

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 6 - 2016

RE: Propriety of a Municipal Court Judge's involvement in a spouse's political campaign.

FACTS

A full-time Municipal Court Judge wishes to be involved in a spouse's political campaign for a non-partisan position at a local level. No monetary campaign contributions will be sought. The judge wants to attend meet-and-greet events and post campaign signs. The judge would not personally seek permission from the landowners to place signs, but once someone from the campaign has obtained permission, the judge would participate in the posting of the signs. Some of the people or businesses who consent to allowing the signs may have appeared (or could appear in the future) before the judge.

CONCLUSION

- (1) A judge may attend meet-and-greet functions for spouse's political campaign, provided that judge's title is not used.
- (2) A judge may not participate in the posting of a spouse's campaign signs.

OPINION

While "a judicial candidate must encourage members of his or her family to adhere to the same standards of political conduct in support of the candidate that apply to the candidate, family members are free to participate in other political activity." Rule 501, SCACR, Canon 5(A)(3), Commentary. Thus, a judge's spouse can run for political office and post campaign signs. Regarding the judge's participation, the Canons prohibit a judge from publicly endorsing a candidate for public office. Canon 5(A)(1)(b). However, the Canons also note that "Complete

separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives." Commentary, Canon 4.

In Opinions 7-2014 and 14-2003, this Committee addressed a similar question presented and found that a judge could attend a spouse's fundraising and non-fundraising activities and have his or her name and picture (without title) used in campaign materials. We find no reason to deviate from those decisions and find that the inquiring judge may attend meet-and-greets during the spouse's campaign process.¹ However, neither of the previous opinions addressed a judge's participation in posting campaign signs, and thus we address that question below.

As noted, the Canons prohibit a judge from publicly endorsing a candidate for public office. Canon 5(A)(1)(b). Canon 2B also requires a judge to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." While we have not previously addressed the question presented, a Florida opinion found that a judge's participation in his wife's campaign for clerk of court by delivering and erecting campaign signs was inappropriate behavior designed to lessen public confidence in the dignity and impartiality of the judiciary. *In re McGregor*, 614 So.2d 1089 (Fla. 1993).

Here, the judge will not be personally seeking permission from the landowners or businesses to post the signs, which reduces the inference of public endorsement. However, the fact that the judge will be posting the signs for the spouse's campaign could still create the inference of a public endorsement to onlookers. In addition, the judge's actions could also create the appearance that the judge is lending the prestige of judicial office to advance the

¹However, as we noted in Opinion 14-2003, the judge should not be identified in any way by the use of the words "judge," "honorable" or other references to title.

spouse's private interests as a political candidate. Thus, we conclude that the judge should not participate in the posting of a spouse's campaign signs.

S/_____
A. CAMDEN LEWIS, CHAIRMAN

S/_____
JOCEYLYN B. CATE

S/_____
D. GARRISON HILL

3/24, 2016.