

Question 11

Judicial Campaign Conduct Committee Procedures for handling complaints and requests for investigation August 2006

1. Only the Chair or his designee may communicate with the press or issue statements on behalf of the Committee. The Vice-chair may act if the Chair is unavailable.
2. Committee meetings and records are open to the public and press.
3. A quorum of seven members is required (in person or by conference call) for the Committee to act officially. Proxy voting is not allowed. A majority of those present and voting is required for Committee action, except that public announcements are not authorized except by vote of at least 60% of the members present in person or by conference call.
4. Meetings of the Committee shall be held as agreed upon by the Committee. In addition, a meeting may be called by the Chair or any three members of the Committee.
5. Members shall be given reasonable notice of the date time and place of Committee meetings; however failure to notify a committee member shall not invalidate an action of the Committee.
6. The Committee may consider matters pertaining to judicial campaigning of which it becomes aware on its own initiative or a result of a written complaint or written request for investigation from any source. Judicial campaigning shall include, but not be limited to, "judicial advertising" – that is, statements and campaign materials issued by a candidate for a judicial office in Kentucky or by an independent campaign committee or individual. Examples of judicial advertising include: newspaper, radios, and tv advertising, website postings, press releases, brochures and yard signs.
7. Complaints or requests for investigation shall be immediately forwarded to the Chair (or to the Vice-Chair if the Chair is not available). As soon as practicable, the Chair shall appoint a sub-committee of at least three persons to review and investigate the complaint or request for investigation. In appointing the sub-committee the Chair shall choose members able and willing to act promptly to review and investigate the complaint or request for investigation.
8. If the sub-committee determines that the complaint is without merit or that the request for investigation requires no further action, it shall so advise the complainant or requester and report its action to the full committee.
9. If the sub-committee determines that the complaint has merit and it appears that there is time for timely action by the full committee, the sub-committee shall so advise the Chair, who will notify the candidate or appropriate group that he/she or it is the subject of a complaint. If the complaint is with regard to an advertisement sponsored by an independent campaign committee, the Chair will notify the candidate or candidates who are the subject of the advertisement as well as the independent committee itself. The Chair will convene the full committee either in person or telephonically as soon as practicable to consider the report of the sub-committee and the response, if any, of the candidate or interest group. The Committee shall then take whatever action appears appropriate under the circumstances.
10. If the sub-committee determines that the complaint has merit and it is impractical to refer the complaint to the full committee because of time constraints or otherwise, the sub-committee shall so advise the Chair (or, in his absence, the Vice-chair), who may, after consultation with the sub-committee, act on behalf of the Committee. The Chair shall report the action taken to the full committee.
11. If the sub-committee determines that a request for investigation is warranted, the Chair (or in his absence the Vice-Chair) may direct such investigation as appears appropriate.

These procedures were adopted by the Committee at a regularly scheduled meeting on August 19, 2006.