

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

**2018-02 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 the following violations:

1. Prior to 2018, Candidate A posted a picture on his Facebook page which depicted a gavel with the caption “2018”. The post has since been deleted. The complaint alleges this is a violation of Canon 5A(1)(a) of the Code of Judicial Conduct, which states, “All Judges and Candidates . . . shall not act as leader” as well as Canon 5A(3)(d)(iii), which states, “A candidate for a judicial office shall not knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.”

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

2. In 2016, Candidate A posted a picture on his Facebook page that depicted himself at the Supreme Court of Mississippi, behind the bench, and holding a gavel. This is before the qualifying deadline and after he publicly stated he was running for Judge. A copy of the picture was attached. The complaint alleges this is a violation of Canon 5A(1)(a), which states, “All Judges and Candidates . . . shall not act as leader” as well as Canon 5J(3)(d)(iii), which states, “A candidate for a judicial office shall not knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.”

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

3. In December of 2017, Candidate A personally solicited votes in a Facebook post of a picture of himself holding his campaign sign which states, “Elect [Candidate A] 11/6/18.” This was posted well

before the qualifying deadline. It reached at least 222 individuals who reacted to the post, was shared by 9 individuals and received at least two comments. A copy of the posting was provided. The caption indicated that Candidate A was aware at the time of his posting that he was advertising and soliciting for support before qualification. The complaint alleges this was a violation of Canon 5C(2) of the Code of Judicial Conduct, which states, “A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly state support. . . . A candidate’s committees shall not solicit or accept contributions and public support for the candidate’s campaign earlier than 60 clays before the qualifying deadline or later than 120 days after the last election in which the candidate participates during the election year.”

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

4. In January of 2018, Candidate A mailed a form letter to elected officials in the court district directly soliciting votes and support. A copy of the letters was attached. The letter states that “it may be a bit early to campaign.” The complaint alleged this was a violation of Canon 5C(2), which states, “A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly state support . . . . A candidate’s committees shall not solicit or accept contributions and public support for the candidate’s campaign earlier than 60 days before the qualifying deadline or later than 120 clays after the last election in which the candidate participates during the election year.”

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

Although not alleged in the complaint, the Committee reminds the Candidate that the costs incurred with such mailing may require the filing of campaign finance disclosures or reports with the Secretary of State. Miss. Code Ann. §23-15-1025 requires certain disclosures on all campaign materials, and it does not appear such disclosures were included in the letter.

5. Candidate A has turned his truck into a portable sign and has parked it at courthouses in the district. A photographs of the truck was included. The complaint alleges this a violation of Canon 5C(2), which states, “A candidate shall not personally solicit or accept

campaign contributions or personally solicit publicly state support . . . . A candidate's committees shall not solicit or accept contributions and public support for the candidate's campaign earlier than 60 days before the qualifying deadline or later than 120 days after the last election in which the candidate participates during the election year."

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

Although not alleged in the complaint, the Committee reminds the Candidate that the costs incurred with the signs may require the filing of campaign finance disclosures or reports with the Secretary of State. Miss. Code Ann. §23-15-1025 requires certain disclosures on all campaign materials, and it does not appear such disclosures were included on these signs.

6. Candidate A has personally solicited votes in a Facebook post, dated January 2, 2018, which he specifically stated, "On November 6, 2018, vote [Candidate A] for Circuit Court Judge." The complaint alleges this was a violation of Canon 5C(2). A copy of the post was attached.

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

7. On January 15, 2018, Candidate A again personally solicited votes on Facebook. The complaint alleged this was a violation of Canon 5C(2). Further, in response to a comment, Candidate A stated "I'd be glad to get [you] set up with absentee ballots . . . ." The complaint alleges this was a violation of the Code of Judicial Conduct as he offered to assist with absentee ballots. A copy of the post was attached.

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

8. Candidate A has solicited votes before and after the qualifying deadline in violation of Canon 5C(2). The complaint alleges that he is personally prohibited from soliciting publicly stated support. Further, his campaign committee is not to solicit support earlier than 60 days before the qualifying deadline. But he has no campaign

committee. Therefore, the complaint alleges Candidate A repeatedly violated Canon 5C(2) and ignored the rules.

The Special Committee finds no violation of the Code of Judicial Conduct. The allegations asserted in the Complaint are dismissed.

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](mailto:Ballard@judicialperformance.ms.gov)