Elections, Campaigns, & Political Activity

The Judicial Qualifications Commission of Georgia

PRESENTED BY

COURTNEY VEAL, ESQ.

DEPUTY DIRECTOR WITH DELEGATED POWERS OF DIRECTOR

MARCH 2023

CJC Provisions to Consider

Canon 4

- Judges shall refrain from political activity inappropriate to their judicial office

CJC Provisions to Consider

CJC Rule 4.1 (A)

- A judge or a judicial candidate for public election to judicial office shall not:
  - Act/hold himself/herself out as a leader or hold office in a political organization
  - Make speeches for a political organization or candidate
  - Publicly endorse another candidate for public office
  - Solicit funds for or make a contribution to a political organization
  - Purchase tickets for political party dinners or other functions, except as authorized in CJC Rule 4.1 (B)

CJC Provisions to Consider

CJC Rule 4.1 (B)

- Judges and judicial candidates holding an office filled either by retention election or by public election between competing candidates may attend political gatherings and speak to such gatherings on their own behalf when they are candidates for election or re-election

Can I…?

Accept a complimentary ticket to attend a political gathering?

Yes. *See* JQC Formal Advisory Opinion No. 83 (Judges and judicial candidates holding an office filled either by retention election or public election may attend political gatherings and speak to the gatherings on their own behalf)

Put a bunch of large signs in my front yard or bumper stickers on my car in support of another candidate for public office?

No. *See* CJC Rule 4.1 (A) (2) (Judges shall not publicly endorse another candidate for public office)

Judicial Candidates

CJC Rule 4.2 (A):

Judicial candidates:

(1) Shall prohibit officials/employees subject to their direction from doing for them what they are prohibited from doing under this Canon

Examples: Campaign employees, volunteers, and social media

(2) Shall not make statements or promises that commit the candidate with respect to issues likely to come before the court that are inconsistent with the impartial performance of the adjudicative duties of judicial office

Examples: “Will eradicate Human Trafficking”, “will assist and protect victims of domestic violence,” and “will not tolerate destruction of property in our community”

Judicial Candidates

CJC Rule 4.2 (A):

Judicial candidates:

(3) Shall not use or participate in the publication of a false statement of fact, or make any misleading statement concerning themselves or concerning any opposing judicial candidate, with the knowledge of the statement's falsity or with reckless disregard for the statement's truth or falsity

Judicial Candidates

CJC Rule 4.2 (A):

Judicial candidates:

(4) Shall be responsible for the content of any statement or advertisement published or communicated in any medium by a campaign committee, if the judicial candidate knew of or recklessly disregarded the content of said statement or advertisement prior to its release, and

(5) Except where a statement or advertisement is published or communicated by a third party, shall be responsible for reviewing and approving the content of his/her statements and advertisements, and those of his/her campaign committee

Helpful JQC Formal Advisory Opinions

FAO No. 167 (1992)

A lower court part-time judge who is not an incumbent in the office to which he aspires may appropriately refer to himself as a judge in campaign advertisements, so long as the judicial position which he currently holds is clearly specified therein and such advertisements are not otherwise misleading

FAO No. 209 (1996)

It is not appropriate for a sitting State Court Judge to display a bumper sticker on his personal vehicle reading “RE-ELECT (NAME OF INCUMBENT SUPERIOR COURT JUDGE)” or to publicly state: “I’m doing all I can to help my friend (name of incumbent Superior Court Judge)”

Helpful JQC Formal Advisory Opinions

FAO No. 243 (2018)

- A judge cannot host a political or fundraising event (other than his/her own campaign event) in his/her home
- A judge's spouse using the couple's shared residence to host political events or fundraisers presents a serious and substantial risk of creating the appearance of improper political engagement by the judge, and as such, the events should occur only under conditions that minimize the possibility that the public will perceive the judge as sponsoring or supporting the political or fundraising event
- The following are steps a judge must take if his/her spouse elects to host a political or fundraising event in their shared residence: (1) The judge should not be identified in any invitations, publicity, or social media for the event; (2) The judge's title may not be directly or purposefully associated with the event; (3) The judge may not invite anyone to the event; (4) The judge may not encourage anyone to attend or to support the candidate or cause that is the focus of the event; (5) The judge may not assist in any preparations for the event; and (6) The judge may not be present at the marital home for any part of the event

Campaign Contributions

CJC Rule 4.2 (B):

- Judicial candidates may personally solicit campaign contributions and publicly stated support. Judicial candidates, including incumbent judges, shall not use or permit the use of campaign contributions for the private benefit of themselves or members of their families

Helpful JQC Formal Advisory Opinion

FAO No. 191 (1993)

- A judge is not prohibited from making a private personal financial contribution to a candidate for political office in a partisan race so long as it is done in such a way as not to constitute, or appear to be, a public endorsement of the candidate
- The mere making of a campaign contribution, standing alone, ma an endorsement of a particular candidate, and unless the individual contributor does some additional act that publicly demonstrates his or her support for a candidate to whom a contribution might have been made, it cannot be said that the contributor has “publicly endorsed” a particular candidate

REVIEW QUESTIONS

A judge may make speeches for a political organization?

A judge may host a political fundraiser for someone other than themselves?

Under no circumstances may a judge's spouse host a campaign event?

A judge may publicly endorse a candidate for public office?

It is ok for a judge to have a political sign and bumper sticker on their car?

ANSWER FOR ALL REVIEW QUESTIONS