

ARKANSAS JUDICIAL ELECTIONS 2018

Administrative Office of the Courts
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HELPFUL ADDRESSES AND PHONE NUMBERS

Questions on candidate qualifications, filing procedures, and reporting forms:

Mark Martin
Secretary of State
Elections Division
State Capitol, Room 026
Little Rock, AR 72201
1-800-482-1127; (501) 682-5070
www.sos.arkansas.gov/elections

Questions on campaign financing and disclosure requirements:

Arkansas Ethics Commission
501 Woodlane Street, Suite 301 N
P.O. Box 1917
Little Rock, AR 72203
1-800-422-7773; (501) 324-9600
www.arkansasethics.com

Questions on filing fees:

State Board of Election Commissioners
501 Woodlane, Suite 401N
Little Rock, AR 72201
1-800-411-6996; (501) 682-1834
www.arkansas.gov/sbec

Questions on Arkansas Code of Judicial Conduct:

Judicial Discipline and Disability Commission
David Sachar, Executive Director
323 Center Street, Suite 1060
Little Rock, AR 72201
(501) 682-1050
www.arkansas.gov/jddc

NONPARTISAN JUDICIAL OFFICES

Ark. Code Ann. § 7-10-102

Terms of Judicial Offices

Supreme Court:	8 - year term (Amendment 80, §16)
Court of Appeals:	8 - year term (Amendment 80, §16)
Circuit:	6 - year term (Amendment 80, §16)
District:	4 - year term (Amendment 80, §16)

Qualifications for Judicial Offices

- **Supreme Court Justice and Court of Appeals Judge**

- Must be a U. S. citizen..... Art. 3 § 1
- Must be an Arkansas resident Art. 3 § 1
- Must be a minimum of eighteen years of age Art. 3 § 1
- Must be lawfully registered to vote Art. 3 § 1
- Must have been a licensed attorney of the state for at least eight years immediately preceding the date of assuming office Amend. 80 § 16
- Must be qualified elector within the geographical area from which chosen Amend. 80 § 16
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime..... Art. 5 § 9
- Must not file as a candidate for non-judicial governmental office while holding judicial office Amend. 80 § 15; Ark. Code Ann. § 16-10-118
- Shall not be allowed any fees or perquisites of office, and shall not hold any other office of trust or profit under this state or the U.S., except as authorized by law Amend. 80 § 16
- Shall not practice law during term of office..... Amend. 80 § 14

- **Circuit Judge**

- Must be a U. S. citizen..... Art. 3 § 1

Must be an Arkansas resident Art. 3 § 1

Must be a minimum of eighteen years of age Art. 3 § 1

Must be lawfully registered to vote Art. 3 § 1

Must have been a licensed attorney of the state for at least six years immediately preceding the date of assuming office..... Amend. 80 § 16

Must be qualified elector within the geographical area from which chosen Amend. 80 § 16

Must reside within that geographical area at the time of election and during period of service. The geographical area may include any county contiguous to the county to be served when there are no qualified candidates available in the county to be served..... Amend. 80 § 16

Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime..... Art. 5 § 9

Must not file as a candidate for non-judicial governmental office while holding judicial office..... Amend. 80 § 15; Ark. Code Ann. § 16-10-118

Shall not be allowed any fees or perquisites of office, and shall not hold any other office of trust or profit under this state or the U.S., except as authorized by law Amend. 80 § 16

Shall not practice law during term of office..... Amend. 80 § 14

- **District Judge**

Must be a U. S. citizen..... Art. 3 § 1

Must be an Arkansas resident Art. 3 § 1

Must be a minimum of eighteen years of age Art. 3 § 1

Must be lawfully registered to vote Art. 3 § 1

Must have been a licensed attorney of the state for at least four years immediately preceding the date of assuming office..... Amend. 80 § 16; Ark. Code Ann. § 16-17-104; Ark. Code Ann. § 16-17-209

Must not file as a candidate for non-judicial governmental office while holding judicial office..... Amend. 80 § 15; Ark. Code Ann. § 16-10-118

Must be qualified elector within the geographical area from which chosen Amend. 80 § 16; Ark. Code Ann. § 16-17-103; Ark. Code Ann. § 16-17-209

Must reside within that geographical area at the time of election and during period of service. The geographical area may include any county contiguous to the county to be served when there are no qualified candidates available in the county to be served..... Amend. 80 § 16; Ark. Code Ann. § 16-17-103; Ark. Code Ann. § 16-17-209

Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime..... Art. 5 § 9

Shall not be allowed any fees or perquisites of office, and shall not hold any other office of trust or profit under this state or the U.S., except as authorized by law Amend. 80 § 16

FILING PROCEDURES

Nonpartisan Judicial Candidates (traditional method)

- Pay filing fee to the Secretary of State.
- File the Political Practices Pledge with the Secretary of State's Office at the same time as paying filing fee.

Ark. Code Ann. § 7-6-102
Ark. Code Ann. § 7-10-103

Alternative Ballot Access (Petition)

- First day for nonpartisan judicial candidates to begin circulating petitions is November 8, 2017.
- First day to file petitions for a nonpartisan judicial office is noon on January 2, 2018.
- Last day to file petitions for a nonpartisan judicial office is noon on January 8, 2018.
- Petitions shall be filed with the Secretary of State.
- A petition for Justice of the Supreme Court shall be signed by at least 3% of the qualified electors residing within the state, but in no event shall more than 10,000 signatures be required.

- Supreme Court candidates file the Political Practices Pledge with the Secretary of State at time of filing petition.
- A petition for Judge of the Court of Appeals shall be signed by 3% of the qualified electors residing within the court of appeals district for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.
- Court of Appeals candidates file the Political Practices Pledge with the Secretary of State at time of filing petition.
- A petition for circuit judge shall be signed by 3% of the qualified electors residing within the circuit for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.
- Circuit Judge candidates file the Political Practices Pledge with the Secretary of State at time of filing petition.
- A petition for district judge shall be signed by at least 1% of the qualified electors residing within the district for which the candidate seeks office, but in no event shall more than 2,000 be required.
- District Judge candidates file the Political Practices Pledge with the Secretary of State at the time of filing petition.
- The total number of votes cast for Governor in 2014 in the state, in any court of appeals district, in any circuit court district, or in any district court district, as the case may be, shall determine the applicable number of qualified electors for petition signature purposes.

Ark. Code Ann. §§ 7-6-102; 7-10-103

Write-in Candidates

- File written notice of intent with the county board of election commissioners and the Secretary of State no later than February 22, 2018.
- File the Political Practices Pledge at the same time and place as filing a notice of intent.

