



**ETHICS ADVISORY
COMMITTEE
STATE OF WASHINGTON**

JUDICIAL CAMPAIGN FORUM

**INFORMATION RELATING TO
JUDICIAL CAMPAIGNS
2022**

Judicial Candidate,

The purpose of this booklet is to provide judicial candidates with a measure of guidance in understanding Canon 4 of the Code of Judicial Conduct.

We emphasize that this undertaking is designed and intended to serve only as a guiding instrument to aid judicial candidates in their campaign activities. The synopsis of the advisory opinions we have chosen to include is not to be viewed as authority for specific conduct or evidence of good faith effort to comply with the Code of Judicial Conduct.

Washington State Ethics Advisory Committee

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TAB 1

CODE OF JUDICIAL CONDUCT

Commission on Judicial Conduct: www.cjc.state.wa.us

THE SUPREME COURT OF WASHINGTON

ORDER

IN THE MATTER OF THE ADOPTION OF THE
NEW CODE OF JUDICIAL CONDUCT

NO. 25700-A- 963

The Code of Judicial Conduct Task Force having recommended the adoption of the new Code of Judicial Conduct, and the Court having considered the new code and comments submitted thereto, and having determined that the proposed new Code of Judicial Conduct will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new Code of Judicial Conduct as attached hereto is adopted. The current Code of Judicial Conduct is hereby rescinded as of January 1, 2011.

(b) That the new Code of Judicial Conduct will be published in the Washington Reports and will become effective on January 1, 2011.

DATED at Olympia, Washington this 9th day of September, 2010.

FILED
SUPREME COURT
STATE OF WASHINGTON
1 SEP - 9 PM 2:18
BY DONALD R. JARPENTER
CLERK

[Signature]

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593/187

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PREAMBLE

- [1] An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

- [2] Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

- [3] The Washington State Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide. The Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through the Commission on Judicial Conduct.

SCOPE

- [1] The Washington State Code of Judicial Conduct consists of four Canons, numbered Rules under each Canon, and Comments that generally follow and explain each Rule. Scope and Terminology sections provide additional guidance in interpreting and applying the Code. An Application section establishes when the various Rules apply to a judge or judicial candidate.
- [2] The Canons state overarching principles of judicial ethics that all judges must observe. They provide important guidance in interpreting the Rules. A judge may be disciplined only for violating a Rule.
- [3] The Comments that accompany the Rules serve two functions. First, they provide guidance regarding the purpose, meaning, and proper application of the Rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. Comments neither add to nor subtract from the binding obligations set forth in the Rules. Therefore, when a Comment contains the term “must,” it does not mean that the Comment itself is binding or enforceable; it signifies that the Rule in question, properly understood, is obligatory as to the conduct at issue.
- [4] Second, the Comments identify aspirational goals for judges. To implement fully the principles of this Code as articulated in the Canons, judges should strive to exceed the standards of conduct established by the Rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.
- [5] The Rules of the Washington State Code of Judicial Conduct are rules of reason that should be applied consistent with constitutional requirements, statutes, other court rules, and decisional law, and with due regard for all relevant circumstances. The Rules should not be interpreted to impinge upon the essential independence of judges in making judicial decisions.
- [6] Although the black letter of the Rules is binding and enforceable, it is not contemplated that every transgression will result in the imposition of discipline. It is recognized, for example, that it would be unrealistic to sanction judges for minor traffic or civil infractions. Whether discipline should be imposed should be determined through a reasonable and reasoned application of the Rules. The relevant factors for consideration should include the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, including the willfulness or knowledge of the impropriety of the action, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others.

[7] The Code is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for litigants to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a court.

APPLICATION

The Application section establishes when the various Rules apply to a judge, court commissioner, or judge pro tempore.

I. APPLICABILITY OF THIS CODE

- (A) A judge, within the meaning of this Code, is anyone who is authorized to perform judicial functions, including an officer such as a magistrate, court commissioner, part-time judge or judge pro tempore.
- (B) The provisions of the Code apply to all judges except as otherwise noted for part-time judges and judges pro tempore.
- (C) All judges shall comply with statutory requirements applicable to their position with respect to reporting and disclosure of financial affairs.

COMMENT

- [1] The Rules in this Code have been formulated to address the ethical obligations of any person who serves a judicial function, and are premised upon the supposition that a uniform system of ethical principles should apply to all those authorized to perform judicial functions.
- [2] This Code and its Rules do not apply to any person who serves as an administrative law judge or in a judicial capacity within an administrative agency.
- [3] The determination of whether an individual judge is exempt from specific Rules depends upon the facts of the particular judicial service.
- [4] The Legislature has authorized counties to establish and operate drug courts and mental health courts. Judges presiding in these special courts are subject to these Rules, including Rule 2.9 (A)(1) on ex parte communications, and must continue to operate within the usual judicial role as an independent decision maker on issues of fact and law. But the Rules should be applied with the recognition that these courts may properly operate with less formality of demeanor and procedure than is typical of more traditional courts. Application of the rules should also be attentive to the terms and waivers in any contract to which the individual whose conduct is being monitored has agreed in exchange for being allowed to participate in the special court program.

II. PART-TIME JUDGE

- (A) A part-time judge is not required to comply:
- (1) with Rule 2.10 (Judicial Statements on Pending and Impending Cases), except while serving as a judge; or
 - (2) at any time with Rules 3.4 (Appointments to Governmental Positions), 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11 (Financial, Business, or Remunerative Activities), and 3.14 (Reimbursement of Expenses and Waivers of Fees or Charges).
- (B) A part-time judge shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.
- (C) When a person who has been a part-time judge is no longer a part-time judge, that person may act as a lawyer in a proceeding in which he or she served as a judge or in any other proceeding related thereto only with the express consent of all parties pursuant to the Rules of Professional Conduct.

COMMENT

- [1] Part-time judges should be alert to the possibility of conflicts of interest and should liberally disclose on the record to litigants appearing before them the fact of any extrajudicial employment or other judicial role, even if there is no apparent reason to withdraw.
- [2] In view of Rule 2.1, which provides that the judicial duties of judges should take precedence over all other activities, part-time judges should not engage in outside employment which would interfere with their ability to sit on cases that routinely come before them.

III. JUDGE PRO TEMPORE

A judge pro tempore is not required to comply:

- (A) except while serving as a judge, with Rule 1.2 (Promoting Confidence in the Judiciary), Rule 2.4 (External Influences on Judicial Conduct), Rule 2.10 (Judicial Statements on Pending and Impending Cases); Rule 3.1 (Extrajudicial Activities in General); Rule 4.1 (Political and Campaign Activities of Judges and Judicial Candidates in General) or 4.5 (Activities of Judges Who Become Candidates for Nonjudicial Office); or
- (B) at any time with Rules 3.2 (Appearances before Governmental Bodies and Consultation with Government Officials), 3.3 (Acting as a Character Witness), 3.4 (Appointments to Governmental Positions), or with Rules 3.6 (Affiliation with Discriminatory Organizations), 3.7 (Participation in Educational, Religious,

Charitable, Fraternal, or Civic Organizations and Activities), 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11 (Financial, Business, or Remunerative Activities), or 3.12 (Compensation for Extrajudicial Activities).

(C)) A judge pro tempore shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

(D) When a person who has been a judge pro tempore is no longer a judge pro tempore,

that person may act as a lawyer in a proceeding in which he or she served as a judge or in any other proceeding related thereto only with the express consent of all parties pursuant to the Rules of Professional Conduct.

VI. TIME FOR COMPLIANCE

A person to whom this Code becomes applicable shall comply immediately with its provisions, except that those judges to whom Rules 3.8 (Appointments to Fiduciary Positions) and 3.11 (Financial, Business, or Remunerative Activities) apply shall comply with those Rules as soon as reasonably possible, but in no event later than one year after the Code becomes applicable to the judge.

COMMENT

[1] If serving as a fiduciary when selected as judge, a new judge may, notwithstanding the prohibitions in Rule 3.8, continue to serve as fiduciary, but only for that period of time necessary to avoid serious adverse consequences to the beneficiaries of the fiduciary relationship and in no event longer than one year. Similarly, if engaged at the time of judicial selection in a business activity, a new judge may, notwithstanding the prohibitions in Rule 3.11, continue in that activity for a reasonable period but in no event longer than one year.

TERMINOLOGY

The first time any term listed below is used in a Rule in its defined sense, it is followed by an asterisk (*).

“Aggregate,” in relation to contributions for a candidate, means not only contributions in cash or in-kind made directly to a candidate’s campaign committee, but also all contributions made indirectly with the understanding that they will be used to support the election of a candidate or to oppose the election of the candidate’s opponent. See Rules 2.11 and 4.4.

“Appropriate authority” means the authority having responsibility for initiation of disciplinary process in connection with the violation to be reported. See Rules 2.14 and 2.15.

“Contribution” means both financial and in-kind contributions, such as goods, professional or volunteer services, advertising, and other types of assistance, which, if obtained by the recipient otherwise, would require a financial expenditure. See Rules 2.11, 2.13, 3.7, 4.1, and 4.4.

“De minimis,” in the context of interests pertaining to disqualification of a judge, means an insignificant interest that could not raise a reasonable question regarding the judge’s impartiality. See Rule 2.11.

“Domestic partner” means a person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married. See Rules 2.11, 2.13, 3.13, and 3.14.

“Economic interest” means ownership of more than a de minimis legal or equitable interest. Except for situations in which the judge participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding before a judge, it does not include:

- (1) an interest in the individual holdings within a mutual or common investment fund;
- (2) an interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge’s spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant;
- (3) a deposit in a financial institution or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or
- (4) an interest in the issuer of government securities held by the judge.

See Rules 1.3 and 2.11.

“Fiduciary” includes relationships such as executor, administrator, trustee, or guardian. See Rules 2.11, 3.2, and 3.8.

“Financial Support” shall mean the total of contributions to the judge’s campaign and independent expenditures in support of the judge’s campaign or against the judge’s opponent as defined by RCW 42.17.020.

See Rule 2.11.

“Impartial,” “impartiality,” and “impartially” mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge. See Canons 1, 2, and 4, and Rules 1.2, 2.2, 2.10, 2.11, 2.13, 3.1, 3.12, 3.13, 4.1, and 4.2.

“Impending matter” is a matter that is imminent or expected to occur in the near future. See Rules 2.9, 2.10, 3.13, and 4.1.

“Impropriety” includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge’s independence, integrity, or impartiality. See Canon 1 and Rule 1.2.

“Independence” means a judge’s freedom from influence or controls other than those established by law. See Canons 1 and 4, and Rules 1.2, 3.1, 3.12, 3.13, and 4.2.

“Integrity” means probity, fairness, honesty, uprightness, and soundness of character. See Canon 1 and Rule 1.2.

“Invidious discrimination” is a classification which is arbitrary, irrational, and not reasonably related to a legitimate purpose. Differing treatment of individuals based upon race, sex, gender, religion, national origin, ethnicity, sexual orientation, age, or other classification protected by law, are situations where invidious discrimination may exist. See Rules 3.1 and 3.6.

“Judicial candidate” means any person, including a sitting judge, who is seeking selection for or retention in judicial office by election or appointment. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election or appointment authority, authorizes or, where permitted, engages in solicitation or acceptance of contributions or support, or is nominated for election or appointment to office. See Rules 2.11, 4.1, 4.2, and 4.4.

“Knowingly,” “knowledge,” “known,” and “knows” mean actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances. See Rules 2.11, 2.13, 2.15, 2.16, 3.6, and 4.1.

“Law” encompasses court rules as well as statutes, constitutional provisions, and decisional law. See Rules 1.1, 2.1, 2.2, 2.6, 2.7, 2.9, 3.1, 3.4, 3.9, 3.12, 3.13, 3.14, 3.15, 4.1, 4.2, 4.4, and 4.5.

“Member of the candidate’s family” means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the candidate maintains a close familial relationship.

“Member of the judge’s family” means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. See Rules 3.7, 3.8, 3.10, and 3.11.

“Member of a judge’s family residing in the judge’s household” means any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge’s family, who resides in the judge’s household. See Rules 2.11 and 3.13.

“Nonpublic information” means information that is not available to the public. Nonpublic information may include, but is not limited to, information that is sealed by statute or court order or impounded or communicated in camera, and information offered in grand jury proceedings, presentencing reports, dependency cases, or psychiatric reports. See Rule 3.5.

“Part-time judge” Part-time judges are judges who serve on a continuing or periodic basis, but are permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than a full-time judge. A person who serves part-time as a judge on a regular or periodic basis in excess of eleven cases or eleven dockets annually, counted cumulatively without regard to each jurisdiction in which that person serves as a judge, is a part-time judge.

“Pending matter” is a matter that has commenced. A matter continues to be pending through any appellate process until final disposition. See Rules 2.9, 2.10, 3.13, and 4.1.

“Personally solicit” means a direct request made by a judge or a judicial candidate for financial support or in-kind services, whether made by letter, telephone, or any other means of communication. See Rule 4.1.

“Political organization” means a political party or other group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office. For purposes of this Code, the term does not include a judicial candidate’s campaign committee created as authorized by Rule 4.4. See Rules 4.1 and 4.2.

“Pro tempore judge” Without regard to statutory or other definitions of a pro tempore judge, within the meaning of this Code a pro tempore judge is a person who serves only once or at most sporadically under a separate appointment for a case or docket. Pro tempore judges are excused from compliance with certain provisions of this Code because of their infrequent service as judges. A person who serves or expects to serve

part-time as a judge on a regular or periodic basis in fewer than twelve cases or twelve dockets annually, counted cumulatively without regard to each jurisdiction in which that person serves as a judge, is a pro tempore judge.

“Public election” includes primary and general elections, partisan elections, nonpartisan elections, and retention elections. See Rules 4.2 and 4.4.

“Third degree of relationship” includes the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece. See Rule 2.11.

CANON 1

A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1

Compliance with the Law

A judge shall comply with the law,* including the Code of Judicial Conduct.

COMMENT

See Scope [6].

RULE 1.2

Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and shall avoid impropriety and the appearance of impropriety.*

COMMENT

- [1] Public confidence in the judiciary is eroded by improper conduct. This principle applies to both the professional and personal conduct of a judge.
- [2] A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code.
- [3] Conduct that compromises the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary.
- [4] Judges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.
- [5] Actual improprieties include violations of law, court rules, or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

- [6] A judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

RULE 1.3

Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests* of the judge or others, or allow others to do so.

COMMENT

- [1] It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business.
- [2] A judge may provide a reference or recommendation for an individual based upon the judge's personal knowledge. The judge may use official letterhead if the judge indicates that the reference is personal and if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office.
- [3] Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees, and by responding to inquiries from such entities concerning the professional qualifications of a person being considered for judicial office.
- [4] Special considerations arise when judges write or contribute to publications of for-profit entities, whether related or unrelated to the law. A judge should not permit anyone associated with the publication of such materials to exploit the judge's office in a manner that violates this Rule or other applicable law. In contracts for publication of a judge's writing, the judge should retain sufficient control over the advertising to avoid such exploitation.

CANON 2

A JUDGE SHOULD PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

RULE 2.1

Giving Precedence to the Duties of Judicial Office

The duties of judicial office, as prescribed by law,* shall take precedence over all of a judge's personal and extrajudicial activities.

COMMENT

- [1] To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification. See Canon 3.
- [2] Although it is not a duty of judicial office unless prescribed by law, judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system.

RULE 2.2

Impartiality and Fairness

A judge shall uphold and apply the law,* and shall perform all duties of judicial office fairly and impartially.*

COMMENT

- [1] To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.
- [2] Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.
- [3] When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.
- [4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

RULE 2.3

Bias, Prejudice, and Harassment

- (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

- (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.
- (C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, against parties, witnesses, lawyers, or others.
- (D) The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers from making reference to factors that are relevant to an issue in a proceeding.

COMMENT

- [1] A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.
- [2] Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.
- [3] Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.
- [4] Sexual harassment includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome.
- [5] "Bias or prejudice" does not include references to or distinctions based upon race, color, sex, religion, national origin, disability, age, marital status, changes in marital status, pregnancy, parenthood, sexual orientation, or social or economic status when these factors are legitimately relevant to the advocacy or decision of the proceeding, or, with regard to administrative matters, when these factors are legitimately relevant to the issues involved.

RULE 2.4

External Influences on Judicial Conduct

- (A) A judge shall not be swayed by public clamor, or fear of criticism.

- (B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- (C) A judge shall not convey or authorize others to convey the impression that any person or organization is in a position to influence the judge.

COMMENT

- [1] Judges shall decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family.

RULE 2.5

Competence, Diligence, and Cooperation

- (A) A judge shall perform judicial and administrative duties, competently and diligently.
- (B) A judge shall cooperate with other judges and court officials in the administration of court business.

COMMENT

- [1] Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.
- [2] In accordance with GR 29, a judge should seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities.
- [3] Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.
- [4] In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

RULE 2.6

Ensuring the Right to Be Heard

- (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.*

- (B) Consistent with controlling court rules, a judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but should not act in a manner that coerces any party into settlement.

COMMENT

- [1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.
- [2] The judge plays an important role in overseeing the settlement of disputes, but should be careful that efforts to further settlement do not undermine any party's right to be heard according to law. The judge should keep in mind the effect that the judge's participation in settlement discussions may have, not only on the judge's own views of the case, but also on the perceptions of the lawyers and the parties if the case remains with the judge after settlement efforts are unsuccessful. Among the factors that a judge should consider when deciding upon an appropriate settlement practice for a case are (1) whether the parties have requested or voluntarily consented to a certain level of participation by the judge in settlement discussions, (2) whether the parties and their counsel are relatively sophisticated in legal matters, (3) whether the case will be tried by the judge or a jury, (4) whether the parties participate with their counsel in settlement discussions, (5) whether any parties are unrepresented by counsel, and (6) whether the matter is civil or criminal.
- [3] Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality, but also on the appearance of their objectivity and impartiality. Despite a judge's best efforts, there may be instances when information obtained during settlement discussions could influence a judge's decision making during trial, and, in such instances, the judge should consider whether disqualification or recusal may be appropriate. See Rule 2.11(A)(1).

RULE 2.7

Responsibility to Decide

A judge shall hear and decide matters assigned to the judge, except when disqualification or recusal is required by Rule 2.11 or other law.*

COMMENT

- [1] Judges must be available to decide the matters that come before the court. Although there are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial

duties, and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge not use disqualification or recusal to avoid cases that present difficult, controversial, or unpopular issues.

RULE 2.8

Decorum, Demeanor, and Communication with Jurors

- (A) A judge shall require order and decorum in proceedings before the court.
- (B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- (C) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding.

COMMENT

- [1] The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.
- [2] Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case.
- [3] A judge who is not otherwise prohibited by law from doing so may meet with jurors who choose to remain after trial but should be careful not to discuss the merits of the case.

RULE 2.9

Ex Parte Communications

- (A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending* or impending matter,* before that judge's court except as follows:
 - (1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, or ex parte communication pursuant to a written policy or rule for a mental health court, drug court, or other therapeutic court, is permitted, provided:

- (a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and
 - (b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.
- (2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge affords the parties a reasonable opportunity to object and respond to the advice received.
 - (3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.
 - (4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.
 - (5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law* to do so.
- (B) If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
 - (C) A judge shall not investigate facts in a matter pending or impending before that judge, and shall consider only the evidence presented and any facts that may properly be judicially noticed, unless expressly authorized by law.
 - (D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

COMMENT

- [1] To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.
- [2] Whenever the presence of a party or notice to a party is required by this Rule, it is the party's lawyer, or if the party is unrepresented, the party, who is to be present or to whom notice is to be given.
- [3] The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted by this Rule.

- [4] A judge may initiate, permit, or consider ex parte communications expressly authorized by law, such as when serving on therapeutic or problem-solving courts, mental health courts, or drug courts. In this capacity, judges may assume a more interactive role with parties, treatment providers, probation officers, social workers, and others.
- [5] A judge may consult on pending matters with other judges, or with retired judges who no longer practice law and are enrolled in a formal judicial mentoring program (such as the Washington Superior Court Judges' Association Mentor Judge Program). Such consultations but must avoid ex parte discussions of a case with judges who have previously been disqualified from hearing the matter, and with judges or retired judges who have appellate jurisdiction over the matter.

Comment [5] was amended effective September 1, 2013.

- [6] The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, including electronic.
- [7] A judge may consult ethics advisory committees, outside counsel, or legal experts concerning the judge's compliance with this Code. Such consultations are not subject to the restrictions of paragraph (A)(2).

RULE 2.10

Judicial Statements on Pending and Impending Cases

- (A) A judge shall not make any public statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court, or make any nonpublic statement that would reasonably be expected to substantially interfere with a fair trial or hearing.
- (B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.
- (C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B).
- (D) Notwithstanding the restrictions in paragraph (A), a judge may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judge is a litigant in a personal capacity.

- (E) Subject to the requirements of paragraph (A), a judge may respond directly or through a third party to allegations in the media or elsewhere concerning the judge's conduct in a matter.

COMMENT

- [1] This Rule's restrictions on judicial speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary.
- [2] This Rule does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity. In cases in which the judge is a litigant in an official capacity, such as a writ of mandamus, the judge must not comment publicly.
- [3] Depending upon the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the judge's conduct in a matter.
- [4] A judge should use caution in discussing the rationale for a decision and limit such discussion to what is already public record or controlling law.

RULE 2.11

Disqualification

- (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality* might reasonably be questioned, including but not limited to the following circumstances:
- (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge* of facts that are in dispute in the proceeding.
 - (2) The judge knows* that the judge, the judge's spouse or domestic partner,* or a person within the third degree of relationship* to either of them, or the spouse or domestic partner of such a person is:
 - (a) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;
 - (b) acting as a lawyer in the proceeding;
 - (c) a person who has more than a de minimis* interest that could be substantially affected by the proceeding; or
 - (d) likely to be a material witness in the proceeding.

- (3) The judge knows that he or she, individually or as a fiduciary,* or the judge's spouse, domestic partner, parent, or child, or any other member of the judge's family residing in the judge's household,* has an economic interest* in the subject matter in controversy or in a party to the proceeding.
 - (4) [Reserved]
 - (5) The judge, while a judge or a judicial candidate,* has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits the judge to reach a particular result or rule in a particular way in the proceeding or controversy.
 - (6) The judge:
 - (a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer or a material witness in the matter during such association;
 - (b) served in governmental employment, and in such capacity participated personally and substantially as a public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy;
 - (c) was a material witness concerning the matter; or
 - (d) previously presided as a judge over the matter in another court.
- (B) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.
- (C) A judge disqualified by the terms of Rule 2.11(A)(2) or Rule 2.11(A)(3) may, instead of withdrawing from the proceeding, disclose on the record the basis of the disqualification. If, based on such disclosure, the parties and lawyers, independently of the judge's participation, all agree in writing or on the record that the judge's relationship is immaterial or that the judge's economic interest is de minimis, the judge is no longer disqualified, and may participate in the proceeding. When a party is not immediately available, the judge may proceed on the assurance of the lawyer that the party's consent will be subsequently given.
- (D) A judge may disqualify himself or herself if the judge learns by means of a timely motion by a party that an adverse party has provided financial support for any of the judge's judicial election campaigns within the last six years in an amount that causes the judge to conclude that his or her impartiality might reasonably be questioned. In making this determination the judge should consider:

- (1) the total amount of financial support provided by the party relative to the total amount of the financial support for the judge's election,
- (2) the timing between the financial support and the pendency of the matter, and
- (3) any additional circumstances pertaining to disqualification.

COMMENT

- [1] Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (5) apply. In many jurisdictions in Washington, the term "recusal" is used interchangeably with the term "disqualification."
- [2] A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.
- [3] The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In matters that require immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.
- [4] The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not itself disqualify the judge. If, however, the judge's impartiality might reasonably be questioned under paragraph (A), or the relative is known by the judge to have an interest in the law firm that could be substantially affected by the proceeding under paragraph (A)(2)(c), the judge's disqualification is required.
- [5] A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.
- [6] "Economic interest," as set forth in the Terminology section, means ownership of more than a de minimis legal or equitable interest. Except for situations in which a judge participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding before a judge, it does not include:
 - (1) an interest in the individual holdings within a mutual or common investment fund;

- (2) an interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge's spouse, domestic partner, parent, or child serves as a director, officer, advisor, or other participant;
- (3) a deposit in a financial institution or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or
- (4) an interest in the issuer of government securities held by the judge.

[7] [Reserved]

[8] [Reserved]

RULE 2.12
Supervisory Duties

- (A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act with fidelity and in a diligent manner consistent with the judge's obligations under this Code.
- (B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

COMMENT

- [1] A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the Code if undertaken by the judge.
- [2] Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that judges under his or her supervision administer their workloads promptly.

RULE 2.13
Administrative Appointments

- (A) In making administrative appointments, a judge:
 - (1) shall exercise the power of appointment impartially* and on the basis of merit; and

- (2) shall avoid nepotism and unnecessary appointments.
- (B) A judge shall not appoint a lawyer to a position under circumstances where it would be reasonable to be interpreted to be quid pro quo for campaign contributions or other favors, unless:
 - (1) the position is substantially uncompensated;
 - (2) the lawyer has been selected in rotation from a list of qualified and available lawyers compiled without regard to their having made political contributions; or
 - (3) the judge or another presiding or administrative judge affirmatively finds that no other lawyer is willing, competent, and able to accept the position.
- (C) A judge shall not approve compensation of appointees beyond the fair value of services rendered.

COMMENT

- [1] Appointees of a judge include assigned counsel, officials such as referees, commissioners, special masters, receivers, and guardians, and personnel such as clerks, secretaries, and bailiffs. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by paragraph (A).
- [2] Unless otherwise defined by law, nepotism is the appointment or hiring of any relative within the third degree of relationship of either the judge or the judge's spouse or domestic partner, or the spouse or domestic partner of such relative.

RULE 2.14

Disability and Impairment

A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.

COMMENT

- [1] "Depending upon the gravity of Appropriate action" means action intended and reasonably likely to help the judge or lawyer in question address the problem and prevent harm to the justice system. Depending upon the circumstances, appropriate action may include but is not limited to speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.

[2] Taking or initiating corrective action by way of referral to an assistance program may satisfy a judge's responsibility under this Rule. Assistance programs have many approaches for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to appropriate health care professionals. The conduct that has come to the judge's attention, however, the judge may be required to take other action, such as reporting the impaired judge or lawyer to the appropriate authority, agency, or body. See Rule 2.15.

RULE 2.15

Responding to Judicial and Lawyer Misconduct

- (A) A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects should inform the appropriate authority.*
- (B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects should inform the appropriate authority.
- (C) A judge who receives credible information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action.
- (D) A judge who receives credible information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct should take appropriate action.

COMMENT

- [1] Judges are not required to report the misconduct of other judges or lawyers. Self regulation of the legal and judicial professions, however, creates an aspiration that judicial officers report misconduct to the appropriate disciplinary authority when they know of a serious violation of the Code of Judicial Conduct or the Rules of Professional Responsibility. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary violation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.
- [2] While judges are not obliged to report every violation of the Code of Judicial Conduct or the Rules of Professional Conduct, the failure to report may undermine the public confidence in legal profession and the judiciary. A measure of judgment is, therefore, required in deciding whether to report a violation. The term "substantial" refers to the seriousness of the possible offense and not the quantum of evidence of which the judge is aware. A report should be made when a judge or lawyer's conduct raises a serious question as to the honesty, trustworthiness or fitness as a judge or lawyer.

- [3] Appropriate action under sections (C) and (D) may include communicating directly with the judge or lawyer who may have violated the Code of Judicial Conduct or the Rules of Professional Conduct, communicating with a supervising judge or reporting the suspected violation to the appropriate authority or other authority or other agency or body.
- [4] Information about a judge's or lawyer's conduct may be received by a judge in the course of that judge's participation in an approved lawyers or judges assistance program. In that circumstance there is no requirement or aspiration of reporting (APR 19(b) and DRJ 14(e)).

