

ETHICS ADVISORY COMMITTEE

STATE OF NORTH DAKOTA

OPINION 90-2

ISSUE

Whether it is proper for a judge, still holding office, who has announced impending retirement, to publicly endorse or to permit the judge's name to be used in the campaign literature for and on behalf of a candidate for the office from which the judge is retiring?

ANSWER

Rule 7 A(1) states: "A judge or a candidate for election to judicial office shall not: ... (b) Publicly endorse or speak on behalf of a political organization, political party, or candidate for public office."

It is the Committee's opinion that a judge, who has announced impending retirement, may not publicly endorse or permit the judge's name to be used in the campaign literature for and on behalf of the candidate for the office. The rule does not make any exception for judicial candidates nor for nonpartisan elections.