

SUMMARY

Justice Robert H. Edmunds, Jr.
Supreme Court of North Carolina
August 10, 2005

Canon 5

Canon 5.03 forbids a candidate in a nonpartisan election from “using” the endorsement of a political organization. This provision cedes the field in nonpartisan elections to PACs. My experience in partisan elections has been that parties do a decent job of screening candidates, with the result that even if your team lost, the other team had fielded a qualified candidate. I suggest that a candidate should be able to use a major party endorsement.

Canon 5.04, Comment [2] admonishes candidates who are attacked in a retention election to behave properly. The natural tendency of such a candidate will be to defend themselves, so I think language acknowledging that such a defense is proper would be useful here.

Canon 5.06(c) contains unrealistic time limitations. North Carolina’s 2006 judicial elections began in January 2005 when an attorney began seeking endorsements in a run to challenge an incumbent. The incumbent responded by beginning his own reelection campaign. I suspect this pattern is not limited to my state. This canon’s effort to strangle such efforts isn’t going to work. Also, the limitation on post-election contributions is unrealistic. Judges often have large campaign debts after an election and events aimed at helping retire those debts, while perhaps awkward, are often necessary.