



The Supreme Court of Kansas

Kansas Judicial Center

Topeka, Kansas 66612-1507

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-37

March 27, 1992

Topic

Political Activity of a Judge's Spouse

Question: May the wife of a judge in a non-partisan district serve as campaign manager for a candidate for office in a county-wide election?

Answer: It is clear that the concern expressed throughout the Code of Judicial Conduct is that judges, by their conduct, should avoid "even the appearance of impropriety," and that the judge's responsibility extends to conduct of the spouse. A judge may not publicly endorse a candidate for public office. A judge must refrain from political activity inappropriate to judicial office. A judge must encourage his spouse to follow the same constraints applicable to the judge. Nevertheless, it goes without saying that our system of government is predicated on the premise that every citizen shall have the right to engage in political activity. This is a basic freedom enshrined in the First Amendment to the U.S. Constitution. Even though we believe a judge's spouse may engage in political activity, every precaution should be taken to insulate the judge from direct or indirect involvement in such activity.

Robert H. Kaul

Robert H. Kaul, Chairman

John W. Brookens

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Harry G. Miller

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