RULE 2.16

Cooperation with Disciplinary Authorities

- (A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.
- (B) A judge shall not retaliate, directly or indirectly, against a person known* or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

COMMENT

- [1] Cooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in paragraph (A), instills confidence in judges' commitment to the integrity of the judicial system and the protection of the public.

CANON 3

A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE.

RULE 3.1

Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law* or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge; except activities expressly allowed under this code. This rule does not apply to national or state military service;
- (C) participate in activities that would undermine the judge's independence,* integrity,* or impartiality;*
- (D) engage in conduct that would be coercive; or
- (E) make extrajudicial or personal use of court premises, staff, stationery, equipment, or other resources, except for incidental use permitted by law.

COMMENT

- [1] Participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system. To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. See Rule 3.7.
- [2] Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status.

For the same reason, a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination.

- [3] While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive. For example, depending upon the circumstances, a judge's solicitation of contributions or memberships for an organization, even as permitted by Rule 3.7(A), might create the risk that the person solicited would feel obligated to respond favorably, or would do so to curry favor with the judge.
- [4] Before speaking or writing about social or political issues, judges should consider the impact of their statements under Canon 3.

RULE 3.2

Appearances before Governmental Bodies and Consultation with Government Officials

A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official, except:

- (A) in connection with matters concerning the law, the legal system, or the administration of justice;
- (B) in connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties; or
- (C) when the judge is acting in a matter involving the judge's, the judge's marital community's, or the judge's domestic partnership's legal or economic interests, or those of members of the judge's immediate family residing in the judge's household, or when the judge is acting in a fiduciary* capacity. In engaging in such activities, however, judges must exercise caution to avoid abusing the prestige of judicial office.

COMMENT

- [1] Judges possess special expertise in matters of law, the legal system, and the administration of justice, and may properly share that expertise with governmental bodies and executive or legislative branch officials.
- [2] In appearing before governmental bodies or consulting with government officials, judges must be mindful that they remain subject to other provisions of this Code, such as Rule 1.3, prohibiting judges from using the prestige of office to advance their own or others' interests, Rule 2.10, governing public comment on pending and impending matters, and Rule 3.1(C), prohibiting judges from engaging in extrajudicial activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

RULE 3.3

Acting as a Character Witness

A judge shall not act as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly summoned.

COMMENT

- [1] A judge who, without being subpoenaed, acts as a character witness abuses the prestige of judicial office to advance the interests of another. See Rule 1.3. Except in unusual circumstances where the demands of justice require, a judge should discourage a party from requiring the judge to act as a character witness.
- [2] This rule does not prohibit judges from writing letters of recommendation in non-adjudicative proceedings pursuant to Rule 1.3, comments [2] and [3].

RULE 3.4

Appointments to Governmental Positions

A judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the law, the legal system, or the administration of justice. A judge may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, or cultural activities.

COMMENT

- [1] Rule 3.4 implicitly acknowledges the value of judges accepting appointments to entities that concern the law, the legal system, or the administration of justice. Even in such instances, however, a judge should assess the appropriateness of accepting an appointment, paying particular attention to the subject matter of the appointment and the availability and allocation of judicial resources, including the judge's time commitments, and giving due regard to the requirements of the independence and impartiality of the judiciary.

RULE 3.5

Use of Nonpublic Information

A judge shall not intentionally disclose or use nonpublic information* acquired in a judicial capacity for any purpose unrelated to the judge's judicial duties.

COMMENT

- [1] This rule is not intended to affect a judge's ability to act on information as necessary to protect the health or safety of any individual if consistent with other provisions of this Code and/or law.

RULE 3.6

Affiliation with Discriminatory Organizations

- (A) A judge shall not hold membership in any organization that practices invidious discrimination on the bases of race, sex, gender, religion, national origin, ethnicity, sexual orientation or other classification protected by law.
- (B) A judge shall not use the benefits or facilities of an organization if the judge knows* or should know that the organization practices invidious discrimination on one or more of the bases identified in paragraph (A). A judge's attendance at an event in a facility of an organization that the judge is not permitted to join is not a violation of this Rule when the judge's attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices.

COMMENT

- [1] A judge's public manifestation of approval of invidious discrimination on any basis gives rise to the appearance of impropriety and diminishes public confidence in the integrity and impartiality of the judiciary. A judge's membership in an organization that practices invidious discrimination creates the perception that the judge's impartiality is impaired.
- [2] Whether an organization practices invidious discrimination is a complex question to which judges should be attentive at all times, given the prevailing state and federal law. The answer cannot be determined from a mere examination of an organization's current membership rolls, but rather, depends on how the organization selects members, as well as other relevant factors, such as the organization's purposes or activities, and whether the organization is dedicated to the preservation or religious, ethnic, or cultural values of legitimate common interest to its members.
- [3] If a judge learns that an organization to which the judge belongs engages in invidious discrimination, the judge must resign immediately from the organization.
- [4] A judge's membership in a religious organization as a lawful exercise of the freedom of religion is not a violation of this Rule.

RULE 3.7

Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the

administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

- (A) assisting such an organization or entity in planning related to fundraising, and participating in the management and investment of the organization's or entity's funds, or volunteering services or goods at fundraising events as long as the situation could not reasonably be deemed coercive;
- (B) soliciting* contributions* for such an organization or entity, but only from members of the judge's family,* or from judges over whom the judge does not exercise supervisory or appellate authority;
- (C) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fundraising purpose, the judge may do so only if the event concerns the law, the legal system, or the administration of justice;
- (D) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
 - (1) will be engaged in proceedings that would ordinarily come before the judge; or
 - (2) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

COMMENT

- [1] The activities permitted by Rule 3.7 generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.
- [2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality.
- [3] Mere attendance at an event, whether or not the event serves a fundraising purpose, does not constitute a violation of paragraph (C). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fundraising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

- [4] Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fundraising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons.
- [5] In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono legal services, if in doing so the judge does not employ coercion, or abuse the prestige of judicial office. Such encouragement may take many forms, including providing lists of available programs, training lawyers to do pro bono legal work, and participating in events recognizing lawyers who have done pro bono work.
- [6] A judge may not directly solicit funds, except as permitted under Rule 3.7(B), however a judge may assist a member of the judge's family in their charitable fundraising activities if the procedures employed are not coercive and the sum is de minimis.
- [7] [Reserved.]
- [8] A judge may provide leadership in identifying and addressing issues involving equal access to the justice system; developing public education programs; engaging in activities to promote the fair administration of justice; and convening, participating or assisting in advisory committees and community collaborations devoted to the improvement of the law, the legal system, the provision of services, or the administration of justice.
- [9] A judge may endorse or participate in projects and programs directly related to the law, the legal system, the administration of justice, and the provision of services to those coming before the courts, and may actively support the need for funding of such projects and programs.

RULE 3.8

Appointments to Fiduciary Positions

- (A) A judge shall not accept appointment to serve in a fiduciary* position, such as executor, administrator, trustee, guardian, attorney in fact, or other personal representative, except for the estate, trust, or person of a member of the judge's family,* and then only if such service will not interfere with the proper performance of judicial duties.
- (B) A judge shall not serve in a fiduciary position if the judge as fiduciary will likely be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves, or one under its appellate jurisdiction.

- (C) A judge acting in a fiduciary capacity shall be subject to the same restrictions on engaging in financial activities that apply to a judge personally.
- (D) If a person who is serving in a fiduciary position becomes a judge, he or she must comply with this Rule as soon as reasonably practicable, but in no event later than one year after becoming a judge.

COMMENT

- [1] A judge should recognize that other restrictions imposed by this Code may conflict with a judge's obligations as a fiduciary; in such circumstances, a judge should resign as fiduciary. For example, serving as a fiduciary might require frequent disqualification of a judge under Rule 2.11 because a judge is deemed to have an economic interest in shares of stock held by a trust if the amount of stock held is more than de minimis.

RULE 3.9

Service as Arbitrator or Mediator

A judge shall not act as an arbitrator or a mediator or perform other judicial functions in a private capacity unless authorized by law.*

COMMENT

- [1] This Rule does not prohibit a judge from participating in arbitration, mediation, or settlement conferences performed as part of assigned judicial duties. Rendering dispute resolution services apart from those duties, whether or not for economic gain, is prohibited unless it is authorized by law.
- [2] Retired, part-time, or pro tempore judges may be exempt from this section. (See Application)

RULE 3.10

Practice of Law

- (A) A judge shall not practice law. A judge may act pro se or on behalf of his or her marital community or domestic partnership and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family,* but is prohibited from serving as the family member's lawyer in any adjudicative forum.
- (B) This rule does not prevent the practice of law pursuant to national or state military service.

COMMENT

- [1] A judge may act pro se or on behalf of his or her marital community or domestic partnership in all legal matters, including matters involving litigation and matters involving appearances before or other dealings with governmental bodies. A judge must not use the prestige of office to advance the judge's personal or family interests. See Rule 1.3.

RULE 3.11

Financial, Business, or Remunerative Activities

- (A) A judge may hold and manage investments of the judge and members of the judge's family.*
- (B) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may manage or participate in:
- (1) a business closely held by the judge or members of the judge's family; or
 - (2) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.
- (C) A judge shall not engage in financial activities permitted under paragraphs (A) and (B) if they will:
- (1) interfere with the proper performance of judicial duties;
 - (2) lead to frequent disqualification of the judge;
 - (3) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves; or
 - (4) result in violation of other provisions of this Code.
- (D) As soon as practicable without serious financial detriment, the judge must divest himself or herself of investments and other financial interests that might require frequent disqualification or otherwise violate this Rule.

COMMENT

- [1] Judges are generally permitted to engage in financial activities, subject to the requirements of this Rule and other provisions of this Code. For example, it would be improper for a judge to spend so much time on business activities that it interferes with the performance of judicial duties. See Rule 2.1. Similarly, it would be improper for a judge to use his or her official title or appear in judicial robes in business

advertising, or to conduct his or her business or financial affairs in such a way that disqualification is frequently required. See Rules 1.3 and 2.11.

- [2] There is a limit of not more than one (1) year allowed to comply with Rule 3.11(D). (See Application Part IV)

RULE 3.12

Compensation for Extrajudicial Activities

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law* unless such acceptance would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*

COMMENT

- [1] A judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The judge should be mindful, however, that judicial duties must take precedence over other activities. See Rule 2.1.
- [2] Compensation derived from extrajudicial activities may be subject to public reporting. See Rule 3.15.

RULE 3.13

Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value

- (A) A judge shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law* or would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*
- (B) Unless otherwise prohibited by law, or by paragraph (A), a judge may accept the following:
- (1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;
 - (2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending* or impending* before the judge would in any event require disqualification of the judge under Rule 2.11;
 - (3) ordinary social hospitality;

- (4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;
- (5) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;
- (6) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;
- (7) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use; or
- (8) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner,* or other family member of a judge residing in the judge's household,* but that incidentally benefit the judge.
- (9) gifts incident to a public testimonial;
- (10) invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge:
 - (a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or
 - (b) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge.

COMMENT

- [1] Whenever a judge accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as intended to influence the judge's decision in a case. Rule 3.13 imposes restrictions upon the acceptance of such benefits. Acceptance of any gift or thing of value may require reporting pursuant to Rule 3.15 and Washington law.
- [2] Gift-giving between friends and relatives is a common occurrence, and ordinarily does not create an appearance of impropriety or cause reasonable persons to believe that the judge's independence, integrity, or impartiality has been compromised. In addition, when the appearance of friends or relatives in a case would require the judge's disqualification under Rule 2.11, there would be no opportunity for a gift to influence the judge's decision making. Paragraph (B)(2)

places no restrictions upon the ability of a judge to accept gifts or other things of value from friends or relatives under these circumstances.

- [3] Businesses and financial institutions frequently make available special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judge may freely accept such benefits if they are available to the general public, or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a certain period of time or only to borrowers with specified qualifications that the judge also possesses.
- [4] Rule 3.13 applies only to acceptance of gifts or other things of value by a judge. Nonetheless, if a gift or other benefit is given to the judge's spouse, domestic partner, or member of the judge's family residing in the judge's household, it may be viewed as an attempt to evade Rule 3.13 and influence the judge indirectly. Where the gift or benefit is being made primarily to such other persons, and the judge is merely an incidental beneficiary, this concern is reduced. A judge should, however, remind family and household members of the restrictions imposed upon judges, and urge them to take these restrictions into account when making decisions about accepting such gifts or benefits.
- [5] Rule 3.13 does not apply to contributions to a judge's campaign for judicial office. Such contributions are governed by other Rules of this Code, including Rules 4.3 and 4.4.

RULE 3.14

Reimbursement of Expenses and Waivers of Fees or Charges

- (A) Unless otherwise prohibited by Rules 3.1 and 3.13(A) or other law,* a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.
- (B) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge.

COMMENT

- [1] Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events.

Judges are encouraged to attend educational programs, as both teachers and participants, in law-related and academic disciplines, in furtherance of their duty to remain competent in the law. Participation in a variety of other extrajudicial activity is also permitted and encouraged by this Code.

[2] Not infrequently, sponsoring organizations invite certain judges to attend seminars or other events on a fee-waived or partial-fee-waived basis, and sometimes include reimbursement for necessary travel, food, lodging, or other incidental expenses. A judge's decision whether to accept reimbursement of expenses or a waiver or partial waiver of fees or charges in connection with these or other extrajudicial activities must be based upon an assessment of all the circumstances. The judge must undertake a reasonable inquiry to obtain the information necessary to make an informed judgment about whether acceptance would be consistent with the requirements of this Code and Washington law.

[3] A judge must assure himself or herself that acceptance of reimbursement or fee waivers would not appear to a reasonable person to undermine the judge's independence, integrity, or impartiality. The factors that a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include:

- (a) whether the sponsor is an accredited educational institution or bar association rather than a trade association or a for-profit entity;
- (b) whether the funding comes largely from numerous contributors rather than from a single entity and is earmarked for programs with specific content;
- (c) whether the content is related or unrelated to the subject matter of litigation pending or impending before the judge, or to matters that are likely to come before the judge;
- (d) whether the activity is primarily educational rather than recreational, and whether the costs of the event are reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;
- (e) whether information concerning the activity and its funding source(s) is available upon inquiry;
- (f) whether the sponsor or source of funding is generally associated with particular parties or interests currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification of the judge under Rule 2.11;
- (g) whether differing viewpoints are presented; and
- (h) whether a broad range of judicial and nonjudicial participants are invited, whether a large number of participants are invited, and whether the program is designed specifically for judges.

RULE 3.15

Reporting Requirements

A judge shall make such financial disclosures as required by law.

CANON 4

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.

RULE 4.1

Political and Campaign Activities of Judges and Judicial Candidates in General

- (A) Except as permitted by law,* or by Rules 4.2 (Political and Campaign Activities of Judicial Candidates in Public Elections), 4.3 (Activities of Candidates for Appointive Judicial Office), and 4.4 (Campaign Committees), a judge or a judicial candidate* shall not:
- (1) act as a leader in, or hold an office in, a political organization;*
 - (2) make speeches on behalf of a political organization or nonjudicial candidate;
 - (3) publicly endorse or oppose a nonjudicial candidate for any public office, except for participation in a precinct caucus limited to selection of delegates to a nominating convention for the office of President of the United States pursuant to (5) below.
 - (4) solicit funds for, pay an assessment to, or make a contribution* to a political organization or a nonjudicial candidate for public office;
 - (5) publicly identify himself or herself as a member or a candidate of a political organization, except
 - (a) as required to vote, or
 - (b) for participation in a precinct caucus limited to selection of delegates to a nominating convention for the office of President of the United States.
 - (6) [Reserved]
 - (7) personally solicit* or accept campaign contributions other than through a campaign committee authorized by Rule 4.4, except for members of the judge's family or individuals who have agreed to serve on the campaign committee authorized by Rule 4.4 and subject to the requirements for campaign committees in Rule 4.4(B).
 - (8) use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others except as permitted by law;
 - (9) use court staff, facilities, or other court resources in a campaign for judicial office except as permitted by law;

- (10) knowingly,* or with reckless disregard for the truth, make any false or misleading statement;
 - (11) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court; or
 - (12) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.
- (B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

COMMENT

GENERAL CONSIDERATIONS

- [1] Even when subject to public election, a judge plays a role different from that of a legislator or executive branch official. Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in furtherance of this interest, judges and judicial candidates must, to the greatest extent possible, be free and appear to be free from political influence and political pressure. This Canon imposes narrowly tailored restrictions upon the political and campaign activities of all judges and judicial candidates, taking into account the various methods of selecting judges.
- [2] When a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct.

PARTICIPATION IN POLITICAL ACTIVITIES

- [3] Public confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence. Therefore, they are prohibited by paragraph (A)(1) from assuming leadership roles in political organizations.
- [4] Paragraphs (A)(2) and (A)(3) prohibit judges and judicial candidates from making speeches on behalf of political organizations or publicly endorsing or opposing candidates for nonjudicial public office, respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others. See Rule 1.3. These Rules do not prohibit candidates from campaigning on their own behalf, or from endorsing or opposing candidates for judicial office. See Rule 4.2(B)(2).
- [5] Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no

“family exception” to the prohibition in paragraph (A)(3) against a judge or judicial candidate publicly endorsing nonjudicial candidates for public office. A judge or judicial candidate must not become involved in, or publicly associated with, a family member’s political activity or campaign for public office. To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take, reasonable steps to avoid any implication that they are using the prestige of the their judicial office to endorse any family member’s candidacy or other political activity.

- [6] Judges and judicial candidates retain the right to participate in the political process as voters in both primary and general elections. For purposes of this Canon, participation in a caucus-type election procedure does not constitute public support for or endorsement of a political organization or candidate, is not prohibited by paragraphs (A)(2) or (A)(3) and is allowed by Paragraphs (A)(2) and (A)(5). Because Washington uses a caucus system for selection of delegates to the nominating conventions of the major political parties for the office of President of the United States, precluding judges and judicial candidates from participating in these caucuses would eliminate their ability to participate in the selection process for Presidential nominations. Accordingly, Paragraph (A)(3) and (5) allows judges and judicial candidates to participate in precinct caucuses, limited to selection of delegates to a nominating convention for the office of President of the United States. This narrowly tailored exception from the general rule is provided for because of the unique system used in Washington for nomination of Presidential candidates. If a judge or a judicial candidate participates in a precinct caucus, such person must limit participation to selection of delegates for various candidates.

STATEMENTS AND COMMENTS MADE DURING A CAMPAIGN FOR JUDICIAL OFFICE

- [7] Judicial candidates must be scrupulously fair and accurate in all statements made by them and by their campaign committees. Paragraph (A)(10) obligates candidates and their committees to refrain from making statements that are false or misleading, or that omit facts necessary to make the communication considered as a whole not materially misleading.
- [8] Judicial candidates are sometimes the subject of false, misleading, or unfair allegations made by opposing candidates, third parties, or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a candidate. In other situations, false or misleading allegations may be made that bear upon a candidate’s integrity or fitness for judicial office. As long as the candidate does not violate paragraphs (A)(10), (A)(11), or (A)(12), the candidate may make a factually accurate public response. In addition, when an independent third party has made unwarranted attacks on a candidate’s opponent, the candidate may disavow the attacks, and request the third party to cease and desist.

[9] Subject to paragraph (A)(11), a judicial candidate is permitted to respond directly to false, misleading, or unfair allegations made against him or her during a campaign, although it is preferable for someone else to respond if the allegations relate to a pending case.

[10] Paragraph (A)(11) prohibits judicial candidates from making comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

PLEDGES, PROMISES, OR COMMITMENTS INCONSISTENT WITH IMPARTIAL PERFORMANCE OF THE ADJUDICATIVE DUTIES OF JUDICIAL OFFICE

[11] The role of a judge is different from that of a legislator or executive branch official, even when the judge is subject to public election. Campaigns for judicial office must be conducted differently from campaigns for other offices. The narrowly drafted restrictions upon political and campaign activities of judicial candidates provided in Canon 4 allow candidates to conduct campaigns that provide voters with sufficient information to permit them to distinguish between candidates and make informed electoral choices.

[12] Paragraph (A)(12) makes applicable to both judges and judicial candidates the prohibition that applies to judges in Rule 2.10(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

[13] The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine if a reasonable person would believe that the candidate for judicial office has specifically undertaken to reach a particular result. Pledges, promises, or commitments must be contrasted with statements or announcements of personal views on legal, political, or other issues, which are not prohibited. When making such statements, a judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.

[14] A judicial candidate may make campaign promises related to judicial organization, administration, and court management, such as a promise to dispose of a backlog of cases, start court sessions on time, or avoid favoritism in appointments and hiring. A candidate may also pledge to take action outside the courtroom, such as working toward an improved jury selection system, or advocating for more funds to improve the physical plant and amenities of the courthouse.

[15] Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph (A)(12)

does not specifically address judicial responses to such inquiries. Depending upon the wording and format of such questionnaires, candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating paragraph (A)(12), therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if elected. Candidates who do respond to questionnaires should post the questionnaire and their substantive answers so they are accessible to the general public. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate's independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

PERSONAL SOLICITATION OF CAMPAIGN FUNDS

[16] Judicial candidates should be particularly cautious in regard to personal solicitation of campaign funds. This can be perceived as being coercive and an abuse of judicial office. Accordingly, a general prohibition on personal solicitation is retained with a narrowly tailored exception contained in Paragraph (A)(7) for members of the judge's family and those who have agreed to serve on the judge's campaign committee. These types of individuals generally have a close personal relationship to the judicial candidate and therefore the concerns of coercion or abuse of judicial office are greatly diminished. Judicial candidates should not use this limited exception as a basis for attempting to skirt the general prohibition against solicitation of campaign contributions.

RULE 4.2

Political and Campaign Activities of Judicial Candidates in Public Elections

(A) A judicial candidate* in a nonpartisan, public election* shall:

- (1) Act at all times in a manner consistent with the independence,* integrity,* and impartiality* of the judiciary;
- (2) comply with all applicable election, election campaign, and election campaign fund-raising laws and regulations of this jurisdiction;
- (3) review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee, as authorized by Rule 4.4, before their dissemination; and
- (4) take reasonable measures to ensure that other persons do not undertake on behalf of the candidate activities, other than those described in Rule 4.4, that the candidate is prohibited from doing by Rule 4.1.

(B) A candidate for elective judicial office may:

- (1) establish a campaign committee pursuant to the provisions of Rule 4.4;
- (2) speak on behalf of his or her candidacy through any medium, including but not limited to advertisements, websites, or other campaign literature;
- (3) seek, accept, or use endorsements from any person or organization.

COMMENT

- [1] Paragraphs (B) permits judicial candidates in public elections to engage in some political and campaign activities otherwise prohibited by Rule 4.1.
- [2] Despite paragraph (B), judicial candidates for public election remain subject to many of the provisions of Rule 4.1. For example, a candidate continues to be prohibited from soliciting funds for a political organization, knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. See Rule 4.1(A), paragraphs (4), (10), and (12).
- [3] Judicial candidates are permitted to attend or purchase tickets for dinners and other events sponsored by political organizations on behalf of their own candidacy or that of another judicial candidate.
- [4] In endorsing or opposing another candidate for judicial office, a judicial candidate must abide by the same rules governing campaign conduct and speech as apply to the candidate's own campaign.
- [5] Although judicial candidates in nonpartisan public elections are prohibited from running on a ticket or slate associated with a political organization, they may group themselves into slates or other alliances to conduct their campaigns more effectively.

RULE 4.3

Activities of Candidates for Appointive Judicial Office

A candidate for appointment to judicial office may:

- (A) communicate with the appointing or confirming authority, including any selection, screening, or nominating commission or similar agency; and
- (B) seek endorsements for the appointment from any person or organization.

COMMENT

- [1] When seeking support or endorsement, or when communicating directly with an appointing or confirming authority, a candidate for appointive judicial office must not

make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. See Rule 4.1(A)(12).

RULE 4.4

Campaign Committees

- (A) A judicial candidate* subject to public election* may establish a campaign committee to manage and conduct a campaign for the candidate, subject to the provisions of this Code. The candidate is responsible for ensuring that his or her campaign committee complies with applicable provisions of this Code and other applicable law.*
- (B) A judicial candidate subject to public election shall direct his or her campaign committee:
- (1) to solicit and accept only such campaign contributions* as are reasonable, in any event not to exceed, in the aggregate amount allowed as provided for by law;
 - (2) not to solicit contributions for a candidate's current campaign more than 120 days before the date when filing for that office is first permitted and may accept contributions after the election only as permitted by law; and
 - (3) to comply with all applicable statutory requirements for disclosure and divestiture of campaign contributions, and to file with the Public Disclosure Commission all reports as required by law.

COMMENT

- [1] Judicial candidates are generally prohibited from personally soliciting campaign contributions or personally accepting campaign contributions. See Rule 4.1(A)(7). This Rule recognizes that judicial candidates must raise campaign funds to support their candidacies, and permits candidates, other than candidates for appointive judicial office, to establish campaign committees to solicit and accept reasonable financial contributions or in-kind contributions.
- [2] Campaign committees may solicit and accept campaign contributions, manage the expenditure of campaign funds, and generally conduct campaigns. Candidates are responsible for compliance with the requirements of election law and other applicable law, and for the activities of their campaign committees.

RULE 4.5

Activities of Judges Who Become Candidates for Nonjudicial Office

- (A) Upon becoming a candidate for a nonjudicial elective office, a judge shall resign from judicial office, unless permitted by law* to continue to hold judicial office.

- (B) Upon becoming a candidate for a nonjudicial appointive office, a judge is not required to resign from judicial office, provided that the judge complies with the other provisions of this Code.

COMMENT

- [1] In campaigns for nonjudicial elective public office, candidates may make pledges, promises, or commitments related to positions they would take and ways they would act if elected to office. Although appropriate in nonjudicial campaigns, this manner of campaigning is inconsistent with the role of a judge, who must remain fair and impartial to all who come before him or her. The potential for misuse of the judicial office, and the political promises that the judge would be compelled to make in the course of campaigning for nonjudicial elective office, together dictate that a judge who wishes to run for such an office must resign upon becoming a candidate.
- [2] The “resign to run” rule set forth in paragraph (A) ensures that a judge cannot use the judicial office to promote his or her candidacy, and prevents post-campaign retaliation from the judge in the event the judge is defeated in the election. When a judge is seeking appointive nonjudicial office, however, the dangers are not sufficient to warrant imposing the “resign to run” rule.

TAB 2

RULES OF PROFESSIONAL CONDUCT

Rules 8.2 and 8.5

www.courts.wa.gov/court_rules

RPC RULE 8.2

JUDICIAL AND LEGAL OFFICIALS

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications, integrity, or record of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

Comment

[1] Assessments by lawyers are relied on in evaluating the professional or personal fitness of persons being considered for election or appointment to judicial office and to public legal offices, such as attorney general, prosecuting attorney and public defender. Expressing honest and candid opinions on such matters contributes to improving the administration of justice. Conversely, false statements by a lawyer can unfairly undermine public confidence in the administration of justice.

[2] When a lawyer seeks judicial office, the lawyer should be bound by applicable limitations on political activity.

[3] To maintain the fair and independent administration of justice, lawyers are encouraged to continue traditional efforts to defend judges and courts unjustly criticized.

[Amended effective September 1, 2006.]

RPC 8.5

DISCIPLINARY AUTHORITY; CHOICE OF LAW

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.

(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

(c) Disciplinary Authority Over Judges. Notwithstanding the provisions of Rule 8.4(m), a lawyer, while serving as a judge or justice as defined in RCW 2.64.010, shall not be subject to the disciplinary authority provided for in these Rules or the Rules for Enforcement of Lawyer Conduct for acts performed in his or her judicial capacity or as a candidate for judicial office unless judicial discipline is imposed for that conduct by the Commission on Judicial Conduct or the Supreme Court. Disciplinary authority should not be exercised for the identical conduct if the violation of the Code of Judicial Conduct pertains to the role of the judiciary and does not relate to the judge's or justice's fitness to practice law.

