



Judicial Discipline & Disability Commission

PRESS RELEASE

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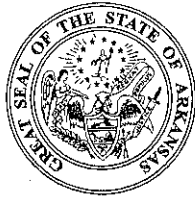
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FOR IMMEDIATE RELEASE

August 5, 2019

The Arkansas Judicial Discipline and Disability Commission today releases clarifying information related to the campaign petitions for ballot placement and issues surrounding campaign events.

Please see the accompanying memo for additional information.



Judicial Discipline & Disability Commission

JUDGE KIRK JOHNSON
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DAVID J. SACHAR
EXECUTIVE DIRECTOR

TO: 2020 Arkansas Judicial Candidates
FROM: Arkansas Judicial Discipline and Disability Commission
DATE: 8/5/2019
RE: Campaign Petitions and Events

This memorandum is an attempt to clarify two issues that could affect dozens of judicial candidates in the coming months. Several inquiries on these subjects have been made by candidates across the state.

1. Filing by petition. Many candidates are seeking to have their name placed on the ballot for judicial office by filing a petition pursuant A.C.A. § 7-10-103 (c)(1)(A)(i). A candidate may have his or her name placed on the ballot for a nonpartisan office by adhering to the requirements of this section without paying a filing fee.

Can other announced candidates for judicial office sign these petitions? Can a judge sign these petitions?

There does not appear to be any prohibition against an announced judicial candidate or a judge signing the petitions described in A.C.A. § 7-10-103 (c)(1)(A)(i). Merely signing a petition for ballot access is not an "endorsement" nor is it a "contribution" under Arkansas law. Further, no cases on point were found in United States judicial ethics jurisprudence that would indicate signing a petition for a candidate is a violation of the Code of Judicial Conduct.

2. Can a candidate currently send invitations to campaign events that will occur after the September 5, 2019, date that begins the fundraising period of judicial campaigns? Can the invitations (sent before September 5, 2019) include information on how to give to the campaign, suggested donation amounts, or phrases that indicate the event will be a campaign fundraiser?

Yes and No. Candidates are allowed to send invitations to campaign events at this time. However, any invitation, notice, social media post, etc., sent before September 5, 2019, would violate the Code if it references contributions, fundraising, or gives information concerning fundraising. The Code of Judicial Conduct prohibits solicitation or acceptance of campaign contributions before 180 days prior to the election. An invitation or announcement that tells donors to come to a fundraiser or gives information about how to make a campaign contribution is "solicitation".

"Campaign Kick-off", "Meet the Candidate" and similar language may be used to advertise these events. Then, if the event is on September 5, 2019, or later in the campaign period, contributions may be accepted and/or solicited by the candidate's campaign committee on the night of the event. The prohibition against the candidate personally soliciting or accepting contributions is always in effect.

Sincerely,



David J. Sachar
Executive Director