

**REDLINE COMPARISON – CJC PROPOSED FINAL DRAFT (WITHOUT COMMENTS)
AND APRL PROPOSAL REGARDING POLITICAL SPEECH**

CANON 2

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

RULE 2.11: JUDICIAL STATEMENTS ON PENDING* AND FUTURE CASES

(A) A judge shall not make any statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending* in any court.

(B) The judge shall require similar abstention on the part of staff, court officers, and others subject to the judge's direction and control.

~~(C) A judge shall not, with respect to cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.~~ shall not make pledges, promises or commitments regarding pending or impending cases, specific classes of cases, specific litigants or classes of litigants, or specific positions of law, that would reasonably lead to the conclusion that the judge has prejudged a decision or ruling in cases that would fall within the scope of the pledge, promise or commitment. To fall within the proscription of this rule the statement by the judge must pertain to matters likely to come before the court on which the judge serves.

(D) This Rule does not prohibit public statements made in the course of a judge's official duties or an explanation of court procedures, nor does it preclude a judge from commenting on proceedings in which the judge is a litigant in a personal capacity.

CANON 5

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY.

RULE 5.01: POLITICAL AND CAMPAIGN ACTIVITIES OF JUDGES AND CANDIDATES FOR JUDICIAL OFFICE*

~~(A) Except as permitted by Rule 5.02 (Permitted Political and Campaign Activities of Candidates for Judicial Office in Partisan Public Elections*), Rule 5.03 (Permitted Political and Campaign Activities of Candidates for Judicial Office in Non-Partisan Public Elections), Rule 5.04 (Permitted Political and Campaign Activities of Candidates for Judicial Office in Retention Elections), and Rule 5.05 (Permitted Activities of Candidates for Appointive Judicial Office),~~ a A judge or a judicial candidate for judicial office:

~~(1) shall not act as a leader in, or hold an office in, a political organization;*~~

- ~~(2) shall not make speeches on behalf of a political organization;~~
 - ~~(3) shall not publicly endorse or oppose a candidate for any public office;~~
 - ~~(4) shall not solicit funds for, pay an assessment to, or make a contribution* to a political organization or a candidate for public office;~~
 - ~~(5) shall not attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;~~
 - ~~(6) shall not publicly identify himself or herself as a candidate of a political organization;~~
 - ~~(7) shall not seek or use endorsements from a political organization;~~
 - (8) (1) shall not personally solicit or personally accept campaign contributions except when speaking before groups;
 - (2) shall not personally accept campaign contributions;
 - (9) (3) shall not use or permit the use of campaign contributions for the private benefit of the candidate or others;
 - (10) (4) shall not use court staff, facilities, or other court resources in a campaign for judicial office;
 - (11) (5) shall not knowingly, or with reckless disregard for the truth, make any false or misleading statement; and
 - (12) (6) shall not make any statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court; and
 - ~~(13) shall not, with respect to cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of the office.~~
- (7) shall not make pledges, promises or commitments regarding pending or impending cases, specific classes of cases, specific litigants or classes of litigants, or specific positions of law, that would reasonably lead to the conclusion that the candidate has prejudged a decision or ruling in cases that would fall within the scope of the pledge, promise or commitment. To fall within the proscription of this rule the statement by the candidate must pertain to matters likely to come before the court on which the candidate would serve, if elected.
- (B) A ~~candidate for judicial candidate office~~:

(1) shall take reasonable measures to ensure that other persons do not do on behalf of the candidate what the candidate is prohibited from doing by this Code, whether or not the other person is under the direction and control of the candidate;

~~(2) shall maintain the dignity appropriate to judicial office, and act at all times in a manner consistent with the independence,* integrity,* and impartiality of the judiciary;~~

~~(3) (2) shall comply with all applicable election, election campaign, and election campaign fundraising laws* and regulations of [jurisdiction name]; and~~

~~(4) (3) shall review and approve the content of all campaign statements made and materials produced by the candidate or his or her campaign committee prior to their dissemination.~~

~~(C) A judge or candidate for judicial office:~~

~~(1) may publicly state or announce his or her views on legal, political, or other issues; and~~

~~(2) may engage in political activity in support of measures that concern the law, the legal system, or the administration of justice.~~

~~RULE 5.02: PERMITTED POLITICAL AND CAMPAIGN ACTIVITIES OF CANDIDATES FOR JUDICIAL OFFICE* IN PARTISAN PUBLIC ELECTIONS*~~