Ark. Code Ann. §§ 7-5-205; 7-10-103

Filing Fees

Filing fees are established by the State Board of Election Commissioners.

Ark. Code Ann. § 7-10-103

Current filing fees:

Supreme Court Chief Justice and Associate Justices.....	6% of annual salary
Court of Appeals Judge	5% of annual salary
Circuit Judges	4% of annual salary
District Judges.....	3% of annual salary

Names Used on Ballot

Arkansas Code Annotated § 7-7-305 (c)(1)(B) states that “[a] person may use as the prefix the title of a nonpartisan judicial office in an election for a nonpartisan judicial office only if the person is currently serving in a nonpartisan judicial office to which the person has been elected in the last election for the office **or** the person is a candidate for the office of circuit judge or district judge, is currently serving in the office of circuit or district judge as an appointee, and has been serving in that position for at least twelve months.” *See also* Ark. Code Ann. § 7-10-103.

POLITICAL PRACTICES ACT & PLEDGE

Under Ark. Code Ann. § 7-6-102 all candidates are required to file a Political Practices Pledge stating that they will comply with Arkansas law regarding unlawful election activities and their penalties as described in Ark. Code Ann. §§ 7-1-103-104, 7-3-108, 7-6-101, 7-6-103, and 7-6-104. Failure to file the pledge is grounds for prohibiting a candidate's name from being placed on the ballot.

The pledge must contain the following language:

I hereby certify that I have never been convicted of a felony in Arkansas or in any other jurisdiction outside of Arkansas.

A candidate whose record has been expunged may certify that he or she was never convicted if that candidate presents a certificate of expungement from the court in which the candidate was convicted.

WHERE TO FILE:

- Candidates for Supreme Court Justice, Court of Appeals Judge, Circuit Judge, and District Judge must file the pledge with the Secretary of State.

WHEN TO FILE:

- Nonpartisan judicial candidates paying filing fees must file the pledge at the same time the filing fee is paid.

- Alternative ballot access candidates must file the pledge at the same time that petitions for nomination are filed.
- Write-in candidates must file the pledge at the time of filing the notice to be a write-in candidate.

The Political Practices Pledge may be obtained from the Secretary of State's Office.

CANDIDATE EXPLORATORY COMMITTEE

An Exploratory Committee is "a person that receives contributions which are held to be transferred to the campaign of a single candidate in an election." It is not an organized political party or the candidate's own campaign committee.

The Exploratory Committee must file registration and contribution reports. These reports are discussed in more detail in the section below entitled "Campaign Finance and Disclosure Requirements." Reporting forms are available at the Office of the Secretary of State. With limited exceptions, after January 1, 2018, the required reporting must be filed in electronic format through the Secretary of State's Office.

Ark. Code Ann. §§ 7-6-201 and 7-6-216

CAMPAIGN FINANCE AND DISCLOSURE REQUIREMENTS

General Requirements

Generally, Arkansas laws governing campaign finance (which are found at Ark. Code Ann. § 7-6-201 *et seq.*) impose the following requirements:

- Campaign contributions, including a candidate's personal funds, are subject to disclosure.
- All contributions must be made either to the candidate or the candidate's committee.

See Arkansas Judicial Code of Conduct Canon 4.1 (A)(8) which states that a judicial candidate shall not personally accept campaign contributions found on page 27.

- Candidates are prohibited from accepting a cash contribution in excess of \$100.00 or making an expenditure in cash in excess of \$50.00 except that the filing fee may be paid in cash if properly reported as such.

Ark. Code Ann. § 7-6-204

- The maximum allowable contribution from an individual, except for the candidate himself, a political party that meets the definition of a political party under Ark. Code Ann. § 7-1-101, a political party that meets the requirements of Ark. Code Ann. § 7-7-205, a county political party

committee, a legislative caucus committee, or an approved political action committee, is \$2,700 per candidate per election.

Ark. Code Ann. § 7-6-203

- The general election and run-off election are each considered separate elections.

Ark. Code Ann. § 7-6-201 (7)

- These limitations apply also to any person acting in the candidate's behalf.

Ark. Code Ann. § 7-6-203 (a)(1)(A)

See State Campaign Finance Contribution Limits on page 14.

- No candidate may accept contributions from non-registered and non-approved political action committees (“PACs”), and it is the candidate's responsibility to determine eligibility prior to accepting any contribution.
- Anonymous contributions cannot exceed \$50.00 in a calendar year, and any anonymous contributions in excess of this amount must be turned over to the Secretary of State for deposit in the State Treasury.

Ark. Code Ann. §§ 7-6-203 and 7-6-205

- A candidate shall not take any campaign funds as personal income or as income for his or her spouse or dependent children.
 - However, an opposed candidate is not prohibited from employing his or her spouse or dependent children as campaign workers.
 - However, an opposed candidate is allowed to use campaign funds as personal income if he or she has taken a leave without pay from primary employment during the campaign in which case, he/she may take only up to the amount of employment income lost.
 - The candidate who uses campaign funds as income may elect to treat the campaign funds as a loan from the campaign to the candidate to be paid back to the campaign by the candidate.
- It is unlawful for a candidate or an exploratory committee to solicit or accept campaign contributions more than two years before the first election at which the candidate seeks nomination or election.

Requirements for Judicial Candidates

In addition to the general requirements, candidates for judicial offices must also comply with the Arkansas Code of Judicial Conduct which, in some instances, imposes more stringent requirements. Canon 4.1 (A) states that a candidate shall not personally solicit or accept campaign contributions other than through a campaign committee. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate. The candidate is required to instruct the committee to solicit or accept only such contributions as are permitted by State law.

The committee can solicit funds no earlier than 180 days before an election, and all committee solicitations must cease no later than 45 days after the last contested election in which the candidate appears.

See page 26 for the full text of Canon 4.

Contributors must be given notice if funds are solicited to retire a campaign debt.

Ark. Code Ann. § 7-6-219(b)

Who Must File Financial Reports

Any candidate running for elective office must file certain reports and a candidate's exploratory committee must make a separate filing.

Ark. Code Ann. §§ 7-6-207– 210; 7-6-213-216

What Financial Reports to File

Campaign Contribution and Expenditure Reports. Any candidate with contributions or expenditures over \$500.00 in any election must file Campaign Contribution and Expenditure Reports (“CCE”). In calculating the amount of contributions or expenditures, the amount of the filing fee from the candidate's personal funds is not considered. Once the \$500.00 threshold has been met, the candidate who used his or her personal funds to pay the filing fee is required to report same. Such a candidate would report the funds used to pay the filing fee as either a loan or a contribution to the campaign from the candidate and also a campaign expenditure. The Campaign Contribution and Expenditure Report records the names of the individuals or businesses that financially support the candidate and accounts for campaign expenditures.

