

ARKANSAS JUDICIAL ELECTIONS 2016

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HELPFUL ADDRESSES AND PHONE NUMBERS

Questions on candidate qualifications, filing procedures, or to obtain reporting forms:

Mark Martin
Secretary of State
Elections Division
State Capitol, Room 026
Little Rock, AR 72201
1-800-482-1127; (501) 682-5070
www.sos.arkansas.gov/elections

Questions on campaign financing and disclosure requirements:

Arkansas Ethics Commission
910 West Second Street, Suite 100
P.O. Box 1917
Little Rock, AR 72203
1-800-422-7773; (501) 324-9600
www.arkansasethics.com

Questions on filing fees:

State Board of Election Commissioners
501 Woodlane, Suite 401N
Little Rock, AR 72201
1-800-411-6996; (501) 682-1834
www.arkansas.gov/sbec

Questions on district judicial races:

Arkansas Municipal League
301 West Second Street
North Little Rock, AR 72115
(501) 374-3484
www.arml.org

Questions on Arkansas Code of Judicial Conduct:

Judicial Ethics Advisory Committee
David Sachar, Executive Director
323 Center Street, Suite 1060
Little Rock, AR 72201
(501) 682-1050

NONPARTISAN JUDICIAL OFFICES

Ark. Code Ann. § 7-10-102

Terms of Judicial Offices

Supreme Court:	8 year term (Amendment 80, §16)
Court of Appeals:	8 year term (Amendment 80, §16)
Circuit:	6 year term (Amendment 80, §16)
District:	4 year term (Amendment 80, §16)

Qualifications for Judicial Offices

- **Supreme Court Justice and Court of Appeals Judge**

Must be a U. S. citizen.....Art. 3 § 1

Must be an Arkansas residentArt. 3 § 1

Must be a minimum of eighteen years of ageArt. 3 § 1

Must be lawfully registered to voteArt. 3 § 1

Must have been a licensed attorney of the state for at least eight years immediately preceding the date of assuming officeAmend. 80 § 16

Must be qualified elector within the geographical area from which chosen.....Amend. 80 § 16

Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crimeArt. 5 § 9

Must not file as a candidate for non-judicial governmental office while holding judicial officeAmend. 80 § 15; Ark. Code Ann. § 16-10-118

Shall not be allowed any fees or perquisites of office, and shall not hold any other office of trust or profit under this state or the U.S., except as authorized by law.....Amend. 80 § 16

Shall not practice law during their terms of officeAmend. 80 §
14

- **Circuit Judge**

Must be a U. S. citizen.....Art. 3 § 1

Must be an Arkansas residentArt. 3 § 1

Must be a minimum of eighteen years of ageArt. 3 § 1

Must be lawfully registered to voteArt. 3 § 1

Must have been a licensed attorney of the state for at least six years
immediately preceding the date of assuming officeAmend. 80 §
16

Must be qualified elector within the geographical area from which
chosen.....Amend. 80 §
16

Must reside within that geographical area at the time of election and
during period of service. The geographical area may include any county
contiguous to the county to be served when there are no qualified
candidates available in the county to be servedAmend. 80 §
16

Must never have been convicted of embezzlement of public money,
bribery, forgery, or other infamous crimeArt. 5 § 9

Must not file as a candidate for non-judicial governmental office while
holding judicial officeAmend. 80 §
15; Ark. Code Ann. § 16-10-118

Shall not be allowed any fees or perquisites of office, and shall not hold
any other office of trust or profit under this state or the U.S., except as
authorized by law.....Amend. 80 §
16

Shall not practice law during their terms of officeAmend. 80 §
14

- **District Judge**

Must be a U. S. citizen.....Art. 3 § 1

Must be an Arkansas resident.....Art. 3 § 1

Must be a minimum of eighteen years of ageArt. 3 § 1

Must be lawfully registered to voteArt. 3 § 1

Must have been a licensed attorney of the state for at least four years immediately preceding the date of assuming officeAmend. 80 § 16; Ark. Code Ann. § 16-17-104; Ark. Code Ann. § 16-17-209

Must not file as a candidate for non-judicial governmental office while holding judicial officeAmend. 80 § 15; Ark. Code Ann. § 16-10-118

Must be qualified elector within the geographical area from which chosen.....Amend. 80 § 16; Ark. Code Ann. § 16-17-103; Ark. Code Ann. § 16-17-209

Must reside within that geographical area at the time of election and during period of service. The geographical area may include any county contiguous to the county to be served when there are no qualified candidates available in the county to be servedAmend. 80 § 16; Ark. Code Ann. § 16-17-103; Ark. Code Ann. § 16-17-209

Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crimeArt. 5 § 9

Shall not be allowed any fees or perquisites of office, and shall not hold any other office of trust or profit under this state or the U.S., except as authorized by lawAmend. 80 § 16

FILING PROCEDURES

Nonpartisan Candidates for Supreme Court Justice, Court of Appeals Judge, and Circuit Judge

- Pay filing fee to the Secretary of State
- File the Political Practices Pledge with the Secretary of State's Office at the same time as paying filing fee

Ark. Code Ann. § 7-6-102

Ark. Code Ann. § 7-10-103

Nonpartisan Candidates for District Judge

- Pay filing fee to the Secretary of State
- File the Political Practices Pledge at the same time as paying filing fee

Ark. Code Ann. § 7-6-102

Ark. Code Ann. § 7-10-103

It should be noted that Act 1110 of 2013 and Act 1286 of 2013 have language that relates to the location for the filing of the Political Practices Pledge that may be in conflict as applied to candidates for district judge. The Acts seem to require the candidate to file the pledge with the Secretary of State's Office at the time of filing for office and with the county clerk's office. Because the language of the Acts is unclear, it may be wise to file the Political Practices Pledge in both locations.

Alternative Ballot Access (Petition)

- First day for nonpartisan judicial candidates to begin circulating petitions is July 19, 2015.
- First day to file petitions for a nonpartisan judicial office is noon on September 10, 2015.
- Last day to file petitions for a nonpartisan judicial office is noon on September 17, 2015.
- Petitions shall be filed with the Secretary of State.