~~Notwithstanding any restrictions set forth in Rule 5.01, candidates for judicial office in a partisan public election:~~

~~(A) may identify themselves as candidates of a political organization;*~~

~~(B) may seek or use endorsements from any individual or organization, including a political organization;~~

~~(C) may attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office, so long as the tickets are for their personal use or a spouse,* domestic partner,* or other guest, and the cost of the tickets does not appear to exceed significantly the value of the goods and services to be received;~~

~~(D) may establish a campaign committee pursuant to the provisions of Rule 5.06;~~

~~(E) may communicate with the public by speaking on their own behalf, through any medium, including, but not limited to, advertisements, websites, or other campaign literature; and~~

~~(F) may publicly endorse or oppose other candidates for a position on the same court for which they are running.~~

~~RULE 5.03: PERMITTED POLITICAL AND CAMPAIGN ACTIVITIES OF CANDIDATES FOR JUDICIAL OFFICE* IN NON-PARTISAN PUBLIC ELECTIONS*~~

~~Notwithstanding any restrictions set forth in Rule 5.01, candidates for judicial office in a non-partisan public election:~~

~~(A) may seek or use endorsements from any individual or organization, other than a political organization;*~~

~~(B) may establish a campaign committee pursuant to the provisions of Rule 5.06;~~

~~(C) may communicate with the public by speaking on their own behalf, through any medium, including, but not limited to, advertisements, websites, or other campaign literature; and~~

~~(D) may publicly endorse or oppose other candidates for a position on the same court for which they are running.~~

~~RULE 5.04: PERMITTED POLITICAL AND CAMPAIGN ACTIVITIES OF CANDIDATES FOR JUDICIAL OFFICE* IN RETENTION ELECTIONS~~

~~Notwithstanding any restrictions set forth in Rule 5.01, candidates for judicial office in a retention election:~~

~~(A) may seek or use endorsements from any individual or organization, other than a political organization;*~~

~~(B) may establish a campaign committee pursuant to the provisions of Rule 5.06;~~

~~(C) may communicate with the public by speaking on their own behalf, through any medium, including, but not limited to, advertisements, websites, or other campaign literature; and~~

~~(D) may publicly endorse or oppose other candidates for a position on the same court for which they are running.~~

~~RULE 5.05: PERMITTED ACTIVITIES OF CANDIDATES FOR APPOINTIVE JUDICIAL OFFICE*~~

~~Notwithstanding any restrictions set forth in Rule 5.01, candidates for appointment to judicial office:~~

~~(A) may communicate with the appointing or confirming authority, including any selection, screening, or nominating commission or similar agency; and~~

~~(B) may seek or use endorsements for the appointment from any individual or organization.~~

~~RULE 5.06: CAMPAIGN COMMITTEES~~

~~(A) Candidates for judicial office* subject to public elections* may establish campaign committees to manage and conduct campaigns for the candidate, subject to the provisions of this Code. The candidate is responsible for ensuring that his or her campaign committee complies with these provisions and with other applicable law.*~~

~~(B) Candidates for judicial office subject to public elections shall direct their campaign committees to solicit and accept only such campaign contributions* as are reasonable, in any event not to exceed, in the aggregate,* \$[] from any individual or \$[] from any entity or organization.~~

~~(C) Candidates for judicial office subject to public elections shall direct their campaign committees not to solicit or accept contributions for a candidate's current campaign more than one year prior to a scheduled election, nor more than 180 days after the last election in which the candidate participated.~~

~~(D) Candidates for judicial office subject to public elections shall direct their campaign committees to comply with all applicable statutory requirements for disclosure of campaign contributions, and to file with [name of appropriate regulatory authority] a report stating the name, address, occupation, and employer of each person who has made campaign contributions to the committee in an aggregate value exceeding \$[]. The report must be filed within [] days following an election, or within such other period as is provided by law.~~

~~(E) Candidates for judicial office subject to public election shall divest themselves of, and shall direct their campaign committees to divest themselves of, unused campaign funds no later than 180 days after any election in which the candidate participated, in a manner that is not inconsistent with applicable law.~~

RULE 5.072: ACTIVITIES OF JUDGES WHO BECOME CANDIDATES FOR NON-JUDICIAL OFFICE

(A) Upon becoming a candidate for a non-judicial elective office, a judge shall resign from judicial office, unless permitted by law* to continue to hold judicial office.

(B) Upon becoming a candidate for a non-judicial appointive office, a judge is not required to resign from judicial office, provided that the judge complies with the other provisions of this Code.