Ark. Code Ann. § 7-6-207

Pursuant to Act 318 of 2017, Campaign Contribution and Expenditure Reports filed with the Secretary of State are required to be filed in electronic form through the official website of the Secretary of State.

Statement of Financial Interest. The Statement of Financial Interest (“SFI”) requires candidates to disclose personal income information about themselves and their spouses.

Ark. Code Ann. § 21-8-701

Registration and Contribution Reports. The Candidate Exploratory Committee must file Registration and Contribution Reports that disclose information about the committee and list contributions received.

Ark. Code Ann. § 7-6-216

Where to File Financial Reports

<u>Office</u>	<u>CCE</u>	<u>SFI</u>
Supreme Court	Secretary of State	Secretary of State
Court of Appeals	Secretary of State	Secretary of State
Circuit Court	Secretary of State	Secretary of State
District Court	Secretary of State	Secretary of State

Exploratory Committee's registration and contribution reports for all offices must be filed with the Secretary of State.

Ark. Code Ann. § 7-6-207 (Campaign Contribution and Expenditure Reports)

Ark. Code Ann. § 21-8-703 (Statement of Financial Interest)

When to File Financial Reports

Supreme Court, Court of Appeals, Circuit Court, and District Court
See Ark. Code Ann. § 7-6-207

See also the Filing and Financial Reporting Calendar on page 14 for specific filing dates.

Registration and Contribution Reports. The Exploratory Committee must file the Registration Form within 15 days after accepting contributions exceeding \$500.00 during a calendar year. Contribution and Expenditure Reports are filed monthly within 30 days of the end of each month. The final monthly report must be filed within 30 days after the end of the month in which the committee either transfers its contributions to a candidate's campaign or no longer accepts contributions. The committee shall not accept contributions after the filing of a final report.

Ark. Code Ann. § 7-6-216

Statement of Financial Interest. The Statement of Financial Interest must be filed by January 31 of each year except that a candidate for elective office shall file the statement of financial interest for the previous year on the first Monday following the close of the period to file as a candidate for the elective office.

Any incumbent officeholder who filed the statement of financial interest by January 31 of the year in which the election is held shall not be required to file an additional statement upon becoming a candidate for reelection or election to another office at any election held during the year.

Ark. Code Ann. § 21-8-701

Monthly Campaign Contribution and Expenditure Reports. The initial Campaign Contribution and Expenditure Report must be filed within 15 days after the end of the quarter in which the total contributions or expenditures exceed \$500.00. Beginning with the month of November preceding a calendar year in which a candidate may be listed on any ballot for election, the candidates, who have exceeded the \$500.00 threshold, must file a monthly report within 15 days of the end of each month until the election.

Ark. Code Ann. § 7-6-207

Pre-election Reports. No later than 7 days before any election, candidates must file a pre-election report covering all contributions received and expenditures made between the period covered by the previous report and the 10-day period before the election. A report is timely filed if it is in electronic form through the official website of the Secretary of State on or before the date that the report is due. No monthly report is required to cover months in which a pre-election report is filed, but those days should be carried forward and included in the next monthly report or the final monthly report. Unopposed candidates are not required to file the 10-day pre-election report.

Ark. Code Ann. § 7-6-207

Final Monthly Reports. The Final Monthly Report is due no later than thirty days after the end of the month in which the candidate's name has appeared on the ballot in any election, covering all contributions received and expenditures made that have not been disclosed on reports previously required to be filed. A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of \$500.00. The final report shall also indicate which option was used to dispose of any surplus of campaign funds, the amount of funds disposed of by the candidate, and the amount of funds retained by the candidate. In the case of a primary or run-off election, days occurring after the date of such election shall be carried forward and included in the next monthly report.

Ark. Code Ann. § 7-6-207

Quarterly Reports. If contributions or expenditures continue after the final monthly report, this information must be included in a quarterly report due January 15, April 15, July 15, and October 15. These reports continue in years in which the person's name does not appear on the ballot.

Ark. Code Ann. § 7-6-207

- *Reports Not Required:*

- A candidate who has not received or made expenditures in excess of \$500 shall not be required to file any reports other than the final report.
- A candidate who is unopposed is not required to file the 10 day pre-election report.

Ark. Code Ann. § 7-6-207

Withdrawal as Candidate. A final report of all contributions received and expenditures made that have not been disclosed on reports previously required to be filed is due no later than thirty days after the end of the month in which a candidate withdraws from a campaign.

- If a candidate withdraws from the campaign, the candidate shall notify the Secretary of State in writing of the withdrawal.

Ark. Code Ann. § 7-6-207

Filing Facts

The Campaign Contribution and Expenditure Reports shall be filed in electronic form through the official website of the Secretary of State on or before the date that the report is due.

Ark. Code Ann. § 7-6-207

When a due date falls on a Saturday, Sunday, or legal holiday, the report shall be due the next business day.

Ark. Code Ann. § 7-6-225

Retirement of Campaign Debt

If candidates have a debt remaining, they may solicit funds and hold fund raisers to retire the debt. All contributions are attributed to the previous campaign and all campaign contribution limits apply. All potential contributors must be notified that funds are being solicited for the purpose of retiring the campaign debt.

A person shall file a Campaign Contribution and Expenditure Report concerning a campaign debt if, since the last report concerning the debt, the person has received cumulative contributions in excess of \$500.00. The report shall be filed no later than fifteen days after a calendar quarter in which a report becomes required. No report is

required in any calendar quarter in which the cumulative contribution or cumulative expenditure limit has not been exceeded since the person's last report.

Ark. Code Ann. § 7-6-219

Nonpartisan judicial candidates are subject to the limitations of Canon 4 discussed above on page 10.

Surplus

Canon 4.4 (C) of the Arkansas Code of Judicial Conduct provides that any campaign fund surplus shall be returned to the contributors, contributed to a nonprofit organization which is exempt from taxation under Section § 501 (c)(3), or turned over to the State Treasurer as provided by law.

Unopposed candidates for nonpartisan judicial office who file an affidavit agreeing not to solicit further campaign contributions may dispose of a campaign surplus prior to a general election after the deadlines have passed to declare as a filing fee candidate, petition candidate, or write-in candidate.