- A petition for Justice of the Supreme Court shall be signed by at least 3% of the qualified electors residing within the state, but in no event shall more than 10,000 signatures be required.
- Supreme Court candidates file the Political Practices Pledge with the Secretary of State at time of filing petition.
- A petition for Judge of the Court of Appeals shall be signed by 3% of the qualified electors residing within the court of appeals district for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.
- Court of Appeals candidates file the Political Practices Pledge with the Secretary of State at time of filing petition.
- A petition for circuit judge shall be signed by 3% of the qualified electors residing within the circuit for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.
- Circuit Judge candidates file the Political Practices Pledge with the Secretary of State at time of filing petition.
- A petition for district judge shall be signed by at least 1% of the qualified electors residing within the district for which the candidate seeks office, but in no event shall more than 2,000 be required.
- District Judge candidates file the Political Practices Pledge at the time of filing petition. Please see note on page 6 regarding location for filing of Political Practices Pledge.
- The total number of votes cast for Governor in 2014 in the state, in any court of appeals district, in any circuit court district, or in any district court district, as the case may be, shall determine the applicable number of qualified electors for petition signature purposes.

Ark. Code Ann. § 7-6-102
Ark. Code Ann. § 7-10-103

Write-in Candidates

For Supreme Court, Court of Appeals, and Circuit Court Positions:

- File written notice of intent with the county board of election commissioners and the Secretary of State no later than November 9, 2015.
- File the Political Practices Pledge at the same time and place as filing a notice of intent.

For District Court Positions:

- File written notice of intent with the county board of election commissioners and the Secretary of State no later than November 9, 2015.
- File the Political Practices Pledge at the same time as filing a notice of intent. Please see note on page 6 regarding location for filing of Political Practices Pledge.

Ark. Code Ann. §§ 7-5-205; 7-10-103

Filing Fees

Filing fees are established by the State Board of Election Commissioners.

Ark. Code Ann. § 7-10-103

Current filing fees:

- Supreme Court Chief Justice and Associate Justices..... 6% of annual salary
- Court of Appeals Judge..... 5% of annual salary
- Circuit Judges..... 4% of annual salary
- District Judges..... 3% of annual salary

Names Used on Ballot

Arkansas Code Annotated § 7-7-305 (c)(1)(B) states that “[a] person may use as the prefix the title of a nonpartisan judicial office in an election for a nonpartisan judicial office only if the person is currently serving in a nonpartisan judicial office to which the person has been elected in the last election for the office **or** the person is a candidate for the office of circuit judge or district judge, is currently serving in the office of circuit or district judge as an appointee, and has been serving in that position for at least twelve months.” See also Ark. Code Ann. § 7-10-103.

POLITICAL PRACTICES ACT & PLEDGE

Under Ark. Code Ann. § 7-6-102 all candidates are required to file a Political Practices Pledge stating that they will comply with Arkansas law regarding unlawful election activities and their penalties as described in Ark. Code Ann. §§ 7-1-103-104, 7-3-108, 7-6-101, 7-6-103, and 7-6-104. Failure to file the pledge is grounds for prohibiting a candidate's name from being placed on the ballot.

The pledge must contain the following language:

I hereby certify that I have never been convicted of a felony in Arkansas or in any other jurisdiction outside of Arkansas.

A candidate whose record has been expunged may certify that he or she was never convicted if that candidate presents a certificate of expungement from the court in which the candidate was convicted.

WHERE TO FILE:

- Candidates for Supreme Court Justice, Court of Appeals Judge, and Circuit Judge must file the pledge with the Secretary of State.
- Candidates for District Judge should review the note on page 6 regarding location for filing of the pledge.

WHEN TO FILE:

- Nonpartisan judicial candidates paying filing fees must file the pledge at the same time the filing fee is paid.

- Alternative ballot access candidates must file the pledge at the same time that petitions for nomination are filed.
- Write-in candidates must file the pledge at the time of filing the notice to be a write-in candidate.
- The Political Practices Pledge may be obtained from the Secretary of State's Office.

CANDIDATE EXPLORATORY COMMITTEE

An Exploratory Committee is a person or organization that receives contributions to be held for transfer to the campaign of a single candidate in an election. It is not an organized political party or the candidate's own campaign committee.

The Exploratory Committee must file Registration and Contribution Reports. These reports are discussed in more detail in the section below entitled "Campaign Finance and Disclosure Requirements." Reporting forms are available at the Office of the Secretary of State.

Ark. Code Ann. §§ 7-6-201 and 7-6-216

CAMPAIGN FINANCE AND DISCLOSURE REQUIREMENTS

General Requirements

Generally, Arkansas laws governing campaign finance (which are found at Ark. Code Ann. § 7-6-201 *et seq.*) impose the following requirements:

- Campaign contributions, including a candidate's personal funds, are subject to disclosure.
- All contributions must be made either to the candidate or the candidate's committee.

See Arkansas Judicial Code of Conduct Canon 4.1 (A)(8) which states that a judicial candidate shall not personally accept campaign contributions.

- Candidates are prohibited from accepting a cash contribution in excess of \$100.00 or making an expenditure in cash in excess of \$50.00 except that the filing fee may be paid in cash if properly reported as such.

Ark. Code Ann. § 7-6-204

- The maximum allowable contribution from an individual, except for the candidate himself, a political party that meets the definition of a political party under Ark. Code Ann. § 7-1-101, a political party that meets the requirements of Ark. Code Ann. § 7-7-205, a county political party committee, a legislative caucus committee, or an approved political action committee, is \$2,700 per candidate per election.

Ark. Code Ann. § 7-6-203

- The general election and run-off election are each considered separate elections.

Ark. Code Ann. § 7-6-201 (7)

- These limitations apply also to any person acting in the candidate's behalf.

Ark. Code Ann. § 7-6-203 (a)(1)(A)

See State Campaign Finance Contribution Limits on page 20.

- No candidate may accept contributions from non-registered and non-approved political action committees (“PACs”), and it is the candidate's responsibility to determine eligibility prior to accepting any contribution.
- Anonymous contributions cannot exceed \$50.00 in a calendar year, and any anonymous contributions in excess of this amount must be turned over to the Secretary of State for deposit in the State Treasury.

Ark. Code Ann. § 7-6-205

- A candidate shall not take any campaign fund as personal income or as income for his or her spouse or dependent children.

- However, an opposed candidate is not prohibited from employing his or her spouse or dependent children as campaign workers.
 - However, an opposed candidate is allowed to use campaign funds as personal income if he or she has taken a leave without pay from primary employment during the campaign in which case, he/she may take only up to the amount of employment income lost.
 - The candidate who uses campaign funds as income may elect to treat the campaign funds as a loan from the campaign fund to the candidate to be paid back to the campaign fund by the candidate.
- It is unlawful for a candidate or an exploratory committee to solicit or accept campaign contributions more than two years before the first election at which the candidate seeks nomination or election.

