

ADVISORY COMMITTEE  
ON STANDARDS OF JUDICIAL CONDUCT  
OPINION OPINION NO. 14 - 2003

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

FACTS

A Family Court Judge wishes to be involved in the spouse's political campaign . The judge wishes to attend fund-raising and/or non-fund raising activities for the spouse's political campaign. Additionally the judge wishes to visit the spouse's campaign office or offices and attend the spouse's announcement. The judge wishes to have his/her name and/or picture, without title, appear on campaign ads, flyers, etcetera. Finally, the judge wishes to be present on the spouse's election night.

CONCLUSION

- A judge may attend fund raising and/or non fund-raising activities of the spouse's political campaign.
- A judge may visit the spouse's campaign office or offices.
- A judge may attend the spouse's announcement.
- A judge's name and/or picture may appear on campaign ads, flyers, etcetera, provided that the Family Court Judge's title is not included.
- A judge may be present on the spouse's election night.

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 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. Therefore, a judge can appear in a family photo that is used in a campaign advertisement, **as long as the judge is not identified in any way by the use of the words "judge," "honorable" or other references to title.**<sup>(1)</sup> Furthermore, the judge is permitted to attend fund-raising and non fund-raising activities, visit the spouse's campaign offices, attend the spouse's announcement, and may be present on the spouse's election night. However the judge must make it clear at all times that he or she is not present in any sort of judicial capacity, nor is he or she supporting the spouse for office. These actions indicate the judge's participation as a spouse, and do not constitute endorsement of a candidate for public office.

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A. CAMDEN LEWIS, CHAIRMAN

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JAMES A. SPRUILL, III

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HOWARD P. KING

September \_\_\_\_\_, 2003.

1. In interpreting Rule 506, Canon 7, and Rule 508, governing the activities of law clerks and other judicial employees, this Committee concluded that a law clerk may appear in a photo or ad for a spouse's political campaign, as a member of the family, not as a supporter or endorser of the candidate. See, Advisory Opinion 5-1999. The rules governing law clerks are similar to those contained in Rule 501, Canon 5, and the same reasoning applies.