

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-195

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Complainant: No. 1397710669A

Judge: No. 1397710669B

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**ORDER**

The complainant alleged that a judicial candidate used misleading campaign signs. The commission previously addressed these allegations in a prior complaint. Accordingly, this complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 27, 2010

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on September 27, 2010.

*This order may not be used as a basis for disqualification of a judge.*

August 4, 2010

**State of Arizona**  
**Commission on Judicial Conduct**  
 1501 W Washington St #229  
 Phoenix AZ 85007

**Re: Candidate for Justice of the Peace,  
 Improper Use of the Designation "Judge" on Political Signs**

**NOTE: "Time is of the Essence" - Primary election is August 24, 2010.  
 The subject signs may improperly influence voters and affect the outcome  
 of the primary election**

While out and about driving to take care of various errands, I have been struck by the number of political signs appearing at every major intersection, this being the political season. Normally I barely take note of individual signs; however, one did call my attention. I was struck by candidate (running for Justice of the Peace) political advertising signs posted within the . The first reason I noticed is they are different from the other candidates in that they specifically state that he is a "Judge". I found this curious, as no other candidate, as least among the many signs I have seen, has used a title such as "Judge", "Doctor", etc. Thereafter, I started really paying attention since this just did not "feel" right.

As more and more of candidate signs appeared along Baseline, Rural, Elliot, etc., the more I was bothered by his signs and their apparent intent. Therefore, I did a little research on the internet and discovered that, as I suspected, a candidate is not allowed to use the designation "Judge" in his campaign advertising, whether it is via signs or other campaign publicity.

Although I am a life-long registered Democrat, do not reside in the (I live in Mesa), and therefore do not have a "horse in this race", this issue finally bothered me enough to call it to your attention, as it just flies in the face of fairness, attempts to create an unequal playing field, and because it appears to violate election campaign rules, seems unethical to me.

I am a retired physics / earth science college instructor, who taught for many years at Mesa Community College; I am not an attorney. However, in my reading online of a couple of statute items, they state that a candidate may not use the designation of "judge" in his campaign materials, including but not limited to campaign signs; i.e. Rule 4.3. Campaign Standards and Communications states in part:

**"Rule 4.3. Campaign Standards and Communications**

During the course of any campaign for nomination or election to judicial office, a judicial candidate, by means of campaign materials, including sample ballots, advertisements in the media, electronic communications, or a speech, press release, or any other public communication, shall not knowingly or with reckless disregard do any of the following:

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(A) Post, publish ... or distribute information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person;

...

(C) Use the title of an office not currently held by a judicial candidate in a manner that implies that the judicial candidate currently holds that office;

(D) Use the term "judge" when the judicial candidate is not a judge unless that term appears after or below the name of the judicial candidate and is accompanied by the words "elect" or "vote," in prominent lettering, before the judicial candidate's name or the word "for," in prominent lettering, between the name of the judicial candidate and the term "judge";

... ."

Further, Advisory Opinion 98-03, on **Limitations on the Campaign Conduct of Pro Tem Judges**, issued by the Arizona Supreme Court, Judicial Ethics Advisory Committee, appears to tackle this issue head on, and states as follows on page 1:

**"Issues**

1. May a candidate for judicial office who serves as a part-time, pro tem judge, use the title "judge" in campaign literature without explaining the limited nature of a pro tem position?

**Answer: No.**

... ."

Further research into the subject candidate elicits the fact that he has served as a "pro tem judge" and by using the term "judge" on his campaign signs, without benefit of explanation as set forth above, appears to me to be an effort to mislead voters into believing he is a "judge", currently a "judge" and therefore the most qualified candidate. Since this candidate is not a "judge" but was once a justice of the peace and a pro tem judge, his placing of the word "judge" just before his name without explanation is unethical, misleading, and the candidate should be made to remove all signs containing the inference that he is a "judge".

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In light of this alleged seeming attempt by candidate \_\_\_\_\_ to gain an unfair advantage over his opponents by use of the title "judge", thus insinuating that Mr. \_\_\_\_\_ is currently a judge (which many voters would assume to mean a sitting *superior* court judge), please consider this my formal complaint against the sign advertising by this candidate, request that candidate \_\_\_\_\_ be required to remove all existing signs and other advertising containing the title "judge" used as an inference that he is currently a judge, and request that any other penalties that may be available be assessed against candidate \_\_\_\_\_ for this violation of ethical campaign practices.

Again, this does strike me as a "*time is of the essence*" matter as the primary election is but a couple of weeks away and use of the described signs could very well give candidate \_\_\_\_\_ an unfair advantage, thus directly affect the outcome of the August 24 election. Therefore, your immediate attention to and consideration of this matter is respectfully requested.

Respectfully submitted