

1 **Canon 5**

2  
3 **5/26/05 draft redlined to 1/28/05 draft**

4  
5 **A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL REFRAIN FROM**  
6 **POLITICAL ACTIVITY THAT IS INCONSISTENT WITH THE INTEGRITY,**  
7 **INDEPENDENCE, AND IMPARTIALITY OF THE JUDICIARY.**

8  
9 **~~Rule 5.01. Restrictions on Political Activity of Judges who are Not Candidates.~~**

10  
11 ~~Judges who are not currently candidates for judicial office shall not, directly or indirectly:~~

12  
13 ~~(a) act as a leader or hold an office in a political organization;~~

14  
15 ~~(b) publicly speak in support of or against a political organization;~~

16  
17 ~~(c) publicly endorse or oppose a candidate for public office;~~

18  
19 ~~(d) attend meetings or other events sponsored by a political organization or a candidate~~  
20 ~~for public office;~~

21  
22 ~~(e) solicit funds for, pay an assessment to, make a contribution to, or purchase tickets for~~  
23 ~~dinners or other events sponsored by, a political organization or a candidate for public~~  
24 ~~office.~~

25  
26 **Rule 5.02 5.01. Restrictions on Political Activity Activities of Judges and**  
27 **CANDIDATES for Judicial Office.**

28  
29 **~~Except as otherwise provided in Rules 5.03-5.06 permitted by Rule 5.02 (partisan~~**  
30 **~~PUBLIC ELECTIONS), Rule 5.03 (non-partisan PUBLIC ELECTIONS), Rule 5.04~~**  
31 **~~(retention elections), and Rule 5.05 (appointment to judicial office), a judge or a~~**  
32 **~~CANDIDATE for judicial office, including an incumbent judge, shall not, directly or~~**  
33 **~~indirectly:~~**

34  
35 **(a) act as a leader or hold an office in a POLITICAL ORGANIZATION;<sup>1</sup>**

36  
37 **(b) make speeches on behalf of a POLITICAL ORGANIZATION;**

38  
39 **~~(c)~~ (c) publicly endorse or oppose a CANDIDATE for any public office;**  
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<sup>1</sup> The term “political organization” will be defined in the Terminology section as follows: “A political party or other group, the principal purpose of which is to further the election or appointment of candidates to public office, except for a candidate for judicial office’s own campaign committee, as authorized by Rule 5.06.”

- 1            ~~(g)~~ **(d)** solicit funds for, pay an assessment to, or make a contribution to, ~~or~~  
2            ~~purchase tickets for dinners or other events sponsored by, a~~  
3            ~~POLITICAL ORGANIZATION or a CANDIDATE for public office;~~  
4  
5            **(e)**     purchase tickets for dinners or other events sponsored by a POLITICAL  
6            ORGANIZATION or a CANDIDATE for public office, unless the tickets are  
7            for the judge or CANDIDATE’S personal use and the cost of the tickets  
8            does not appear to exceed significantly the value of the goods and  
9            services to be received by the judge or CANDIDATE at the dinner or  
10           other event;  
11  
12           **(f)**     publicly identify oneself as a CANDIDATE of a POLITICAL  
13           ORGANIZATION;  
14  
15           **(g)**     seek or use endorsements from a POLITICAL ORGANIZATION;  
16  
17           **(h)**     personally solicit or personally accept campaign contributions;  
18  
19           **(i)**     use or permit the use of campaign contributions for the private  
20           benefit of the CANDIDATE or others;  
21  
22           ~~(b)~~ **(j)** KNOWINGLY make any false or misleading statement regarding any  
23           CANDIDATE for judicial office;  
24  
25           ~~(e)~~ **(k)** in the course of advancing his or her candidaey, make any comment  
26           that might reasonably be expected to affect the outcome or impair the  
27           fairness of a proceeding while it is pending or impending in any court;  
28  
29           ~~(e)~~ **(l)** in the course of advancing his or her candidaey, manifest bias or  
30           prejudice, based upon a person’s race, gender, religion, national  
31           origin, ethnicity, disability, age, sexual orientation, or socioeconomic  
32           status;  
33  
34           ~~(d)~~ **(m)** with respect to cases, controversies, or issues that are likely to come  
35           before the court, make pledges, promises or commitments that are  
36           inconsistent with the IMPARTIAL performance of the adjudicative  
37           duties of the office.  
38

39     **Rule 5.03 5.02. Permitted Political Activity Activities of CANDIDATES for Judicial**  
40     **Office in Partisan PUBLIC ELECTIONS.**

41  
42     **Notwithstanding any restrictions set forth in Rule 5.02 5.01, a candidate**  
43     **CANDIDATES for judicial office in a partisan PUBLIC ELECTION may:**  
44

- 45           ~~(d)~~ **(a)** publicly identify himself or herself themselves as a member or  
46           candidate CANDIDATES of a POLITICAL ORGANIZATION;

- 1
- 2 **(b) seek or use endorsements from any individual or organization,**
- 3 **including a POLITICAL ORGANIZATION;**
- 4
- 5 ~~(a)~~ **(c) establish a campaign committee pursuant to the provisions of Rule**
- 6 **5.06;**
- 7
- 8 ~~(b)~~ **(d) speak to gatherings on his or her communicate with the public by**
- 9 **speaking on their own behalf, or through any media, including, but**
- 10 **not limited to, advertisements, websites, or campaign literature;**
- 11
- 12 ~~(g)~~ **(e) publicly endorse or publicly oppose other CANDIDATES for the same**
- 13 **judicial office in a public election in which the candidate is a position**
- 14 **on the same court for which they are running.**
- 15
- 16 ~~(e)~~ **attend meetings or other events sponsored by a political organization;**
- 17
- 18 ~~(e)~~ **purchase tickets for events sponsored by a political organization;**
- 19
- 20 ~~(f)~~ **appear in media advertisements and distribute campaign literature**
- 21 **supporting his or her candidacy;**
- 22