Ark. Code Ann. § 7-6-203

Retention of Financial Records

Records of contributions and expenditures must be kept for a period of four years.

Ark. Code Ann. § 7-6-206

STATE CAMPAIGN FINANCE CONTRIBUTION LIMITS

Contributor

Contribution Limitations

An individual
A political party
A county political party committee,
A legislative caucus committee, or
An approved political action committee

\$2,700 per candidate per election

Ark. Code Ann. § 7-6-203

2018 FILING AND FINANCIAL REPORTING CALENDAR

(Please note that all dates, that are outlined in the following calendar have been provided by the Arkansas Secretary of State's Office and the Arkansas Ethics Commission.)

Reporting requirements are triggered upon the receipt or expenditure of more than \$500. Receipts over \$50 must be itemized as must expenditures over \$100.

A candidate is not required to file any quarterly, monthly, or pre-election reports until the candidate has either received contributions or made expenditures in excess of five hundred dollars (\$500). Final reports are required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

NOTE: Pursuant to Canon 4.4 B (2) of the Arkansas Code of Judicial Conduct, the earliest date a candidate's campaign committee may solicit contributions is November 23, 2017.

NOVEMBER 2017

November 8, 2017

60 DAYS PRIOR TO THE PETITION FILING DEADLINE FOR NONPARTISAN CANDIDATES

First day for nonpartisan candidates, who want to file by petition and not pay a filing fee, to begin circulating petitions.

Ark. Code Ann. § 7-10-103(c)(1)(B)

November 23, 2017

First day a candidate's campaign committee may solicit or accept contributions.

Canon 4.4(B)(2) of the Arkansas Code of Judicial Conduct

DECEMBER 2017

December 31, 2017 – Sunday*

53 DAYS PRIOR TO BEGINNING OF PARTY FILING PERIOD

12:00 Noon – First day for nonpartisan judicial candidates to file petitions for ballot access in the Nonpartisan Election without paying a filing fee. Political practices pledge to be filed with petition.

Ark. Code Ann. § 7-6-102(a)(6); Ark. Code Ann. § 7-10-103(c)(1)(A)(i)

*[*This day falls on a weekend and a holiday. Pursuant to Ark. Code Ann. § 7-1-108, any deadline falling on a weekend or holiday when the designated filing office is closed is extended to the following business day. The actual deadline will be Tuesday, January 2, 2018, due to this statute.]*

JANUARY 2018

January 7, 2018 – Sunday*

46 DAYS PRIOR TO BEGINNING OF PARTY FILING PERIOD

12:00 Noon – Deadline for nonpartisan candidates to file petitions for ballot access in the Nonpartisan Election without paying a filing fee. Political practices pledge to be filed with petition.

Ark. Code Ann. § 7-6-102(a)(6); Ark. Code Ann. § 7-10-103(c)(1)(A)(i)

*[*This day falls on a weekend. Pursuant to Ark. Code Ann. § 7-1-108, any deadline falling on a weekend or holiday when the designated filing office is closed is extended to the following business day. The actual deadline will be Monday, January 8, 2018, due to this statute.]*

January 10, 2018

2 DAYS FOLLOWING THE DEADLINE TO FILE THE POLITICAL PRACTICES PLEDGE BY NONPARTISAN JUDICIAL CANDIDATES FILING BY PETITION

Deadline for Secretary of State or the county clerk to notify, by certified mail, that requires a return receipt signed by candidate, those candidates who have failed to file a signed political practices pledge. The notice shall include a copy of the written pledge required by this section.

Ark. Code Ann. § 7-6-102(a)(6); Ark. Code Ann. § 7-6-102(e)(2)(A)

January 15, 2018

Quarterly report for 4th quarter of 2017 due. Covers period October 1 - December 31, 2017.

January 31, 2018

DEADLINE FOR INCUMBENT OFFICEHOLDERS TO FILE STATEMENT OF FINANCIAL INTEREST FOR 2017

Due from all incumbent nonpartisan judicial office holders and filed with Secretary of State.

Ark. Code Ann. § 21-8-701(c)(1)(A); Ark. Code Ann. § 21-8-703(a); Act 721 of 2017

FEBRUARY 2018

February 15, 2018

January monthly report due. Covers period January 1-31. *

* If this is candidate's first report, it covers all campaign activity that has occurred through the closing date of the reporting period.

February 22, 2018

PAYMENT OF FILING FEES FOR NONPARTISAN CANDIDATES

The period for paying fees and filing political practices pledges for nonpartisan offices not filing by petition shall begin at 3:00 pm on the first day of the party filing period.

Ark. Code Ann. § 7-10-103(b)(2)(B)

WRITE-IN CANDIDATES FOR NONPARTISAN ELECTION MUST GIVE WRITTEN NOTICE OF INTENT

Earliest date for candidates who wish to run in the Nonpartisan Election as a write-in candidate to give notice in writing of his or her intention to be a write-in candidate. Political practices pledge to be filed at same time as notice of intention.

Ark. Code Ann. § 7-10-103(d)(2) and (3)

MARCH 2018

March 1, 2018

DEADLINE FOR FILING NOTICE OF WRITE-IN CANDIDACY, POLITICAL PRACTICES PLEDGE AND AFFIDAVIT OF ELIGIBILITY

A notice of write-in candidacy, the political practices pledge, and the affidavit of eligibility must be filed no later than the last day of the party filing period.

Ark. Code Ann. § 7-5-205(3)

DEADLINE: PAYMENT OF FILING FEES FOR NONPARTISAN CANDIDATES

The period for paying fees and filing political practices pledges for nonpartisan offices not filing by

petition shall end at 3:00 pm on the last day of the party filing period.

Ark. Code Ann. § 7-10-103(b)(2)(B)

March 3, 2018 – Saturday*

2 DAYS FOLLOWING THE DEADLINE TO FILE THE POLITICAL PRACTICES PLEDGE

Deadline for Secretary of State or the county clerk to notify by certified mail those candidates who have failed to file a signed political practices pledge.

Ark. Code Ann. § 7-6-102(e)(2)(A)

*[*This day falls on a weekend. Pursuant to Ark. Code Ann. § 7-1-108, any deadline falling on a weekend or holiday when the designated filing office is closed is extended to the following business day. The actual deadline will be Monday, March 5, 2018, due to this statute.]*

March 3, 2018 – Saturday*

80 DAYS BEFORE THE NONPARTISAN GENERAL ELECTION

Deadline for candidates who wish to run in the Nonpartisan Election as a write-in candidate to give notice to Secretary of State and all affected CBECS in writing of his or her intention to be a write-in candidate. Political practices pledge to be filed at same time as notice of intention.

