

June 12, 2006

Honorable Phil Shoffner
White County Circuit Court
107 East Center Avenue
Searcy, AR 72143

RE: Advisory Opinion 2006-03

Dear Judge Shoffner:

You have asked whether your wife may place a political advertisement sign on property owned by you and your wife.

The Code of Judicial Conduct places clear restrictions on a judge. A judge may not publically endorse or publically oppose a candidacy seeking election to office. Canon 5 (a)(1). In addition, the judge must encourage members of his family to adhere to the same standard of political conduct. Canon 5 (a)(3).

Your question is that “all that being said, may I, as an elected judicial officer exhibit (with my wife having given permission) a political advertisement...” The answer to that is that we can conclude that you, as an elected judicial officer, may not participate in a political campaign. However, your wife is free to participate. Your spouse should make all efforts to avoid any suggestion or hint that you, the judge, are supportive of the candidate for whom she is campaigning. It is therefore, the opinion of the committee that it would be improper for a sign, such as you have described, to be displayed on property owned by you and your wife, as this could be construed as a political endorsement by you.

For the Committee

John B. Plegge