

## Maryland Judicial Ethics Committee

**Opinion Request Number:** 1975-08

**Date of Issue:** July 7, 1975

Published Opinion       Unpublished Opinion       Unpublished Letter of Advice

### Judge Running for Election May Attend Fundraisers and Contribute to Political Party Which Supports Judge's Candidacy

You have advised this Committee that you will be a candidate for election to a full elective term... in the election to be held in 1976.

You have asked whether it is permissible for you to attend political gatherings, including dinners where the subscription price may range from \$10 to \$100 or more, and whether you may make contributions to a political party which endorses your candidacy.

[Opinion Request No. 1973-06], issued by this Committee on 23 May 1973, makes it clear that the prohibition against political or partisan activity contained in Maryland Canon XXVII does not apply to a judge who has been appointed to office and must stand for election to an elected term at a general election subsequent to his appointment. As a consequence, from the date of your appointment until the 1976 general election, you are permitted to attend political gatherings; to attend dinners for which a subscription is required; to speak at such meetings, and to contribute to any political party or nonpartisan group which is supporting your election.

Similarly, in the case of a judge who is serving an elected term, but must stand for re-election, the prohibition against political activity is suspended, accounting from January 1 of the year in which he must stand for election\* and continuing until the general election.

[Opinion Request No. 1972-01], issued on 7 April 1972, makes it clear that it is impermissible for you to participate in a campaign in support of the election of another judge or to make contributions to a political party or to a nonpartisan committee which has endorsed or is supporting the election of another judge. The only exception to this prohibition is contained in [Opinion Request No. 1974-03], dated 25 April 1974, which concluded that it would not be improper for a group of judges engaged in a united campaign for retention in office to speak and work for the election or re-election of each other. See also [Opinion Request No. 1974-05], dated 22 July 1974.

Your final question is whether you have the right to make campaign contributions in support of a particular individual, whether or not you are a candidate for election. It is the opinion of this Committee that the broad prohibition against political activity contained in Maryland Canon XXVII and the thrust of Maryland Rules 3, 4 and 9 which limit a judge's political activity to the support of his own candidacy preclude a judge from making contributions in support of the political candidacy of another, and from publicly endorsing a candidate for election to office, whether judicial or nonjudicial. See Code of Judicial

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\* As of the editing date [July 10, 2006], *see* Maryland Code of Judicial Conduct (2005), Canon 5C as to the current delineation of candidacies.

Conduct, promulgated by the American Bar Association, Canon 7A(1)(c).