Ark. Code Ann. § 7-10-103(d)(2) and (3)

*[*This day falls on a weekend. Pursuant to Ark. Code Ann. § 7-1-108, any deadline falling on a weekend or holiday when the designated filing office is closed is extended to the following business day. The actual deadline will be Monday, March 5, 2018, due to this statute.]*

March 5, 2018

DEADLINE FOR NON-INCUMBENT CANDIDATES TO FILE STATEMENT OF FINANCIAL INTEREST

Non-incumbent candidates for elective office shall file the Statement of Financial Interest for the previous calendar year on the first Monday following the close of the period to file as a candidate.

All non-incumbent nonpartisan judicial candidates file with the Secretary of State.

Ark. Code Ann. § 21-8-701(c)(1)(A); Ark. Code Ann. § 21-8-703(a); Act 721 of 2017

DEADLINE FOR NONPARTISAN CANDIDATES FILING NOTICE OF INTENT TO RUN AS WRITE-IN CANDIDATES TO FILE STATEMENT OF FINANCIAL INTEREST

Non-incumbent and nonpartisan write-in candidates for elective office shall file the Statement of Financial Interest on the first Monday following the close of the period to file as a write-in candidate.

All write-in candidates for nonpartisan judicial office file with Secretary of State.

Ark. Code Ann. § 21-8-701(c)(1)(A); Ark. Code Ann. § 21-8-703(a); Act 721 of 2017

March 11, 2018 – Sunday*

72 DAYS PRIOR TO THE PREFERENTIAL PRIMARY ELECTION AND NONPARTISAN ELECTION

Deadline for ballot draw. The order in which the names of candidates shall appear on the ballot shall be determined by lot at a public meeting of the county board not less than seventy-two (72) days before the Preferential Primary Election.

The county board of election commissioners (CBEC) shall give at least ten (10) days written notice of the time and place of the ballot draw meeting to the chairs of the county committees, if the chairs are not members of the board, and at least three (3) days before the meeting, shall publish notice of the time and place of holding the meeting in some newspaper of general circulation in the county.

Ark. Code Ann. § 7-7-305(b)

*[*This day falls on a weekend. Pursuant to Ark. Code Ann. § 7-1-108, any deadline falling on a weekend or holiday when the designated filing office is closed is extended to the following business day. The actual deadline will be Monday, March 12, 2018, due to this statute.]*

March 15, 2018

February monthly report due. Covers period February 1-28.

* If this is candidate's first report, it covers all campaign activity that has occurred through the closing date of the reporting period.

March 23, 2018

60 DAYS PRIOR TO THE PREFERENTIAL PRIMARY ELECTION AND NONPARTISAN ELECTION

Deadline for county clerks to make available applications for absentee ballots for the Preferential Primary Election and Nonpartisan Election.

Ark. Code Ann. § 7-5-405(a)(1)

APRIL 2018

April 16, 2018

March monthly report due. Covers period March 1-31. *

* If this is candidate's first report, it covers all campaign activity that has occurred through the closing date of the reporting period.

MAY 2018

May 7, 2018

15 DAYS PRIOR TO THE PREFERENTIAL PRIMARY ELECTION AND NONPARTISAN ELECTION

Early voting begins for Nonpartisan Election between the hours of 8:00 am and 6:00 pm, Monday through Friday, and 10:00 am to 4:00 pm on Saturday.

Ark. Code Ann. § 7-5-418(a)(1)

May 15, 2018

If opposed in general election, pre-election report due for general election. Covers period April 1-May 12. *

May 15, 2018

If unopposed in general election, April monthly report due. Covers period April 1-30. *

* If this is candidate's first report, it covers all campaign activity that has occurred through the closing date of the reporting period.

May 21, 2018

1 DAY PRIOR TO THE NONPARTISAN ELECTION

Last day for voter to participate in early voting. Early voting closes at 5:00 pm on the Monday before the election.

Ark. Code Ann. § 7-5-418(a)(1)(A)

May 22, 2018

PREFERENTIAL PRIMARY ELECTION AND NONPARTISAN ELECTION

Polls open 7:30 am to 7:30 pm.

Ark. Code Ann. § 7-7-203(b); Ark. Code Ann. § 7-10-102(b)(2); Ark. Code Ann. § 7-5-304; Act 1088 of 2017; Ark. Code Ann. § 6-14-102(a)(1)(A); Act 910 of 2017

July 2, 2018

Final report due for general election.

If the candidate was opposed and filed a pre-election report for the general election and the candidate is not involved in a general election runoff, final report for general election covers period May 13 through the date the report is filed.

If the candidate was opposed and filed a pre-election report for the general election and the candidate is involved in a general election runoff, final report for the general election covers period May 13-22.

If the candidate was opposed and did not file a pre-election report for the general election and the candidate is not involved in a general election runoff, final report for general election covers all campaign activity that has not been disclosed on reports previously required to be filed through the date the report is filed.

If the candidate was opposed and did not file a pre-election report for the general election and the candidate is involved in a general election runoff, final report for general election covers all campaign activity through May 22.

If the candidate was unopposed and filed an April monthly report, final report for general election covers period May 1 through the date the report is filed.

If the candidate was unopposed and did not file an April monthly report (i.e., this is candidate's first report), final report for general election covers all campaign activity through the date the report is filed.

FOR CANDIDATES INVOLVED IN A GENERAL ELECTION RUNOFF, THE FOLLOWING REPORTS ARE ALSO DUE

July 16, 2018	June monthly report due. Covers period May 23 through June 30.
August 15, 2018	July monthly report due. Covers period July 1-31.
September 17, 2018	August monthly report due. Covers period August 1-31.

OCTOBER 2018

October 15, 2018	September monthly report due. Covers period September 1-30.
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October 22, 2018

15 DAYS PRIOR TO THE GENERAL ELECTION

Early voting begins for General Election between the hours of 8:00 am and 6:00 pm, Monday through Friday, and 10:00 am to 4:00 pm on Saturday.

October 30, 2018

Pre-election report due for general election runoff. Covers period October 1 through Oct. 27.

NOVEMBER 2018

November 5, 2018

1 DAY PRIOR TO THE GENERAL ELECTION

Last day for voters to participate in early voting. Early voting closes at 5:00 pm on the Monday before the election.

Ark. Code Ann. § 7-5-418 (a)(1)(A)

November 6, 2018

GENERAL ELECTION DAY

Polls open 7:30 am to 7:30 pm.