[Adopted effective September 1, 1985; Amended effective October 1, 2002; September 1, 2006; September 1, 2010.]

Comment

Disciplinary Authority

[1] It is longstanding law that the conduct of a lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction. Extension of the disciplinary authority of this jurisdiction to other lawyers who provide or offer to provide legal services in this jurisdiction is for the protection of the citizens of this jurisdiction. Reciprocal enforcement of a jurisdiction's disciplinary findings and sanctions will further advance the purposes of this Rule. See, Rules 6 and 22, ABA Model Rules for Lawyer Disciplinary

Enforcement. A lawyer who is subject to the disciplinary authority of this jurisdiction under Rule 8.5(a) appoints an official to be designated by this Court to receive service of process in this jurisdiction. The fact that the lawyer is subject to the disciplinary authority of this jurisdiction may be a factor in determining whether personal jurisdiction may be asserted over the lawyer for civil matters.

Choice of Law

[2] A lawyer may be potentially subject to more than one set of rules of professional conduct which impose different obligations. The lawyer may be licensed to practice in more than one jurisdiction with differing rules, or may be admitted to practice before a particular court with rules that differ from those of the jurisdiction or jurisdictions in which the lawyer is licensed to practice. Additionally, the lawyer's conduct may involve significant contacts with more than one jurisdiction.

[3] Paragraph (b) seeks to resolve such potential conflicts. Its premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession). Accordingly, it takes the approach of (i) providing that any particular conduct of a lawyer shall be subject to only one set of rules of professional conduct, (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions, and (iii) providing protection from discipline for lawyers who act reasonably in the face of uncertainty.

[4] Paragraph (b)(1) provides that as to a lawyer's conduct relating to a proceeding pending before a tribunal, the lawyer shall be subject only to the rules of the jurisdiction in which the tribunal sits unless the rules of the tribunal, including its choice of law rule, provide otherwise. As to all other conduct, including conduct in anticipation of a proceeding not yet pending before a tribunal, paragraph (b)(2) provides that a lawyer shall be subject to the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in another jurisdiction, the rules of that jurisdiction shall be applied to the conduct. In the case of conduct in anticipation of a proceeding that is likely to be before a tribunal, the predominant effect of such conduct could be where the conduct occurred, where the tribunal sits or in another jurisdiction.

[5] When a lawyer's conduct involves significant contacts with more than one jurisdiction, it may not be clear whether the predominant effect of the lawyer's conduct will occur in a jurisdiction other than the one in which the conduct occurred. So long as the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect will occur, the lawyer shall not be subject to discipline under this Rule. With respect to conflicts of interest, in determining a lawyer's reasonable belief under paragraph (b)(2), a written agreement between the lawyer and client that reasonably specifies a particular jurisdiction as within the scope of that paragraph may be considered if the agreement was obtained with the client's informed consent confirmed in the agreement. [Comment 5 amended effective September 1, 2016.]

[6] If two admitting jurisdictions were to proceed against a lawyer for the same conduct, they should, applying this Rule, identify the same governing ethics rules. They should take all appropriate steps to see that they do apply the same rule to the same conduct, and in all events should avoid proceeding against a lawyer on the basis of two inconsistent rules.

[7] The choice of law provision applies to lawyers engaged in transnational practice, unless international law, treaties or other agreements between competent regulatory authorities in the affected jurisdictions provide otherwise.

Additional Washington Comments (8–13)

[8] The Commission on Judicial Conduct is an independent agency of the judicial branch of state government. Wash. Const. art. IV, § 31; RCW 2.64.120. The Commission has authority to receive and investigate complaints of, and conduct proceedings as to, alleged violations of rules of judicial conduct by a “judge or justice”. Wash. Const. art. IV, § 31; RCW 2.64.057. The terms “judge” and “justice” are defined to include justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under RCW Titles 3 or 35, judges pro tempore, court commissioners, and magistrates, and the Commission’s authority applies regardless of whether the judge or justice services full time or part time. RCW 2.64.010(4).

[9] Whether an act is performed in the judge’s “judicial capacity” depends on the facts and circumstances of the conduct. In general, acts are performed in the judicial capacity of they involve the making of judicial decisions, the performance of judicial duties, or the discharge of administrative responsibilities in connection with judicial office. Other factors include whether the act was performed or purported to be performed in the individual’s official capacity as a judge and whether the conduct is expressly governed by the Code of Judicial Conduct. With the exception of conduct committed during a judicial campaign, see Comment [12], paragraph (c) does not apply to conduct occurring prior to service as a judge, nor does it apply to conduct wholly outside of the judicial campaign.

[10] Paragraph (c) does not prevent the exercise of disciplinary authority over (1) a judge or justice after he or she has been disciplined for judicial misconduct by the Commission on Judicial Conduct or the Supreme Court, (2) a former judge or justice, or (3) a lawyer who serves as a pro tem or part time judge for acts performed by him or her as a lawyer and otherwise outside of his or her judicial capacity.

[11] [Reserved.]

[12] Acts performed as a candidate for judicial office are governed by paragraph (c) if performed by a judge or a justice or a successful lawyer candidate for judicial office. This rule has no application to acts performed by an unsuccessful lawyer candidate for judicial office.

[13] Paragraph (c) applies to judges and justices defined to be within the jurisdiction of the Commission on Judicial Conduct under Wash. Const. art. IV, § 31 and Title 2.64 RCW and is

not intended to apply to other lawyers in this state designated as judges, including but not limited to federal judges, administrative law judges, and tribal judges.

[Comments adopted effective September 1, 2006; Amended effective September 1, 2010.]

TAB 3

FREQUENTLY ASKED QUESTIONS

www.courts.wa.gov/judicial_education

FREQUENTLY ASKED QUESTIONS

Campaign Activity

- I. [Complying With Canon 4](#)
- II. [Appearing Publicly](#)
- III. [Public Endorsements](#)
- IV. [Pledges/Promises](#)
- V. [Campaign Statements](#)
- VI. [Campaign Material](#)
- VII. [Campaign Committee](#)
- VIII. [Soliciting Contributions](#)
- IX. [Campaign Spending](#)
- X. [Candidate Contributions](#)
- XI. [Fund Raising](#)
- XII. [Knowing Your Supporters](#)
- XIII. [Receipt of Contribution](#)
- XIV. [Disciplinary Action Under Canon 4](#)
- XV. [Nonjudicial Campaigns](#)
- XVI. [Campaign Resources and Information](#)

Last Revised November 2017

I. COMPLYING WITH CANON 4

A. *What are the sources of authority and guidance regarding a judge's political activity?*

- (1) Canon 4, [Washington State Code of Judicial Conduct \(CJC\)](#).
- (2) Revised Code of Washington [\(RCW\) 42.52.180](#).
- (3) Revised Code of Washington [\(RCW\) chap. 42.17A](#) and [Title 390 WAC](#).

B. *Who must comply with Canon 4?*

The Code of Judicial Conduct governs both judges and candidates for judicial office. (See Application of the Code of Judicial Conduct I(B) and [RPC 8.2\(c\)](#).)

C. *When does a person become a candidate for judicial office?*

The Code of Judicial Conduct Terminology section defines a "judicial candidate" as: a person seeking selection for or retention into judicial office by election or appointment. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes solicitation or acceptance of contributions or support. See Preamble to the Code of Judicial Conduct and Canon 4. (See [RCW 42.17A](#) and the Public Disclosure Commission (PDC) [Web site](#) or contact the Public Disclosure Commission for information on its definition of candidacy.)

D. Who may ask questions of the Ethics Advisory Committee about Canon 4?

The Ethics Advisory Committee can give advisory opinions only to judges ([GR 10](#)). Requests for opinions should be addressed to: Ethics Advisory Committee, c/o Administrative Office of the Courts, Temple of Justice, PO Box 41174, Olympia, WA 98504-1174. The telephone number is (360) 357-2129. The email address is: ethics@courts.wa.gov. Attorney candidates for judicial office should direct their inquiries to: Washington State Bar Association, Lawyer Assistance Department, 1325 Fourth Avenue Suite 600, Seattle, WA 98101--2539. The telephone number is (206) 727-8284 or (800) 945-WSBA, ext. 8284.

The Ethics Advisory Opinions can be accessed at:
http://www.courts.wa.gov/programs_orgs/pos_ethics/.

Readers of the opinions are urged to review current Code provisions and other citations referenced in the opinions because those authorities may have been amended since a particular opinion was issued.

II. APPEARING PUBLICLY

A. May a judge or judicial candidate attend political gatherings?

Yes. A judge may attend political gatherings during a judicial campaign. A judge or judicial candidate shall not attend political gatherings except as authorized by CJC 4.2(B). CJC 4.2(B) allows judges and judicial candidates to attend political gatherings, including functions sponsored by political organizations. These functions may include: candidate forums, party precinct meetings, county or state party meetings or conventions, community group meetings and county fairs. Also see CJC 4.2 Comment [3].

III. PUBLIC ENDORSEMENTS

A. From whom may a judge or judicial candidate seek an endorsement?

A judge or judicial candidate may seek, accept or use endorsements from any person or organization. CJC 4.2(B)(3).

B. May a judge or judicial candidate publicly endorse or contribute funds to another candidate for judicial office?

Yes. CJC 4.1(A)(2) and (3) provide that judges may speak at a function sponsored by a political organization on their behalf or that of another judicial candidate. CJC 4.2 Comment [4] provides that in endorsing or opposing another judicial candidate, the judge or judicial candidate must abide by the same rules governing campaign conduct and speeches as apply to the judge or judicial candidate.

- C. *May a judge, who has announced impending retirement, publicly endorse the candidacy of a candidate for judicial office?*

Yes. A retiring judge may endorse a candidate running for judicial office. CJC 4.1(A)(2) and (3) permit a judge who has announced impending retirement to publicly endorse a judicial candidate. See Opinion [88-6](#).

IV. PLEDGES/PROMISES/COMMITMENTS

- A. *May a judge or judicial candidate publicly discuss his or her views on issues that are likely to come before them?*

CJC 4.1(A)(12) prohibits a judge or judicial candidate from making statements in connection with cases, controversies, or issues that are likely to come before the court or from making pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office. Also see CJC 4.1 Comments [12] – [14].

- B. *May a judge or candidate for judicial office answer a questionnaire developed by a special interest group?*

The response to this question depends on the questions which are asked in the questionnaire. CJC 4.2(A)(1) provides that judges and judicial candidates shall act in a manner consistent with the independence, integrity, and impartiality of the judiciary. Canon 4 provides that judges and judicial candidates shall not make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office. Ultimately, a candidate must evaluate each question he or she wishes to answer and decide whether it complies with the Code of Judicial Conduct. See Opinion [92-16](#) and CJC 1.2.

V. CAMPAIGN STATEMENTS

- A. *May a judicial candidate make statements about his or her opponent?*

Yes. A candidate may make truthful statements about the qualifications of his or her opponent. CJC 4.1(A)(10) – (12).

- B. *May a judge or judicial candidate respond to personal attacks on his or her record?*

Yes. CJC 4.1(A)(10) and (11) provide a candidate may respond to personal attacks on his or her record so long as the responses are truthful. Also see CJC 4.1 Comment [9].

VI. CAMPAIGN MATERIAL

- A. *May a judge be pictured in campaign literature in a judicial robe?*

Yes. It is proper under CJC 4.1(A)(10) for a judge to be pictured in campaign literature in a judicial robe. See Opinion [88-3](#), [14-07](#), and CJC 4.1 Comment [7].

Note: Also see Public Disclosure Commission Interpretation 00-03 (“Use of Robes and Courtrooms in Campaign Literature by District and Municipal Court Judges”) available at: www.pdc.wa.gov.

VII. CAMPAIGN COMMITTEE

- A. Is it proper for a lawyer to practice before a judge, when the lawyer has formed a campaign committee for the judge’s candidacy?*

The lawyer may practice before the judge provided there is a full disclosure of the campaign relationship and the lawyers and parties, independent of the judge’s participation, all agree the campaign relationship is immaterial. See Opinion [88-7](#).

- B. May a full time or pro tempore judge be listed as a campaign member on letterhead of a judicial campaign letter soliciting endorsements and/or financial contributions?*

Application III of the Code of Judicial Conduct sets forth the provisions with which pro tempore judges are required to comply. A pro tempore judge is defined as a judicial officer who sits on fewer than 12 cases or dockets a year. CJC Terminology “Pro tempore judges.” A pro tempore judge is required to comply while he or she is serving as a pro tempore judge. A full time or judge pro tempore may be listed on letterhead, which will be used to solicit support for a judicial candidate because judges are permitted to support judicial candidates. CJC 4.1(A)(3). But neither may be listed on letterhead which will be used to solicit contributions for a non-judicial candidate. CJC (A)(4). See Opinion [93-21](#).

- C. When may a judicial candidate establish a campaign committee?*

A candidate may establish a campaign as soon as he or she decides to seek election to judicial office. “Judicial candidate” is defined in CJC Terminology. The candidate may personally contact individuals, including attorneys, to ask if they would be willing to serve on a campaign committee. *Note: “Candidate” is also defined at [RCW 42.17A.005](#).*

- D. May members of the candidate’s family serve on the campaign committee or make campaign contributions?*

Yes, members of the candidate’s family may both serve on the campaign committee and make contributions to the campaign. CJC 4.1(A) and 4.4. CJC 4.4(B)(1) requires that only reasonable contributions be accepted and in no event not to exceed the amount provided by law. See [RCW 42.17A.410](#), [RCW 42.17A.450](#), [WAC 390-05-400](#) and chapter [390-17 WAC](#).

- E. May contributions be received by the campaign committee earlier than 120 days from the date of filing for office is permitted?*

Yes, CJC 4.4(B)(2) refers to restrictions on solicitations of funds not to the receipt of them. A candidate may receive contributions earlier than 120 days before filing is

permitted and may accept contributions after the election only to the extent permitted by law. See [RCW 42.17A.410](#).

VIII. SOLICITING CONTRIBUTIONS

- A. *May a judge or judicial candidate personally solicit funds in support of his or her candidacy?*

CJC 4.1(A)(7) provides that a judge or candidate may not personally solicit or accept funds other than through a campaign committee except for contributions from members of the judge's family or people who have agreed to serve on the campaign committee. See CJC 4.1 Comment [16].

- B. *Who may solicit funds for a judicial candidate?*

CJC 4.4(B)(1) provides that judges or candidates for a judicial office may establish committees to solicit and accept reasonable campaign contributions as provided by law. See Opinion [89-9](#).

- C. *Is there a specific time period for the campaign committee to solicit campaign contributions?*

CJC 4.4(B)(2) provides for the solicitation of contributions no earlier than 120 days before the date when filing for that office is first permitted and may accept contributions after the election only to the extent permitted by law. Superior court candidates should also see [WAC 390-17-303](#).

- D. *What contributions may a campaign accept?*

The Code of Judicial Conduct does not place any express monetary limitations on the amount an individual may contribute or who may make contributions to a judicial candidate, but limitations have been imposed on judicial offices. See Public Disclosure Commission Web site: www.pdc.wa.gov/filers, [RCW 42.17A](#) and [Title 390 WAC](#).

IX. CAMPAIGN SPENDING

- A. *How may campaign money be spent?*

CJC 4.1(A)(8) provides "A judge or judicial candidate shall not use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others except as permitted by law." [RCW 42.17A.445](#) also prohibits personal use of campaign funds. Therefore, judicial candidates may spend campaign money on bona fide campaign expenses. Some examples are literature, travel, office facilities, advertising, staff, and telephones.

- B. *What may be done with unspent campaign funds?*

The Code of Judicial Conduct does not address this issue. [RCW 42.17A.430](#) lists the permissible methods that may be used to dispose of surplus campaign funds. [RCW](#)

[42.17A.430\(8\)](#) prohibits the transfer of surplus campaign funds to another candidate or other political committee.

- C. *May contributions to judicial campaigns be used to retire a campaign debt to a member of the candidate's family?*

CJC 4.1(A)(8) provides that a judge or judicial candidate shall not use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others except as permitted by law. Candidates shall comply with all laws requiring public disclosure of campaign finance. [RCW 42.17A.445](#), permits the repayment of loans made to the campaign, with some limitations and reporting requirements apply to those repayments. Therefore, contributions may be used to retire the campaign debt to a member of the judicial officer's family, again with some restrictions. See Opinion [96-1](#) and the PDC Web site for current loan repayment statutes and limitations.

X. CANDIDATE CONTRIBUTIONS

- A. *May a judge or judicial candidate make campaign contributions to his or her campaign?*

Yes, a candidate may make contributions to his or her campaign. There is no limit on the amount which may be contributed but there is a limitation on the amount of repayment of loans to the campaign. CJC 4.4(B)(3) provides that candidates shall comply with all laws requiring public disclosure and divesture of campaign finances and to file with the Public Disclosure Commission all reports required by law. [RCW 42.17A.445\(3\)](#) permits the repayment of loans made to the campaign up to a limit. See also [RCW 42.17A.765](#) and [WAC 390-16-226](#). Superior Court candidates see [WAC 390-17.303](#) for eligibility to receive contributions.

XI. FUND RAISING

- A. *Is it proper for a judge or judicial candidate to conduct fund raising activities such as holding garage sales, selling raffle tickets, attending an auction, auctioning personal items, or attending a dinner?*

CJC 4.1(A)(7) addresses the fund raising conduct for judicial candidates. Opinion [90-13](#) addresses each of the situations above. Also see Opinion [95-24](#).

XII. KNOWING YOUR SUPPORTERS

- A. *May a judge or judicial candidate know the names of persons who contributed to his or her campaign?*

CJC 4.4(B)(3) provides that candidates shall comply with all laws requiring public disclosure of campaign finances, which may require knowledge of campaign contributions. The Public Disclosure Commission ([RCW 42.17A.105](#) and [RCW 42.17A.110](#)) is empowered to require candidates to sign and file campaign disclosure forms which may include identifying the names of contributors.

B. May a judge or judicial candidate thank contributors personally?

Opinion [90-09](#) states that it is not generally proper for a judge or judicial candidate to send a personal thank you letter for contributions made to the campaign. Members of the candidate's campaign committee may thank contributors. Because of CJC 4.1(A)(7) there are exceptions to this rule. A judge may send a personal thank you letter to members of the judge's family or individuals who have agreed to serve on the campaign committee. Also see Opinion [04-06](#).

C. Will an attorney's campaign contribution to a judge's campaign require the judge to recuse when the attorney appears before him or her?

Not necessarily. The judge should examine each situation to determine whether the judge should recuse in a particular case because one of the attorneys or parties contributed to the judges' campaign or whether the contribution should be disclosed to the attorneys and parties. See CJC 2.11.

XIII. RECEIPT OF CONTRIBUTION

A. What should a candidate do with a contribution which is delivered directly to the candidate?

When an unsolicited contribution is delivered directly to the candidate, the candidate should promptly deliver it to the appropriate campaign official. CJC 4.4. [RCW 42.17A.220\(1\)](#) requires that a contribution be deposited within five business days for receipt.

XIV. DISCIPLINARY ACTION UNDER CANON 4

A. To whom should a violation of Canon 4 be reported?

Violations of Canon 4 by judicial officers should be reported to the Commission on Judicial Conduct, PO Box 1817, Olympia, WA 98507-1817. The telephone number is (360) 753-4585, Web site: cjc.state.wa.us. A Canon 4 violation by an attorney candidate should be reported to the Washington State Bar Association, Office of Disciplinary Counsel, 1325 Fourth Avenue, Seattle, WA 98101-2539. The telephone number is (206) 727-8207, Web site: wsba.org.

XV. NONJUDICIAL CAMPAIGNS

A. May a judge participate in the campaigns of nonjudicial political candidates?

No. CJC 4.1(A)(2) and (3) provide that a judge or candidate for election to judicial office shall not make speeches on behalf of a political organization or nonjudicial candidate or publicly endorse a nonjudicial candidate for office except for participation in a precinct caucus limited to selection of delegates to a nominating convention for President. See Opinion [86-11](#).

- B. *What partisan political campaign contributions may a judge or a judicial candidate's spouse make?*

The Code of Judicial Conduct does not regulate the conduct of spouses of judges or judicial candidates. See CJC 4.1 Comment [5]. Also see [RCW 42.17A.450](#) for attribution and aggregation of family contributions.

XVI. CAMPAIGN RESOURCES AND INFORMATION

- A. *Who may a candidate contact about campaign finance questions concerning [RCW 42.17A](#) or [Title 390 WAC](#), the state's campaign finance laws and rules?*

Contact the PDC at: 711 Capitol Way, # 206, PO Box 40908, Olympia WA 98504-0908. Toll Free: 1.877.601.2828 or (360.753.1111). Email: pdcc@pdcc.wa.gov. Web site: www.pdca.wa.gov.

- B. *Does the PDC provide campaign training for the candidate and/or the campaign treasurer?*

Yes, contact the PDC for more information. The PDC also provides free campaign finance management and reporting software to help with compliance with the law.

- C. *Is there any other agency who might be able to offer assistance about election procedures?*

Contact your county auditor or the WA Secretary of State's Office if you have questions about filing your Declaration of Candidacy, the primary and general election dates, the voters' pamphlet or other election matters. The Secretary of State's Web site is: <http://www.sos.wa.gov/>.

Public facilities cannot be used to assist campaigns. [RCW 42.52.180](#) and [RCW 42.17A.555](#). Do not use public resources, including courts' telephones, email systems, computer systems, stationery, staff or facilities to request information or assistance with a judicial campaign.

TAB 4

**STATE OF WASHINGTON
ETHICS ADVISORY COMMITTEE**

**COMPILATION OF CAMPAIGN
ETHICS OPINIONS**

www.courts.wa.gov/programs_orgs/pos_ethics

CHRONOLOGICAL LIST OF OPINIONS

Opinion	Subject	Code of Judicial Conduct
84-2	Appearance of impropriety; disqualification; judge prohibited from fundraising/providing investment advice to organization; off the bench conduct	CJC 3.1 CJC 3.7 CJC 4.1 CJC 2.11
85-2	Campaign committee usage; use of unsolicited comments on court operation	CJC 4.2
85-8	Municipal court judge; part-time judge; candidate for nonpartisan nonjudicial position	CJC Application II Terminology Section "Part-time judge" CJC 4.5(A)
86-8	Judge's spouse and political activities	CJC Application of the Code I CJC 1.1 CJC 1.2 CJC 3.1 CJC 4.1
86-9	Court employees as campaign volunteers; campaign workers bound by CJC; use of court personnel in elections; exploitation of judicial position	CJC 1.2 CJC 1.3 CJC 4.2(A)(4) CJC 4.4
86-11	Conduct to improve administration of justice; judicial comment on county clerk's race	CJC 4.1(A)(2) and (3)
87-12	Attendance at a reception for nonpartisan candidates; judge prohibited from fundraising; superior court judge	CJC 1.2 CJC 1.3 CJC 3.1 CJC 4.1(A)
88-3	District court judge; wearing robe in campaign literature	CJC 4.1(A)(10) CJC 4.1 Comment [7]
88-6 Amended	Endorsing another judicial candidate in an election	CJC 4.1 Comment [4] CJC 3.1(A)(7) CJC 4.1 Comment [16] CJC 3.1(A)
88-7 Amended	Attorneys appearing before judge when on campaign committee; superior court judge	CJC 2.11 CJC 4.4
88-13	Endorsing another judicial candidate in an election	CJC 4.1 Comment [4] CJC 3.1(A)
88-16	Appearance of impartiality, attorney opponent in a judicial election	CJC 2.11
89-9	Campaign committee usage	CJC 4.2 CJC 4.4
89-17	Attendance at event sponsored by State Senate Democratic Caucus	CJC 4.1
90-9	Thank you letter for campaign contributions	CJC 4.4
90-11	Part-time judge; purchase of tickets to fundraising event for nonjudicial candidates	CJC 4.1
90-13	Election campaign activities	CJC .1(A)(7) CJC 4.1 Comment [16] CJC 4.2 CJC 4.4

Opinion	Subject	Code of Judicial Conduct
91-22	Endorsing another judicial candidate in a judicial election; solicitation of fellow judges for another judge's contested election	CJC 1.3 CJC 4.1(A)
92-16	Answering questionnaire during judicial campaign developed by family and friends of violent crime victims	CJC 1.2 CJC 4.1 CJC 4.2
93-21	Endorsing another judicial candidate during an election; listing of name on campaign letterhead for judicial candidate; pro tempore	CJC Application III CJC Terminology "Pro tempore judge" CJC 4.1 CJC Application I
93-25	Endorsing another judicial candidate during election; writing letter to newspaper endorsing judicial candidate	CJC 4.1(A)(3) CJC 4.1(A)(9)
94-8	Off the bench conduct--county bar association picnic--endorsing nonjudicial candidates	CJC Preamble [2] CJC 1.3 CJC 2.4 CJC 3.1 CJC 3.7 CJC 4.1(A)(3)
95-7	Off the bench conduct--speaking at county chapter of Republican Women	CJC 1.2
95-24	Judge's appearance at his/her own fundraising event	CJC 4.1(A)(7) CJC 4.1 Comment [16]
96-1	Retiring campaign debt to family member; attributed quotation commenting on friend's book; speaking at national convention of a political organization	CJC 4.1 CJC 4.4(A)(3) CJC 1.3
96-15	Judicial campaign honorary co-chairs	CJC 4.4
98-1	Speaking about judicial elections and role of the courts at county partisan political groups	CJC 3.1 CJC 4.1
98-5	Transferring funds gathered while partisan elected official to their judicial campaign; funds collected while partisan elected official returned and re-donated to judicial campaign; contributions from former political party	CJC Terminology "Candidate" CJC 4.1(A)(7) CJC 4.4
98-10	Conflict between campaign reporting requirements	CJC 4.4(B)(3) CJC 4.4 Comment [2]
00-10	Attending an event put on by the candidate's campaign where attendees are asked only to pay to defray the cost of putting on the event	CJC 4.1(A)(7) CJC 4.1 Comment [16]
04-6	Judicial candidate sending personal thank you notes for campaign contributions.	CJC 4.1(A)(7) CJC 2.11(A) CJC 4.4
09-03	Attending a campaign event for a non-judicial candidate	CJC Application II CJC Terminology "Part-time judge"
10-02	Judicial officer speaking in favor of a ballot measure	CJC 3.1 CJC 4.1(A)
11-02	Judicial officer invited to a fundraising dinner hosted by a political party	CJC 3.13(B)(10)(b)
14-07	Using a photograph of candidate wearing a judicial robe in campaign literature or electronic campaign communications	CJC 4.1(A)(10)
16-03	Campaign advertising – position not vacant	CJC 4.2(A)(1) CJC 4.1(A)(10)

Opinion	Subject	Code of Judicial Conduct
16-04	Use of title in campaign communications	Application 1(A) CJC 4.1(A)(10) CJC 4.1 Comment [7]
16-07	Distribution of campaign materials	CJC 4.1(A)(5) CJC 4.1 Comment [11] CJC 4.2(B)(3) CJC 4.2 Comment [1] and [3]
18-03	Judge hearing a case where the prosecuting attorney is running for election against the judge	CJC 1.2 CJC 2.2 CJC 2.3(A) CJC 211(A) CJC 2.11 Comment [3]
21-01	Hearing a case where the Prosecuting Attorney and the District Court Judge are running in a current election to be the Superior Court Judge	CJC 1.2 CJC 2.11 CJC 2.2 CJC 2.3(A)

State of Washington
Ethics Advisory Committee
Opinion 84-02

Question

Is it proper for a judge to co-chair an organization whose purpose is to foster and encourage the election of women to public office which is a non-partisan, non-profit organization made up of members of both sexes who have the single common characteristic of being public officials?

Answer

Our answer to this question is premised on the following representations provided to the Committee: the organization 1) does not participate in elections; 2) does not endorse candidates for election; and 3) does not otherwise involve itself in activity prohibited by CJC Canon 7.