Ark. Code Ann. § 7-6-203

Requirements for Judicial Candidates

In addition to the general requirements, candidates for judicial offices must also comply with the Arkansas Code of Judicial Conduct which, in some instances, imposes more stringent requirements. Canon 4.1 (A)(8) states that a candidate shall not personally solicit or accept campaign contributions, and in the event any funds are personally received, they shall be promptly turned over to the campaign committee. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate. Financial support is to be solicited by the campaign committee. The purpose of the committee is to isolate the candidate from involvement in fund-raising. The candidate at the outset of the campaign is required to instruct the committee to solicit or accept contributions that are permitted by law and reasonable under the circumstances.

The committee can solicit funds no earlier than 180 days before an election, and all committee solicitations must cease no later than 45 days after the last contested election in which the candidate appears.

See page 34 for the full text of Canon 4.

Contributors must be given notice if funds are solicited to retire a campaign debt.

Ark. Code Ann. § 7-6-219(b)

Who Must File Financial Reports

Any candidate running for elective office must file certain reports, and a candidate's exploratory committee must make a separate filing.

Ark. Code Ann. §§ 7-6-207– 210; 7-6-213-216

What Financial Reports to File

Campaign Contribution and Expenditure Reports. Any candidate with contributions or expenditures over \$500.00 in any election must file Campaign Contribution and Expenditure Reports (“CCE”). In calculating the amount of contributions or expenditures, the amount of the filing fee from the candidate's personal funds is not considered. The Campaign Contribution and Expenditure Report records the names of the individuals or businesses that financially support the candidate, and accounts for campaign expenditures.

Ark. Code Ann. § 7-6-207

These reports are available from the Secretary of State or County Clerk.

Statement of Financial Interest. The Statement of Financial Interest (“SFI”) requires candidates to disclose personal income information about themselves and their spouses.

Ark. Code Ann. § 21-8-701

Registration and Contribution Reports. The Candidate Exploratory Committee must file these reports. These reports disclose information about the committee and list contributions received.

Ark. Code Ann. § 7-6-207

Forms are available from the Secretary of State’s Office.

Where to File Financial Reports

<u>Office</u>	<u>CCE</u>	<u>SFI</u>
Supreme Court	Secretary of State	Secretary of State
Court of Appeals	Secretary of State	Secretary of State
Circuit Court	Secretary of State	Secretary of State
District Court	County Clerk	County Clerk

Exploratory Committee's Registration and Contribution Reports for all offices must be filed with the Secretary of State.

Ark. Code Ann. § 7-6-207 (Campaign Contribution and Expenditure Reports)

Ark. Code Ann. § 21-8-703 (Statement of Financial Interest)

When to File Financial Reports

Supreme Court, Court of Appeals, and Circuit Court

See Ark. Code Ann. § 7-6-207

District Court

See Ark. Code Ann. §§ 7-6-208-209

See the Filing and Financial Reporting Calendar on page 20 for specific filing dates.

SUPREME COURT, COURT OF APPEALS, AND CIRCUIT COURT CANDIDATES:

Registration and Contribution Reports. The Exploratory Committee must file the Registration Form within 15 days after accepting contributions exceeding \$500.00 during a calendar year. Contribution and Expenditure Reports are filed monthly within 30 days of the end of each month. The final monthly report must be filed within 30 days after the end of the month in which the committee either transfers its contributions to a candidate's campaign or no longer accepts contributions. The committee shall not accept contributions after the filing of a final report.

Ark. Code Ann. § 7-6-216

Statement of Financial Interest. The Statement of Financial Interest must be filed by January 31 of each year except that a candidate for elective office shall file the statement of financial interest for the previous year on the first Monday following the close of the period to file as a candidate for the elective office.

Ark. Code Ann. § 21-8-701

Monthly Campaign Contribution and Expenditure Reports. The initial Campaign Contribution and Expenditure Report must be filed within 15 days after the end of the quarter in which the total contributions or expenditures exceed \$500.00. Beginning with the month of January in the calendar year of the election, the candidates, who have exceeded the \$500.00 threshold, must file a monthly report within 15 days of the end of each month until the election.

Ark. Code Ann. § 7-6-207

Pre-election Reports. No later than 7 days before any election, candidates must file a pre-election report covering all contributions received and expenditures made between the period covered by the previous report and the 10-day period before the election. This report must be received by the due date. It is deemed filed when it is received - not the date of the postmark. No monthly report is required to cover months in which a pre-election report is filed, but those days should be carried forward and included in the next monthly report or the final monthly report. Unopposed candidates are not required to file the 10-day pre-election report.

Ark. Code Ann. § 7-6-207

Final Monthly Reports. The Final Monthly Report is due no later than thirty days after the end of the month in which the candidate's name has appeared on the ballot in any election, covering all contributions received and expenditures made that have not been disclosed on reports previously required to be filed. A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of \$500.00. The final report shall also indicate which option was used to dispose of any surplus of campaign funds, the amount of funds disposed of by the candidate, and the amount of funds retained by the candidate. In the case of a primary or run-off election, days occurring after the date of such election shall be carried forward and included in the next monthly report.

Ark. Code Ann. § 7-6-207

Quarterly Reports. If contributions or expenditures continue after the final monthly report, this information must be included in a quarterly report due April 15, July 15, October 15, and/or January 15. These reports continue in years in which the person's name does not appear on the ballot.

Ark. Code Ann. § 7-6-207

- *Reports Not Required*

- A candidate who has not received or made expenditures in excess of \$500 shall not be required to file any reports other than the final report.
- A candidate who is unopposed is not required to file the 10 day pre-election report.

Ark. Code Ann. § 7-6-207

Withdrawal as Candidate. A final report of all contributions received and expenditures made that have not been disclosed on reports previously required to be filed is due no later than thirty days after the end of the month in which a candidate withdraws from a campaign.

- If a candidate withdraws from the campaign, the candidate shall notify the Secretary of State in writing of the withdrawal.

Ark. Code Ann. § 7-6-207

DISTRICT COURT CANDIDATES

Registration and Contribution Reports. The Exploratory Committee must file the Registration Form within 15 days after accepting contributions exceeding \$500.00 during a calendar year. Contribution and Expenditure Reports are filed monthly within 30 days of the end of each month. The final monthly report must be filed within 30 days after the end of the month in which the committee either transfers its contributions to a candidate's campaign or no longer accepts contributions. The committee shall not accept contributions after the filing of a final report.

Ark. Code Ann. § 7-6-216

Statement of Financial Interest. The Statement of Financial Interest must be filed by January 31 of each year except that a candidate for elective office shall file the statement of financial interest for the previous year on the first Monday following the close of the period to file as a candidate for the elective office.

Ark. Code Ann. § 21-8-701

Pre-Election Report. A Pre-Election Report is due 7 days prior to any election in which the candidate's name appears on the ballot, covering all contributions received and expenditures made between the period covered by the previous report, if any, and the period 10 days before the election.

