

CHAPTER 39. GUIDELINES FOR ETHICAL CONDUCT IN JUDICIAL CAMPAIGNS

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Source

The provisions of this Chapter 39 adopted September 2, 1977, 7 Pa.B. 2487, unless otherwise noted.

§ 39.1. Basic guideline.

A basic guideline for judicial campaign conduct is honesty. No candidate should knowingly state an untruth, or, through carelessness or innuendo, misrepresent a fact. The candidate must be personally responsible for the truth and propriety of campaign literature and he should first approve all campaign advertisements, handbills, posters, releases to news media, scripts for television and radio broadcasts and any other forms of literature issued by others on his behalf.

§ 39.2. Qualifications.

(a) The election of a candidate to judicial office should be based on individual competency and qualifications. Therefore, except for those seeking reelection on retention basis, it would be inappropriate to allow two candidates for judicial office to run joint campaigns. To do so would convey to the electorate the impression that, if voting for one, the voter should also vote for the other, or that the two candidates, if elected, will also share a unity of judicial thought and action. This is not to suggest that the candidate's party organization may not advertise the entire slate of candidates, including judges, but that the candidate's own campaign committee may not join forces with another judicial candidate's committee in the election campaign.

(b) The faithful and proper performance of his duties if elected being material, a candidate may discuss his qualifications and the qualifications of his opponent. He may pledge the faithful and proper performance of his duties, but should make no other promises of conduct in office. He should not state his views on disputed legal or political issues. He may discuss and criticize, in a dignified manner, the capabilities and experience of his opponent and his conduct in carrying out judicial duties. A judge must approach each case before him with an open mind and decide it on the basis of the evidence, the law and precedent.

Thus, a candidate should not indicate what his decision would be should a particular case or type of case come before him, or what sentence he would pass on a defendant charged with a particular crime.

§ 39.3. Campaign methods.

The campaign should be conducted with the dignity and integrity required of the office. There should be no references to ethnic groups, religions, sex, political or other issues, which tend to stir up the emotions or impugn the candidate's capabilities for functioning impartially and without bias. There should be no dramatized presentations, either verbal or pictorial, using props such as jail doors, guns, or any other indicia of sensationalism. A candidate, who is an incumbent judge, may use his picture in campaign material in judicial robes and may be pictured sitting on the Bench. However, such a picture may be used only in campaign material limited to statements of his candidacy and his qualifications for office.

§ 39.4. Public appearances and endorsements.

A candidate may appear and speak in support of his candidacy before civic, religious, ethnic, social and political groups, alone or in the company of other candidates for elective office. However, he may not endorse or speak on behalf of any other candidate for elective office, unless such candidate is a candidate for a post in the same court.

§ 39.5. Financial aspects.

(a) The financial aspects of a judicial campaign, other than those defined under Statute, are to be found in Canon 7B(2). Briefly, it proscribes solicitation and acceptance of funds personally by the candidate. All funds should be solicited and handled by committees appointed for the purpose. Solicitation may begin no earlier than thirty days before:

- (1) the first day for filing nominating petitions; or
- (2) the last day for filing a declaration of intention to seek re-election on a retention basis.

(b) Practically, funding is necessary for campaigns, and the foregoing requirement tends to insulate the judge from suspicion of partiality were he to directly request and receive funds from lawyers, persons likely to be involved as plaintiffs and defendants in court proceedings, and political organizations.

§ 39.6. Actions by others.

The judicial candidate may not do through others, including his family and relatives, what he may not do himself.

§ 39.7. Compliance with election laws.

The candidate must obey all election laws and must require those working for him to do the same.

§ 39.8. Partisan political activity.

(a) Judges who are not candidates for retention or election are also subject to restrictions of political conduct. Canon 7 states that “A Judge Should Refrain from Political Activity Inappropriate to His Judicial Office.” A judge should not engage in partisan political activity because it creates the appearance of partiality and is inappropriate to judicial office. He may not hold office in a political organization, make speeches for a political party or candidate unless the candidate is seeking the same office, or publicly endorse a candidate for office.

(b) He may not solicit funds, make contributions or pay assessments to a political organization or candidate. He may not attend political gatherings or purchase tickets for party functions.

§ 39.9. Candidates for retention.

Candidates for retention are subject to Canon 7B(3), which is quoted as follows:

- (3) An incumbent judge who is a candidate retention in or reelection to office without a competing candidate may campaign and may obtain publicly stated support and campaign funds in the manner provided in subsection B(2).

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