Based on these representations it is proper under CJC Canon 5B for a judge to serve as an officer in an educational or civic organization subject to the limitations that 1) the judge should not serve if it is likely that the organization will be engaged in proceedings which would ordinarily come before the judge or regularly will be engaged in adversary proceedings in any court; 2) the judge should not solicit funds for the organization, or use or permit use of the judicial office for that purpose, nor should the judge be a speaker or guest of honor at an organization's fund raising events; and 3) a judge should not give investment advice to the organization. Even though it is proper for the judge to serve as co-chair of this organization, the nature of the organization may change. Therefore, the judge must regularly reexamine such organization to ascertain the propriety of continuing to be associated with it.

Further, a judge should disclose a position with the organization to any lawyers or parties involved in an action before the judge in which the judge's impartiality or appearance of thereof may be reasonably questioned as a result of association with the organization under CJC Canon 3C, and the judge should also offer to withdraw from the case.

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:

Opinion 84-2—The language in CJC Canon 5(B)(2) has been modified. CJC Canon 3(C) became Canon 3(D).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 3.1
CJC 3.7
CJC 4.1
CJC 2.11

Opinion 84-02

6/29/1984

State of Washington
Ethics Advisory Committee
Opinion 85-02

Question

Is it ethically permissible and appropriate for an incumbent judge, in a contested election, to use complimentary comments concerning the court's operation and personnel during that judge's tenure in office in the campaign for re-election, where those comments originate, unsolicited, from attorneys and others who have come into contact with the court and its personnel?

Answer

It is proper under CJC Canon 7(B) for a judge to utilize unsolicited comments from attorneys and others who have come into contact with the court and its personnel. Permission to use the comments should not be elicited by the judge personally but rather by the campaign committee.

Comment

The Committee suggests that actual permission be obtained before using the comment, and the substance of the comment and whether the speaker was acting in a personal or representative capacity should be reduced to writing in order to avoid the possibility of misunderstandings.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.2

Opinion 85-02

2/25/1985

State of Washington
Ethics Advisory Committee
Opinion 85-08

Question

Is it proper for a part-time municipal court judge to become a candidate for an uncompensated nonpartisan school board position in a school district outside the municipality in which the part-time judge sits?

Answer

It is not proper under CJC Canon 7(A)(3) for a part-time judge to continue in his judicial position while a candidate for the school board even though said district is outside the municipality in which the part-time judge sits.

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:

Opinion 85-8—CJC Canon 7(A)(3) became 7(A)(4).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC Application II
Terminology Section “Part-time judge”
CJC 4.5(A)

Opinion 85-08

10/1/1985

State of Washington
Ethics Advisory Committee
Opinion 86-08

Question

Is it proper for a judge's spouse to conduct partisan campaign activities in the family home when the judge does not participate in, nor is identified with, any of the political activities?

Answer

Our answer is premised on the following representations made to the committee: 1) The judge's spouse is an elected official to a partisan office; 2) the judge and spouse own a home which will be used as campaign headquarters for the spouse's re-election campaign; 3) a fundraiser and other campaign activities will be held at their home; 4) the judge will not be identified on invitations sent for a fundraiser nor will the judge assist in any preparations for or be present at the fundraiser, and 5) the judge will not engage in any political activities conducted for the spouse's campaign.

A judge does not violate the Code of Judicial Conduct when the spouse of the judge engages in political activities if the judge refrains from all participation in the political activities and is in no way identified with the political activities.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC Application of the Code I
CJC 1.1
CJC 1.2
CJC 3.1
CJC 4.1

Opinion 86-08

7/14/1986

State of Washington
Ethics Advisory Committee
Opinion 86-09

Question

Is it proper for a judge to solicit volunteers to participate in the judge's reelection campaign from court personnel who work in the same court as the judge sits?

Is it proper for a judge to accept an unsolicited offer from court personnel who work in the same court as the judge sits to volunteer in the judge's reelection campaign? If yes, are there restrictions on the types of activities in which these volunteer campaign workers may engage on the judge's behalf?

Answer

It is not proper for a judge to solicit volunteers to participate in the judge's reelection campaign from court personnel who work in the same court as the judge sits since it gives the appearance of exploiting the judicial position and erodes the public confidence in the integrity of the judiciary. Canon 1 and Canon 2(A).

It is proper for a judge to accept an unsolicited offer from court personnel who work in the same court as the judge sits to volunteer in the judge's reelection campaign.

Court personnel who do participate in a judge's reelection campaign should be informed by the judge that they are required to adhere to the same standards of political conduct that apply to the judge. CJC Canon 7(B)(1)(b).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 1.2
CJC 1.3
CJC 4.2(A)(4)
CJC 4.4

Opinion 86-09

7/14/1986

State of Washington
Ethics Advisory Committee
Opinion 86-11

Question

What action can be taken by the judges of a county individually or collectively, in the course of a contested election for county clerk?

Specifically, are any of the following acts unethical under the Code of Judicial Conduct:

- A) Endorsing the opponent.
- B) Without endorsing the opponent, may a judge publicly comment upon the performance of an incumbent and the effect of such performance upon the administration of justice?
- C) May such comment, if permissible, be initiated by the judge (e.g., letter to the editor) or may the judge only respond to unsolicited inquiries by the news media?
- D) If a judge may respond to news media inquiries, solicited or unsolicited, what limitations should the judge observe?
- E) May a judge privately urge people the judge knows (or does not know) either to vote for the opponent or not to vote for the incumbent, and may this be done on the judge's own initiative?

Answer

The Committee was asked to assume in considering this request 1) that the performance of a county clerk is unsatisfactory to the extent that it affects the administration of justice to a substantial degree; 2) that no action on the part of the judges will rectify the problem short of removal of the incumbent; and 3) that the judges' action would take place during a contested election.

Overall, a judge must refrain from engaging in any political activities which are inappropriate to the judicial office.

A judge is prohibited by CJC Canon 7(A)(1)(b) from endorsing a candidate for county clerk. A judge, however, may publicly comment upon the performance of the incumbent and the effect of such performance upon the administration of justice (CJC Canon 7(A)(4)). The judge's comments should be confined to statements about the mandated responsibilities and functions of the clerk's office and not be directed at the person holding that office. The comments should not be initiated by the judge and should be limited to responses to unsolicited inquiries by the news media.

Although a judge may respond to unsolicited news media inquiries, the comments should not be personalized and should focus on the responsibilities of the clerk's office. The comments should be accurate, factual, documented, non-emotional and avoid personalities and opinions.

If asked, a judge may privately express his or her opinion to persons the judge knows but should not urge those persons to vote for a particular candidate to the extent that it becomes campaigning on behalf of a non-judicial candidate.

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:
Opinion 86-11 -- CJC Canon 7(A)(4) became 7(A)(5).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1(A)(2) and (3)

Opinion 86-11

8/27/1986

State of Washington
Ethics Advisory Committee
Opinion 87-12

Question

Is it proper for a superior court judge to be listed as a sponsor of a reception honoring successful and unsuccessful Asian candidates for non-partisan offices such as mayor and school board member?

Answer

The Code of Judicial Conduct does not prohibit a judge from acting as a sponsor of a reception intended to honor successful and unsuccessful Asian candidates for non-partisan offices providing the reception does not have as one of its purposes the solicitation of funds for the candidates or others.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 1.2
CJC 1.3
CJC 3.1
CJC 4.1(A)

Opinion 87-12

12/8/1987

State of Washington
Ethics Advisory Committee
Opinion 88-03

Question

May a district court judge, who is running for a superior court position, be pictured in campaign literature in a judicial robe if the caption of the picture indicates that the judge is a district court judge?

Answer

It is proper under CJC Canon 7(B)(1)(c) and (d) for a district court judge, who is running for a superior court position, to be pictured in campaign literature in a judicial robe as long as the caption of the picture indicates that the judge is a district court judge, since this disclosure of the district court position would prevent the material from being misleading or from being misconstrued.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1(A)(10)
CJC 4.1 Comment [7]

Opinion 88-03

3/11/1988

State of Washington
Ethics Advisory Committee
Opinion 88-06

Question

May a superior court judge, who has announced impending retirement, publicly endorse the candidacy of a commissioner who intends to run for the position presently held by that superior court judge?

May a judge, while still holding office, and after having announced impending retirement, endorse the candidacy by lending the judge's name as honorary chair of a campaign committee for and on behalf of the commissioner's candidacy for the superior court position?

Answer

CJC Canon 7(A)(1)(b) permits a judge, who has announced impending retirement, to publicly endorse the candidacy of the commissioner who intends to run for that judge's position because it is a judicial position. A sitting judge may serve as an honorary chair of a judicial campaign, provided the sitting judge is not involved in candidate fundraising. The judge's service as an honorary chair may not interfere with the judge's judicial duties, which take precedence over all other activities (CJC Canon 3).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1 Comment [4]
CJC 3.1(A)(7)
CJC 4.1 Comment [16]
CJC 3.1(A)

Opinion 88-06

3/11/1988

State of Washington
Ethics Advisory Committee
Opinion 88-07

Question

Is it proper for a judicial officer to hear matters presented by a lawyer, if the lawyer has formed a campaign committee for the judicial officer's candidacy for another judicial position?

Is it proper for the judicial officer to hear matters presented by other members of the lawyer's firm?

May the judicial officer hear matters of other lawyers who lend public support for the judicial officer's candidacy?

Answer

A judicial officer may hear matters presented by a lawyer who has formed a campaign committee for the judicial officer's candidacy for another judicial position if there is disclosure of the campaign relationship and the lawyers and parties, independently of the judge's participation, all agree in writing or on the record that the campaign relationship is immaterial. (CJC Canon 3(C) and (D).)

A judicial officer may hear matters presented by other member's of the lawyer's firm. If the members of the lawyer's firm are similarly active and visible in the judge's election campaign, then there must be full disclosure of the campaign relationship and agreement to the judicial officer's participation as described above.

The question of whether a judicial officer may hear matters presented by other lawyers who lend public support of the judicial officer's candidacy will turn on the nature of that support. If other lawyers are merely contributing funds to the campaign as outlined in CJC Canon 7(B)(2), then there would be no need for any disclosure. However, if the support is made known to the judicial officer and the judicial officer's impartiality might reasonably be questioned by any opposing party or lawyer on the basis of such support, then there must be full disclosure of the support and agreement to the judicial officer's participation as described above.

Comment

This opinion was amended because as originally drafted it addressed attorney conduct which is not covered by the Code of Judicial Conduct. It has been amended to address judicial conduct which is covered by the Code of Judicial Conduct. Additionally, the Committee took this opportunity to redraft language to clarify the opinion.

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:

Amended Opinion 88-7—CJC Canon 3(C) is now 3(D). CJC Canon 3(D) became 3(E).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 2.11

CJC 4.4

Opinion 88-07

3/16/1988

Amended 7/15/1993

State of Washington
Ethics Advisory Committee
Opinion 88-13

Question

May a sitting judge publicly endorse, or contribute funds or time by campaigning for another sitting judge's campaign for reelection or for election to a higher judicial office?

May a sitting judge publicly endorse, or contribute funds or time by campaigning for a non-judge candidate for judicial office?

Answer

CJC Canon 7(A) permits a sitting judge to publicly endorse, contribute funds or time by campaigning for a candidate running for judicial office whether the candidate is an attorney candidate or an incumbent judge.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1 Comment [4]
CJC 3.1(A)

Opinion 88-13

9/16/1988

State of Washington
Ethics Advisory Committee
Opinion 88-16

Question

May a judge hear cases where one of the parties is represented by an attorney that ran against the incumbent judge, where during the election, the attorney accused and/or insinuated the judge was not impartial?

Answer

A judge is not prohibited from hearing cases where one of the parties is represented by an attorney that ran against the incumbent judge.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 2.11

Opinion 88-16

11/15/1988

State of Washington
Ethics Advisory Committee
Opinion 89-09

Question

May an incumbent judge establish a committee of responsible persons to secure and manage the expenditure of funds for the judge's campaign and to obtain public statements of support for the judge's candidacy as set forth in CJC Canon 7(B)(2) if there is no competing candidate and no active opposition?

Answer

CJC Canon 7(B)(2) permits candidates, including an incumbent judge, to establish campaign committees to obtain statements of public support and to solicit campaign funds for 120 days before the date of filing for that office even though there has been no declaration by another candidate of the intention to seek the judge's position.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.2
CJC 4.4

Opinion 89-09

5/22/1989

State of Washington
Ethics Advisory Committee
Opinion 89-17

Question

May a judge attend an event sponsored by the State Senate Democratic Caucus, the purpose of which is to raise money in support of party candidates to the State Senate, where the judge received a complimentary invitation as a former member of the State Senate Democratic Caucus?

Answer

The Committee recognizes that CJC Canon 7(A) allows judges to attend political gatherings and to speak on their own behalf or on behalf of another candidate for judicial office; however, because the purpose of this event is to raise money in support of party candidates, it would not be proper for a judge to attend this event. Even though the judge would not be contributing money, the judge's attendance could give the appearance that the judge has made a contribution to a nonjudicial candidate.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1

Opinion 89-17

12/12/1989

State of Washington
Ethics Advisory Committee
Opinion 90-09

Question

Is it proper for a judge to send a personal thank you letter for contributions made to the judge's campaign?

Answer

It is not proper for a judge to send a personal thank you letter for contributions made to the judge's campaign. CJC Canon 7(B)(2) allows judicial candidates to establish committees of responsible persons to secure and manage the expenditure of funds for their campaigns. The campaign committee may acknowledge the contribution with a thank you letter on the judge's behalf.

Also see Opinion 04-6.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.4

Opinion 90-09

6/25/1990

State of Washington
Ethics Advisory Committee
Opinion 90-11

Question

May a part-time judicial officer attend and/or purchase tickets to a political fundraising event for local nonjudicial candidates?

Answer

The Preamble 1(A)(1) to the Code of Judicial Conduct does not exempt a part-time judicial officer from complying with the provisions of CJC Canon 7(A). Therefore, a part-time judicial officer may not attend or purchase tickets to a political fundraising event for local nonjudicial candidates.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1

Opinion 90-11

8/3/1990

State of Washington
Ethics Advisory Committee
Opinion 90-13

Question

Is it proper under the CJC Canon 7(B) for a judicial candidate to conduct the following fund raising activities:

1. Attend a dinner where the tickets are either pre-sold or sold at the door by the candidate or others on the candidate's behalf. The cost of the ticket is in excess of providing the meal and the surplus is intended to be contributed to the judicial candidate for the campaign.
2. Attend an auction, public or by invitation, intended to raise funds for the judicial candidate. Does donation of the items or purchase of the items to be auctioned alter the propriety of attendance at the auction? Does auctioning personal items belonging to the candidate affect the propriety?
3. Conduct a garage or yard sale where items to be sold are solicited by the candidate and delivered to the candidate's home or place of business and the yard sale is conducted at the candidate's home or place of business.
4. Is it a violation of the Canons for the committee for the candidate to sell raffle tickets for a prize to be given at a drawing if: (1) the judge is present at the drawing and/or awards the prize; (2) the candidate is not present at the time of the drawing.

Answer

1. CJC Canon 7(B)(2) prohibits a judicial candidate from attending a dinner where the tickets are either pre-sold or sold at the door by the candidate or others on the candidate's behalf as this would cause the candidate to participate indirectly in the solicitation of funds. It would be proper, however, for the campaign committee to sponsor a fund raising dinner for which tickets are either pre-sold or sold at the door if the candidate did not attend the dinner. If there is no admission charge in addition to the cost of the dinner the candidate could attend the dinner provided the candidate did not participate in any fund raising activities and left the dinner before donations are solicited.
2. CJC Canon 7(B)(2) would permit a judge to attend a fund raising auction if no attendance fee is charged, and the items which are to be auctioned are purchased, but the judicial candidate should leave before the auctioning of the items begins. If the items to be auctioned were donated, and the donor is identified or identifiable, it would not be appropriate for the candidate to attend as it would give the appearance that the candidate is soliciting funds. The candidate may donate personal items to be auctioned, just as the judicial candidate may contribute funds to the campaign, but those items should not be particularly identifiable as having been donated by the candidate.
3. It would not be proper for a judicial candidate to conduct a garage or yard sale where the items to be sold are solicited by the candidate and delivered to the candidate's home or place of business. CJC Canon 7(B)(2) prohibits a candidate from personally soliciting items to be sold. Additionally, it would be inappropriate for the candidate or the campaign committee to have the items delivered to the candidate's home or place of business as that would cause the appearance that the candidate is directly participating in the solicitation of funds. Finally, holding the garage or yard sale at the candidate's place of business or home could give the appearance that the candidate is directly participating in the solicitation of funds. The campaign committee could sponsor a garage or yard sale to raise funds if the candidate did not solicit

funds, if the items were delivered to a different location than the candidate's home or place of business and the event was located somewhere other than the candidate's home or place of business.

4. It is permissible under CJC Canon 7(B)(2) for the campaign committee to conduct a raffle to raise funds if otherwise permissible under RCW Chap 9.46 if the candidate is not present at the time of the drawing and does not participate in any fund raising activities of the raffle.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC .1(A)(7)

CJC 4.1 Comment [16]

CJC 4.2

CJC 4.4

Opinion 90-13

9/21/1990

State of Washington
Ethics Advisory Committee
Opinion 91-22

Question

May a judge solicit fellow members of the judiciary for a campaign contribution to a third judge's contested judicial election campaign fund?

May a judge solicit members of the public for contributions to another judge's contested judicial election campaign fund?

Answer

CJC Canon 7(A) allows a judge to solicit fellow members of the judiciary for a campaign contribution to a third judge's contested judicial election campaign fund.

A judge may not solicit members of the public for contributions to another judge's contested judicial election campaign fund as that solicitation would give the appearance that the soliciting judge is using the prestige of the judicial office to advance the private interests of others.

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:
Opinion 91-22—See new language in CJC Canon 7(A).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 1.3
CJC 4.1(A)

Opinion 91-22

8/21/1991

State of Washington
Ethics Advisory Committee
Opinion 92-16

Question

May a candidate for judicial office answer a questionnaire developed by families and friends of violent crime victims which asks whether the judicial candidate agrees or disagrees with the following statements: 1) criminal sentencing alternatives should be implemented only if they protect victim rights and do not further diminish public safety; 2) victims of crime should have their voice heard and their input considered in the criminal justice process; 3) our state should reinstate an habitual offender law for repeat violent offenders; 4) victims whose constitutional or statutory rights are violated by the criminal justice system should have legal recourse; 5) the family members of a homicide victim should be entitled under law to provide the court with a victim impact statement in a capital murder case; 6) victim impact statements are an important tool for judges to utilize in the sentencing phase of a criminal trial; and 7) restitution, when reasonably ascertainable, should be ordered for every offender who commits a crime; and 8) judges should be given more discretionary powers in determining appropriate criminal sentences.

Answer

CJC Canon 2(A) provides that judges conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. CJC Canon 7(B)(1)(a) provides that judges and judicial candidates should maintain the dignity appropriate to judicial office. CJC Canon 7(B)(1)(c) provides that judges and judicial candidates should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office, announce their views on disputed legal or political issues, or misrepresent their identity or qualifications.

Because these statements call for the responding judicial candidate to comment on issues that are likely to come before the judge and also because the responses may reasonably give the impression that a judge is committed to acting in a certain way with respect to questions that may come before the judge, it is not appropriate for the judicial candidate to respond. The responses would impair the duty to promote public confidence in the integrity and impartiality of the judiciary which is required by CJC Canon 2(A).

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:
Opinion 92-16—The language in CJC Canon 7(B)(1)(c) has been modified.
The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 1.2
CJC 4.1
CJC 4.2

Opinion 92-16

9/21/1992

State of Washington
Ethics Advisory Committee
Opinion 93-21

Question

May a campaign committee member who is also a judge pro tempore be listed as a campaign committee member on letterhead of a judicial campaign letter soliciting endorsements and/or financial contributions?

May a current sitting or retired judge be listed as a campaign committee member on letterhead of a judicial campaign letter soliciting endorsements and/or financial contributions?

Answer

The Preamble 1(B) of the Code of Judicial Conduct places some restrictions on the activities of judges pro tempore while they are acting in that capacity only. CJC Canon 7(A)(1)(c) and 7(A)(2) permit judicial officers to solicit funds for and publicly endorse a candidate for judicial office. Therefore, a judge pro tempore and a sitting judge's name may appear on letterhead that will be used in the campaign to solicit endorsements and/or financial contributions.

The Code of Judicial Conduct does not apply to retired judges.

See related opinions 88-13 and 91-22.

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:
Opinion 93-21—The Application section of the CJC at (A)(2) sets forth the provisions with which part-time judges are required to comply. The language in Canon 7(A)(2) has been modified. See new Canon 7(A)(3).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC Application III
CJC Terminology “Pro tempore judge”
CJC 4.1
CJC Application I

Opinion 93-21

8/2/1993

State of Washington
Ethics Advisory Committee
Opinion 93-25

Question

May a sitting state court judge write letters to local newspapers in support of another sitting judge's candidacy in a contested election for the bench?

Answer

CJC Canon 7(A)(2) provides in part that judges holding offices filled by public election between competing candidates may attend political gatherings and speak to such gatherings on the judge's own behalf or that of another judicial candidate. CJC Canon 7(A)(2) permits a sitting judge to publicly endorse another sitting judge's candidacy in a contested election. This support may include writing letters to local newspapers in support of another sitting judge's candidacy in a contested election for the bench.

See also Opinion 88-13.

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:
Opinion 93-25—See also CJC Canon 7(A)(1)(b).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1(A)(3)
CJC 4.1(A)(9)

Opinion 93-25

9/12/1993

State of Washington
Ethics Advisory Committee
Opinion 94-08

Question

Is it proper for a judicial officer to allow the county bar association to hold its annual picnic at the residence of a judicial officer?

Is it appropriate for the bar association to invite all candidates running for district court judge, superior court clerk and prosecutor to attend and be allowed to give a five minute stump speech on the judicial officer's property?

Is it appropriate for the bar association to set up at the picnic a golf tee and charge for hitting golf balls into the bay if the proceeds will be donated to charity?

The following facts were presented to the committee:

The county bar association has asked to hold its annual bar picnic at the judicial officer's waterfront residence. The invitation to the picnic is extended to all members of the bar, their families and guests. There is no admission fee. The judicial officer will not accept any compensation for the use of the premises, however, if family fungible supplies are consumed the bar association intends to offer reimbursement.

The bar association would like to invite all candidates running for district court judge, superior court clerk and prosecutor to attend and be allowed to give a five minute stump speech. Every candidate would be invited. No candidate would be endorsed. The invitation to speak will come from the bar association and not from the judicial officer. The judicial officer's term of office is not on the ballot at the next election in which these candidates would be running.

The county bar association board of governors has decided to support a local charity and would like to set up a golf tee and charge for hitting balls into the bay. All of the proceeds will be donated to the local charity.

Answer

CJC Canon 2(B) provides that judicial officers should not allow their social relationships to influence their judicial conduct or judgment. It also provides that judicial officers should not lend the prestige of their office to advance the private interests of others and they should not convey, or permit others to convey, the impression they are in a special position to influence the judicial officer.

Canon 5(A) provides that judicial officers may engage in social and other recreational activities, if the activity does not detract from the dignity of the office or interfere with the performance of their judicial duties. Canon 5(B)(2) provides that judicial officers should not solicit funds for a charitable organization and they should not permit the use of the prestige of the office for that purpose. Additionally, they may not be a speaker or guest of honor at an organization's fundraising event, but they may attend the event.

Canon 7(A)(1)(b) provides in part that judicial officers should not publicly endorse a non-judicial candidate for public office.

The Code of Judicial Conduct does not prohibit a judicial officer from allowing the county bar association to have its annual picnic at the judicial officer's residence. CJC Canon 5(A) permits judicial officers to engage in social activities that do not detract from the dignity of their office or interfere with the performance of judicial duties.

The candidates for district court judge may be invited to attend and speak on their own behalf because judicial officers are permitted under Canon 7(A) to be involved in campaign activities of other judicial candidates. The bar association may invite all the candidates for the positions of superior court clerk and prosecutor to speak on the behalf of their candidacy. As to the superior court clerk and prosecutor candidates the judicial officer should advise the bar association that the invitation must come from the bar association. The invitation to the nonjudicial candidates should identify the site of the picnic by address only to avoid a possible misinterpretation that the judicial officer is endorsing the nonjudicial candidates or engaging in partisan politics.

The judicial officer should, however, advise the bar association that if the picnic is held at the judicial officer's residence that fundraising for the local charity will not be allowed since that activity would give rise to the appearance that the judicial officer is engaged in fundraising.

NOTE: Effective June 23, 1995, the Supreme Court amended the Code of Judicial Conduct. In addition to reviewing the ethics advisory opinions, the following should be noted:
Opinion 94-8—The language in CJC Canon 5(B)(2) has been modified.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC Preamble [2]
CJC 1.3
CJC 2.4
CJC 3.1
CJC 3.7
CJC 4.1(A)(3)

Opinion 94-08

7/5/1994

State of Washington
Ethics Advisory Committee
Opinion 95-07

Question

May a judicial officer address the county chapter of the Federation of Republican Women, a private non-profit club which is not affiliated with nor financially supported by the Republican party at any level, but, which the name implies, exists for the purpose of supporting Republican candidates for political office and the promotion of Republican Party interests generally?

The address would be limited to a generic explanation of the role of the judiciary, the problems it deals with and faces, and the dispute resolution process in general; i.e. the typical civic organization speech. The judge would not answer any questions involving issues that might come before the judge, endorse any candidate or group of candidates, legislation or propositions that might be the subject of voter action.

The judge would not be present for any portion of any business meeting. The members of the organization would be informed of the judge's address by flyer beforehand, but there would be no announcement to the general public.

Answer

Based on the representations outlined above, the Code of Judicial Conduct does not prohibit a judge from addressing the county chapter of Federation of Republican Women.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 1.2

Opinion 95-07

1/6/1995

State of Washington
Ethics Advisory Committee
Opinion 95-24

Question

May a judicial officer attend his or her own campaign fundraising event for which admission tickets are sold?

Answer

CJC Canon 7(B)(2) provides that candidates for judicial office shall not personally solicit or accept campaign contributions. A candidate may not attend a campaign event at which admission tickets are sold as the appearance would amount to the judicial officer participating indirectly in the solicitation of funds which is prohibited by Canon 7(B)(2).

A judicial candidate may attend a campaign fundraising event where an admission fee is not charged. At these events the general practice is to have the fundraising take place out of the presence of the judicial candidate by having the candidate either make an appearance before there is any solicitation for contributions or to have the solicitation take place in a location at which the candidate is not present. This avoids the appearance of indirect solicitation of funds because the candidate is unaware of who has and has not made a contribution.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1(A)(7)
CJC 4.1 Comment [16]

Opinion 95-24

12/27/1995

State of Washington
Ethics Advisory Committee
Opinion 96-01

Question

1. May a judicial officer speak on a nonpartisan topic at the national convention of a political organization?
2. May judicial campaign contributions be used to retire the judge's campaign debt to a member of the judge's family?
3. May a judicial officer allow his or her name to be attributed to a book jacket quotation commenting on a fiction book?
- 4.

Answer

1. CJC Canon 7(A) provides that a judicial officer shall not attend political functions sponsored by political organizations except while a candidate for judicial office. Therefore, a judicial officer may not attend the national convention of a political party and address the gathering even if the judicial officer's address is on a nonpartisan topic.
The factual situation outlined in Opinion 95-7 is different from the question posed in this opinion. In that opinion the group the judicial officer is addressing is not affiliated with or supported by a political party whereas here the judicial officer would be attending the national convention of a political party which is an official party function paid for and sponsored as a party event.
2. CJC Canon 7(B) provides in part that candidates shall not use or permit the use of campaign contributions for the private benefit of themselves or members of their families. It continues, candidates shall comply with all laws requiring public disclosure of campaign finance. RCW 42.17.125 permits the repayment of loans made to the campaign. Only those made by the candidate are limited to \$3,000. Therefore, contributions may be used to retire the campaign debt to a member of the judicial officer's family unless otherwise prohibited by the PDC. It should be reported as required by RCW chap. 42.17.
3. CJC Canon 2(B) provides that judges should not lend the prestige of judicial office to advance the private interests of others. Therefore, a judicial officer may not allow the judicial officer's name in conjunction with his/her title to be attributed to a book jacket quotation commenting on a fiction book as that would be using the prestige of the office to advance the private interests of others.