Ark. Code Ann. §§ 7-6-208-209

Final Report. A Final Report is due 30 days after any election in which the candidate's name appears on the ballot, covering all contributions received and expenditures made that have not been disclosed on reports previously required to be filed. The final report shall also indicate which option was used to dispose of any surplus of campaign funds, the amount of funds disposed of by the candidate, and the amount of funds retained by the candidate. A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of \$500.

Ark. Code Ann. §§ 7-6-208-209

Supplemental Reports. A Supplemental Report is due 30 days after the receipt of a contribution or the making of an expenditure after the preparation of the final report.

Ark. Code Ann. § 7-6-208.

- *Reports Not Required:*
 - Candidates who are unopposed in any election and agree not to solicit further campaign contributions by filing an affidavit declaring such an agreement are not required to file the pre-election report prior to those unopposed elections.
 - A candidate, who has not received contributions, or made expenditures in excess of \$500, shall not be required to file a pre-election report.

Ark. Code Ann. § 7-6-203(h)(3) Affidavit Provision; Ark. Code Ann. §§ 7-6-208-209

Withdrawal as Candidate. No later than 30 days after the end of the month in which the candidate has withdrawn, a final report of all contributions received and expenditures made that have not been disclosed on reports previously

required to be filed is due. If a candidate withdraws from the campaign, the candidate shall notify the county clerk in writing of the withdrawal.

Ark. Code Ann. §§ 7-6-208-209

Filing Facts

All reports shall be filed on the forms furnished by the Secretary of State, except that computer-generated contribution and expenditure reports shall be accepted by the Secretary of State and the Arkansas Ethics Commission provided that all of the requisite elements are included.

The Secretary of State will accept the filing of reports by fax provided that the original is received by the Secretary of State within ten days of the date of faxing. The Secretary of State may receive reports in a readable electronic format, which is acceptable to the Secretary of State, and approved by the Arkansas Ethics Commission.

Ark. Code Ann. § 7-6-207

There is no such language regarding fax or electronic filing of reports with the county clerk by candidates for **district judge**.

Ark. Code Ann. §§ 7-6-208-209

When a due date falls on a Saturday, Sunday, or legal holiday, the report shall be due the next business day.

Ark. Code Ann. § 7-6-225

For **Supreme Court, Court of Appeals, and Circuit Court candidates**, the postmark date determines the date of filing except for pre-election reports, which must be received by the due date.

Ark. Code Ann. § 7-6-207

For **District Court candidates**, no later than fourteen days after the deadline for filing for office, the county clerk shall notify each candidate in person or by mail of the deadlines for filing the ten-day pre-election and final reports required and, at that time, furnish each candidate with the appropriate forms and instructions for complying with the deadlines.

Ark. Code Ann. §§ 7-6-208-209

If notice is sent by mail, then the notice shall be postmarked within fourteen days after the deadline for filing for office.

Ark. Code Ann. §§ 7-6-208-209

Retirement of Campaign Debt

If candidates have a debt remaining, they may solicit funds and hold fundraisers to retire the debt. All contributions are attributed to the previous campaign and all campaign contribution limits apply. All potential contributors must be notified that funds are being solicited for the purpose of retiring the campaign debt.

A person shall file a campaign contribution and expenditure report concerning a campaign debt if, since the last report concerning the debt, the person has received cumulative contributions in excess of \$500.00. The report shall be filed no later than fifteen days after a calendar quarter in which a report becomes required. No report is required in any calendar quarter in which the cumulative contribution or cumulative expenditure limit has not been exceeded since the person's last report.

Ark. Code Ann. § 7-6-219.

Nonpartisan judicial candidates are subject to the limitations of Canon 4 discussed above on page 12.

Surplus

Canon 4.4 (C) of the Arkansas Code of Judicial Conduct provides that with respect to a campaign surplus any campaign fund surplus shall be returned to the contributors or turned over to the State Treasurer as provided by law.

State law provides that within 30 days following the end of the month in which an election is held or a candidate has withdrawn, a candidate shall turn over surplus campaign funds to either: (A) The Treasurer of State; (B) A political party as defined in Ark. Code Ann. § 7-1-101 or a political caucus of the General Assembly, the Senate, or the House of Representatives; (C) A non-profit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; (D) Cities of the first class, cities of the second class, or incorporated towns; or (E) The contributors of the candidate's campaign.

Ark. Code Ann. § 7-6-203(h)(1).

Unopposed candidates for nonpartisan judicial office who file an affidavit agreeing not to solicit further campaign contributions may dispose of a campaign surplus prior to a general election after the deadlines have passed to declare as a filing fee candidate, petition candidate, or write-in candidate.

Ark. Code Ann. § 7-6-203(h)(3)(B).

Retention of Financial Records

Records of contributions and expenditures must be kept for a period of four years.

Ark. Code Ann. § 7-6-206.

STATE CAMPAIGN FINANCE CONTRIBUTION LIMITS

<u>Contributor</u>	<u>Contribution Limitations</u>
An individual, A political party A county political party committee, A legislative caucus committee, or An approved political action committee	\$2,700 per candidate per election

Ark. Code Ann. § 7-6-203

2016 FILING AND FINANCIAL REPORTING CALENDAR

(Please note that all dates, which are outlined in the following calendar, have been provided by the Arkansas Secretary of State's Office and the Arkansas Ethics Commission.)

Reporting requirements are triggered upon the receipt or expenditure of more than \$500. Receipts over \$50 must be itemized as must expenditures over \$100.

NOTE: Pursuant to Canon 4.4 B (2) of the Arkansas Code of Judicial Conduct, the earliest date a candidate's campaign committee may solicit contributions is September 3, 2015.

July 2015

7/19/15 First day for nonpartisan judicial candidates not paying a filing fee to begin circulating petitions

Ark. Code Ann. § 7-10-103(c)(1)(B); Act 4 of the First Extraordinary Session of 2015

- **60 days prior to filing deadline**

September 2015

9/3/15 First day a candidate's campaign committee may solicit or accept contributions

Rule 4.4(B)(2) of the Arkansas Code of Judicial Conduct

9/10/15 Noon—First day for nonpartisan judicial candidates to file petitions for ballot access in nonpartisan judicial general election without paying filing fee

Ark. Code Ann. § 7-6-102 (a)(6); Ark. Code Ann. § 7-10-103(c)(1)(A)(i)

- **53 days prior to beginning of party filing period**

9/17/15 Noon—Deadline for nonpartisan judicial candidates to file petitions for ballot access in nonpartisan judicial general election without paying a filing fee

Ark. Code Ann. § 7-6-102 (a)(6); Ark. Code Ann. § 7-10-103(c)(1)(A)(i)

- **46 days before party filing period begins**

9/19/15 Deadline for Secretary of State or the county clerk to notify nonpartisan judicial candidates filing by petition of failure to file a signed political practices pledge. Notice shall include a copy of the form.

