



COMMONWEALTH OF KENTUCKY  
**ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY**  
ADMINISTRATIVE OFFICE OF THE COURTS  
100 MILLCREEK PARK  
FRANKFORT, KENTUCKY 40601-9230

**LAURANCE B. VANMETER**  
COURT OF APPEALS

**DONALD H. COMBS**  
ATTORNEY

**ARNOLD S. TAYLOR**  
ATTORNEY CHAIR

**ANN O'MALLEY SHAKE**  
CIRCUIT COURT

**MICHAEL W. HARROD**  
DISTRICT COURT

**JUDICIAL ETHICS OPINION JE-111**

**July 6, 2006**

**QUESTION:** Where a family court judicial office will not come into existence until July the 15th of 2006, and where there will be no primary and the general election will be held in November, when may the candidates who intend to run for such offices begin fund-raising?

**ANSWER:** While the general rules of campaigning in Canon 5 of the Code of Judicial Conduct govern these campaigns, the question of fund-raising, which is linked to the time of "a primary," is not covered for the simple reason that there is no primary. As the Code does not cover this issue, or in other words does not apply, these family court judicial candidates are governed by the same rules and regulations that apply to fund-raising for non-judicial candidates in general as dictated by the Registry of Election Finance.

This question presented to the Ethics Committee proved to be difficult as it was clear from the outset that the Code did not cover this issue, but the Committee was reluctant to leave candidates without some sort of guidance. Canon 5B(2) clearly states that "[a] candidate's committees may solicit funds for the campaign no earlier than 180 days before a **primary election**. [Emphasis added.] While the Committee previously ruled in several private, informal opinions that a judicial candidate did not need to personally be on the ballot for "a primary," in all of these cases "a primary" was held but there were only one or at most two judicial candidates running for a particular office. As the literal wording of the Code was satisfied, the Committee believed that the Code's fund-raising provision still applied.

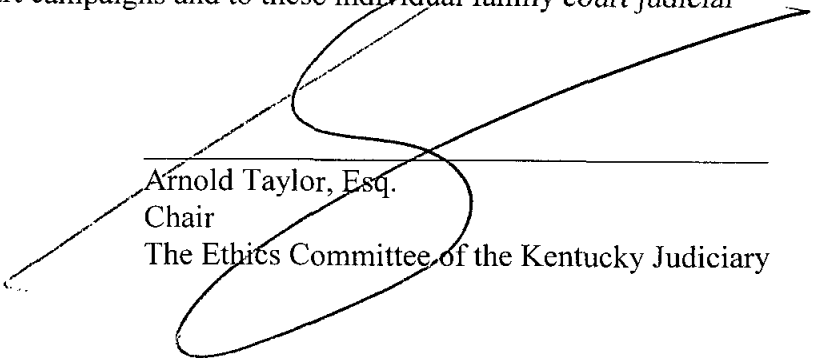
Where the fund-raising dates of the Code are so clearly tied to the date of the primary election, and these particular candidates intend to run for an office that will not exist until July 15<sup>th</sup> of 2006, it is difficult, in fact impossible, to force fit the Code to an election contest where there is no primary whatsoever. The only possible conclusion, therefore, is that the fund-raising provision of the Code does not apply to these particular races. Instead, these family court candidates are governed by the fund-raising rules and regulations applicable to non-judicial candidates in general as dictated by the Registry of Election Finance.

**JUDICIAL ETHICS OPINION JE-111**

July 6, 2006

Page 2

Nothing in this opinion, however, should be read to imply that other provisions of Canon 5 do not apply to these family court campaigns and to these individual family court judicial candidates.



---

Arnold Taylor, Esq.  
Chair  
The Ethics Committee of the Kentucky Judiciary

AT:psw

cc: Donald H. Combs, Esq.  
The Honorable Laurance B. VanMeter, Judge  
The Honorable Ann O'Malley Shake, Judge  
The Honorable Michael Harrod, Judge  
Jean Collier, Esq.