

1       **RULE 4.2**

2       ***Political and Campaign Activities of Judges in Retention Elections***

3       (A) A judge standing for retention shall act at all times in a manner consistent with the  
4       independence,\* integrity,\* and impartiality\* of the judiciary and shall encourage members of  
5       the judge’s family\* to adhere to the same standards of conduct in support of the judge that  
6       apply to the judge.

7       (B) If a judge standing for retention has drawn public opposition, the judge may operate a  
8       campaign for office subject to the following limitations:

9       (1) The judge shall comply with all applicable election, election campaign, and election  
10      campaign fund-raising laws\* and regulations;

11      (2) The judge shall not directly solicit\* or accept campaign funds or solicit public statements  
12      of support, but may establish committees of responsible persons to secure and manage the  
13      expenditure of funds for the campaign and to obtain public statements of support.

14      Committees may solicit campaign contributions\* and public statements of support from  
15      lawyers and non-lawyers. Surplus contributions held by the committee after the election shall  
16      be contributed without public attribution to the Utah Bar Foundation. Committees must not  
17      permit the use of campaign contributions for the private benefit of the judge or members of  
18      the judge’s family;

19      (3) The judge shall review and approve the content of all campaign statements and materials  
20      produced by his or her campaign committee before their dissemination;

21      (4) The judge may speak to public gatherings on the judge’s own behalf;

22      (5) The judge may respond to personal attacks or attacks on the judge’s record, provided the  
23      response is consistent with other provisions of this Rule; and

24      (6) When a party or lawyer who made a contribution of \$50 or more to the judge’s campaign  
25      committee appears in a case, the judge shall disclose the contribution to the parties. The  
26      requirement to disclose shall continue from the time the judge forms a campaign committee  
27      until 180 days after the judge’s retention election.

28      (C) If a judge reasonably anticipates public opposition, the judge may form a campaign  
29      committee. The committee may begin preparing campaign materials and may reserve media  
30      space and domains. The committee may solicit and expend funds for these preparatory

31 activities but the committee may not begin a campaign until opposition becomes public or the  
32 judge reasonably believes that public opposition will become public is imminent.

33 [1] Campaign committees may solicit and accept campaign contributions, manage the  
34 expenditure of campaign funds, and generally conduct campaigns. Judges are responsible for  
35 compliance with the requirements of election law and other applicable law and for the  
36 activities of their campaign committees.

37 [2] At the start of a campaign, the judge must instruct the campaign committee to solicit or  
38 accept only such contributions as are reasonable in amount, appropriate under the  
39 circumstances, and in conformity with applicable law. Although lawyers and others who  
40 might appear before a retained judge are permitted to make campaign contributions, the  
41 judge should instruct his or her campaign committee to be especially cautious in connection  
42 with such contributions, so that they do not create grounds for disqualification if the judge is  
43 retained. See Rule 2.11.

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45 Effective November 1, 2018