Ark. Code Ann. § 7-6-102(a)(6) and (e)(2)(A)

- **Within 2 days from when the pledge is required to be filed**

9/21/15 Statement of Financial Interest for calendar year 2014 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the provisions of Ark. Code Ann. § 7-10-103(c)

October 2015

10/15/15 Quarterly report for 3rd quarter of 2015 due from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Covers period July 1-September 30, 2015.

If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

November 2015

11/2/15 3:00 p.m. - Filing period opens for nonpartisan judicial candidate paying filing fees

Ark. Code Ann. § 7-10-103(b)(2)(B)

11/9/15 3:00 p.m. - Deadline to file as a nonpartisan judicial candidates paying filing fees

Ark. Code Ann. § 7-10-103(b)(2)(B)
Ark. Code Ann. § 7-7-203(c)(1)

11/9/15 Deadline for write-in candidates in the nonpartisan judicial general election to file a notice of intent and a political practices pledge with the county board of election commissioners and the Secretary of State

Ark. Code Ann. §§ 7-5-205 (3); 7-10-103(d)(2) and (3)

11/11/15 Deadline for Secretary of State or the county clerk to notify nonpartisan judicial candidates of failure to file a signed political practices pledge

Ark. Code Ann. § 7-6-102(e)(2)(A)

- **Within 2 days from when the pledge is required to be filed**
- 11/16/15 Statement of Financial Interest for calendar year 2014 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b)
- 11/16/15 October monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates** whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b). Covers period October 1-31.
- If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

December 2015

- 12/3/15 Deadline to draw for ballot positions
- Ark. Code Ann. § 7-7-305 (b)
- **89 days prior to Nonpartisan Judicial Election**
- 12/14/15 Statement of Financial Interest for calendar year 2014 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the write-in candidate provisions of Ark. Code Ann. § 7-10-103(d)
- 12/15/15 November monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates** whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b). Covers period November 1-30.
- If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

January 2016

1/1/16 Deadline for county clerks to make available applications for absentee ballots for the nonpartisan judicial election

Ark. Code Ann. § 7-5-405 (a)(1)

- **60 days prior to Nonpartisan Judicial Election**

1/15/16 Deadline for county clerk to deliver ballots to those absentee voters who made timely application under the law pursuant to Ark. Code Ann. § 7-5-406 (members of the uniformed services and other citizens residing outside the United States)

Ark. Code Ann. § 7-5-407 (a)(2)

- **46 days prior to Nonpartisan Judicial Election**

1/15/16 December monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates** whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b). Covers period December 1-31.

If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

1/15/16 Quarterly report for the 4th quarter due from **Supreme Court, Court of Appeals, and Circuit Court candidates** whose names have been placed on the ballot pursuant to the petition provisions of Ark. Code Ann. § 7-10-103(c) or the write-in candidate provisions of Ark. Code Ann. § 7-10-103(d). Covers period October 1-December 31, 2015.

1/31/16 Deadline to apply to register to vote in the nonpartisan judicial election

Ark. Code Ann. § 7-5-201 (a); Ark. Const. Amend. 51 § 9 (b)

- **30 days prior to Nonpartisan Judicial Election**

1/31/16 Deadline for incumbent officeholders to file statement of financial interest for 2015

Ark. Code Ann. § 21-8-701 (c)(1)(A); Ark. Code Ann. § 21-8-703 (a)

- **30 days prior to Nonpartisan Judicial Election**

February 2016

2/1/16 Statement of Financial Interest for calendar year 2015 due from all incumbent officeholders and non-incumbent candidates

2/15/16 Early voting for the Nonpartisan Judicial Election begins

Ark. Code Ann. § 7-5-418 (a)(1)(A)

- **15 days prior to Nonpartisan Judicial Election**

2/16/16 January monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Covers period January 1-31.

If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

2/23/16 Deadline for the county clerk to receive absentee ballot applications by mail, fax, or electronic mail

Ark. Code Ann. § 7-5-404 (a)(3)(A)(ii) and (vi)(a)

- **7 days prior to Nonpartisan Judicial Election**

2/23/16 If **Supreme Court, Court of Appeals, or Circuit Court candidate** is opposed in general election, pre-election report due for general election. Covers period February 1-20.

If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

2/23/16 If **District Court candidate** is opposed in general election, pre-election report due for general election. Covers all campaign activity through February 20, 2016.

A candidate is not required to file a pre-election report if he or she has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for the purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or expenditure. Once the five hundred dollar (\$500) fee threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

2/29/16 5:00 p.m. Last day to early vote

Ark. Code Ann. §7-5-418 (a)(1)(A)

- **1 day prior to Nonpartisan Judicial Election**

2/29/16 Deadline for county clerk to receive application for absentee ballots for the Nonpartisan Election from the voter, designator bearer, or administrator

Ark. Code Ann. § 7-5-404 (a)(3)(A)(i), (iii), and (v)

- **1 day prior to Nonpartisan Judicial Election**

2/29/16 Deadline for voters to personally deliver absentee ballots to the county clerk

Ark. Code Ann. § 7-5-411 (a)(3)

- **1 day prior to Nonpartisan Judicial Election**

March 2016

3/1/16 **NONPARTISAN JUDICIAL ELECTION**

Polls are open from 7:30 am to 7:30 pm

Ark. Code Ann § 7-5-304, § 7-7-203(b), § 7-10-102(b)(1), Act 4 of the First Extraordinary Session of 2015

- 3/1/16** Deadline for delivery of application for an absentee ballot by an authorized agent of the voter
- Ark. Code Ann. § 7-5-404 (a)(3)(A)(iv)
- **By 1:30 p.m. on the day of the Nonpartisan Judicial Election**
- 3/1/16** Deadline for the county clerk to receive absentee ballots for the nonpartisan judicial general election (excluding military or overseas) by mail, or by a designated bearer, an administrator, or authorized agent of the voter
- Ark. Code Ann. § 7-5-411(a)(1)(A) and (a)(2)
- **By 7:30 p.m. on the day of the Nonpartisan Judicial Election**
- 3/1/16** Deadline for qualified electors outside of the United States or active duty uniformed personnel to sign, date, postmark, and mail absentee ballot to the county clerk
- Ark. Code Ann. § 7-5-411 (a)(1)(B)(i-ii)
- **Must be received by 5:00 p.m. ten days after the date of the nonpartisan judicial general election**
- 3/15/16** If **Supreme Court, Court of Appeals, or Circuit Court candidate** is unopposed in general election, February monthly report due. Covers period February 1-29.
- If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.
- May 2016**
- 5/2/16** Final report for general election due from **Supreme Court, Court of Appeals, and Circuit Court candidates**
- If the candidate was opposed and filed a pre-election report for the general election and the candidate is not involved in a general election runoff, final report for general election covers period February 21 through the date the report is filed.

