

**Comm\_Code\_Gray\_101503ddt.doc**

**Canon 5**

**Political Conduct**

**American Judicature Society, Center for Judicial Ethics**

**Cynthia Gray**

**October 15, 2003**

The Center for Judicial Ethics [CJE] of the American Judicature Society identifies the following issues that the Commission should consider in evaluating Canon 5 of the Model Code of Judicial Conduct:

- Addition of a provision making candidates responsible for the acts of their campaign committees
- Addition of a provision establishing appropriate and inappropriate uses of unexpended campaign funds
- Consideration of the division of authority on the question whether a judicial candidate's attendance at a campaign fund-raising event for his or her campaign constitutes inappropriate solicitation
- Consideration of additional commentary to the reference to political activity by family members to emphasize that family members may run for office and campaign for other candidates but the judge should not be involved and should require family members to refrain from suggesting the judge's endorsement of the political activity.

In this regard, the CJE suggests (1) a definition of the term "close familial relationship" and (2) definition of members of the judge's family to include a person with whom the judge is living as a spouse but to whom the judge is not married (although this is already implied in the phrase "a person treated by a judge as a member of the judge's family, who resides in the judge's household"). For example, the Alaska code of judicial conduct defines "Spouse" to include "not only a husband or wife but also any person with whom the judge maintains a shared household and conjugal relations."

- Addition of provisions designed for states with non-partisan elections
- Consideration of Alaska Judicial Counsel's guidelines for applicants for appointive judicial office ([www.ajc.state.ak.us/reports/appguideframe.htm](http://www.ajc.state.ak.us/reports/appguideframe.htm)) that might be added to Canon 5B.

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- Consideration of judges' inquiries as to whether they can vote in party primaries when they must declare their party affiliation in order to receive a ballot.

**Canon 4D(5)(c) [*Rule 4.13*]**

**Acceptance of Gifts**

**American Judicature Society, Center for Judicial Ethics**

**Cynthia Gray**

**October 15, 2003**

The Center for Judicial Ethics [CJE] of the American Judicature Society proposes that the Commission define the term "ordinary social hospitality" as used in Canon 4D(5)(c).