should consider whether the interests of the judiciary would best be served by not attending. A judge should not attend events organized for the sole purpose of raising money for a political campaign.</i></p> <p><i>[3] Even when subject to public election, a judge plays a role different from that of other elected officials. Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in furtherance of this interest, judges and judicial candidates must, to the greatest extent possible, be free from political influence and political pressure. So too, the public’s perception of a fair and impartial judiciary may be greatly affected by the manner in which judges or candidates for judicial office comport themselves. This canon imposes narrowly tailored restrictions upon the political and campaign activities of all judges and judicial candidates, taking into account the various methods of selecting judges.</i></p> <p><i>[4] When a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct.</i></p> <p><i>[5] The Code organizes Canon 4 by the political status of the judge, that is, whether the judge is or is not a current candidate for judicial office. Rule 21-401 NMRA addresses the limitations on the political activities of incumbent judges who are not currently running for judicial office. Rule 21-402 NMRA establishes the boundaries for political and campaign activities that circumscribe the conduct of judges and judicial candidates engaged in partisan, non-partisan, or retention election. Rule 21-403 NMRA addresses the limitations on activities of candidates seeking appointment to judicial office. Rule 21-404 NMRA requires that candidates for judicial office create campaign committees and establishes the rules for those campaign committees. Rule 21-405 NMRA addresses the activities of judges who either become candidates for or seek appointment to a non-judicial office. Finally, Rule 21-406 NMRA creates the mechanism for investigating and resolving violations of the Code, including challenges for violations of the Code in election campaigns.</i></p>
<p><b>NY (as proposed)</b></p>	<p>Identical</p>
<p><b>NC</b></p>	
<p><b>ND (as proposed)</b></p>	<p>Identical</p>
<p><b>OH Effective 3/1/09</b></p>	<p>Adds “judicial” before “candidate” and deletes “for judicial office”</p>
<p><b>OK Effective 4/15/2011</b></p>	<p>Identical</p>
<p><b>OR</b></p>	

As of July 27, 2011

<b>PA</b>	
<b>SD</b>	
<b>TN</b> <b>(as pro- posed)</b>	Identical
<b>TX</b>	
<b>UT</b> <b>Effective</b> <b>4/1/10</b>	Identical
<b>VT</b>	
<b>VA</b> <b><u>Effective</u></b> <b><u>11/2/09</u></b>	<i>A judge may engage in extra-judicial activities designed to improve the law, the legal system, and the administration of justice, and shall conduct any such extra-judicial activities in a manner that minimizes the risk of conflict with judicial obligations.</i> Virginia's Canon 5 is similar to Model Code Canon 4.
<b>WA</b> <b>Effective</b> <b>1/1/11</b>	Identical
<b>WV</b>	
<b>WI</b>	
<b>WY</b> <b>Effective</b> <b>7/1/09</b>	Identical

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