

Judicial Election Oversight Committee

2022 Judicial Elections

2021-M-01306-SCT

The Judicial Election Oversight Committee (“Oversight Committee”) has received a number of questions regarding subsection (5) of recently revised Canon 5F, which states as follows:

5. Notice. Within ten (10) days of a judicial candidate’s public announcement or official qualification for election to any judicial office in this state, whichever is earlier, a judicial candidate shall forward written notice of such candidacy and the required campaign committee members to the Commission. This notice must provide contact information, which includes the appropriate mailing address, email address, and telephone number, of the candidate and the candidate’s campaign committee chair and at least two (2) other members of the candidate’s campaign committee.

A number of candidates have asked whether they are required to provide names and contact information for their campaign committee chair and two other members of their committee if they have not formed a committee and do not intend to form a committee if they do not have an opponent.

The Oversight Committee concludes that a candidate is not required to provide contact information for their campaign committee chair or other committee members unless and until the candidate forms a campaign committee. Under Canon 5C(2), a candidate “may” establish a campaign committee but is not required to do so – i.e., it is optional. Some candidates – particularly candidates who are unopposed – may never form a campaign committee. Therefore, a candidate may not have a committee chair or other committee members at the time he or she qualifies for election or publicly announces his or her candidacy. Accordingly, the Oversight Committee interprets Canon 5F(5) to require a candidate to provide names and contact information for the chair and two other members of their campaign committee only when the candidate actually forms such a committee. The candidate shall provide this information to the Commission on Judicial Performance within ten days of the formation of any campaign committee. Candidates are reminded that they may not personally solicit or accept any campaign contributions and that any fundraising activities must be undertaken by a properly established campaign committee.