23 **Rule 5.04 5.03. Prohibited and Permitted Political Activity Activities of**

24 **CANDIDATES for Judicial Office in Non-Partisan PUBLIC ELECTIONS and ~~Retention~~**

25 **~~Elections.~~**

26

27 ~~(a) In addition to the restrictions set forth in Rule 5.02, a candidate for judicial~~

28 ~~office in a non-partisan public election or a retention election shall not, directly or~~

29 ~~indirectly:~~

30

31 ~~(1) publicly speak in support of or against a political organization;~~

32

33 ~~(2) attend meetings or other events sponsored by a political organization or a~~

34 ~~candidate for public office.~~

35

36 ~~(b) Notwithstanding the any restrictions set forth in Rules 5.02 and 5.04(a) Rule~~

37 ~~5.01, a candidate CANDIDATES for judicial office in a non-partisan PUBLIC elections~~

38 ~~and retention elections ELECTION may:~~

39

40 **(a) seek or use endorsements from any individual or organization, other**

41 **than a POLITICAL ORGANIZATION;**

42

43 ~~(1)~~ **(b) establish a campaign committee pursuant to the provisions of Rule**

44 **5.06;**

45

- 1           ~~(2)~~ (c) speak to gatherings communicate with the public by speaking on his  
 2           ~~or her~~ their own behalf, or through any media, including, but not  
 3           ~~limited to, advertisements, websites, or campaign literature;~~  
 4  
 5           ~~(3)~~ (d) publicly endorse or publicly oppose other CANDIDATES for the same  
 6           ~~judicial office in a public election in which the candidate is a position~~  
 7           ~~on the same court for which they are running.~~  
 8  
 9           ~~(4) appear in media advertisements and distribute campaign literature~~  
 10           ~~supporting his or her candidaey.~~

11  
 12 **Rule 5.04. Permitted Political Activities of CANDIDATES for Judicial Office in**  
 13 **Retention Elections.**

14  
 15 **Notwithstanding any restrictions set forth in Rule 5.01, CANDIDATES for judicial**  
 16 **office in a retention election may:**

- 17  
 18           (a) seek or use endorsements from any individual or organization, other  
 19           than a POLITICAL ORGANIZATION;  
 20  
 21           (b) establish a campaign committee pursuant to the provisions of Rule  
 22           5.06;  
 23  
 24           (c) communicate with the public by speaking on their own behalf, or  
 25           through any media, including, but not limited to, advertisements,  
 26           websites, or campaign literature [OR Alt. (c)];  
 27  
 28           (d) publicly endorse or publicly oppose other CANDIDATES for a position  
 29           on the same court for which they are running.  
 30

31 **Rule 5.05. Activity Permitted Activities of CANDIDATES for Appointive Judicial**  
 32 **Office.**

33  
 34 **Notwithstanding any restrictions set forth in Rule 5.02 5.01, a candidate**  
 35 **CANDIDATES for appointment to judicial office may:**

- 36  
 37           (a) communicate with the appointing or confirming authority, including any  
 38           selection, screening, or nominating commission or similar agency;  
 39  
 40           (b) seek support or endorsement use endorsements for the appointment from  
 41           any individual or organization, other than a POLITICAL ORGANIZATION.  
 42

43 **Rule 5.06. Campaign Committees.**

- 44  
 45           (a) CANDIDATES for judicial office subject to public elections may  
 46           establish campaign committees to conduct campaigns for the

1 CANDIDATE, subject to the regulations contained in this Rule. The  
2 CANDIDATE is responsible for ~~insuring~~ ensuring that the committee  
3 complies with these regulations, and with other applicable LAW.  
4

5 (b) Campaign committees may solicit and accept reasonable campaign  
6 contributions, not to exceed, in the aggregate, [\$ \_\_\_ ] from any  
7 individual, or [\$ \_\_\_ ] from any entity or organization. Such  
8 committees may also manage the campaign, including the expenditure  
9 of funds.

10  
11 (c) A campaign committee shall not solicit or accept contributions for a  
12 CANDIDATE'S current campaign more than [one year] prior to a  
13 scheduled election, nor more than [90] days after the last election in  
14 which the CANDIDATE participated.

15  
16 (d) In addition to complying with all applicable statutory requirements  
17 for disclosure of campaign contributions, a campaign committees  
18 committee established by a CANDIDATE for judicial office shall file  
19 with [name of appropriate regulatory authority] a report stating the  
20 name, address, occupation and employer of each person who has  
21 made campaign contributions to the committee in an aggregate value  
22 exceeding [\$ \_\_ ]. The report must be filed within [ \_\_\_ ] days  
23 following an election, or within such other period as is required by  
24 LAW.  
25

26 **Rule 5.07. Activity of Judges Who Become CANDIDATES for Non-Judicial Office.**  
27

28 (a) Upon becoming a CANDIDATE for a non-judicial elective office, a judge  
29 shall resign from judicial office, except that the judge may continue to  
30 hold judicial office while being a candidate for election to, or serving  
31 as a delegate in, a state constitutional convention, if the judge is  
32 otherwise permitted by LAW to do so.  
33

34 (b) Upon becoming a CANDIDATE for a non-judicial appointive office, a  
35 judge is not required to resign from judicial office and is permitted to  
36 engage in the ~~activity~~ activities permitted for CANDIDATES for  
37 appointive judicial office by Rule 5.05.