

Maryland Judicial Ethics Committee

Opinion Request Number: 1978-02

Date of Issue: May 8, 1978

O Published Opinion **G** Unpublished Opinion **G** Unpublished Letter of Advice

Judge Running for Election May Participate in Fundraisers to Promote Candidacy of Others

You have advised this Committee that you are an “immediate candidate” for election to the Circuit Court for X County. You have asked whether it is permissible for you to buy tickets for and attend fund-raising dinners intended to promote the candidacy of individuals who have not yet gained the nominations of their parties. You expressed concern that your appearance at such gatherings might constitute endorsement of a candidate in violation of Canon XXVII’s prohibition against partisan political activity, and that your purchase of a ticket might constitute a prohibited contribution to a political candidate.

For the reasons set forth below, the Committee has concluded that a circuit court judge who is a candidate for election may attend political gatherings which are held on behalf of aspirants to political office, and may pay the necessary admission charges to these events if he feels that this activity will promote his candidacy.

Canon XXVII, while generally restricting judges from actively engaging in partisan political activities, contains the following exception:

“Where, however, it is necessary for judges to be nominated and elected as candidates of a political party, nothing herein contained shall prevent the judge from attending or speaking at political gatherings, or from making contributions to the campaign funds of the party that has nominated him and seeks his election.”

This Committee has had occasion to consider similar inquiries in the past with regard to the scope of Canon XXVII. In [Opinion Request No. 1975-08], issued July 7, 1975, it was flatly held that:

“[T]he 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 ... at the next general election.”

The basis for this position was further clarified in [Opinion Request No. 1977-07 (unpublished)], issued November 28, 1977, where the Committee, in dealing with the question of when a judge may begin his active candidacy, noted that:

“[T]he exception to the prohibition of political activity in Canon XXVII must have been *written with the realities of political elections in mind*. Thus the Canon should be construed to allow incumbent judges to become active candidates for their offices at times which are reasonable under the particular circumstances of each case.”
(Emphasis supplied.)

The Canons of Judicial Ethics are not designed to impose handicaps on those judges forced to compete for their seats at the polls. The exception to Canon XXVII’s proscription is manifestly intended to make it possible for incumbent judges, seeking election, to compete against their opponents without disadvantage.

With regard to your particular questions, we recognize that attendance at political functions

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sponsored by or held to benefit particular candidates for various offices, such as fund-raising dinners, is a common and practically necessary way in which other candidates for elected office become known and promote their own candidacy. Any potential opponents whom you might have would clearly take advantage of this type of exposure. The Committee believes it is neither desirable nor necessary that you, as a candidate for election, be denied similar opportunity.