

*Special Committee on Judicial Election Campaign Intervention
2018 Judicial Elections*

2018-13 Opinion

The Special Committee on Judicial Election Campaign Intervention received a request for an opinion on the specific disclaimer wording to be used for each of the following potential circumstances:

1. Newspaper advertising spots (i.e., banner ads) pre-paid by a company to promote their own business. One or more of the pre-paid ad spots are offered to the committee of a judicial candidate, at no charge by the company. The ad graphic would be provided by the committee and approved by the candidate.
2. Privately owned billboard to promote the owner's business. The billboard is offered to the committee of a judicial candidate, at no charge by the owner, to place ads provided by the committee and approved by the candidate.
3. An individual requests to make payment directly to a company for ad space (print or radio). The content would be provided by the committee of a judicial candidate and approved by the candidate.

Mississippi Code Annotated section 23-15-1025 provides:

Distribution of campaign materials.

If any material is distributed by a judicial candidate or his campaign committee or any other person or entity, or at the request of the candidate, his campaign committee or any other person or entity distributing the material shall state that it is distributed by the candidate or that it is being distributed with the candidate's approval. All such material shall conspicuously identify who has prepared the material and who is distributing the material. The identifying language shall state whether or not the material has been submitted to and approved by the candidate. . . .

Any person, who violates the provisions of this section, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of One Thousand Dollars (\$ 1,000.00) or by imprisonment for six (6) months or both fine and imprisonment.

(Emphasis added).

The Special Committee is of the opinion that in each scenario you have given the materials should state that the material “has been submitted to and approved by the candidate.”

Although not included in the request for an opinion, the Special Committee would advise that the cost or value of the advertisements provided for the benefit of a judicial candidate would need to be reported by the candidate’s campaign committee as an “in-kind” contribution or by the individual or entity that paid for or provided the advertisements as an expenditure on behalf of a candidate. We refer you to the Secretary of State and the statutes on reporting of campaign contributions and expenditures.

This opinion is limited to the scope and authority of the Special Committee under the Mississippi Code of Judicial Conduct.

Any questions should be in writing and directed to:

Special Committee on Judicial Election Campaign Intervention

Attn: Darlene Ballard

Executive Director

Mississippi Commission on Judicial Performance

660 North Street, Suite 104

Jackson, MS 39202

Telephone: (601) 359-1273 • Fax: (601) 354-6277

Email: Ballard@judicialperformance.ms.gov