See also Opinion 87-4.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1
CJC 4.4(A)(3)
CJC 1.3

Opinion 96-01

1/22/1996

State of Washington
Ethics Advisory Committee
Opinion 96-15

Question

May a judicial candidate continue to list the name and the title of the attorney general on campaign literature as an honorary co-chair?

A judicial officer asked the attorney general who then agreed to serve as one of two honorary co-chairs for the judge's reelection campaign. The other co-chair is also an elected official.

The co-chairs were asked because in the past persons such as prosecuting attorneys and county executives have served in this capacity in other judicial campaigns. These persons were selected to diffuse any appearance of political affiliation because they are from each of the major political parties.

The honorary co-chairs do not personally assist in solicitation of endorsements or contributions. They do not participate in any of the meetings of the campaign committee or make recommendations or suggestions about campaign scheduling or strategy. Their sole function is to appear on the campaign letterhead as honorary co-chairs.

Answer

CJC Canon 7(B)(2) provides in part that judicial candidates may establish committees of responsible persons to secure and manage campaign funds and to obtain public statements of support.

The Code of Judicial Conduct Canon 7(B)(2) does not place any limitations on the persons who a judicial candidate may select to serve as a honorary chair. Therefore, a judicial officer may ask the attorney general to serve as honorary co-chair of a reelection committee and to list the name and the title of the attorney general on campaign letterhead.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.4

Opinion 96-15

8/19/1996

State of Washington
Ethics Advisory Committee
Opinion 98-01

Question

May a judicial officer accept non-remunerative speaking invitations from partisan political groups seeking education about the court system and elections?

The judicial officer has been asked to come to speak to county partisan political groups at their regular meetings about judicial elections and to educate the attendees as to the role of the courts.

Answer

CJC Canon 4(A) provides that judges may speak, write, lecture, teach and participate in other activities concerning the law, the legal system and the administration of justice. Canon 7(A)(1)(d) provides that judges may not attend political functions sponsored by political organizations except during judicial campaigns. These two provisions need to be harmonized to determine if a judicial officer may speak about nonpartisan topics at events which are sponsored by partisan groups.

Judicial officers are permitted by Canon 4(A) to participate in activities concerning the law, the legal system and the administration of justice. This canon addresses the need to have judicial officers take an active role in educating the public about the role of the judiciary and judicial elections. The focus of Canon 7(A) is the political conduct in which sitting judges may be engaged. This provision places parameters on the acceptable political conduct in which judicial officers may participate.

When a judicial officer makes an address concerning the law, the legal system or the administration of justice to a partisan group, the fact that the audience is partisan does not per se make the presentation a violation of the canons. The judicial officer needs to look at the nature of the meeting to make a threshold determination if his or her attendance would be appropriate. Is this a function that is intended to be educational or is it a partisan event such as a rally or convention? If the function is educational in nature and the address will cover material as outlined in Canon 4(A), the judicial officer may speak. On the other hand, if the function is of a partisan nature, it may not be appropriate for the judicial officer to appear, or if the event takes on a partisan nature, it may be appropriate for the judicial officer to leave at that point.

CJC Canon 4(A) permits a judicial officer to attend a meeting of a partisan political group to speak on the role of the judiciary and judicial elections when the meeting has an educational and not partisan purpose.

Also see Opinions 87-4, 89-17, 95-7 and 96-1.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 3.1

CJC 4.1

Opinion 98-01

1/9/1998

State of Washington
Ethics Advisory Committee
Opinion 98-05

Question

May an elected partisan official gather campaign funds while in office as a partisan official and then resign from office and run in a judicial election and either ask the donors through the candidate's former party or non-partisan (judicial election) treasurer to have the donors authorize the transfer of the campaign "war chest" to their judicial campaign?

Does it matter if some of the donors are PACs, lobbyists and other political interest groups that contributed to the official because of their political party affiliation?

Can a judicial candidate or their campaign treasurer accept contributions which the candidate knows were solicited and collected while they were a partisan elected official and were returned and then re-donated to the judicial campaign?

Can a judicial candidate or their campaign treasurer accept contributions from the judicial candidate's former political party when the judicial candidate knows the funds were collected and solicited by the candidate while they were a member of that political party and then turned over to that party to be re-donated to the judicial campaign?

Answer

The Code of Judicial Conduct defines a candidate as "a person seeking election to judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes solicitation or acceptance of contributions or support." (Terminology Section of the Code of Judicial Conduct.) The Code of Judicial Conduct governs the conduct of a candidate for judicial office once that person meets the definition of a candidate under the Code. Until that time, the conduct of a potential candidate for judicial office is governed by RCW chap. 42.17 which addresses campaign finance and disclosure. RCW 42.17.095 specifically addresses the disposal of surplus campaign funds.

A candidate for judicial office may use funds from any source permitted by RCW 42.17. Solicitation for funds or for a re-donation of funds may not come from the judicial candidate. These solicitations must be handled by the campaign committee. If a judicial candidate personally receives an unsolicited campaign contribution it should be delivered promptly to an appropriate campaign official.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC Terminology "Candidate"
CJC 4.1(A)(7)
CJC 4.4

Opinion 98-05

4/20/1998

State of Washington
Ethics Advisory Committee

Opinion 98-10

Question

1. Is there a conflict between the campaign reporting requirements under RCW 42.17 and CJC Canon 2 and 7?
2. Are judicial candidates required to not view the names of contributors when they sign and certify public disclosure reports?
3. Are judicial candidates obliged to inspect the names of persons contributing to their campaign in order to comply with RCW 42.17, and indirectly, CJC Canon 2(A)?

All candidates, including judicial candidates, are required to comply with public disclosure requirements in RCW 42.17 and applicable WAC provisions. RCW 42.17.080(5) and 42.17.090(2) require both the campaign treasurer and candidate to certify the correctness of various periodic public disclosure campaign reports, which include the identity of contributors and amounts donated.

Some candidates take the position that the statutes and WACs conflict with the Code of Judicial Conduct and cover up the names of contributors before signing public disclosure reports. Other candidates believe they must be aware of contributor's names in order to be aware of possible future conflicts of interest issues, and to comply with the law.

Answer

CJC Canon 7(B) was amended in 1995 to provide that judicial candidates shall comply with all laws requiring public disclosure of campaign finances, which may require knowledge of campaign contributions. The comment further provides that although campaign contributions of which a judge has knowledge are not prohibited, these contributions may be relevant to recusal. The Public Disclosure Commission (RCW chap. 42.17) is empowered to require candidates to sign and file campaign disclosure forms which may include identifying the names of contributors.

1. There is not a conflict between the campaign reporting requirements under RCW chap. 42.17 and Canon 2 and 7(B). Canon 7(B) recognizes that judicial candidates are required to comply with public disclosure of campaign finances, which may require knowledge of campaign contributions. The comment to that provision also provides that campaign contributions of which a judge has knowledge are not prohibited.
2. RCW 42.17.080(5) and 42.17.090(2) require both the campaign treasurer and candidate to certify the correctness of public disclosure campaign reports, which include the identity of contributors and the amounts contributed. Because CJC Canon 7(B) provides that candidates shall comply with reporting laws judicial candidates may view the names of contributors when they sign and certify public disclosure reports.
3. The answer to question 2 provides in part that the candidate must certify the correctness of the public disclosure campaign reports, which may include the identity of contributors and the amounts contributed. In order to comply with this requirement, the judicial candidate may be required to view the report; the judicial candidate is not required to inspect the names of persons contributing. Knowledge of the identity of a contributor or knowledge of the amount of a contribution made to a campaign may however, be relevant to the issue of recusal.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.4(B)(3)

CJC 4.4 Comment [2]

Opinion 98-10

12/18/1998

State of Washington
Ethics Advisory Committee
Opinion 00-10

Question

May a candidate for judicial office attend an event sponsored by the candidate's campaign where there has been a request for each person attending to pay an amount to reimburse for the expense of putting on the event?

Answer

CJC Canon 7(B)(2) provides that candidates for judicial office shall not personally solicit or accept campaign contributions. A candidate may, however, attend an event which is put on by the candidate's campaign where attendees are asked only to pay to defray the cost of putting on the event.

See also Opinion 95-24.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1(A)(7)
CJC 4.1 Comment [16]

Opinion 00-10

9/14/2000

State of Washington
Ethics Advisory Committee
Opinion 04-06

Question

Are there any circumstances under which a judicial candidate may send personal thank you notes for campaign contributions?

An incumbent judge has been challenged for re-election. The judge's campaign received a financial contribution from another judge who lives on the opposite side of the state. The campaigning judge and the contributing judge have known each other for many years, and both have worked together on various judicial committees and their respective state judicial association. Both are superior court judges. Neither has any appellate capacity over the other. There is no possibility that the contributing judge would ever appear in the court of the campaigning judge.

An incumbent judge has been challenged for re-election. The campaign committee received a financial contribution from the judge's grandmother. The grandmother lives in another state, is elderly and in poor health. There is no possibility that the judge would ever hear any case involving the grandmother in any way.

Answer

Generally, a judge or candidate for judicial office may not personally send thank you letters for campaign contributions made to the judge or candidate for judicial office. That function should be performed by the campaign. (See Opinion 90-9 and CJC Canon 7(B)(2)) There are a few very narrow exceptions to this prohibition. A candidate for judicial office may personally thank a close family member such as a sibling, parent, grandparent, spouse or other relative or person with whom the candidate maintains a close familial relationship. In most cases, unless there is a remittal of disqualification, CJC Canon 3(D)(1)(d)(i) prevents a judicial officer from hearing any matter involving a close family member or person with whom the candidate maintains a close familial relationship. Even though the judicial officer may write a personal thank you letter to a close relative or person with whom the judge maintains a close familial relationship, those thank you notes should be written either on plain paper or on the judge's personal stationery and not on campaign committee letterhead and in no circumstances on official letterhead.

A judicial candidate, who is a sitting judge, may also write a personal thank you note to another judge who is on the same trial court bench as the judge because the campaigning judge will in all probability not preside over any matter involving the contributing judge and therefore the public confidence in the impartiality of the judiciary will not be compromised. If there were an occasion when the campaigning judge did preside over a matter involving the contributing judge, the campaigning judge should disclose the contribution on the record and offer to withdraw.

Also See Opinion 90-9.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 4.1(A)(7)
CJC 2.11(A)
CJC 4.4

Opinion 04-06

11/12/2004

State of Washington
Ethics Advisory Committee
Opinion 09-03

Question

May a judicial officer attend an entire campaign event for a non-judicial candidate if the judicial officer does not make a contribution? If the answer is no, may the judicial officer leave the event before the scheduled time to ask for contributions?

The judicial officer is a part-time municipal court judge, who has been invited by a mayoral candidate in the city where he lives, which is not the town in which he sits as a judge, to attend a campaign event. There is no charge for any attendee of the event. During the event, the candidate will explain positions on many political subjects, answer questions and then make a request for contributions at the end of the presentation.

The judicial officer wants to attend the event and learn more about the candidate. The candidate and the campaign committee have verified that the event is open to attendees of any political party and is sponsored by the campaign committee, not a political party. The campaign committee has agreed not to allow anyone at the event to refer to the judge as judge. The judge would not be speaking at the event but might ask questions about political issues in order to learn more about the candidate's positions.

Answer

The Code of Judicial Conduct exempts part-time judges from complying with some provisions in the Code. Part-time judges are required to comply with the provisions in CJC Canon 7(A). That section restricts political conduct of judicial officers to supporting or contributing money to judicial candidates and to political activities on behalf of measures to improve the law, the legal system and the administration of justice.

A judicial officer may not attend a campaign event for a non-judicial candidate as described above. The CJC Canon 7(A) restricts permissible political activities to law related activities or to those held for judicial candidates. Attendance at a campaign event for a non-judicial candidate at which that candidate intends to address non-law related political issues and request campaign contributions falls within the proscribed activities outlined in Canon 7(A).

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC Application II
CJC Terminology "Part-time judge"

Opinion 09-03

6/30/2009

State of Washington
Ethics Advisory Committee
Opinion 10-02

Question

May judicial officers, on their own time and without using any public resources, speak in favor of and urge others to support a ballot measure adopting a proposed county ordinance that provides in part for additional sales and use taxes that will fund the replacement of an obsolete juvenile court facility and fund ongoing court operations? May a judicial officer solicit another judicial officer for a campaign contribution in support of this ballot measure?

There will be a ballot measure adopting a proposed county ordinance on the fall ballot, which would impose a tax that would be used, in part, for replacement of an obsolete juvenile court facility and funding ongoing court operations. The juvenile court facility is a criminal justice facility and will provide family law services.

The ballot measure would permit the county to impose an additional sales and use tax that would be split between the county and the cities with at least one-third of the proceeds being used for criminal justice and fire protection services. The county proceeds are to be used for criminal justice purposes, such as police protection, the replacement of capital facilities for juvenile justice, and the funding of ongoing court operations.

Answer

CJC Canon 4(A) provides in part that judicial officers may speak, write, teach and participate in other activities concerning the administration of justice. CJC Canon 7(A)(5) provides in part that judicial officers should not engage in any other political activity except on behalf of measures to improve the administration of justice. These provisions permit judicial officers, on their own time and without using any public resources, to speak in favor of and urge others to support a ballot measure adopting a proposed county ordinance that will fund the replacement of an obsolete juvenile court facility and fund ongoing court operations. Judicial officers' comments should be confined to the impact the ballot measure will have on the funding of the court and not address any other governmental services.

Also see Opinions 91-20, 92-05 and 04-04.

Judicial officers should not engage in any fundraising activities on behalf of the ballot measure. CJC Canon 7(A)(1)(c) provides that judicial officers shall not solicit funds for a political organization, such as an organization that presumably would expend funds in support of the ballot measure.

Also see Opinion 92-06.

The Supreme Court adopted a new Code of Judicial Conduct effective January 1, 2011. In addition to reviewing the ethics advisory opinions, the following should be noted:

CJC 3.1
CJC 4.1(A)

Opinion 10-02

8/26/2010

State of Washington
Ethics Advisory Committee
Opinion 11-02

Question

May a judicial officer accept a free ticket to attend a fundraising dinner hosted by a political party if the judge will be speaking about the judge's veteran's court?

A judge was invited to attend a dinner hosted by a political party. Attendees pay a fee to attend and it is a fundraiser for a political party. The judge was offered free attendance and a chance to speak about a therapeutic court with which the judge is involved. The court hears a special docket for defendants who are veterans.

Answer

CJC 1.2 provides in relevant part that judges must act at all times in a manner that promotes public confidence in the independence of the judiciary. Comment [6] explains that even though judges may participate in community activities for the purpose of promoting public understanding of and confidence in the administration of justice in conducting those activities, a judge must act in a manner consistent with the Code. CJC 1.3 provides in relevant part judges shall not abuse the prestige of judicial office to advance the economic interests of others or allow others to do so. CJC 3.13(B)(10)(b) provides that a judge may accept an invitation to attend an event without charge that is associated with any of the judge's educational, religious, charitable, or civic activities if that invitation is offered to nonjudges similarly situated.

Political activities of judges are governed by CJC Canon 4 and "political organization" is defined in Terminology. CJC 4.1(A)(4) provides that judges may not solicit funds for, pay an assessment to, or make a contribution to a political organization. Comment [1] to this rule explains in pertinent part that under Canon 4, judges, to the greatest extent possible, must be free and appear to be free from political influence. Comment [4] explains in pertinent part that the restrictions in paragraphs (A)(2) (making speeches for political organization or nonjudicial candidate) and (A)(3) (contributing to political organizations or nonjudicial candidates) prevent judges from abusing the prestige of office to advance the interests of others (CJC 1.3).

CJC Canon 4 and the rules under it make clear that judges may engage in political activities in only limited circumstances. The first being when the judicial officer or judicial candidate is running for political office (CJC 4.1 and 4.2) and the second being when the judge is participating in a precinct caucus limited to the selection of delegates to a nominating convention for the President (CJC 4.1(A)(5)(b)). The fact situation of the inquiry does not fall under either of the exceptions. Here the judicial officer has been asked to speak at a political organization's fundraising event, which is prohibited by CJC Canon 4.1 and CJC 1.3. The judicial officer is not appearing as a judicial candidate.

The fact that the judicial officer did not pay to attend the fundraiser does not mitigate the impropriety. By speaking at a fundraising event the judicial officer is abusing the prestige of the judicial office to advance the private interests of others. The Code permits only a limited exception for attending an event without charge. That exception is limited to an event associated with any of the judge's educational, religious, charitable, or civic activities (CJC 3.13(B)(10)(b)); it does not extend to events sponsored by a political organization.

Opinion 11-02

10/10/2011

State of Washington
Ethics Advisory Committee
Opinion 14-07

Question

May a judicial candidate who is not currently a judge or a full-time court commissioner, but who has, on occasion (perhaps a few days a month for one year), served as a judge pro tem, use a photograph of themselves wearing a judicial robe in campaign literature or electronic campaign communications? Does the non-judge candidate cure the misleading nature of the photograph by using a caption that says “Judge Pro Tem” on or near the photograph?

The King County Bar Association, in its Fair Campaign Practices Guidelines, has a clear prohibition against pro tem judges and administrative law judges wearing robes in campaign literature and has enforced that rule.

Answer

CJC 4.1(A) (10) provides that judges and judicial candidates shall not knowingly or with reckless disregard make any false or misleading statement. Comment [7] explains that judicial candidates must be scrupulously fair and accurate in all statements made by them and their campaign committees. It goes on to provide that CJC 4.1(A) (10) obligates candidates and their committees to refrain from making statements that are false or misleading, or that omit facts necessary to make the communications considered as a whole not materially misleading. “Pro tempore judge” is defined in the Terminology of the Code of Judicial Conduct as a person who serves only once or at most sporadically under a separate appointment for a case or docket in fewer than twelve cases or twelve dockets annually, counted cumulatively without regard to each jurisdiction in which the person serves as a judge.

Because a photograph for a person in a judicial robe is misleading when the person serves solely as a pro tem judge, a judicial candidate who is a judge pro tem may not be pictured in any campaign materials or communications in a robe.

See [Opinion 88-03](#) and [In Re McGlothen](#) CJC No. 82-155 F-4 (1983).

Opinion 14-07

9/12/2014

State of Washington
Ethics Advisory Committee
Opinion 16-03

Question

Upon the retirement of a sitting Superior Court judge, the Governor fills the vacant seat by appointment. In the subsequent retention election for the judge appointed to fill the vacancy, may a challenging candidate for that seat state, in communications to potential voters, that he or she is running to replace the retired judge or fill the position vacated by the retired judge without indicating there is an appointed incumbent judge already in the position?

Answer

CJC 4.1(A)(10) prohibits a judicial candidate from “knowingly, or with reckless disregard for the truth, mak[ing] any false or misleading statement.” Comment [7] to CJC 4.1(A) explains: judicial candidates must be “scrupulously fair and accurate in all statements made by them and by their campaign committees.” The CJC specifically mandates that candidates and their committees refrain from making statements that are “false or misleading, or that omit facts necessary to make the communication considered as a whole not materially misleading.” CJC 4.1(A)(10). Comment [2] to CJC 4.1(A) states how “[w]hen a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct.”

CJC 4.2(A)(1) requires a judicial candidate to “[a]ct at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary.” Integrity is defined by the Code as “probity, fairness, honesty, uprightness, and soundness of character.”

Washington law directs the Governor to appoint a judge to hold a vacant Superior Court office until the election and qualification of a judge at the next general election:

If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Wash. Const. Art. IV, § 5. *Accord* RCW 2.08.010. A technical reading of the above might suggest that only the election “fills the vacancy.” However, such a reading ignores the reality that the person appointed to hold the office is, in fact, serving as a judge and filling the vacancy until someone is elected and qualified. The vacancy is filled first by the appointed judge for a period of time, then by the elected and qualified judge. During those two periods, the office is “held” and cannot reasonably be deemed “vacant.”

Likewise, a candidate for election to hold the judicial office for the unexpired term cannot reasonably be said to be running to “replace” the judge who created the vacancy. The elected judge replaces the appointed judge, not the judge who created the vacancy.

Representations from a judicial candidate, or their campaign, that create an impression that a judicial seat is vacant after an appointment, or that the candidate is running to replace the judge who created

the vacancy, would violate CJC 4.1(A)(10) and 4.2(A)(1). Similarly, any representations regarding the circumstances that required the appointment and election would violate these provisions if omitted facts make the communication – when considered as a whole – materially misleading as to the status of the judicial office.

Under CJC 4.1(A)(10), such statements or omissions are false and misleading, are not scrupulously accurate, and omit facts necessary to make the communication not materially misleading. Under CJC 4.2(A)(1), such statements or omissions lack integrity in that they are not fair or honest.

Opinion 16-03

7/2016

State of Washington
Ethics Advisory Committee
Opinion 16-04

Question

May a candidate for Superior Court judge, who is currently employed as an Industrial Appeals Judge with the Board of Industrial Insurance Appeals (and who is neither an incumbent Superior Court judge nor a judge at any other level of court), use the title “Judge” in front of their name in campaign communications?

Answer

Industrial appeals judges are authorized and empowered to hear appeals within the executive agency of the Board of Industrial Insurance Appeals pursuant to Title 51 RCW. Although a person who serves as an administrative law judge or acts in a judicial capacity within an executive agency is not a “judge” within the meaning of the Code of Judicial Conduct (see Application 1(A) and Comment [2]), Canon 4 of the Code applies to any person who becomes a judicial candidate for judicial office. See CJC 4.1 Comment [2]. Judicial candidates are prohibited from making any false or misleading statement knowingly or with reckless disregard for the truth. CJC 4.1(A)(10). See also CJC 4.1 Comment [7] (“judicial candidates must be scrupulously fair and accurate in all statements made by them and by their campaign committees”).

Campaign communications that refer to the judicial candidate with the title “Judge” in this instance would be misleading, and not scrupulously fair and accurate. It unfairly and inaccurately suggests that the judicial candidate is the incumbent or is serving in a judicial office authorized by Article IV of the Washington Constitution.

Opinion 16-04

8/23/2016

State of Washington
Ethics Advisory Committee
Opinion 16-07

Question

May a candidate for judicial office accept a political organization's offer to distribute the candidate's campaign materials (such as yard signs, bumper stickers, and brochures), despite the materials not identifying the candidate as nonpartisan?

Answer

Although judicial candidates are generally prohibited from identifying themselves as members or candidates of a political organization, they may conduct campaigns that provide voters with sufficient information to permit them to distinguish between candidates and make informed electoral choices. CJC 4.1(A)(5); CJC 4.1 Comment [11]. Moreover, judicial candidates may seek, accept, or use endorsements from any person or organization including political organizations, and may engage in some political and campaign activities during their candidacy. CJC 4.2(B)(3); CJC 4.2 Comment [1]. For example, judicial candidates may attend dinners or events of political organizations on behalf of their own candidacy or that of another judicial candidate. CJC 4.2 Comment [3].

Even where campaign materials listed above do not identify a judicial candidate as nonpartisan, the candidate may accept a political organization's offer to distribute them. Doing so does not, in and of itself, rise to the level of identification as a member or candidate of a political organization in violation of CJC 4.1(A)(5).

Opinion 16-07

10/7/2016

STATE OF WASHINGTON
ETHICS ADVISORY COMMITTEE
OPINION 18-03

Question

May an incumbent judge hear a case where the prosecuting attorney is running for election against the judge? If the answer is yes and the incumbent judge has a subjective belief that he or she can be fair and impartial toward the prosecutor/opposing candidate, is a disclosure of this relationship and subjective belief sufficient? If the prosecutor/opposing candidate, defense attorney, or defendant object, must the incumbent judge withdraw? Is the analysis different for a trial and/or dispositive motions as opposed to standard motions on the docket?

There are multiple prosecutors in this county, with the prosecutor/opposing candidate making regular appearances along with other prosecutors on full dockets. There are several judges in the county who rotate calendars on a weekly basis. Depending on each week's particular schedule, another judge could be made available to hear the cases from which this judge becomes disqualified. There could be situations where another judge is not available to hear the matter.

Answer

Several provisions of the Code of Judicial Conduct (CJC) are applicable to the question presented. A judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. CJC 1.2. And, a judge shall perform all duties fairly and impartially. CJC 2.2. A judge shall also perform the duties of judicial office without bias or prejudice. CJC 2.3(A).

With regard to disqualification, CJC 2.11(A) requires a judge to recuse himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned. If a judge has a personal bias or prejudice concerning a party or a party's lawyer, disqualification is required. CJC 2.11(A).

While the incumbent judge may have a subjective belief that he or she can be fair and impartial, an objective approach also must be taken in evaluating whether the incumbent judge presiding over the court proceedings where an opposing candidate appears on behalf of a party gives an appearance of impropriety or partiality.

Previously, the committee has advised that when a public defender who is involved in a contested election with a judge, appears in front of the judge, the judge must disclose to the defendant on the record that the judge and the public defender/judicial candidate are involved in a contested election and offer to recuse. (02-21).

A judge is not necessarily required to recuse when an attorney in a case is also the judge's election opponent. However, in addition to the judge's subjective analysis of whether he or she can be fair and impartial, the judge also must objectively review whether the circumstances create a situation where the judge's ability to be fair and impartial may be reasonably questioned. A reasonable question as to

the judge's ability to be fair and impartial could lead to an appearance of impropriety that would undermine the public confidence in the integrity and impartiality of the judiciary and requires recusal.

Thus, specific circumstances during a campaign that could compromise the public's confidence in the judge's ability to be fair and impartial must be subjectively and objectively evaluated. If, after this subjective and objective evaluation, the judicial officer believes his or her ability to fair and impartial cannot be reasonably questioned, the judge need not recuse. However, the judge still must disclose the facts of the contested election on the record and offer to recuse.

This evaluation should be conducted in all matters where the opposing candidate appears before the incumbent judge. The evaluation should also be conducted even if the court has multiple judges and multiple prosecutors that are regularly available so cases can be transferred. Should a circumstance arise in which the incumbent judge is disqualified from hearing the matter and they are the only judge available, the rule of necessity referenced in CJC 2.11 Comment [3] should be reviewed to determine whether it is an appropriate exception based on the immediacy of the needed judicial action and the ability to transfer the matter to another judge.

Opinion 18-03

5/07/2018

STATE OF WASHINGTON
ETHICS ADVISORY COMMITTEE
ETHICS OPINION 21-01

Question:

May a sitting District Court Judge hear a case where the elected Prosecuting Attorney and the judge are running in a current election to be the Superior Court Judge for the county and the elected Prosecuting Attorney appears in front of the judge?

If so, and the judge has an objective and subjective belief that they can be fair and impartial toward the elected prosecutor/opposing candidate, is disclosure sufficient? Does the disclosure have to be made in each and every case, including cases where the elected prosecutor does not appear and a deputy prosecuting attorney appears instead and in infraction cases when the Prosecutor's office chooses not to attend the infraction hearing(s)?

Is the judge required to recuse, if requested, in spite of their subjective and objective belief that they can be fair and impartial and that it would not lead to an appearance of impropriety that would undermine confidence in the integrity and impartiality of the judicial officer?

Answer:

CJC 1.2 provides in part that judges should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. CJC 2.3(A) provides that judges should perform their adjudicative responsibilities without bias or prejudice. CJC 2.2 requires a judge to uphold and apply the law and perform all duties fairly and impartially. CJC 2.11 provides in part that judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned.

- I. May the judge hear a case when the elected prosecutor, who is the judge's opponent in an election for a different judicial position, appears on the case in front of the judge?