Ark. Code Ann. § 7-5-102; Ark. Code Ann. § 7-5-304(a);

Ark. Code Ann. § 6-14-102(a)(1)(A)(ii); Act 910 of 2017

DECEMBER 2018

December 31, 2018

Final report due for general election runoff. Report covers period October 28 through the date the report is filed.

CAMPAIGN ETHICS

The Arkansas Ethics Commission has jurisdiction over Arkansas's Disclosure Act for Lobbyists and State and Local Officials and the Arkansas Standards of Conduct and Disclosure Act for Candidates and Political Campaigns. It has the authority to issue advisory opinions and investigate alleged violations of campaign financing. Penalties for violating these acts include a public letter of caution or warning and fines up to \$2,000. Ark. Code Ann. §§ 7-6-217, 7-6-218.

The Arkansas Code of Judicial Conduct serves as a guide for the conduct of judges. Although judges should consider all provisions of the Code when dealing with campaign issues, Canon 4 specifically addresses political activities. Canon 4.1 (A) (13), states that:

“A judge, judicial candidate, and a judge-elect shall not in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.”

Other campaign issues addressed by Canon 4 include the candidate's relationship to and activity in a political party and the candidate's responsibility to oversee and limit the campaign practices of employees. Judge-candidates involved in contested elections must also be especially sensitive to the rules of disqualification found in Canon 2.11.

Arkansas Code Annotated § 7-7-305 addresses the issue of the use of nicknames and titles on the ballot.

The Judicial Ethics Advisory Committee was created to give advisory opinions to elected officials, judicial officers, and candidates for judicial office concerning the compliance of their future conduct with the Arkansas Code of Judicial Conduct. Requests for advisory opinions must be made in compliance with the Procedural Rules for the Arkansas Judicial Ethics Advisory Committee.

The Judicial Ethics Advisory Committee has issued several advisory opinions under the Code of Judicial Conduct, as it existed prior to July 1, 2009, regarding appropriate conduct during judicial campaigns.

Advisory Opinion #93-04 stated that it is a violation of Canon 5C (2) of the Arkansas Code of Judicial Conduct for judicial campaign surplus funds to exist.

Advisory Opinion #93-07 clarified Opinion #93-04 by stating that all campaign surplus funds "without exception or exclusion, including the time of its accumulation, or variance with legislative acts, or other rule of law" must be returned to the contributor or turned over to the State Treasurer.

Advisory Opinion #94-02 advised a municipal judge that he should recuse whenever an attorney who is opposing the judge for re-election appears before the judge.

Advisory Opinion #94-05 concluded that a judge must act *sua sponte* on the issue of disqualification, and is not permitted to preside until a party objects.

Advisory Opinion #94-06 stated that a retired judge can participate in judicial campaigns to the same extent, and with the same limitations, as any other attorney.

Advisory Opinion #94-07 addressed whether a judge who is seeking re-election must disqualify himself when a party in a contested proceeding is represented by a declared candidate for the judge's position. The Committee cited the doctrine of necessity which provides that, despite compelling reasons for disqualification, recusal is not required if no mechanism exists for transfer of the matter to another court or appointment of a substitute judicial officer. The doctrine does not necessarily mean that a judge may preside in every instance in which the judicial challenger appears before him/her. Such matters, though, are left to the evaluation of the judge.

Advisory Opinion #95-04 stated that a candidate may not ask a landowner for permission to place a campaign sign on his property. It said that a candidate may write letters to members of the electorate giving information about the candidate's background, the reasons for seeking the office, and the candidate's plan for judicial office. The letters may ask for suggestions, advice, and the encouragement, vote, and support of the recipient. They may not request publicly stated support.

Advisory Opinion #96-02 stated that a campaign committee of a candidate for judicial office who is unopposed in the primary election may solicit contributions for 45 days after the filing deadline for party candidates or independent candidates, whichever is later.

Advisory Opinion #99-08 stated that a Court of Appeals judge could send a letter to selected residents of the district that elected him to inform them that there are two positions from the district. While the letter comes very close to being a political letter, its primary purpose is informative and it does not fall within the prohibited political activity addressed in Canon 5.

Advisory Opinion #2000-11 stated that neither Arkansas law nor the Code of Judicial Conduct prohibits a person who practices law as an assistant city attorney from one city from being a part-time municipal judge in another city. That person, however, should be very sensitive to the fact that conflicts can and will occur and should be mindful of numerous provisions of the Code that would be applicable. A continuing part-time municipal judge must make the judicial office first in service and priority.

Advisory Opinion #2001-05 stated that Canon 5C (2) is applicable to nonpartisan judicial elections and, therefore, fund raising may not begin until 180 days prior to the May 2002 election.

Advisory Opinion #2002-03 stated that a judicial candidate who has served for six years as part-time city court judge may refer to self in campaign materials as “judge.”

Advisory Opinion #2005-08 stated that a former judge may not refer to himself or herself as “judge” in a campaign logo or sign or other campaign material.

Advisory Opinion #2006-01 stated that the Arkansas District Judges Council should not make contributions to a candidate for political office.

Advisory Opinion #2006-03 stated that a judge may not allow a political advertisement to be displayed on property owned by the judge and his wife.

Advisory Opinion #2006-04 stated that a judicial candidate who is a former judge may not be pictured in a judge's robe or seated at a judge's bench in campaign materials.

Advisory Opinion #2007-02 stated that a judicial candidate may not honor a commitment to chair a fundraising event for a non-judicial candidate made prior to announcing his or her candidacy.

Advisory Opinion #2007-03 stated that a judge may not support candidates for political office.

Advisory Opinion #2008-02 stated that a circuit judge must resign if he or she becomes a candidate for county judge.

Advisory Opinion #2008-05 stated that a judge may not issue a press announcement or distribute cards until 365 days before election.

Advisory Opinion #2009-03 stated that a judicial candidate may purchase a ticket to and attend an event of a political organization if the event does not occur more than 365 days before election.

Advisory Opinion #2009-04 addresses various issues surrounding judicial campaigns pursuant to the new Arkansas Code of Judicial Conduct, effective July 1, 2009.

Advisory Opinion #2014-02 stated that a judicial candidate, who was previously an appointed judge, could use the phrase “former judge” in his political campaign.

Advisory Opinion #2015-03 determined that the committee working on behalf of a judicial candidate may accept a contribution from partisan political organizations or a PAC of such an organization.