If the candidate was opposed and filed a pre-election report for the general election and the candidate is involved in a general election runoff, final report for the general election covers period February 21 through March 1.

If the candidate was opposed and did not file a pre-election report for the general election and the candidate is not involved in a general election runoff, final report for general election covers all campaign activity which has not been disclosed on reports previously required to be filed through the date of the report filed.

If the candidate was opposed and did not file a pre-election report for the general election and the candidate is involved in a general election runoff, final report for general election covers all campaign activity through March 1.

If the candidate was unopposed and filed a February monthly report, final report for general election covers period March 1 through the date the report is filed.

If the candidate was unopposed and did not file a February monthly report (i.e., this is candidate's first report), final report for general election covers all campaign activity through the date the report is filed.

5/2/16

Final report due for general election from **District Court candidates**

If the candidate filed a pre-election report for the general election and the candidate is not involved in a general election runoff, final report for general election covers period February 21 through the date the report is filed.

If the candidate filed a pre-election report for the general election and the candidate is involved in a general election runoff, final report for the general election covers period February 21 through March 1.

If the candidate did not file a pre-election report for the general election and the candidate is not involved in a general election runoff, final report for general election covers all campaign activity through the date the report is filed.

If the candidate did not file a pre-election report for the general election and the candidate is involved in a general election runoff, final report for general election covers all campaign activity through March 1.

A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

5/16/16 April monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Covers period March 2 -April 30.

June 2016

6/15/16 May monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Covers period May 1-31.

July 2016

7/15/16 June monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Covers period June 1-30.

August 2016

8/15/16 July monthly report due from **Supreme Court, Court of Appeals, and Circuit Court Candidates**. Covers period July 1-31.

September 2016

9/15/16 August monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Covers period August 1-31.

October 2016

10/17/16 September monthly report due from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Covers period September 1-30.

10/24/16 Early voting begins for Nonpartisan Judicial Runoff Election

Ark. Code Ann. § 7-5-418 (a)(1)(A)

- **15 days prior to the Nonpartisan Judicial Runoff Election**

November 2016

11/1/16 Pre-election report due for general election runoff from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Covers period October 1-29.

11/1/16 Pre-election report due for general election runoff from **District Court candidates**. Covers period March 2 through October 29.

A candidate is not required to file a preelection report if he or she has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for the purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) fee threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

11/8/16 **GENERAL ELECTION AND NONPARTISAN JUDICIAL RUNOFF ELECTION**

Ark. Code Ann. § 7-5-102

Polls Open at 7:30 a.m. and close at 7:30 p.m.

Ark. Code Ann. § 7-5-304 (a)

December 2016

12/30/16 Final report due for general election runoff from **Supreme Court, Court of Appeals, and Circuit Court candidates**. Report covers period October 30 through date the report is filed.

12/30/16 Final report due for general election runoff from **District Court candidates**. Report covers period October 30 through date the report is filed.

A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

CAMPAIGN ETHICS

The Arkansas Ethics Commission has jurisdiction over Arkansas's Disclosure Act for Lobbyists and State and Local Officials and the Arkansas Standards of Conduct and Disclosure Act for Candidates and Political Campaigns. It has the authority to issue advisory opinions and investigate alleged violations of campaign financing. Penalties for violating these acts include a public letter of caution or warning and fines up to \$2,000. Ark. Code Ann. §§ 7-6-217, 7-6-218.

The Arkansas Code of Judicial Conduct serves as a guide for the conduct of judges. Although judges should consider all provisions of the Code when dealing with campaign issues, Canon 4 specifically addresses political activities. Canon 4.1 (A) (13), states that:

“A judge or judicial candidate shall not in connection with 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.”

Other campaign issues addressed by Canon 4 include the candidate's relationship to and activity in a political party and the candidate's responsibility to oversee and limit the campaign practices of employees. Judge-candidates involved in contested elections must also be especially sensitive to the rules of disqualification found in Canon 2.11.

Arkansas Code Annotated § 7-7-305 addresses the issue of the use of nicknames and titles on the ballot.

The Judicial Ethics Advisory Committee was created to give advisory opinions to elected officials, judicial officers, and candidates for judicial office concerning the compliance of their future conduct with the Arkansas Code of Judicial Conduct. Requests for advisory opinions must be made in compliance with the Procedural Rules for the Arkansas Judicial Ethics Advisory Committee.

The Judicial Ethics Advisory Committee has issued several advisory opinions under the Code of Judicial Conduct, as it existed prior to July 1, 2009, regarding appropriate conduct during judicial campaigns.

Advisory Opinion #93-04 stated that it is a violation of Canon 5C (2) of the Arkansas Code of Judicial Conduct for judicial campaign surplus funds to exist.

Advisory Opinion #93-07 clarified Opinion #93-04 by stating that all campaign surplus funds "without exception or exclusion, including the time of its accumulation, or variance with legislative acts, or other rule of law" must be returned to the contributor or turned over to the State Treasurer.

Advisory Opinion #94-02 advised a municipal judge that he should recuse whenever an attorney who is opposing the judge for re-election appears before the judge.

Advisory Opinion #94-05 concluded that a judge must act *sua sponte* on the issue of disqualification, and is not permitted to preside until a party objects.

Advisory Opinion #94-06 stated that a retired judge can participate in judicial campaigns to the same extent, and with the same limitations, as any other attorney.

Advisory Opinion #94-07 addressed whether a judge who is seeking re-election must disqualify himself when a party in a contested proceeding is represented by a declared candidate for the judge's position. The Committee cited the doctrine of necessity which provides that, despite compelling reasons for disqualification, recusal is not required if no mechanism exists for transfer of the matter to another court or appointment of a substitute judicial officer. The doctrine does not necessarily mean that a judge may preside in every instance in which the judicial challenger appears before him/her. Such matters, though, are left to the evaluation of the judge.

Advisory Opinion #95-04 stated that a candidate may not ask a landowner for permission to place a campaign sign on his property. It said that a candidate may write letters to members of the electorate giving information about the candidate's background, the reasons for seeking the office, and the candidate's plan for judicial office. The letters may ask for suggestions, advice, and the encouragement, vote, and support of the recipient. They may not request publicly stated support.