Yes, however, disclosure and an offer to recuse should be made. The committee has previously advised that there is no blanket disqualification in the case of a judicial opponent even when they appear on a case in front of the judge (EAO 18-03, 88-16); therefore, there is no blanket disqualification when an elected prosecutor is an election opponent and does not appear in front of the judge.

However, despite of the committee's advice that no blanket disqualification is required when a judicial opponent appears, pursuant to CJC 2.11, a judge should look at all the facts and circumstances and determine whether their impartiality might be reasonably questioned. After the judge engages in an objective and subjective evaluation of the circumstances, if the judge determines that their impartiality might be reasonably questioned, the judge should recuse. If

after engaging in an objective and subjective evaluation of the circumstances, the judge determines that their impartiality might not be reasonably questioned and the judge does not recuse, the judge should disclose the nature of the relationship and offer to recuse. It would follow that if a party accepts the judge's offer to recuse under these circumstances, the judge should recuse. Recusal from a case under these circumstances promotes public confidence in the independence, integrity, and impartiality of the judiciary.

II. Is disclosure required in cases where a member of the Prosecutor's office, who is not the judge's opponent in the judicial race, appears on a case in front of the judge?

Not necessarily. The committee has previously advised that when an attorney from an election opponent's firm appears in front of the judge, recusal is not necessarily required but other factors should be considered (*See* 18-02, 17-03, 08-02, 02-21, 95-22, 91-07, 91-01, 90-14).

In a case where a deputy prosecuting attorney appears in front of the judge when the elected prosecutor is the judge's opponent in a judicial race, the judge should objectively and subjectively evaluate whether the specific circumstances should be disclosed because the nature of those circumstances would cause the judge's impartiality to reasonably be questioned. For example, the attorney may be actively involved in the elected prosecutor's campaign and the nature of that support should be examined (*See* 88-07), or the judge's relationship with the elected prosecutor and others within the prosecutor's office is particularly acrimonious (*See* 17-01). If these or such other circumstances exist which would cause the judge's impartiality to reasonably be questioned, the judge should disclose on the record information that they believe parties or their lawyers might reasonably consider relevant to a possible motion for disqualification. CJC 2.11 cmt 5.

The persistent disclosure of the particular fact that the elected prosecutor is the election opponent of the judge in cases where the elected prosecutor does not personally appear is not required, including those cases where the attorney representing the state, county, city, or town chooses not to appear because they are excused from appearing in infraction hearings by RCW 46.63.080.

If a motion is made for the judge to recuse in a situation where the judicial election opponent does not appear, either when a disclosure is made or not made, the judge must review the basis for the motion, recusal standards according to the law, and rule on the motion as they would with any other motion.

Opinion 21-01
3/19/21

TAB 5

PUBLIC DISCLOSURE COMMISSION MATERIALS

www.pdc.wa.gov

[Home](#) >

What starts the whole process?

Becoming a candidate. According to the disclosure law, you become a candidate when you do one of these things: accept a contribution or spend money for your campaign; reserve space or purchase advertising to promote your candidacy; authorize someone else to do any of these activities for you; state publicly that you are seeking office; or file a declaration of candidacy

Once I become a candidate, then what?

Within two weeks* of the date you become a candidate, you must file a [Personal Financial Affairs Statement](#) and a [Candidate Registration](#) with the PDC, **if required**.

*An incumbent officeholder who has filed an F-1 earlier in the year does not need to file a second F-1 in the same year after becoming a candidate.

When do I have to file reports?

C-3 Contribution Reports: Before June 1 of the election year, candidates fill out a C-3 report for each bank deposit and file these reports with their C-4 reports. Beginning June 1, each deposit must be reported no later than the following Monday. Since contributions must be deposited within 5 business days of receipt, active campaigns will make at least one weekly deposit.

C-4 Summary Reports: This report, along with its attached schedules, summarizes the campaign's financial activity and shows itemized expenditures for a specific period. C-4s are due:

Monthly from the beginning of the campaign through May of the election year. If a campaign has over \$200 in contributions or expenditures during a month, a C-4 report is filed by the 10th of the following month. Starting in June of the election year and continuing through the primary and general elections, C-4 reports are due 21 and 7 days *before* each election and on the 10th of the month *after* the month the election was held with the candidate's name on the ballot, even if there was little or no activity to report.

See the [PDC's online calendar](#) for report due dates and all other important dates candidates should know.

Where do I file PDC reports?

Most candidates will file reports only with the PDC. King, Pierce, and Snohomish Counties and the City of Seattle have enacted [local filing requirements](#). Other county and municipal office candidates should check with the auditor or city clerk to determine if there is a local filing requirement.

Where do I get instructions?

Find [brochures](#), [manuals](#), and other filer resources in [Learn](#) section of the PDC's website. Blank forms are found under Learn, but most candidates will [electronically file](#) their campaign reports.

Submit questions to the PDC's [online help desk](#).

The PDC offers free compliance and ORCA training — find dates and classes on the PDC's [online calendar](#). If you can't make to one of our classes, view videos of them [online](#).

Must I have a separate campaign account?

Candidates must open a separate campaign account in a bank, credit union or savings and loan institution if they accept monetary contributions. A candidate who personally funds his/her entire campaign and accepts no contributions does not have to open a bank account. These candidates are required to make campaign books of account, which may include the personal checkbook register, available for public inspection by appointment the week before the election.

Can I be the campaign treasurer?

Yes. However, candidates who select Full Reporting are strongly encouraged to enlist the aid of a treasurer who has the time and energy necessary to keep detailed, accurate records and file frequent reports. Your treasurer does not need to be a professional accountant.

From whom may I accept contributions?

Generally, contributions from individuals, corporations, unions and other organizations are permitted. Candidates subject to contribution limits have special contributor restrictions explained in the PDC's manuals. By federal law, no foreign corporations or citizens (unless they have a Permanent Resident Card, also known as a green card), national banks and corporations organized by authority of Congress and federal government contractors may contribute to or spend funds on behalf of U.S. candidates.

Is there a contribution limit?

Yes, for state office and most local offices. Visit the PDC's [contribution limits webpage](#) for full details.

Is there an expenditure limit?

Candidates who choose Mini Reporting self-impose an expenditure limit of \$5,000. There are no expenditure limits for candidates who choose Full Reporting.

Do I have to file disclosure reports?

One of two things determines what a candidate discloses. For most candidates, it's the number of registered voters in the jurisdiction where the candidate runs for office. How much money a candidate raises or expects to raise determines what reports are filed by someone running for office in a very small jurisdiction (less than 5,000 registered voters).

File a Personal Financial Affairs Statement and campaign disclosure reports if you are:

- a state office candidate
- a county office candidate (or political subdivision that encompasses an entire county)
- a local or judicial office candidate in a jurisdiction with 5,000 or more registered voters
- a candidate who raises or expects to raise \$5,000 or more in the aggregate regardless of the number of registered voters (this includes the candidate's own money)

File just a Personal Financial Affairs Statement if you are:

- a candidate for local or judicial office in a jurisdiction with 2,000 or more but less than 5,000 registered voters and you do not raise or expect to raise \$5,000 or more

A candidate seeking election to an office in a jurisdiction with less than 2,000 registered voters who does not raise or expect to raise \$5,000 or more does not file any reports with the Public Disclosure Commission.

Must I identify all contributors?

Anyone who donates monetary and in-kind contributions totaling more than \$25 over the course of your campaign must be identified by name and full address. Plus, if an individual gives you more than \$100 in the aggregate, you must show this person's occupation and the name, city and state of his or her employer.

Do I have to file electronically?

Yes.

Free E filing software, [ORCA](#), is available from the PDC. ORCA tutorials are available under its Help menu and the PDC offers training in Olympia.

When using the ORCA software, candidates should keep in mind that campaign data from the start of the campaign must be entered in order for the software to work properly. Like any software, there is a learning curve, so candidates and their treasurers are encouraged to install the software and become familiar with it before the day the first reports are due.

Use the PDC's [online help desk](#) for assistance with electronic filing of campaign finance reports.

Can I be reimbursed for the personal funds I spend on my campaign?

Reimbursements for the candidate's out-of-pocket campaign expenses must be made within three weeks or the reimbursement counts against the candidate's loan repayment limit. A candidate can be repaid up to \$6,000 for primary election loans and \$6,000 for general election loans. A candidate's contributions to his or her own campaign should be reported as loans in order to be eligible for repayment.

Are there laws governing political ads?

Yes. Everything you need to know is explained in the [Political Advertising brochure](#).

I suspect there's more to reporting ... right?

Probably. It depends on how much you're going to raise and spend on your campaign.

If you choose [Mini Reporting](#) (limiting what you raise or spend to \$5,000 and no one other than the candidate contributes more than \$500), the C-1 and the F-1 are the only PDC reports you have to file.

If you're going to raise and spend over \$5,000 to get elected (or less than that, but you want to accept more than \$500 from a contributor), you must select the [Full Reporting](#) option. You'll be required to file frequent and detailed contribution and expenditure reports (Forms C-3 and C-4, respectively).

The PDC realizes that candidates are not always able to forecast campaign costs accurately, and may need to switch reporting

options. Changing from mini to full reporting must be done by the deadline before the election and approved by the PDC staff. The [Candidate Instructions](#) explain the deadlines and steps required to to change from mini to full reporting.

Source URL: <https://www.pdc.wa.gov/print-faqs-new-candidates>

2022 Key Reporting Dates for Candidates

DATE	ACTIVITY	C-4 REPORT PERIOD
Within two weeks of becoming a candidate	File a C-1 (non-incumbents also file an F-1)	
Jan 10	File monthly C-4 & C-3, if necessary	close of last report thru Dec 31
Feb 10	“ “	close of last report thru Jan 31
Mar 10	“ “	close of last report thru Feb 28
Apr 11	“ “	close of last report thru Mar 31
May 10	“ “	close of last report thru Apr 30
May 16 – 20	Declaration of candidacy filing week	
June 1	Begin filing C-3 reports weekly, each Monday, for deposits made during previous 7 days (Monday thru Sunday)	
June 10	File monthly C-4, if necessary	close of last report thru May 31
June 21	Final day before primary to change from mini to full reporting without special circumstances ¹	
July 12	21 day pre-primary C-4 due ²	June 1 thru July 11
July 23 – Aug 1	Campaign books open for public inspection	
July 26	7 day pre-primary C-4 due	July 12 thru July 25
July 26 – Aug 1	Special reports due if candidate receives contributions of \$1,000 or more from one source. ³	
Aug 2	PRIMARY ELECTION DAY	
Aug 31	Final day before general to change from mini to full reporting without special circumstances ¹	
Sept 12	Post-primary C-4 due	July 26 thru Aug 31
Oct 18	21 day pre-general C-4 due	Sep 1 thru Oct 1
Oct 18 – Nov 7	Special reports due if candidate receives contributions of \$1,000 or more in the aggregate from one source. Unless the contribution is from the <u>state committee</u> of a major political party or a minor party, a candidate may not now receive from one source contributions totaling over \$5,000 in the aggregate. ³	
Oct 29 – Nov 7	Campaign books open for public inspection	
Nov. 1	7 day pre-general C-4 due	Oct 1 thru Oct 31
Nov 8	GENERAL ELECTION DAY	
Dec 12	Post-general C-4 due (and C-3, if necessary)	o 1 thru Nov 30
Jan 10 (2023)	End of election cycle C-4 due (and C-3, if necessary)	Dec 1 – Dec 31

¹ See [WAC 390-16-125](#).

² Only required of candidates whose names will appear on the primary election ballot or who are running as write-in candidates in the primary election. Candidates who are only in the general election file monthly reports for June, July, and August – these reports are due on the 10th of the following month.

³ Does not constitute authority to exceed any applicable local or state contribution limit.

Political Advertising Guide

Political advertising is:

advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, fliers, letters, radio or TV presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in an election campaign.

"Mass communication" is a message intended to reach a large audience through any of the methods described above as well as periodicals, sample ballots, websites, emails, text messages, social media, and other online or electronic formats enabling the exchange of communication. Sending 100 or more identical or substantially similar letters, emails or text messages to specific recipients within a 30-day period is an example of mass communication.

General requirements:

Candidate Photos

At least one of the photos used in an ad must have been taken within the last five years and it may not be smaller than the largest candidate photo in the ad.

Party preference

must be included in any form of advertising about a candidate seeking election to a partisan office, regardless of who sponsors the ad.

Sponsor Requirements

Sponsor identification is required for political advertising, except for certain types of ads that are listed in the *exempt from sponsor identification* section. There are no exemptions for party preference. The "sponsor" is the candidate, committee, or other person who pays for the ad. When the person buying the ad is an agent for another person or is otherwise reimbursed, the sponsor is the ultimate spender. When no payment is demanded or the cost is not readily ascertainable, the sponsor is the person who arranges for the ad to be displayed or broadcast. The PDC has [separate instructions](#) that explain the unique sponsor ID requirements for electioneering communications and independent expenditures.

Use the words "paid for by" or "sponsored by" followed by the sponsor's name & address. Include all sponsors' names and addresses when there is more than one. A political committee must include its Top 5 contributors' names when sponsoring an ad about a ballot measure with a cost of at least \$1,000 in the aggregate. (Top 5 = the five largest contributors who gave more than \$700 during the 12 months before the ad appears. In the case of a tie among the top contributors meaning multiple contributors have given the same amount resulting in more than five "top" contributors, the political committee sponsor may choose which five will be named.)

Print ads & websites - display sponsor ID and any party preference in an area set apart from the ad text on the first page of the ad. Use at least 10-point type; do not screen or half-tone the text. **Exceptions** -

- **Billboards/posters** must display sponsor ID in type that is at least 10% of the largest size type used in the ad; and
- **Small online ads with limited characters** may display sponsor ID & party preference in an automatic display such as a mouse tip/rollover or nonblockable popup that remains visible for at least 4 seconds OR on a webpage that is conspicuously linked to the small ad and reached with one mouse click.

Broadcast ads, videos, and online audio ads - clearly identify or speak the sponsor's name and any party preference. (Sponsor's address not required.) When necessary in TV or video ads, a political committee has the option of displaying its Top 5 contributor names on the screen for at least 4 seconds in letters greater than 4% of the visual screen height at a reasonable color contrast with the background. An abbreviation may be used when naming a Top 5 contributor, if the full name of the contributor is clearly spoken in the ad.

Items Exempt from Sponsor ID:

badges & badge holders	hand-held signs	pens
balloons	hats	pinwheels
brushes	ice scrapers	pocket protectors
bumper stickers ≤ 4"x15"	key rings	reader boards with moveable letters
business cards	knives	ribbons
buttons	labels	rulers ≤ 12"
cigarette lighters	letter openers	shoe horns
clothing	matchbooks	skywriting
coasters	nail clippers & files	stickers ≤ 2-3/4" x 1"
combs	print newspaper ads ≤ one column inch	sunglasses
cups	noisemakers	sun visors
emery boards	official voters pamphlet	swizzle sticks
envelopes	paper & plastic cups and plates	tickets to fund raisers
erasers	paperweights	whistles
Frisbees	pencils	yard signs ≤ 8' x 4'
glasses	pendants	yo-yos
golf balls & tees		... and all similar items

The sponsor's name & address may be left off of a political ad that meets all of the following criteria:

- the sponsor is an individual acting on his or her own behalf, independent of any candidate, political committee or organization, who personally produces and distributes the ad (or pays for it to be produced and/or distributed);
- the sponsor receives no contributions or other support to produce and distribute the ad;
- no more than \$50 in the aggregate is spent for online advertising or \$100 in the aggregate for any other type of advertising; and
- the advertising is EITHER distributed through the individual's social media site, personal website, or similar online forum where information is produced and disseminated only by the individual OR a letter, flier, handbill, text or email from the individual that does not appear in a newspaper or comparable mass publication.

False political advertising:

It is illegal to sponsor a political ad, with actual malice, that contains a statement constituting libel or defamation per se* if the statement:

- directly or indirectly implies a candidate has the support or endorsement of any person or organization when the candidate does not (unless the statement is made by the person or organization),
- is a false statement of material fact about a candidate,** or
- falsely represents that a candidate is an incumbent.

*See RCW 42.17A.335(2) for a definition of libel and defamation per se.

**Unless a candidate is making a statement about him or herself or the statement is made by the candidate's agent about the candidate.

It is also illegal to:

- use an assumed name for sponsor ID in a political ad;
- distribute campaign material deceptively similar in design or appearance to the voter and candidate pamphlets published by the Secretary of State, or
- use the state seal or its likeness to assist or defeat a candidate.

Describing candidates in ads:

Incumbent is the person who is in the office now, regardless of whether the individual was appointed or elected.

Re-Elect means that the candidate holds the office now *by election* and is seeking another term in the same office OR that the candidate was elected to the office in the past, but is not the incumbent, in which case the ad must clearly state that the candidate is not the incumbent.

Retain can be used for any incumbent.

Return represents that the candidate holds, or has previously held, the office being sought.

Do not falsely imply incumbency in a political advertisement about a candidate who does not hold the office. Recommended format: *Elect Tracy Jones Auditor* or *Tracy Jones for Auditor*.

Sign Placement:

The Washington State Department of Transportation regulates when and where campaign signs can be placed along Interstate highways, primary highways, and highways that are part of the Scenic and Recreational system. Check with your city's or county's public works departments for regulations governing campaign signs in those jurisdictions.

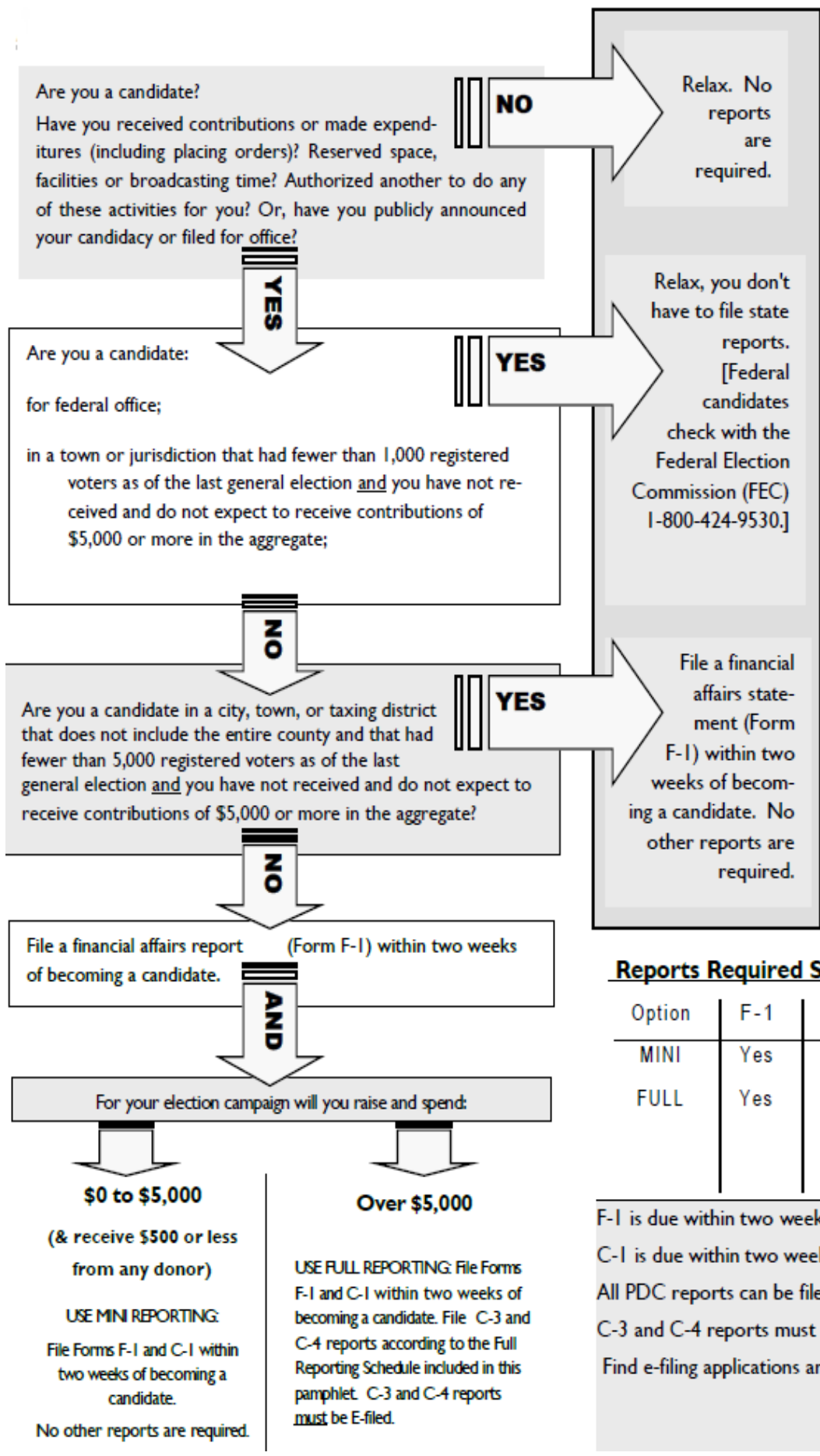
The information contained in online instructions has been distilled from the requirements set out in RCW 42.17A and Title 390 WAC, as well as the Public Disclosure Commission's declaratory orders and interpretations. Care has been taken to make the instructions accurate and concise. Nevertheless, the instructions cannot be substituted for the applicable laws and rules

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Reports Required Summary

Option	F-1	C-1	C-3	C-4
MINI	Yes	Yes	No	No
FULL	Yes	Yes	Yes	Yes

See Full Reporting Schedule

F-1 is due within two weeks of becoming a candidate.
C-1 is due within two weeks of becoming a candidate.
All PDC reports can be filed electronically.
C-3 and C-4 reports must be filed electronically.
Find e-filing applications and software at www.pdc.wa.gov.

Candidate's Guide to Reporting

Are Disclosure Reports Required?

Step 1: Determine if the candidate must register the campaign or disclose personal financial information.

Multiple factors determine whether a candidate running for state, local, or judicial office must register a campaign and disclose to the public campaign contributions and expenditures. Candidates seeking election to a federal office are regulated by the [Federal Elections Commission](#).

The first step is understanding that an individual becomes a candidate upon doing any one of these activities:

- Accepting a campaign contribution,
- Spending money on the campaign,
- Reserving space, facilities, or placing orders and committing to pay for services or supplies for the campaign,
- Authorizing someone else to do any of the above,
- Publicly announcing candidacy, or
- Filing a declaration of candidacy.

Most candidates must disclose personal financial information about themselves, their spouse or registered domestic partner, and dependents. Some candidates must register the campaign with the Public Disclosure Commission. Filing requirements are determined by the office sought and how much money the candidate expects to raise and spend:

- A candidate for state office must file the [registration \(PDC Form C-1\)](#) and [personal financial affairs statement \(PDC Form F-1\)](#).
- A candidate for local office that covers an entire county must file the registration (PDC Form C-1) and personal financial affairs statement (PDC Form F-1).
- A candidate for a local office that does not include the entire county files the F-1, if there are at least 1,000 registered voters in the jurisdiction. The candidate also files the C-1 if there are at least 5,000 registered voters in the jurisdiction or the candidate expects to raise \$5,000 for the campaign.

The C-1 and F-1 are due within two weeks of becoming a candidate. *Find forms.*

Step 2: Determine if the candidate must report the campaign's contributions and expenditures.

Only those candidates who must register their campaigns will have to determine whether they will go on to disclose contributions and expenditures. The Public Disclosure Commission has created the **mini reporting option** for candidates who raise and spend \$0 - \$5,000.

Mini reporting allows a candidate to raise and spend up to \$5,000 without filing contribution or expenditure reports, so long as no more than \$500 is received from a single contributor. There are two exceptions to the \$500 aggregate contribution limit: (1) a bona fide party committee may pay the candidate's filing fee and (2) the candidate's personal contribution is not limited to \$500. There are no exceptions to the \$5,000 mini reporting threshold. This option should be selected only after a candidate has carefully considering how much money the campaign will need to raise and spend and are certain the limitations will not be exceeded.

A candidate who is unsure how much money will be raised or does not wish to limit how much money the campaign may raise and spend overall should select the **full reporting option**. Selecting full reporting means that the candidate must file regular reports disclosing contributions and expenditures.

Bank Account

A candidate must open a bank account upon receiving a monetary contribution. Monetary contributions must be deposited within five business days of receipt. The name on the account should be the campaign committee name on the C-1. Most banks will require the candidate to have an Employer Identification Number, which is obtained from the Internal Revenue Service. (The PDC's Candidate manual explains IRS contact options.)

Electronic Filing

A candidate that spends - or expects to spend - at least \$5,000 in the current campaign or who spent at least \$5,000 in the last campaign for the same office must file campaign finance reports electronically. The PDC's [free ORCA software](#) can be installed and used by candidates to fulfill the electronic filing requirement. The PDC also has online applications for filing the [C-1](#) and [F-1](#).

Reports & Due Dates

The Index of Forms explains the purpose of each report and when it is due. [The PDC calendar shows actual report due dates](#). Reporting dates are also programmed into the ORCA software. Generally,

- Deposits or expenditures made before the campaign registers are disclosed when the C-1 is filed.
- Through May of the election year, deposits and expenditures are reported on the 10th of each month. A candidate that deposits or spends less than \$200 in a month, can choose not to file a monthly report until the contributions or expenditures to be reported exceed \$200. A candidate who does not appear on the primary election ballot continues to file monthly reports through the end of August.
- Starting in June, each deposit is reported on the following Monday.
- Expenditure reports are filed 21 and 7 days before the election and on the 10th of the month following the election.

Additionally, during the week before the primary election and the three weeks before the general election, a candidate must file a special report within 48 hours of receiving \$1,000 or more from a single source in the aggregate during the special reporting period. Any contributions received outside of the special reporting period do not count towards the \$1,000 threshold.

Campaign Books

The key to complying with campaign disclosure requirements is to keep detailed records of each contributions and expenditure and file reports on time. **Keep all campaign records for five years after the election.** Campaign books include bank statements, deposit slips, canceled checks, checkbook register as well as receipts, invoices, copies of contribution checks, notes or documents regarding orders placed or loans, etc. A ledger, journal, or similar record may be maintained to identify contributions (contributor information, amount, and date received) and expenditures (vendor, item or service provided, and cost).

Campaign books must be available for public inspection during the last eight days before an election.

Campaign Contributions

Voters passed I-276 to establish the Public Disclosure Commission and Washington's disclosure requirements as a means for making government more transparent and creating a mechanism that allowed the public to follow the money" in campaigns. Campaigns should take care to record each contribution that it receives. **The allowed limit for a cash - actual currency - contributions is \$100.** A contribution bigger than that must be made by written instrument. **A candidate may keep aggregate anonymous contributions up to \$300 or 1% of the total contributions received, whichever is greater.** If a candidate receives excess anonymous contributions, money is be deposited and then turned over to the state by sending to the PDC a campaign check for the excess amount made payable to the State General Fund.

No more than \$5,000 may be accepted by a legislative or local office candidate from a single source other than a bona fide state party committee during the last 21 days before a general election. The threshold increases to \$50,000 for a Supreme Court or state executive office candidate. Contribution limits enacted by voters in 1992 prevent most candidates from receiving contributions anywhere near these thresholds from a contributor other than a bona fide party committee. The limits for contributors other than party or caucus campaign committees are:

AMOUNT PER ELECTION	OFFICE SOUGHT
\$2,000	State Executive Judicial Office Port Commissioner*
\$1,000	State Senator or Representative County Office Mayor, City Council School Director Hospital Commissioner**

Deposit campaign contributions within five business days of receipt.

"Per election" means each time the candidate's name is on the ballot. The *candidate manual* contains very complete information about when contributions may be received, how to handle contributions received for an election where the candidate will not appear on the ballot, what to do with contributions when the candidate decides to run for a different office or otherwise end the campaign before the election, and many other situations.

Bona fide political party and caucus campaign committees' limits are determined by the number of registered voters in the jurisdiction where the candidate seeks office and are found *here*.

