



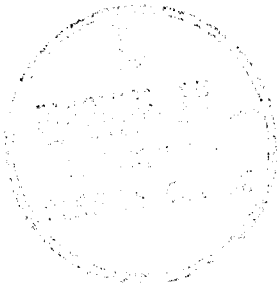
State of Kansas

## Office of Judicial Administration

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### JUDICIAL ETHICS ADVISORY PANEL



### Judicial Ethics Opinion JE-34

September 28, 1990

#### Topic

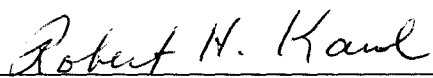
#### Political Endorsement By Judicial Candidates.

An incumbent district judge in a partisan elective judicial district is a candidate to succeed himself. He asks for an advisory opinion concerning a proposed campaign activity involving the judge and five other candidates for judge in the judicial district. One of the other candidates is an incumbent judge seeking to succeed himself and four attorney candidates who are opposing incumbent judges in the ensuing general election. All of these candidates are members of the same political party.

The political party proposes to publish a brochure containing a picture and biographical data of all of the party's candidates, including the judicial candidates. The brochure will be printed and distributed by the party and at the party's sole expense.

**Question:** Does this proposal constitute a prohibited endorsement by a judicial candidate of the other candidates?

Answer: Canon 7a(2)(3) recognizes the distinction between conduct in a partisan election district and in a non-partisan (merit system) district. The question, as posed, does not present a violation of the Canon. Here, it is the political party publicizing all of its candidates as a party ticket. A judicial candidate in a partisan election district necessarily would belong to a political party and being presented as a candidate of that party, in the political party's slate of candidates, does not amount to one candidate's endorsement of another candidate within the meaning of the Canon.

  
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Robert H. Kaul, Chairman

  
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John W. Brookens

  
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Harry G. Miller