Advisory Opinion #96-02 stated that a campaign committee of a candidate for judicial office who is unopposed in the primary election may solicit

contributions for 45 days after the filing deadline for party candidates or independent candidates, whichever is later.

Advisory Opinion #99-08 stated that a Court of Appeals judge could send a letter to selected residents of the district that elected him to inform them that there are two positions from the district. While the letter comes very close to being a political letter, its primary purpose is informative and it does not fall within the prohibited political activity addressed in Canon 5.

Advisory Opinion #2000-11 stated that neither Arkansas law nor the Code of Judicial Conduct prohibits a person who practices law as an assistant city attorney from one city from being a part-time municipal judge in another city. That person, however, should be very sensitive to the fact that conflicts can and will occur and should be mindful of numerous provisions of the Code that would be applicable. A continuing part-time municipal judge must make the judicial office first in service and priority.

Advisory Opinion #2001-05 stated that Canon 5C (2) is applicable to nonpartisan judicial elections and, therefore, fund raising may not begin until 180 days prior to the May 2002 election.

Advisory Opinion #2002-03 stated that a judicial candidate who has served for six years as part-time city court judge may refer to self in campaign materials as “judge.”

Advisory Opinion #2005-08 stated that a former judge may not refer to himself or herself as “judge” in a campaign logo or sign or other campaign material.

Advisory Opinion #2006-01 stated that the Arkansas District Judges Council should not make contributions to a candidate for political office.

Advisory Opinion #2006-03 stated that a judge may not allow a political advertisement to be displayed on property owned by the judge and his wife.

Advisory Opinion #2006-04 stated that a judicial candidate who is a former judge may not be pictured in a judge's robe or seated at a judge's bench in campaign materials.

Advisory Opinion #2007-02 stated that a judicial candidate may not honor a commitment to chair a fundraising event for a non-judicial candidate made prior to announcing his or her candidacy.

Advisory Opinion #2007-03 stated that a judge may not support candidates for political office.

Advisory Opinion #2008-02 stated that a circuit judge must resign if he or she becomes a candidate for county judge.

Advisory Opinion #2008-05 stated that a judge may not issue a press announcement or distribute cards until 365 days before election.

Advisory Opinion #2009-03 stated that a judicial candidate may purchase a ticket to and attend an event of a political organization if the event does not occur more than 365 days before election.

Advisory Opinion #2009-04 addresses various issues surrounding judicial campaigns pursuant to the new Arkansas Code of Judicial Conduct, effective July 1, 2009.

Advisory Opinion #2014-02 stated that a judicial candidate, who was previously an appointed judge, could use the phrase “former judge” in his political campaign.

CANON 4. 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.

RULE 4.1 Political and Campaign Activities of Judges and Judicial Candidates in General

(A) Except as permitted by law, or by Rules 4.2, 4.3, and 4.4, a judge or a judicial candidate shall not:

- (1) act as a leader in, or hold an office in, a political organization;
- (2) make speeches on behalf of a political organization;
- (3) publicly endorse or oppose a candidate for any public office;
- (4) solicit funds for, pay an assessment to, or make a contribution to a political organization or a candidate for public office;
- (5) [Reserved]

- (6) publicly identify himself or herself as a candidate of a political organization;
 - (7) seek, accept, or use endorsements from a political organization;
 - (8) personally solicit or accept campaign contributions other than through a campaign committee authorized by Rule 4.4;
 - (9) use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others;
 - (10) use court staff, facilities, or other court resources in a campaign for judicial office;
 - (11) knowingly, or with reckless disregard for the truth, make any false or misleading statement;
 - (12) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court; or
 - (13) in connection with 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.
- (B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

COMMENT

GENERAL CONSIDERATIONS

[1] Even when subject to public election, a judge plays a role different from that of a legislator or executive branch official. 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 and appear to be free from political influence and political pressure. 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.

[2] When a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct.

PARTICIPATION IN POLITICAL ACTIVITIES

[3] Public confidence in the independence and impartiality of the judiciary is eroded if 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 paragraph (A) (1) from assuming leadership roles in political organizations.

[4] Paragraphs (A)(2) and (A)(3) prohibit judges and judicial candidates from making speeches on behalf of political organizations or publicly endorsing or opposing candidates for public office, respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others. See Rule 1.3. These Rules do not prohibit candidates from campaigning on their own behalf, or from endorsing or opposing candidates for the same judicial office for which they are running. See Rules 4.2(B) (2) and 4.2(B) (3).

[5] Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no “family exception” to the prohibition in paragraph (A)(3) against a judge or candidate publicly endorsing candidates for public office. A judge or judicial candidate must not become involved in, or publicly associated with, a family member's political activity or campaign for public office.

[6] Judges and judicial candidates retain the right to participate in the political process as voters in both primary and general elections. Judges are permitted to request a ballot in a party's primary without violating this Code.

[6A] Judges are permitted to attend or purchase tickets for dinners or other events sponsored by a political organization.

STATEMENTS AND COMMENTS MADE DURING A CAMPAIGN FOR JUDICIAL OFFICE

[7] Judicial candidates must be scrupulously fair and accurate in all statements made by them and by their campaign committees. Paragraph (A)(11) obligates candidates and their committees to refrain from making statements that are false or misleading, or that omit facts necessary to make the communication considered as a whole not materially misleading.

[8] Judicial candidates are sometimes the subject of false, misleading, or unfair allegations made by opposing candidates, third parties, or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a candidate. In other situations, false or

misleading allegations may be made that bear upon a candidate's integrity or fitness for judicial office. As long as the candidate does not violate paragraphs (A) (11), (A) (12), or (A) (13), the candidate may make a factually accurate public response. In addition, when an independent third party has made unwarranted attacks on a candidate's opponent, the candidate may disavow the attacks, and request the third party to cease and desist.

[9] Subject to paragraph (A) (12), a judicial candidate is permitted to respond directly to false, misleading, or unfair allegations made against him or her during a campaign, although it is preferable for someone else to respond if the allegations relate to a pending case.

[10] Paragraph (A) (12) prohibits judicial candidates from making comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

PLEDGES, PROMISES, OR COMMITMENTS INCONSISTENT WITH IMPARTIAL PERFORMANCE OF THE ADJUDICATIVE DUTIES OF JUDICIAL OFFICE

[11] The role of a judge is different from that of a legislator or executive branch official, even when the judge is subject to public election. 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.

[12] Paragraph (A)(13) makes applicable to both judges and judicial candidates the prohibition that applies to judges in Rule 2.10(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

[13] The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine if a reasonable person would believe that the candidate for judicial office has specifically undertaken to reach a particular result.