Candidates for mayor and city council should check with the city's clerk to learn whether the city has enacted lower limits that the city enforces. There are no contribution limits in effect for candidates running for local offices that are not listed here.

* Only candidates running for commissioner of Ports of Seattle or Tacoma are subject to limits (districts with more than 200,000 registered voters).

** Only candidates running for commissioner in King County Hospital Dists. 1 and 2 and Snohomish County Hospital Dist. 2 (districts with a population exceeding 150,000).

Political Advertising

Generally, political ads of all types must identify the sponsor of the ad. In partisan campaigns, all ads must contain the candidate's party preference. *Details about these and other requirements can be found in the [Political Advertising brochure](#).*

This brochure is intended to be an overview of the subjects with which candidates and their campaign treasurers should become familiar. Candidates should refer to the online manuals for more complete instructions. The information contained in online instructions has been distilled from the requirements set out in RCW 42.17A and Title 390 WAC, as well as the Public Disclosure Commission's declaratory orders and interpretations. Care has been taken to make the instructions accurate and concise. Nevertheless, the instructions cannot be substituted for the applicable laws and rules

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CONTRIBUTION LIMITS

		CONTRIBUTORS						
		State Party	County and LD Party Committees (Jointly)	Caucus Political Committee	Candidate Committees	Pacs, Unions, Corps and other entities		Individuals
RECIPIENTS	State Party	Not Applicable	No Limit	No Limit	Only from Surplus Funds No Limit	\$5,500 per calendar year (non-exempt)	No Limit (exempt)	No Limit
	County or LD Party Committee	No Limit	No Limit	No Limit	Only from Surplus Funds No Limit	\$5,500 per calendar year (non-exempt)	No Limit (exempt)	No Limit
	Caucus Political Committee	No Limit	No Limit	No Limit	Only from Surplus Funds No Limit	\$1,000 per calendar year		No Limit
	State Executive Candidate	\$1.00 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$2,000 per election		\$2,000 per election
	Legislative Candidate	\$1.00 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$1,000 per election		\$1,000 per election
	Judicial Candidate	\$2,000 per election	\$2,000 per election	\$2,000 per election	Prohibited	\$2,000 per election		\$2,000 per election
	LOCAL OFFICES: • County Office • Mayor • City Council • School Board	\$1.00 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$1,000 per election		\$1,000 per election
	King Co Hospital Dists 1 & 2 and Snohomish Co Hosp Dist 2	\$0.95 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$1,000 per election		\$1,000 per election
	Port Commissioner Candidates*	\$1.00 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$2,000 per election		\$2,000 per election
	PACS	No Limit	No Limit	No Limit	Prohibited	No Limit		No Limit

- **Per cycle** means aggregate during the period from January 1 after the date of the previous general election for the office through December 31 after the upcoming general election for the office.
- **Per election** means per each primary, general, or special election for that office.
- **Per calendar year** means aggregate during the period from January 1 through December 31 each year.
- Contributions designated for the exempt account of a bona fide political party are NOT subject to limit, except **during the 21 days before the general election** when the \$5,000 maximum applies. See next column.
- **During the 21 days before the general election**, no contributor may donate over \$50,000 in the aggregate to a candidate for statewide office, or over \$5,000 in the aggregate to a candidate for any other office or to a political committee. This

includes contributions to a party committee, as well as a candidate's personal contributions to his/her own campaign. It does not apply to contributions from the state committee of the WA State Democratic, Republican or Libertarian Party or from a minor party.

The state law prohibiting campaigns from receiving contributions of more than \$5,000 within 21 days of a general election no longer applies to ballot measure committees, pursuant to the federal court ruling in *Family PAC v. McKenna et al.*, 9th Circuit Court of Appeals No. 10-35832 (Dec. 29, 2011). The statute is RCW 42.17A.420 (former RCW 42.17.105(8)).

*limits applied only to port districts with more than 200,000 registered voters prior to July 28, 2019

Contribution Limits to Candidates Subject to Limits

A candidate subject to limits is prohibited from accepting aggregate contributions exceeding the following amounts:

Source of Contribution	to State Executive and Port Commissioner* candidates	to Legislative, County Office, Mayor, City Council, or School Director candidates and select Hospital Comm'r candidates**
Individual	\$2,000 ¹	\$1,000 ¹
Union or Business	\$2,000 ¹	\$1,000 ¹
Political Action Committee	\$2,000 ¹	\$1,000 ¹
State Party Central Committee	\$1 per voter ^{2,5}	\$1 per voter ^{2,5}
Legislative District Comm	50¢ per voter ^{3,4,5}	50¢ per voter ^{3,4,5}
County Party Central Comm	50¢ per voter ^{3,4,5}	50¢ per voter ^{3,4,5}
Legislative Caucus Comm	\$1 per voter ^{2,5}	\$1 per voter ^{2,5}
*limit appli onl to port districts with more than 200,000 registered voters p io to l 2 2 1		
**only in hospital districts with populations greater than 150,999		

1 This is a per election limit; each primary, general and special election is considered a separate election. This limit does not apply to the candidate using personal funds to give to his or her own campaign. The limit does apply to the candidate's spouse.

To be eligible to receive primary election contributions, a candidate's name must be on the ballot or the candidate has to have filed a write-in declaration for the primary election. A candidate who will **not have a primary election** must refund any contributions received in excess of the general election limit. Refunds must be made within 2 weeks of the election administrator's determination that there will be no primary.

Primary election contributions must be made on or before the date of the primary unless a candidate lost the primary and has debt to retire. Contributors may continue to make contributions to a candidate who loses the primary election and has insufficient funds to pay debts outstanding until the debt is retired or 30 days after the primary, whichever comes first.

General election contributions must be made no later than December 31 of the election year.

During the 21 days before the general election, no candidate for legislative office or local office may contribute to his or her own campaign more than \$5,000 in the aggregate, and no candidate for state executive office or Supreme Court justice may contribute to his or her own campaign more than \$50,000 in the aggregate.

2 The limit amount of \$1 times the number of registered voters in the jurisdiction (as of the last general election) is for the entire election cycle. The election cycle is from January 1 after the last election for the office or the start of the candidate's campaign -- whichever is later -- through December 31 of the election year in which election is sought. Contributions must be made no later than December 31 of the election year.

3 During the election cycle (defined in #2 above), all county central committees and legislative district committees in the state share a combined limit to each candidate of \$.50 times the number of registered voters statewide as of the last general election. (However, during the 21 days before the general election, neither a county central committee nor a legislative district committee may give a state executive office candidate more than \$50,000 in the aggregate.) Contributions must be made on or before December 31 of the election year.

4 A county central and legislative district committee may only contribute to a candidate if voters residing in the city, county or legislative district are entitled to elect the candidate to the office sought. During the election cycle (defined in #2 above), a legislative district committee, in conjunction with all county central committees in that district, share a combined per candidate limit of \$.50 times the number of registered voters in the legislative district as of the last general election. (However, during the 21 days before the general, neither a county central committee nor a legislative district committee may give a city, county or legislative candidate more than \$5,000 in the aggregate.) Contributions must be made on or before December 31 of the election year.

5 The limit amount is for the entire election cycle. The election cycle is from January 1 after the last election for the office or the start of the candidate's campaign -- whichever is later -- through December 31 of the year in which election is sought. (However, during the 21 days before the general, a caucus political committee may not give a state executive candidate more than \$50,000 in the aggregate or a city, county or legislative candidate more than \$5,000 in the aggregate.) Contributions must be made on or before December 31 of the election year.

TAB 6

WASHINGTON SECRETARY OF STATE 2022 CANDIDATE FILING GUIDE

www.sos.wa.gov/elections/candidates.aspx

Washington State Candidates

Guide to the 2022 Ballot and General Election Voters' Pamphlet

Filing Information 3

Prepare Your Filing Fee 4

Online Candidate Filing 5

Voters' Pamphlet Profile Instructions 15

Things to Consider 20

COVID-19 Response: To maintain a safe environment for everyone, we urge each candidate to submit their Declaration of Candidacy and Voters' Pamphlet profile **online**. If the Legislative Building is not open for filing candidates, we will then accept paper forms by mail or in person curbside at the State Elections Office.



WASHINGTON
Secretary of State

Elections Division

In Washington state, we enjoy a unique tradition of promoting citizen involvement in our political system. Under the provisions of our state constitution, every registered voter has the right to run for office and to have their name appear on the August Primary and November General Election ballots without approval from a political party.


Washington residents also enjoy other special rights, such as the right to initiative and referendum, the right to recall elected officials, and the right to a state Voters' Pamphlet containing detailed information about ballot measures and candidates. These are important tools at the electorate's disposal.

This publication explains state election law relating to filing for office. Please note, this publication is not a substitute for the statutes and regulations governing this process but rather should be read in conjunction with them.

If you have questions or need additional information, please contact your county elections office or the Secretary of State's Elections Division.

Office of the Secretary of State
Elections Division
520 Union Avenue SE
PO Box 40229
Olympia, Washington 98504-0229

Phone: 1 (800) 448-4881
Fax: (360) 664-4619
Email: elections@sos.wa.gov
Website: sos.wa.gov/elections

 Alternate document formats are available upon request.



Candidate Resources

Important dates — When to file?

May 2	Candidates may file by mail
May 16	Online and in-person candidate filing begins
May 20	All candidate filing ends
May 23	Last day to withdraw from ballot
May 27	Last day to submit Voters' Pamphlet content

Checklist — you will need:

- Candidate email address to receive notifications from VoteWA
- Current voter registration
- Declaration of Candidacy
- Filing Fee, if applicable
- Voters' Pamphlet profile (page 15)

Qualifications

You must be a registered voter and possess the qualifications specified by law at the time of filing.

All candidates except those for Superior Court and federal office must properly register to vote in the geographic area represented by the office (**RCW 29A.24.075**).

You are responsible for contacting the district authority to clarify and understand additional qualifications.

Confirm or update your registration any time before filing. Contact your county elections office of residence for help or visit **VoteWA.gov**.

Declaration of Candidacy

All candidates must submit a Declaration of Candidacy during the regular filing period.

Filing officer — Where to file?

The Secretary of State accepts candidate filings for federal and statewide offices and for any legislative, court of appeals, and superior court offices serving more than one county.

Your county elections office accepts filings for all other offices. All open offices may file online. Contact your county elections office for directions and hours of operation (page 22).

Filing method — How to file?

You may file your declaration one of three methods:

1. Online (recommended)
File online at **sos.wa.gov/elections/candidates/online-candidate-filing.aspx**.

Online filing begins Monday, May 16, at 9 a.m. and ends Friday, May 20, at 4 p.m. sharp. You will need an email address and credit card.

See online filing instructions (page 5). For best results, use a PC or laptop with Google Chrome or MS Edge. Internet Explorer is not recommended.

2. By mail
If you need to file by mail, visit our website to print a paper form. The Office of the Secretary of State cannot accept mailed declarations before May 2.

If you file with the Secretary of State, you may mail your declaration and filing fee to:

Candidate Filing
Office of the Secretary of State
PO Box 40229
Olympia, WA 98504-0229

3. In person
The Office of the Secretary of State is open Monday through Friday from 8 a.m. until 5 p.m.

1 (800) 448-4881
elections@sos.wa.gov

Washington Secretary of State's Office
Legislative Building
416 Sid Snyder Ave SW
Olympia, WA 98501

Approval

After your filing fee is paid and declaration approved, you will receive a confirmation email and your name will appear on the official list as a candidate for office.

Ballot order

After the close of the candidate filing period, a public lot draw determines the final ballot order of candidates in your race. The lot draw results will be available online.

Filing fee

You must submit your filing fee with your Declaration of Candidacy.

Cost of filing

The salary of the office determines the filing fee.

Offices without a fixed annual salary have no filing fee.

For any office with a fixed annual salary of \$1,000 or less, candidates pay a filing fee of \$10.

For all offices with salaries exceeding \$1,000, candidates pay a fee equal to one percent of the office's fixed annual salary.

Specific filing fees are on the list of offices open for election at sos.wa.gov/elections. Filing fees for offices filed with your County Auditor are available from your county elections office (page 22).

Accepted forms of payment

Online filing

- Credit card

In person or by mail with the Office of the Secretary of State

- Check
- Cash
- Money order
- Valid filing fee petition

If you file with your county elections office, contact their office to determine payment methods.

Filing fees are nonrefundable, even when you withdraw or file for the wrong office.

Payment must be received in full before the filing deadline.

Petitions in lieu of filing fee

Candidates without sufficient assets or income may submit a filing fee petition to pay the filing fee.

You may not file signature petitions electronically.

You may not combine petition signatures and currency to satisfy the filing fee.

Only signatures of registered voters in the same jurisdiction as the office are valid. Each petition sheet (**Appendix A**) must:

- Be printed on uniform paper size and color
- Include a place for each voter's registration name, address, city, and county
- Provide 20 numbered lines or less
- Display the required warning and statement found in **RCW 29A.24.101** and **29A.72.140**.

A printable petition form is available online at sos.wa.gov/elections/candidates as well as in this document on Appendix A.

Petitions must include a total number of valid signatures no fewer than the dollar amount of the filing fee.

No person may sign more than one nominating petition for the same office.

Without the required number of signatures, the petition is insufficient and your Declaration of Candidacy is invalid.

No additional signatures are accepted after initial submission at time of filing.

Petition sheets are not returned to the candidate.



Online filing is fast and easy!

The online filing tool will give you step-by-step instructions, email confirmations, alert you when other candidates file in your race, and provide a link to submit your Voters' Pamphlet content.

sos.wa.gov/elections

Online filing begins Monday at 9 a.m. and you must submit your filing by Friday at 4 p.m. sharp.

At 9 a.m., a blue button appears on our website:

sos.wa.gov/elections/candidates/online-candidate-filing.aspx

Online Candidate Filing - Start Here

Use this button to enter the Online Candidate Filing Portal. For best results, use a PC or laptop with Google Chrome or MS Edge. Internet Explorer is not recommended.

Step 1: Sign In

Enter your information and click **Login** to locate your voter registration record.

If you need to update your voter registration, do so at **VoteWA.gov** before you file a Declaration of Candidacy.

Step 1: Sign In

Step 1/7

Welcome to the Candidate Portal!

Are you prepared to file for office?

1. Verify your [voter registration](#) information is correct.
2. Provide an email address. We send important notifications about your filing status and pamphlet profile.
3. Pay your filing fee if the office you file for requires a fee. Your declaration will be approved only when the fee is paid. All filing fees are non-refundable. You may pay online with a Visa, MasterCard, or AmEx.
4. Use Google Chrome on a PC or laptop for best results.
5. Online filing for office begins on Monday, May 17 at 9:00 AM. If you are unable to file online, please contact your [county](#) or [state](#) elections office for more information.

Deadlines:

1. Online filing for office ends at 4:00 PM on Friday, May 21. All declarations of candidacy and filing fees must be received before the close of business on Friday.
2. State and county Voters' Pamphlet deadlines vary. Contact your [county](#) elections office for deadlines and guidelines. Deadline for the state Voters' Pamphlet is 5:00 PM on Friday, May 28.

Please enter your information to locate your voter registration record.

First Name:

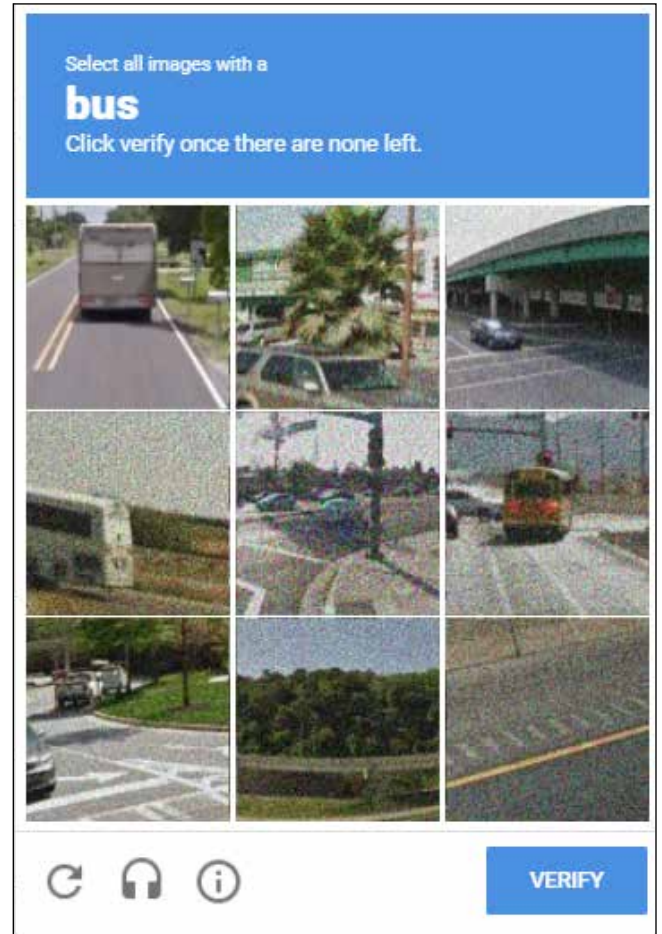
Last Name:

Date of Birth:

[Login](#)

Complete the captcha to proceed.

Example shown is for illustrative purposes only.



Step 1B: Verify Registration Information

Verify or Update your voter registration.

Contact your county elections office to process any updates **before** you file for office.

Step 1B: Verify Registration Information

Your name and address must match your voter registration.

- Update your voter information prior to submitting a declaration of candidacy. Contact your county office to process this update.

You are responsible for ensuring that you meet all qualifications of the office.

Verify Registration Information

Registered Name: DOE, JANE
Date of Birth: 01/01/2003
Residential Address: 520 UNION AVE SE, OLYMPIA, WA, 98501
Mailing Address: PO BOX 40229, OLYMPIA, WA, 98504

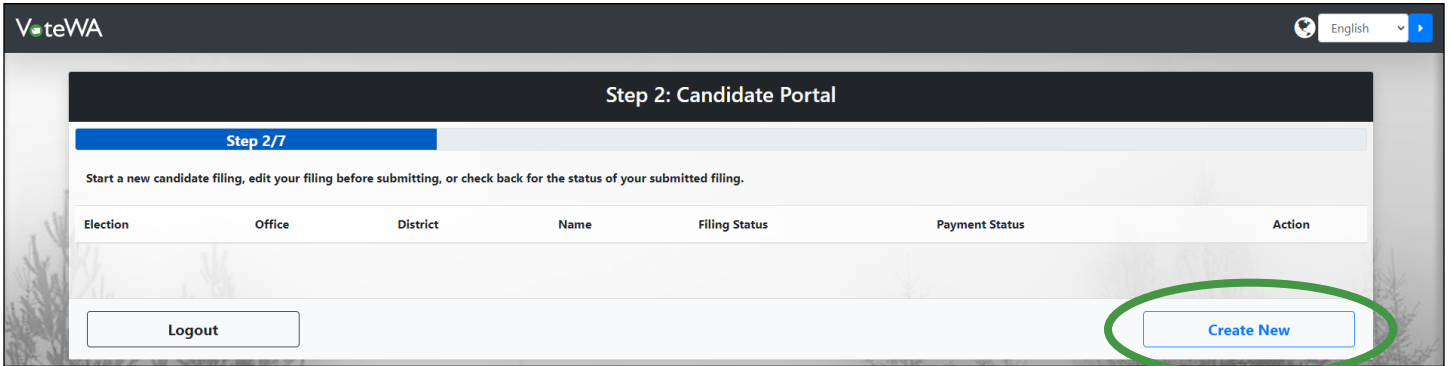
Update

Verify

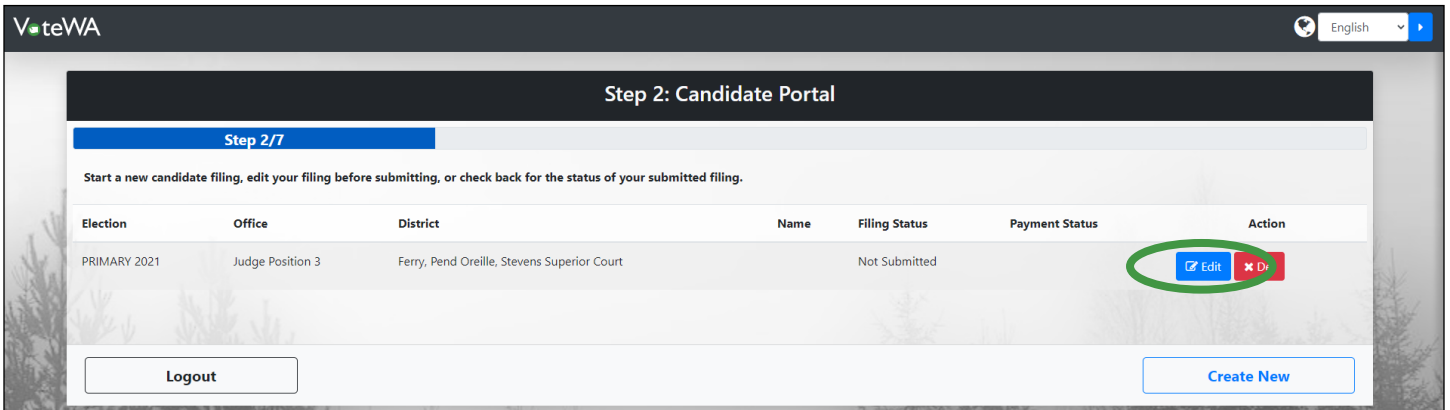
Online Candidate Filing

Step 2: Candidate Portal

Select the **Create New** button to begin your declaration.

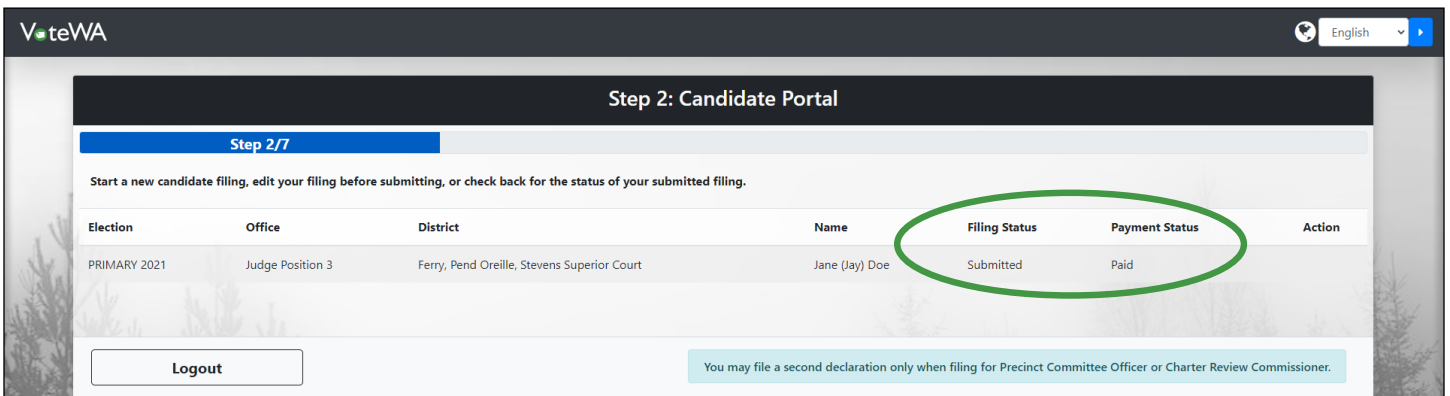


Select the **Edit** button next to an incomplete declaration to finish filing.



Return to this page any time to view your filing status.

You may file a second declaration only when filing for Precinct Committee Officer or Charter Review Commissioner.



Screenshots provided are for illustrative purposes only. Actual website details may vary and are subject to change without notice.

Step 3: Office

You are responsible for meeting all qualifications and filing for the correct office.
Contact the district authority to clarify office qualifications.

To select the office for which you desire to file a Declaration of Candidacy we must first find the office. Start by selecting the district type.

The screenshot shows the 'Step 3: Office' form on the VoteWA website. The form has a header 'Step 3: Office' and a sub-header 'Step 3/7'. Below the sub-header, there is a prompt: 'Select the type of office for which you are filing as a candidate.' Underneath, there is a label 'District Type' followed by a dropdown menu. The dropdown menu currently shows '(Select One)'. A green circle highlights the dropdown menu. At the bottom of the form, there is a 'Back' button.

A complete list of offices available to you within that type will appear below. Select the **Start** button next to your office of choice.

The screenshot shows the 'Step 3: Office' form on the VoteWA website. The form has a header 'Step 3: Office' and a sub-header 'Step 3/7'. Below the sub-header, there is a prompt: 'Select the type of office for which you are filing as a candidate.' Underneath, there is a label 'District Type' followed by a dropdown menu showing 'Judicial'. Below this, there is another prompt: 'Select the office and position for which you are filing as a candidate.' Underneath, there is a table with the following data:

Election	Ballot	Term Length	Filing Fee	Action
PRIMARY 2021 (08/03/2021)	Ferry, Pend Oreille, Stevens Superior Court, Judge Position 3	4 Years	\$1,996.75	Start

A green circle highlights the 'Start' button in the 'Action' column. At the bottom of the form, there is a 'Back' button.

Step 4: Candidate Information

All information entered is public information and will be publicly available (**RCW 29A.24.072**).

Step 4: Candidate Information

Step 4/7

A Candidate Information

Name: JANE DOE
Residential Address: 520 UNION AVE SE, OLYMPIA, WA, 98501
Mailing Address: PO BOX 40229, OLYMPIA, WA, 98504

2 Contact Information

Required for filing online. You will receive multiple emails from your elections office such as filing approvals and a unique link to submit your voter guide profile (when applicable).

Phone Number: (360) 902-4180
Email: elections@sos.wa.gov

1 Ballot Name

Enter your name below exactly as you wish it to appear on the ballot. You may use a nickname by which you are commonly known as for your first name, but your last name must be the name under which you are registered to vote.

Titles denoting past or present occupations, including military rank, positions on issues and political affiliation, symbols, or anything designed to mislead voters are not acceptable.

Ballot Name: Jane (Jay) Doe

3 Campaign Contact Information

Not required, a campaign email will be published in voter guides.

Phone Number: (360) 725-5785
Email: candidatesupport@sos.wa.gov
Website: www.sos.wa.gov/elections/candidates/

4 Campaign Mailing Address

This address will be published in the online voter guide. You may enter a campaign mailing address or check the box to copy your current address.

Use address on file:

Address Line 1: PO BOX 40229
City: OLYMPIA
State: WA
Zip: 98504

5 Party Preference

Party Preference

For a partisan office only, you may choose to state a political party that you prefer.

A preference does not imply that you have been nominated or endorsed by the party, or that the party approves of or associates with you.

If you choose to state a party preference, enter the name of the party (limited to 18 characters). Your party preference will appear in the parenthesis below your name. The first letter of each word or abbreviation will be capitalized. Acronyms will be printed in all capital letters.

If you do not choose to state a party preference, "(States No Party Preference)" will be printed on the ballot.

No changes to party preference will be accepted between the primary and the general election.

States No Party Preference:

Prefer: Example Party

Back Continue

A – Candidate Information

The portal will automatically populate your voter registration address and mailing address. If this is incorrect, stop here and contact your county elections office to update your voter registration before proceeding.

Section 1 – Ballot Name

Enter your ballot name exactly as you wish it to appear on the ballot. You may use a nickname by which you are commonly known as for your first name, but the last name must be the name under which you are registered to vote.

Titles denoting occupations, including military rank, positions on issues, political affiliation, symbols, or anything intentionally designed to mislead voters are not acceptable and will be removed prior to placement on the ballot or in the Voters' Pamphlet.

Step 4: Candidate Information, continued

Section 2 – Contact Information (for administration)

Provide an official **candidate** email and phone number for direct communication with the filing office. We will use this email address to send confirmations of receipt, notice of approval, Voters' Pamphlet submission links, and direct emails from our office.

Section 3 – Campaign Contact Information (for voters)

You may provide an alternative **campaign** email and phone number **for voters**. This optional field allows you to display an alternative method of contact different from your candidate contact. They may be the same if you wish.

