

South Dakota
Special Committee
on Judicial Election
Campaign
Intervention

500 East Capitol Avenue
Pierre, SD 57501-5070



Committee Members:

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Retired Circuit Judge
Rodney Steele (Vice-Chair)
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Honorable Harvey Wollman
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July 7, 2014

OPINION #14-05



Dear [REDACTED]:

You have requested an advisory opinion from the Special Committee on Judicial Election Campaign Intervention:

Whether an unopposed incumbent may contribute campaign funds to another judicial candidate's election.

The Committee answers in the affirmative.

Canon 5C provides, in part:

- (1) A judge or a candidate subject to public election may, except as provided by law:
 - a. *At any time . . .*
 - iii. contribute to a political organization or candidate[.]

(emphasis added).

Here, all circuit court judges in South Dakota are subject to public election. The fact that they are unopposed does not erode the fact that they are holding a public office. Furthermore, this Canon allows a judge (not just a judicial candidate) to contribute "at any time." Thus, we believe the intent of the drafters was to allow an incumbent judge to contribute to a candidate's campaign regardless of whether the incumbent is involved in a contested election. *See also* Advisory Opinion No. 06-02.

With this letter, the Committee considers this matter concluded and has elected to treat this as a formal opinion. This opinion, however, is advisory in nature and should be regarded as such.

For the Committee,

A handwritten signature in black ink, appearing to be "R. Miller".

Robert A. Miller, Retired Chief Justice
Committee Chair

The Committee is a non-partisan group dedicated to preserving the dignity and integrity of this state's judicial system. We believe judicial candidates should aspire to the highest ethical standards to promote public trust and confidence in the fairness and impartiality of this state's courts. We do not endorse candidates, and this opinion is not intended to announce support for, or opposition to, any candidate. Instead, we strive to educate the candidates, the media, and the public about judicial campaign conduct.