CANON 4. A JUDGE, CANDIDATE FOR JUDICIAL OFFICE, OR JUDGE-ELECT SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.

Rule 4.1

Political and Campaign Activities of Judges, Judicial Candidates, and a Judge-Elect in General

(A) Except as permitted by law, or by Rules 4.2, 4.3, and 4.4, a judge, a judicial candidate, and a judge-elect shall not:

- (1) act as a leader in, or hold an office in, a political organization;
- (2) make speeches on behalf of a political organization;
- (3) publicly endorse or oppose a candidate for any public office;
- (4) solicit funds for, pay an assessment to, or make a contribution to a political organization or a candidate for public office;
- (5) solicit the efforts of any individual, committee, or organization to expend money outside of the judge's campaign when such expenses will not be reported by the campaign if the purpose of the expenditure is to influence the outcome of the judge's election;
- (6) publicly identify himself or herself as a candidate of a political organization;
- (7) seek, accept, or use endorsements from a political organization or an elected official who was elected in a partisan election; however, nothing prevents a judicial candidate from speaking to a political organization or elected official concerning the

judicial candidate's election;

(8) personally solicit or accept campaign contributions other than through a campaign committee authorized by Rule 4.4;

(9) use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others;

(10) use court staff, facilities, or other court resources in a campaign for judicial office;

(11) knowingly, or with reckless disregard for the truth, make any false or misleading statement;

(12) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court; or

(13) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office;

(14) use the term "re-elect" unless the judge was previously elected to that same position.

(B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

(C) For purposes of this Rule, a judge may use the title "Judge" if the judge is currently serving as a judge on the district court, circuit court, or court of appeals. A judge may use the title "Justice" if currently serving on the Arkansas Supreme Court. A judge who previously has held one of these positions, may use the appropriate title as long as it is preceded by the term "former."

COMMENT

GENERAL CONSIDERATIONS

[1] Even when subject to public election, a judge plays a role different from that of a legislator or executive branch official. Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in furtherance of this interest, judges, judicial candidates, and a judge-elect must, to the greatest extent possible, be free and appear to be free from political influence and political pressure. This Canon imposes narrowly tailored restrictions upon the political and campaign activities of all judges, judicial candidates, and a judge-elect taking into account the various methods of selecting judges.

[2] When a person becomes a judge, judicial candidate, or judge-elect, this Canon becomes applicable to his or her conduct. In addition, Arkansas Rule of Professional Conduct 8.2(b) provides that a "lawyer who is candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct."

PARTICIPATION IN POLITICAL ACTIVITIES

[3] Public confidence in the independence and impartiality of the judiciary is eroded if judges, judicial candidates, and a judge-elect are perceived to be subject to political influence. Although judges, judicial candidates, and a judge-elect may register to vote as members of a political party, they are prohibited by paragraph (A)(1) from assuming leadership roles in political organizations.

[4] Paragraphs (A)(2) and (A)(3) prohibit judges, judicial candidates, and a judge-elect from making speeches on behalf of political organizations or publicly endorsing or opposing candidates for public office, respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others. See Rule 1.3. These Rules do not prohibit candidates from campaigning on their own behalf, or from endorsing or opposing candidates for the same judicial office for which they are running.

[5] Although members of the families of judges, judicial candidates, and a judge-elect are free to engage in their own political activity, including running for public office, there is no "family exception" to the prohibition in paragraph (A)(3) against a judge, candidate, and a judge-elect publicly endorsing candidates for public office. A judge, judicial candidate, and a judge-elect must not become involved in, or publicly associated with, a family member's political activity or campaign for public office.

[6] Judges, judicial candidates, and a judge-elect retain the right to participate in the political process as voters in both primary and general elections. Judges are permitted to request a ballot in a party's primary without violating this Code.

[6A] Judges, judicial candidates, and a judge-elect are permitted to attend or purchase tickets for dinners or other events sponsored by a political organization.

STATEMENTS AND COMMENTS MADE BY JUDGES, JUDICIAL CANDIDATES, AND A JUDGE-ELECT

[7] Judicial candidates must be scrupulously fair and accurate in all statements made by them and by their campaign committees. Paragraph (A)(11) obligates candidates and their committees to refrain from making statements that are false or misleading, or that omit facts necessary to make the communication considered as a whole not materially misleading. As an example, "judicial experience" is misleading unless referring to the person's service on a district court, circuit court, court of appeals, or supreme court.

[8] Judges, judicial candidates, and a judge-elect are sometimes the subject of false, misleading, or unfair allegations made by opposing candidates, third parties, or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a candidate. In other situations, false or misleading allegations may be made that bear upon a judge, judicial candidate, or judge-elect's integrity or fitness for judicial office. As long as the judge, judicial candidate, or judge-elect does not violate these Rules, the candidate may make a factually accurate public response. In addition, when an independent third party has made unwarranted attacks on a candidate's opponent, the candidate may disavow the attacks, and request the third party to cease and desist.

[9] Subject to paragraph (A)(12), a judge, judicial candidate, and judge-elect is permitted to respond directly to false, misleading, or unfair allegations made against him or her during a campaign, although it is preferable for someone else to respond if the allegations relate to a pending case.

[10] Paragraph (A)(12) prohibits judges, judicial candidates, and judge-elect from making comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate or judge-elect, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

PLEDGES, PROMISES, OR COMMITMENTS INCONSISTENT WITH IMPARTIAL PERFORMANCE OF THE ADJUDICATIVE DUTIES OF JUDICIAL OFFICE

[11] The role of a judge is different from that of a legislator or executive branch official, even when the judge is subject to public election. Campaigns for judicial office must be conducted differently from campaigns for other offices. The narrowly drafted restrictions upon political and campaign activities of judicial candidates provided in Canon 4 allow candidates to conduct campaigns that provide voters with sufficient information to permit them to distinguish between candidates and make informed electoral choices.

[12] Paragraph (A)(13) makes applicable to judges, judicial candidates, and a judge-elect the prohibition that applies to judges in Rule 2.10(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

[13] The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine if a reasonable person would believe that the candidate for judicial office has specifically undertaken to reach a particular result.

[13A] Before speaking or announcing personal views on social or political topics in a judicial campaign, candidates should consider the impact of their statements. Such statements may suggest that the judge lacks impartiality. See Rule 1.2. They may create the impression that a judge has or manifests bias or prejudice toward individuals with contrary social or political views. See Rule 2.3. Public comments may require the judge to disqualify himself or herself when litigation involving those issues come before the judge. See Rule 2.11. When making such statements, a judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.