We strongly recommend that you provide a campaign email address, phone number, and website for publication.

This information is displayed on the Who's Filed Candidate List and printed in the statewide Voters' Pamphlet.

Section 4 – Campaign Mailing Address

For online display on the Who's Filed Candidate List and Online Voters' Guide, you may choose to display a campaign address instead of your voter registration address.

You may not use government offices for campaign or candidate information.

Section 5 – Party Preference

Nonpartisan offices will not provide a party preference.

If you are filing for a partisan office, you may state the party name you prefer using 18 characters or less.

The first letter of each word of the party preference will be capitalized (example: Progress For All). Acronyms or initialisms will appear in all caps with or without periods.

You may not edit your party preference after the deadline for withdrawal of candidacy.

Your party preference will appear on the ballot and in the Voters' Pamphlet.

If you choose not to state a party preference, select the checkbox next to that option. "States No Party Preference" will appear with your ballot name.

Party preference plays no role in determining how candidates are elected to public office.

Party preference is entirely your decision and does not imply you have been nominated, endorsed, or approved by the party.

Step 5: Summary

Review your information before you continue.

Screenshots provided are for illustrative purposes only. Actual website details may vary and are subject to change without notice.

Step 5: Summary

Step 5/7

Here is a summary of your information. Your elections office will send notifications and deadlines to the candidate email address provided. Filing fees are nonrefundable, even in the event of a withdrawal. The amount of the filing fee is determined in state law. (RCW 29A.24.091 and 131)

Eligible Office	
Office:	Judge Position 23
Ballot Name:	Jane (Jay) Doe
District:	Pierce Superior Court


Candidate Declaration	
Registered Name:	JANE DOE
Date of Birth:	01/01/2003
Residential Address:	520 UNION AVE SE, OLYMPIA, WA, 98501
Mailing Address:	PO BOX 40229, OLYMPIA, WA, 98504
Private Phone:	(360) 725-5785
Private Email:	candidatesupport@sos.wa.gov
Campaign Mailing Address:	PO BOX 40229 OLYMPIA, WA 98504
Campaign Phone:	(360) 902-4180
Campaign Email:	elections@sos.wa.gov
Website:	sos.wa.gov/elections/candidates
Payment Amount:	\$1,996.75

[Back](#) [Continue](#)

Read and affirm the oath of declaration:

"I declare that the information submitted is true, that I am a registered voter residing at the address listed, that I am a candidate for the office listed, and that, at the time of filing this declaration, I am legally qualified to assume office.

I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington."


Declaration

By submitting this Declaration of Candidacy you affirm the following oath:

"I declare that the information submitted is true, that I am a registered voter residing at the address listed, that I am a candidate for the office listed, and that, at the time of filing this declaration, I am legally qualified to assume office.

I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington."

In order to complete this transaction, click on the button "I Affirm the Oath and I Wish to File" below. If you do not wish to proceed click the "Cancel" button.

[Cancel](#) [I Affirm the Oath and I Wish to File](#)

Step 6: Payment

If your office requires a filing fee, your declaration is incomplete until the required fee is paid.

All filing fees are non-refundable.

Enter your payment information and click **Submit & Pay** to complete the filing.

You must submit your declaration by 4 p.m. sharp of the last day of filing.

Step 6: Payment

Step 6/7

Payment Information

VISA mastercard AMERICAN EXPRESS

or pay by cash or check

FIRST NAME LAST NAME

CARD NUMBER

EXPIRATION CVC

BILLING ADDRESS

CITY State Zip

EMAIL ADDRESS PHONE NUMBER

Back **Submit & Pay \$1996.75**

Step 7: Summary

A final summary shows the information submitted to the filing office and provides receipt of payment.

Print this page for your records.

Step 7: Summary

Step 7/7

Thank you for filing online. Your elections office will send important email notices. Look for your unique link to submit a voter guide profile (for applicable offices). Filing fees are nonrefundable, even in the event of a withdrawal. (RCW 29A.24.131) Print this page for your records.

Eligible Office

Office: Judge Position 3
Ballot Name: Jane (Jay) Doe
District: Ferry, Pend Oreille, Stevens Superior Court

Candidate Declaration

Registered Name: JANE DOE
Date of Birth: 01/01/2003
Residential Address: 520 UNION AVE SE, OLYMPIA, WA, 98501
Mailing Address: PO BOX 40229, OLYMPIA, WA, 98504
Private Phone: (360) 725-5785
Private Email: candidatesupport@sos.wa.gov
Campaign Mailing Address: PO BOX 40229 OLYMPIA, WA 98504
Campaign Phone: (360) 902-4180
Campaign Email: elections@sos.wa.gov
Website: sos.wa.gov/elections/candidates/
Payment Method: Credit Card
Payment Amount: \$996.75
Payment Status: Paid
Receipt Number: 4438171

Logout Candidate Portal

Click *Candidate Portal* to return to Step 2 to see your filing status.

Screenshot of submitted filing below (Step 2).

VoteWA English

Step 2: Candidate Portal

Step 2/7

Start a new candidate filing, edit your filing before submitting, or check back for the status of your submitted filing.

Election	Office	District	Name	Filing Status	Payment Status	Action
PRIMARY 2021	Judge Position 3	Ferry, Pend Oreille, Stevens Superior Court	Jane (Jay) Doe	Submitted	Paid	

Logout

You may file a second declaration only when filing for Precinct Committee Officer or Charter Review Commissioner.

Notifications

Your **candidate** email address will receive auto-generated emails from the VoteWA system as well as direct communication with the filing office. These do not go to the **campaign** email address displayed online for voters.

You can expect these auto-generated emails approximately 15–30 minutes after specific actions by you or the filing office staff.	
Email subject	Reason
Declaration of Candidacy Received	Candidate submits declaration.
Declaration of Candidacy Approved	Filing office approves the Declaration of Candidacy. This could take several hours for the official to review your information.
Candidate Filing Notification	After another candidate files for the same race.
Voters' Pamphlet please submit your profile	Filing office approves the Declaration of Candidacy. This email contains your unique Voters' Pamphlet submission link.
Voters' Pamphlet profile received	Candidate submits profile.

May take up to two weeks for staff to review and accept your profile.	
Voters' Pamphlet profile accepted	If necessary, the filing office will contact you directly through your candidate email to resolve issues.

Approximately 45 days before the Primary	
Final review confirmation	Your last preview before online publication.

Add us to your contact addresses to avoid lost notifications and emails.	
Voters' Pamphlet Support	voterspamphlet@sos.wa.gov
Automatic VoteWA	noreply@totalvote.com
Candidate Support	candidatesupport@sos.wa.gov

The deadline to submit Voters' Pamphlet information is **5 p.m. on Friday, May 27, 2022.**

No submissions or corrections after the deadline.

All communication between your campaign and the elections office will be via the candidate email address and not the public campaign email.

When the elections office approves your filing, your **candidate email address** will receive a notification to submit your Voters' Pamphlet information. This email will contain a unique access link to submit your statement and photo. Statements are not publicly available until after the submission deadline.

You must submit before the deadline. Whether you appear in the August Primary or go directly to the General Election, you will not receive another opportunity to submit or edit a profile.

Only candidates for open offices will be included in the **2022 Washington State Voters' Pamphlet**, regardless of where they filed their Declaration of Candidacy.

- U.S. Senator
- U.S. Representative
- State Executive
- State Senator
- State Representative
- Supreme Court Justice*
- Court of Appeals Judge*
- Superior Court Judge*

Don't wait, start today!

The following pages explain the rules for all four sections of the profile.

Please prepare the following:

- Photograph
- Biography (four headings)
- Statement
- Campaign contact information

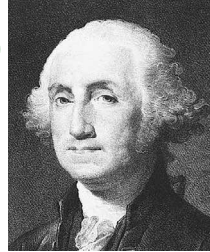
Questions?

1 (800) 448-4881
voterspamphlet@sos.wa.gov

**Judicial candidates' statements must comply with the Judicial Code of Conduct. The Administrative Office of the Courts can review judicial statements prior to submission: Tom Creekpau at tom.creekpau@courts.wa.gov.*

Sample of the printed voters' pamphlet

1



Candidate Name

Prefers Sample Party

2

Elected Experience

Virginia provincial legislature, representing Frederick County in the House of Burgesses. Former Commander-in-Chief of the Continental Army during the American Revolutionary War. No formal education, but studied mathematics, trigonometry, and surveying.

Other Professional Experience

Virginia provincial legislature, representing Frederick County in the House of Burgesses. Former Commander-in-Chief of the Continental Army during the American Revolutionary War. No formal education, but studied mathematics, trigonometry, and surveying.

Education

No formal education, but studied mathematics, trigonometry, and surveying.

Community Service

Virginia provincial legislature, representing Frederick County in the House of Burgesses. Former Commander-in-Chief of the Continental Army during the American Revolutionary War.

3

Statement

George Washington, a retired general, had no wish or aspiration beyond the humble and happy lot of living and dying a private citizen at his Mount Vernon farm. However, his peers and the American people at large spread rumors declaring George Washington would likely be elected first President of the United States (much to the dismay of Washington himself). George Washington could not escape his conscience. In a formal letter of acceptance, Washington succinctly assented to what he had agonized over for more than a year. Washington concluded to obey the important and flattering call of his Country.

George Washington, as the first president, was well aware of the great responsibility of defining the American presidency. "I walk on untrodden ground," was a frequent comment he made in the days leading up to his first inauguration. Washington believed that the precedents he set must make the presidency powerful enough to function effectively in the national government, but at the same time these practices could not show any tendency toward monarchy or dictatorship. In addition to defining the actual powers of the office, Washington also needed to show the new nation how the leader of a democracy should behave socially.

4

Contact Information

(202) 456-1776; info@georgewashington.com;
www.georgewashington.com

Voters' Pamphlet Profile Instructions

See the sample of the printed profile on the previous page and the description for each item below. Check your candidate (not campaign) email address for your unique access link to enter the profile submission portal.

1 Photograph

You may submit one photograph of your head and shoulders.

Clothing or insignias that suggest holding a public office are not acceptable (e.g., judicial robes, law enforcement or military uniforms).

Photos must be high resolution, no larger than 5 MB, and may not be digitally altered.

A color photo is highly preferred. For best results, use a light-colored background, but not white. Photos must be no more than five years old.

Option 1: Upload a photo by selecting the **Browse** button. This will open your file folder. Find and select your photo then select the **Upload** button. The photo should appear in the submission preview (lower right section of browser window).

Option 2: If you choose not to submit a photo, select the checkbox next to that option.

You may be asked to complete a captcha to proceed.

Option 1

Option 2

Screenshots provided are for illustrative purposes only. Actual website details may vary and are subject to change without notice.

If you choose to not submit a biography and statement, select the checkbox next to that option.



Please be aware, like word processing programs, the portal does not count hyphenated words separately. Due to space limitations, excessive hyphens, words, and paragraphs are not allowed.

We will notify you of guideline violations. If you do not respond, our office will combine paragraphs and remove whole sentences from the bottom up until the statement is within the correct limits.

2 Biography

You may provide a 100-word biography.

You must use the following headings, which do not count toward the word limit.

- Elected Experience**
- Other Professional Experience
- Education
- Community Service

Each heading has a separate text box that counts toward the 100-word limit. You may write in the box or copy and paste. Click the clipboard in the tool bar to open the pasting tool.

Headings you leave blank will display "No information submitted."

**Judicial candidates will see Legal/Judicial Experience instead.

3 Statement

State law sets maximum word limits.

300 words, up to six (6) paragraphs

- U.S. Senator
- U.S. Representative
- Governor

200 words, up to four (4) paragraphs

- State Executive (except Governor)
- State Senator
- Supreme Court Justice*
- Court of Appeals Judge*
- Superior Court Judge*

100 words, up to two (2) paragraphs

- State Representative

No tables, lists, or bullets allowed.

We will combine lists with semi-colons.

Use only italics to emphasize words or phrases. Bold, underline, and all caps are not allowed.

Our office will convert incorrect format to italics.

Opponents or endorsements named in your statement will receive a mention notice from our office. This may result in court-ordered changes to your statement.

Correct

I approve of *justice* for all, *fairness* of the law, and *rehabilitation*.

Incorrect

- I approve of:
- JUSTICE for all
 - **Fairness** of the law
 - Rehabilitation

*Judicial candidates' statements must comply with the Judicial Code of Conduct. The Administrative Office of the Courts can review judicial statements prior to submission: Tom Creekpauam at tom.creekpauam@courts.wa.gov.

4 Campaign Contact Info

The campaign contact information submitted with your declaration appears with your statement. You may review the information in the submission tool.

- Campaign phone number
- Campaign email
- Campaign website
- Videos will not be displayed in the Online Voters' Guide.

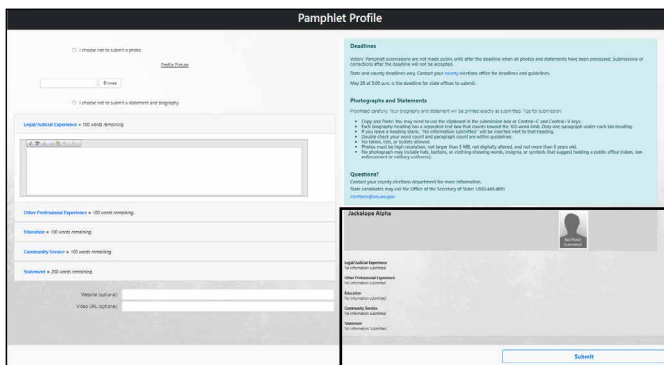
Contact information does not count toward the word limits.

Long addresses such as Facebook or blogs are not allowed.

Update deadline: **Friday after the Primary Election.**

It's best to provide campaign contact info at the time you file your declaration of candidacy. This ensures the information is available to voters before the Primary. However, you may update your contact information for the **printed state Voters' Pamphlet** any time before the deadline. Changes after this deadline will only appear in the Online Voters' Guide.

Candidates for state and federal positions contact the Office of the Secretary of State, 1 (800) 448-4881, voterspamphlet@sos.wa.gov.



Preview

Review your information in the submission preview (lower right section of browser window).

Proofread carefully. Your statement and biography prints exactly as submitted. Changes after the submission deadline are not allowed unless requested by the Office of the Secretary of State or required by court order.

Click **Submit** when ready.

After submission

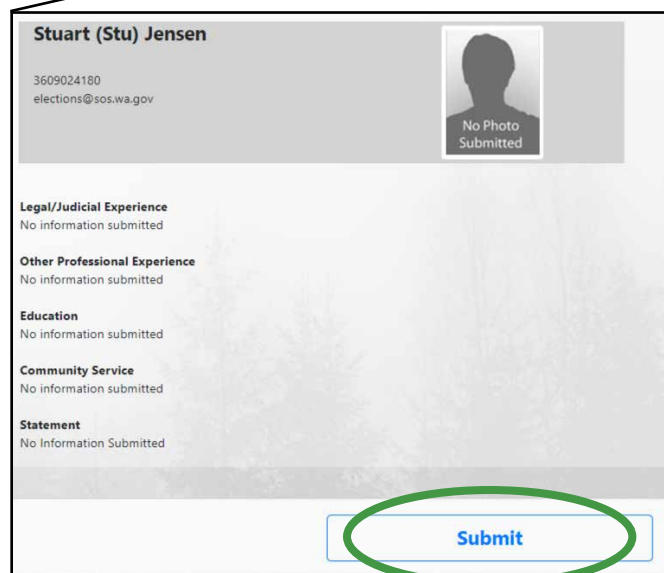
Check your candidate (not campaign) email address for a confirmation of receipt about 15-30 minutes after you submit.

The Voters' Pamphlet administrator reviews all submissions for compliance before accepting the profile. This may take up to two weeks.

Before the end of June, you will receive a final email to preview your profile in the system. We recommend you check the preview and alert us immediately if our office has made a processing error.

The statement you submit will display online no later than 45 days before the Primary and will be printed in the Voters' Pamphlet if you advance to the General Election.

You may not submit a new statement or corrections after the Primary.



Campaign finance info

Your campaign finance information is public information. A link to your campaign finance information will appear on your page in the Online Voters' Guide.

Candidates for state or local office should refer to the Washington State Public Disclosure Commission for reporting requirements. Information and links to filing systems are available at pdc.wa.gov.

Candidates for U.S. Senate or U.S. House of Representatives must report campaign finance information to the Federal Election Commission at fec.gov.

Tips from Voters

- Treat this as a resume and edit carefully.
- Offer your vision. Be positive.
- What do you want to accomplish if elected?
- Describe what sets you apart from your opponent.
- Avoid criticism of your opponent.
- Who endorses your candidacy?
- Avoid technical terms and abbreviations.



Voters' Pamphlet Tips

- Start today! Prepare and save your statement and biography in a separate program to copy and paste.
- Statements are not public until after the submission deadline.



Washington's Top 2 Primary

Washington State's Top 2 Primary is a process of winnowing a field of candidates. The two candidates receiving the highest number of votes cast in a primary race will advance to the General Election ballot. Party preference plays no role in determining how candidates are elected to public office.

Public Record

All material and information provided between you and the filing office is public information.

Address Confidentiality Program (ACP)

Any candidate who qualifies for the ACP must complete the ACP enrollment process before filing their declaration. Anything you submit before you enroll is public record. ACP candidates file with paper forms. Contact your filing office for instruction.

Withdrawal of candidacy

If you decide you no longer want your name on the ballot, you must submit a signed withdrawal form to the office where you filed by the end of business on the Monday immediately following Candidate Filing Week (May 23). The Withdrawal of Candidacy form is available below and at sos.wa.gov/elections/candidatefiling.aspx.

Filing fees are nonrefundable, even if you filed for the wrong office (**RCW 29A.24.131**).

If you file for the wrong office or position, you must withdraw and file again.

Write-in candidates

If you do not file before the last day of the filing period, you may file as a write-in candidate. Write-in candidates do not appear online or in Voters' Pamphlets. Only candidates printed on the ballot will appear. Visit our website for more information at sos.wa.gov/elections/candidates.

Election Events

See the Elections calendar for specific dates:

sos.wa.gov/elections/calendar.aspx

- 45 days before — Military and Overseas ballots are mailed.
- 19 days before — Last day for a write-in candidate to file without a filing fee.
- 18 days before — Last day a county may mail ballots to voters.
- 8 days before — Last day to register by mail or online.
- Election Day — Register or update info and vote in person, or return your ballot in a drop box by 8 p.m. Mailed return ballot must be postmarked by this day.

Contact county officials for details regarding required county functions:

- Pre-Election Logic & Accuracy Tests (conducted at least three days before the election)
- Post-Election Audits (conducted no later than three days following the election)

Withdrawal of Candidacy

RCW 29A.24.131

important information

The deadline for withdrawing is the Monday following candidate filing week. Once filed, a Declaration of Candidacy may not be altered. If the candidate decides during the filing period to change the Declaration of Candidacy, the candidate must first withdraw and then re-file. **Note:** Filing fees are nonrefundable.

office information

jurisdiction and office name _____ position number *(if applicable)*

personal information

first name _____ middle name _____ last name _____

signature

I withdraw my candidacy for the office listed above and understand that the filing fee is nonrefundable.

sign here [

date here [

Campaign signs

Contact the respective agency or department about sign restrictions, permits, and deposits.

State — Department of Transportation (below)
 County — Public works or transportation department
 City — City clerk



Transportation Building
 310 Maple Park Avenue S.E.
 P.O. Box 47300
 Olympia, WA 98504-7300
 360-705-7000
 TTY: 1-800-833-6388
www.wsdot.wa.gov

Dear Candidate:

The Washington State Department of Transportation (WSDOT) wishes to take this opportunity to advise political candidates about the placement of campaign signs and placards along state highways.

Revised Code of Washington (RCW) **47.42**, the Highway Advertising Control Act, regulates signing on Interstate Highways, primary highways, and highways that are part of the Scenic and Recreational System. Signs erected on private property that are adjacent to these highways must comply with the Highway Advertising Control Act, rules contained in Washington Administrative Code (WAC) **468-66**, and applicable local agency sign codes.

In accordance with **WAC 468-66-050, Sign Classifications and Specific Provisions**, temporary political campaign signs are identified and regulated as a type of on-premise sign intended to express a property owner's endorsement of a political candidate or initiative. Prior to placing signs, WSDOT recommends checking with the property owner for approval and to determine property line locations. Campaign signs are allowed under the following regulations:

- 1) Temporary political campaign signs are limited to a maximum size of thirty-two square feet.
- 2) Temporary political campaign signs must be removed within ten days following the election.
- 3) Sign installers must have permission of the underlying property owner prior to placing signs.
- 4) Temporary political campaign signs are subject to all other applicable provisions of **RCW 47.42** and **WAC 468-66** that pertain to Type 3 on-premise signs.

In addition to the above restrictions, **the erection of temporary political campaign signs within the right-of-way of all state highways is prohibited. Accordingly, signs placed within the right-of-way of any state highway are subject to removal by the Washington State Department of Transportation.**

Also, **RCW 47.36.180(1)** states in part that it is unlawful to erect any structure, sign, or device visible from a city street, county road, or state highway that simulates any directional, warning, or danger sign likely to be mistaken for such a sign. Therefore, a campaign sign cannot be designated in a manner that resembles an official traffic control sign.

If you should have any questions about placement of campaign signs along state highways, please contact Trevor McCain at 360-705-7282 or email Trevor.McCain@wsdot.wa.gov.

We sincerely hope that candidates for public office will observe the laws and regulations enacted to limit driver distraction, and protect and preserve the roadside beauty of our state. Thank you in advance for your courtesy in this matter.

Washington State Department of Transportation

Contact Your County Elections Office

Adams County
210 W Broadway, Ste 200
Ritzville, WA 99169-1897
(509) 659-3249
elections@co.adams.wa.us

Asotin County
PO Box 129
Asotin, WA 99402-0129
(509) 243-2084
dmckay@co.asotin.wa.us

Benton County
PO Box 470
Prosser, WA 99350-0470
(509) 736-3085
elections@co.benton.wa.us

Chelan County
350 Orondo Ave, Ste 306
Wenatchee, WA 98801
(509) 667-6808
elections@co.chelan.wa.us

Clallam County
223 E 4th St, Ste 1
Port Angeles, WA 98362
(360) 417-2221
elections@co.clallam.wa.us

Clark County
PO Box 8815
Vancouver, WA 98666-8815
(564) 397-2345
elections@clark.wa.gov

Columbia County
341 E Main St, Ste 3
Dayton, WA 99328-1361
(509) 382-4541
auditor_elections@co.columbia.wa.us

Cowlitz County
207 4th Ave N, Rm 205
Kelso, WA 98626-4124
(360) 577-3005
elections@co.cowlitz.wa.us

Douglas County
PO Box 853
Waterville, WA 98858
(509) 888-6402
elections@co.douglas.wa.us

Ferry County
350 E Delaware Ave, Ste 2
Republic, WA 99166
(509) 775-5225 ext. 1139
delections@co.ferry.wa.us

Franklin County
PO Box 1451
Pasco, WA 99301
(509) 545-3538
elections@co.franklin.wa.us

Garfield County
PO Box 278
Pomeroy, WA 99347-0278
(509) 843-1411
mlueck@co.garfield.wa.us

Grant County
PO Box 37
Ephrata, WA 98823
(509) 754-2011 ext 2704
elections@grantcountywa.gov

Grays Harbor County
100 Broadway Ave W, Ste 2
Montesano, WA 98563
(360) 249-4232
elections@co.grays-harbor.wa.us

Island County
PO Box 1410
Coupeville, WA 98239
(360) 678-8290
elections@islandcountywa.gov

Jefferson County
PO Box 563
Port Townsend, WA 98368-0563
(360) 385-9119
elections@co.jefferson.wa.us

King County
919 SW Grady Way
Renton, WA 98057-2906
(206) 296-8683
elections@kingcounty.gov

Kitsap County
614 Division St, MS 31
Port Orchard, WA 98366
(360) 337-7128
auditor@co.kitsap.wa.us

Kittitas County
205 W 5th Ave, Ste 105
Ellensburg, WA 98926-2891
(509) 962-7503
elections@co.kittitas.wa.us

Klickitat County
205 S Columbus Ave, Rm 203
Goldendale, WA 98620
(509) 773-4001
voting@klickitatcounty.org

Lewis County
PO Box 29
Chehalis, WA 98532-0029
(360) 740-1164
elections@lewiscountywa.gov

Lincoln County
PO Box 28
Davenport, WA 99122-0028
(509) 725-4971
elections@co.lincoln.wa.us

Mason County
PO Box 400
Shelton, WA 98584
(360) 427-9670 ext 469
elections@masoncountywa.gov

Okanogan County
PO Box 1010
Okanogan, WA 98840-1010
(509) 422-7240
elections@co.okanogan.wa.us

Pacific County
PO Box 97
South Bend, WA 98586-0097
(360) 875-9317
elections@co.pacific.wa.us

Pend Oreille County
PO Box 5015
Newport, WA 99156
(509) 447-6472
elections@pendoreille.org

Pierce County
2501 S 35th St, Ste C
Tacoma, WA 98409
(253) 798-VOTE (8683)
elections@piercecounywa.gov

San Juan County
PO Box 638
Friday Harbor, WA 98250-0638
(360) 378-3357
elections@sanjuanco.com

Skagit County
PO Box 1306
Mount Vernon, WA 98273-1306
(360) 416-1702
sselections@co.skagit.wa.us

Skamania County
PO Box 790, Elections Dept
Stevenson, WA 98648-0790
(509) 427-3730
elections@co.skamania.wa.us

Snohomish County
3000 Rockefeller Ave, MS 505
Everett, WA 98201-4060
(425) 388-3444
elections@snoco.org

Spokane County
1033 W Gardner Ave
Spokane, WA 99260
(509) 477-2320
elections@spokanecounty.org

Stevens County
215 S Oak St, Rm 106
Colville, WA 99114-2836
(509) 684-7514
elections@stevenscountywa.gov

Thurston County
2000 Lakeridge Dr SW
Olympia, WA 98502-6090
(360) 786-5408
elections@co.thurston.wa.us

Wahkiakum County
PO Box 543
Cathlamet, WA 98612
(360) 795-3219
elections@co.wahkiakum.wa.us

Walla Walla County
PO Box 2176
Walla Walla, WA 99362
(509) 524-2530
elections@co.walla-walla.wa.us

Whatcom County
PO Box 369
Bellingham, WA 98227-0369
(360) 778-5102
elections@co.whatcom.wa.us

Whitman County
PO Box 191
Colfax, WA 99111
(509) 397-5284
elections@co.whitman.wa.us

Yakima County
PO Box 12570
Yakima, WA 98909-2570
(509) 574-1340
iVote@co.yakima.wa.us

WA State Elections Division
PO Box 40229
Olympia, WA 98504-0229
1 (800) 448-4881
elections@sos.wa.gov

Ask your county elections office

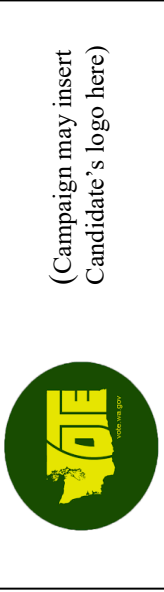
- Is your voter registration up to date?
- When and where can local candidates file in person?
- Does your county require a separate voters' pamphlet statement?

Washington State Filing Fee Petition

Appendix A

Submitted in support of a candidate lacking sufficient funds to pay the filing. (RCW 29A.24.091)

WARNING: EVERY PERSON who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.



(Campaign may insert
Candidate's logo here)

**We, the undersigned registered voters of _____,
hereby petition that the name of _____,
be printed on the ballot for the office of _____**

(either state of Washington or the political subdivision)

(candidate's name)

(insert name of office including applicable district / position number)

SIGNATURE	PRINT FIRST NAME	PRINT LAST NAME	DATE OF BIRTH	ADDRESS	CITY	COUNTY
1						
2						
3						
183						
4						
5						
6						
7						
8						
9						
10						