[13A] Before speaking or announcing personal views on social or political topics in a judicial campaign, candidates should consider the impact of their statements. Such statements may suggest that the judge lacks impartiality. See Rule 1.2. They may create the impression that a judge has or manifests bias or prejudice toward individuals with contrary social or political views. See Rule 2.3. Public comments may require the judge

to disqualify himself or herself when litigation involving those issues come before the judge. See Rule 2.11. When making such statements, a judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.

[14] A judicial candidate may make campaign promises related to judicial organization, administration, and court management, such as a promise to dispose of a backlog of cases, start court sessions on time, or avoid favoritism in appointments and hiring. A candidate may also pledge to take action outside the courtroom, such as working toward an improved jury selection system, or advocating for more funds to improve the physical plant and amenities of the courthouse.

[15] Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph (A) (13) does not specifically address judicial responses to such inquiries. Depending upon the wording and format of such questionnaires, candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating paragraph (A)(13), therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if elected. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate's independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

RULE 4.2 Political and Campaign Activities of Judicial Candidates in Public Elections

(A) A judicial candidate in a public election shall: (1) act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary; (2) comply with all applicable election, election campaign, and election campaign fund-raising laws and regulations of this jurisdiction;

(3) review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee, as authorized by Rule 4.4, before their dissemination; and (4) take reasonable measures to ensure that other persons do not undertake on behalf of the candidate activities, other than those described in Rule 4.4, that the candidate is prohibited from doing by Rule 4.1.

(B) A judicial candidate in a public election may, unless prohibited by law, and not earlier than 365 days before the first applicable election:

(1) establish a campaign committee pursuant to the provisions of Rule 4.4; (2) speak on behalf of his or her candidacy through any medium, including but not limited to advertisements, websites, or other campaign literature; (3) [Reserved] (4) attend or purchase tickets for dinners or other events sponsored by a political organization; (5) seek, accept, or use endorsements from any person or organization other than a partisan political organization; and (6) [Reserved].

(C)[Reserved].

COMMENT [1] Paragraph (B) permits judicial candidates in public elections to engage in some political and campaign activities otherwise prohibited by Rule 4.1. Candidates may not engage in these activities earlier than 365 days before the first applicable election. See definition of “judicial candidate,” which provides that a person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes or engages in solicitation or acceptance of contributions or support. This rule does not prohibit private conversations with potential supporters by a potential candidate as part of an effort to “test the waters” for a future candidacy. It does prohibit establishing a campaign committee earlier than 365 days before the election date.

[2] Despite paragraph (B), judicial candidates for public election remain subject to many of the provisions of Rule 4.1. For example, a candidate continues to be prohibited from soliciting funds for a political organization, knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. See Rule 4.1(A), paragraphs (4), (11), and (13).

[3][Reserved]

[4] In nonpartisan elections, paragraph (B) (5) prohibits a candidate from seeking, accepting, or using nominations or endorsements from a partisan political organization.

[5] Subject to the 365 day limitation, judicial candidates are permitted to attend or purchase tickets for dinners and other events sponsored by political organizations. (Cf. Rule 4.1, Comment 6A, Judges are permitted to attend or purchase tickets for dinners or other events sponsored by a political organization.)

[6][Reserved]

[7][Reserved]

RULE 4.3 Activities of Candidates for Appointive Judicial Office

A candidate for appointment to judicial office may: (A) communicate with the appointing or confirming authority, including any selection, screening, or nominating commission or similar agency; and (B) seek endorsements for the appointment from any person or organization other than a partisan political organization.

COMMENT [1] When seeking support or endorsement, or when communicating directly with an appointing or confirming authority, a candidate for appointive judicial office must not make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. See Rule 4.1(A) (13).

RULE 4.4 Campaign Committees

(A) A judicial candidate subject to public election may establish a campaign committee to manage and conduct a campaign for the candidate, subject to the provisions of this Code. The candidate is responsible for ensuring that his or her campaign committee complies with applicable provisions of this Code and other applicable law.

(B) A judicial candidate subject to public election shall direct his or her campaign committee:

(1) to solicit and accept only such campaign contributions as are permitted by state law.

(2) not to solicit or accept contributions for a candidate's current campaign more than 180 days before the applicable election, nor more than 45 days after the last election in which the candidate participated; and

(3) to comply with all applicable statutory requirements for disclosure and divestiture of campaign contributions.

(C) Any campaign fund surplus shall be returned to the contributors or turned over to the State Treasurer as provided by law.

COMMENT [1] Judicial candidates are prohibited from personally soliciting campaign contributions or personally accepting campaign contributions. See Rule 4.1(A) (8). This Rule recognizes that in many jurisdictions, judicial candidates must raise campaign funds to support their candidacies, and permits candidates, other than candidates for appointive judicial office, to establish campaign committees to solicit and accept reasonable financial contributions or in-kind contributions.

[2] Campaign committees may solicit and accept campaign contributions, manage the expenditure of campaign funds, and generally conduct campaigns. Candidates are responsible for compliance with the requirements of election law and other applicable law, and for the activities of their campaign committees.

[2A] The forty-five day post-election restriction applies both to contested and non-contested elections. Once a candidate's campaign has ended, the candidate should only raise funds for 45 more days. For example, if three candidates participate in a judicial election, the candidate who is eliminated may raise funds for only an additional 45 days. However, the two remaining candidates may continue to raise funds through the runoff election and 45 days thereafter.

[3] At the start of a campaign, the candidate must instruct the campaign committee to solicit or accept only such contributions as are reasonable in amount, appropriate under the circumstances, and in conformity with applicable law.

[3A] To reduce potential disqualification and to avoid the appearance of impropriety, judicial candidates should, as much as possible, not be aware of those who have contributed to the campaign.

RULE 4.5 Activities of Judges Who Become Candidates for Nonjudicial Office

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

COMMENT [1] In campaigns for nonjudicial elective public office, candidates may make pledges, promises, or commitments related to positions they would take and ways they would act if elected to office. Although appropriate in nonjudicial campaigns, this manner of campaigning is inconsistent with the role of a judge, who must remain fair and impartial to all who come before him or her. The potential for misuse of the judicial office, and the political promises that the judge would be compelled to make in the course of campaigning for nonjudicial elective office, together dictate that a judge who wishes to run for such an office must resign upon becoming a candidate. [2] The "resign to run" rule set forth in paragraph (A) ensures that a judge cannot use the judicial office to promote his or her candidacy, and prevents post-campaign retaliation from the judge in the event the judge is defeated in the election. When a judge is seeking appointive nonjudicial office, however, the dangers are not sufficient to warrant imposing the "resign to run" rule.