[14] A judicial candidate may make campaign promises related to judicial organization, administration, and court management, such as a promise to dispose of a backlog of cases, start court sessions on time, or avoid favoritism in appointments and hiring. A candidate may also pledge to take action outside the courtroom, such as working toward an improved jury selection system, or advocating for more funds to improve the physical plant and amenities of the courthouse.

[15] Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph (A)(13) does not specifically address judicial responses to such inquiries. Depending upon the wording and format of such questionnaires, candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating paragraph (A)(13), therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if elected. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate's independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

Rule 4.2

Political and Campaign Activities of Judicial Candidates in Public Elections

(A) A judicial candidate in a public election shall:

(1) act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary;

(2) comply with all applicable election, election campaign, and election campaign fundraising laws and regulations of this jurisdiction;

(3) review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee, as authorized by Rule 4.4, before their dissemination; and

(4) take reasonable measures to ensure that other persons do not undertake on behalf of the candidate activities, other than those described in Rule 4.4, that the candidate is prohibited from doing by Rule 4.1.

(B) A judicial candidate in a public election may, unless prohibited by law, and not earlier than 365 days before the first applicable election:

(1) establish a campaign committee pursuant to the provisions of Rule 4.4;

(2) speak on behalf of his or her candidacy through any medium, including but not limited to advertisements, websites, or other campaign literature;

(3)[Reserved]

(4) attend or purchase tickets for dinners or other events sponsored by a political organization;

(5) seek, accept, or use endorsements from any person or organization other than a partisan political organization or partisan elected official; and

(6) [Reserved].

(C) [Reserved].

COMMENT

[1] Paragraph (B) permits judicial candidates in public elections to engage in some political and campaign activities otherwise prohibited by Rule 4.1. Candidates may not engage in these activities earlier than 365 days before the first applicable election. See definition of "judicial candidate," which provides that a person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes or engages in solicitation or acceptance of contributions or support. This rule does not prohibit private conversations with potential supporters by a potential candidate as part of an effort to "test the waters" for a future candidacy. It does prohibit establishing a campaign committee earlier than 365 days before the election date.

[2] Despite paragraph (B), judicial candidates for public election remain subject to many of the provisions of Rule 4.1. For example, a candidate continues to be prohibited from soliciting funds for a political organization, knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. See Rule 4.1(A), paragraphs (4), (11), and (13).

[3] [Reserved].

[4] In nonpartisan elections, paragraph (B)(5) prohibits a candidate from seeking, accepting, or using nominations or endorsements from a partisan political organization or partisan elected official.

[5] Subject to the 365-day limitation, judicial candidates are permitted to attend or purchase tickets for dinners and other events sponsored by political organizations. (Cf. Rule 4.1, Comment 6A, Judges are permitted to attend or purchase tickets for dinners or other events sponsored by a political organization.)

[6] [Reserved].

[7] [Reserved].

Rule 4.3

Activities of Candidates for Appointive Judicial Office

A candidate for appointment to judicial office may:

(A) communicate with the appointing or confirming authority, including any selection, screening, or nominating commission or similar agency; and

(B) seek endorsements for the appointment from any person or organization other than a partisan political organization.

COMMENT

[1] When seeking support or endorsement, or when communicating directly with an appointing or confirming authority, a candidate for appointive judicial office must not make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. See Rule 4.1(A)(13).

Rule 4.4 Campaign Committees

(A) A judicial candidate subject to public election may establish a campaign committee to manage and conduct a campaign for the candidate, subject to the provisions of this Code. The candidate is responsible for ensuring that his or her campaign committee complies with applicable provisions of this Code and other applicable law.

(B) A judicial candidate subject to public election shall direct his or her campaign committee:

(1) to solicit and accept only such campaign contributions as are permitted by state law;

(2) not to solicit or accept contributions for a candidate's current campaign more than 180 days before the applicable election, nor more than 45 days after the last election in which the candidate participated; and

(3) to comply with all applicable statutory requirements for disclosure and divestiture of campaign contributions.

(C) Any campaign fund surplus shall be returned to the contributors, contributed to a nonprofit organization which is exempt from taxation under Section 501(c)(3), or turned over to the State Treasurer as provided by law.

COMMENT

[1] Judicial candidates are prohibited from personally soliciting campaign contributions or personally accepting campaign contributions. See Rule 4.1(A)(8). This Rule recognizes that in many jurisdictions, judicial candidates must raise campaign funds to support their candidacies, and permits candidates, other than candidates for appointive judicial office, to establish campaign committees to solicit and accept reasonable financial contributions or in-kind contributions.

[2] Campaign committees may solicit and accept campaign contributions, manage the expenditure of campaign funds, and generally conduct campaigns. Candidates are responsible for compliance with the requirements of election law and other applicable law, and for the activities of their campaign committees.

[2A] The forty-five-day post-election restriction applies both to contested and non-contested elections. Once a candidate's campaign has ended, the candidate should only raise funds for 45 more days. For example, if three candidates participate in a judicial election, the candidate who is eliminated may raise funds for only an additional 45 days. However, the two

remaining candidates may continue to raise funds through the runoff election and 45 days thereafter.

[3] At the start of a campaign, the candidate must instruct the campaign committee to solicit or accept only such contributions as are reasonable in amount, appropriate under the circumstances, and in conformity with applicable law.

Rule 4.5

Activities Of Judges Who Become Candidates For Nonjudicial Office

(A) Upon becoming a candidate for a nonjudicial elective office, a judge shall resign from judicial office, unless permitted by law to continue to hold judicial office.

(B) Upon becoming a candidate for a nonjudicial appointive office, a judge is not required to resign from judicial office, provided that the judge complies with the other provisions of this Code.

COMMENT

[1] In campaigns for nonjudicial elective public office, candidates may make pledges, promises, or commitments related to positions they would take and ways they would act if elected to office. Although appropriate in nonjudicial campaigns, this manner of campaigning is inconsistent with the role of a judge, who must remain fair and impartial to all who come before him or her. The potential for misuse of the judicial office, and the political promises that the judge would be compelled to make in the course of campaigning for nonjudicial elective office, together dictate that a judge who wishes to run for such an office must resign upon becoming a candidate.

[2] The "resign to run" rule set forth in paragraph (A) ensures that a judge cannot use the judicial office to promote his or her candidacy, and prevents post-campaign retaliation from the judge in the event the judge is defeated in the election. When a judge is seeking appointive nonjudicial office, however, the dangers are not sufficient to warrant imposing the "resign to run" rule.