

Special Committee on Judicial Election Campaign Intervention 2018 Judicial Elections

2018-03 Complaint

The Special Committee on Judicial Election Campaign Intervention received a complaint that requested action against a judicial candidate. Pursuant to Canon 5F(3), the Special Committee finds this matter to be a question of sufficient general interest and importance and issues the following decision.

The Complaint alleged that Candidate B, a candidate for Chancery Court Judge, has violated Canon 5A(3)(d)(iii) of the Code of Judicial Conduct by preparing and displaying political campaign materials stating “[Candidate B], Chancery Judge – Post One.” He has this information on public electronic billboards and on vinyl signs on cars. These materials imply that he is currently a “Chancery Judge.” Photographs were enclosed with the complaint.

Canon 5A(3)(d)(iii) prohibits a candidate from knowingly misrepresenting their qualifications or present position. The complaint also included a copy of Opinion 2006-002 of the Special Committee and Minutes for the Special Committee on Judicial Election Campaign Intervention, dated June 4, 2014. Opinion 2006-002, in relevant part, reads:

. . . The Special Committee has further received inquiries about the use of the word “judge” in campaign materials by candidates who do not hold a judicial office without the use of clarifying words such as “elect” or “for”.

The questions posed are paraphrased below: . . .

2. May a candidate use his/her name together with the title of the office the candidate is currently seeking?

The Special Committee has received inquiries and copies of material with phrases or logos such as “John Doe, Circuit Judge” or “Jane Doe, Chancery Judge” when the candidate does not hold judicial office. This again raises the issue of misrepresentation of qualifications or present position as cited in Canon 5A(3)(d)(iii) above. The Special Committee is of the opinion that such material may be misleading and may imply that the candidate currently holds the judicial office. It is, therefore, the Committee’s opinion that a non-judge candidate may not use these phrases without including language such as “elect” before the candidate’s name and position sought or “for”

between the candidate's name and the position sought. The terms "elect" or "for" should be in an easily readable size and form such that they may not be easily overlooked.

The Special Committee finds no violation of the Code of Judicial Conduct. This allegation is dismissed.

The Special Committee disagrees with Opinion 2006-002. The Special Committee finds that there is not a violation of the Code of Judicial Conduct for a non-judge candidate to use her/his name followed by the position sought. The use of the term "John Doe, Chancery Judge" is not misleading and does not imply that the candidate holds the judicial office. It is common practice in elections to include only the candidate's name and office sought. The words "elect" or "for" may be used at the discretion of the candidate, but are not required.

In addition, the Committee reminds the Candidate that the costs incurred with the signs and billboards may require the filing of campaign finance disclosures or reports with the Secretary of State. And, Miss. Code Ann. §23-15-1025 requires certain disclosures on all campaign materials.

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

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