

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**
5 **of the judge’s family* to adhere to the same standards of conduct in support of the judge**
6 **that apply to the judge.**

7 **(B) If a judge standing for retention has drawn public opposition, the judge may**
8 **operate a 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**
12 **statements of support, but may establish committees of responsible persons to secure and**
13 **manage the expenditure of funds for the campaign and to obtain public statements of**
14 **support. Committees may solicit campaign contributions* and public statements of support**
15 **from lawyers and non-lawyers. Surplus contributions held by the committee after the**
16 **election shall be contributed without public attribution to the Utah Bar Foundation.**
17 **Committees must not permit the use of campaign contributions for the private benefit of**
18 **the judge or members of the judge’s family;**

19 **(3) The judge shall review and approve the content of all campaign statements and**
20 **materials 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,**
23 **provided the 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**
25 **campaign committee appears in a case, the judge shall disclose the contribution to the**
26 **parties. The requirement to disclose shall continue from the time the judge forms a**
27 **campaign committee until 180 days after the judge’s retention election.**

28 **(C) If a judge anticipates public opposition, the judge may form a campaign committee.**
29 **The committee may begin preparing campaign materials and may reserve media space and**
30 **domains. The committee may solicit and expend funds for these preparatory activities but**
31 **the committee may not begin a campaign until the judge reasonably believes opposition will**
32 **become public.**

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 activities
36 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 circumstances,

39 and in conformity with applicable law. Although lawyers and others who might appear before a
40 retained judge are permitted to make campaign contributions, the judge should instruct his or her
41 campaign committee to be especially cautious in connection with such contributions, so that they
42 do not create grounds for disqualification if the judge is retained. See Rule 2.11.