

## Maryland Judicial Ethics Committee

**Opinion Request Number:** 1976-04

**Date of Issue:** February 25, 1976

**O** Published Opinion      **G** Unpublished Opinion      **G** Unpublished Letter of Advice

### Contributions to Judge's Election Campaign May Be Made to Either Campaign Committee Treasurer or Judge's Campaign Treasurer

Your letter of February 17 raises the question whether there is a possible inconsistency between Rule No. 7 of the Maryland Rules of Judicial Ethics which provides:

“A judge shall not accept gifts from lawyers, groups, or persons whose interests are, are likely to be, or have been before him in his official capacity. This rule does not prohibit reasonable financial contributions to a voluntary campaign committee in behalf of a judicial candidate, in compliance with the laws of the State of Maryland”

and the provisions of Maryland Code (1957, 1976 Repl. Vol.) Art. 33, §§ 26-3 and 26-4\*, which respectively require a candidate for election to public office to appoint a campaign treasurer and a political committee to appoint a chairman and treasurer who are required in each case to comply with the provisions of the Fair Election Practices Law.

This Committee has consistently taken the position that there is no inconsistency between the Rule and the statute since the Rule sanctions contributing to a voluntary campaign committee formed to support the candidacy of one or more judges, while Art. 33, § 26-3 makes the appointment of a campaign treasurer for a judge a prerequisite to the filing of his certificate of candidacy. Obviously, contributions in support of the candidacy of a single individual may be made either to his or her campaign treasurer or to the treasurer of a voluntary campaign committee.

While the American Bar Association's Conduct [sic] of Judicial Conduct has not been adopted by the Maryland Judicial Conference, it would seem that the guidelines contained in Canon 7B(2) of that Code would prove helpful:

“A candidate, including an incumbent judge, for a judicial office that is filled by public election between competing candidates should not himself solicit or accept campaign funds, or solicit publicly stated support, but he may establish committees of responsible persons to secure and manage the expenditure of funds for his campaign and to obtain public statements of support for his candidacy. Such committees are not prohibited from soliciting campaign contributions and public support from lawyers. A candidate's committees may solicit funds for his campaign no earlier than [90] days before a primary election and no later than [90] days after the last election in which

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\* As of the editing date [July 10, 2006], Maryland Code, Election Law Article §§ 13-202 and 13-207, respectively. As of January 1, 2007 pursuant to Chapter 510, Acts of 2006, candidates must appoint an authorized political committee as the campaign finance entity, rather than a personal treasurer.

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he participates during the election year. A candidate should not use or permit the use of campaign contributions for the private benefit of himself or members of his family.”

The Commentary adds:

“Unless the candidate is required by law to file a list of his campaign contributors, their names should not be revealed to the candidate.”

See also the Note to Canon 7B(2) which appears in Thode, Reporter’s Notes to Code of Judicial Conduct (1973) at 98-99.

We cannot pass on the questions whether the treasurer of an individual candidate can also serve as treasurer of the voluntary campaign committee contemplated by Rule 7 and whether an individual serving in both capacities would be required to maintain separate bank accounts and file separate reports, since these are questions of statutory interpretation beyond the scope of the Committee’s function.