

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-220

Complainant: No. 1343010754A

Judge: No. 1343010754B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 10, 2008.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on December 10, 2008.

This order may not be used as a basis for disqualification of a judge.

CJC - 08 - 220

September 3, 2008

Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007

To Whom It May Concern:

I write to file a complaint against the election practices of the campaign of
in the 2008 Primary Election.

Late Monday, Sept. 1 or early Tuesday, Sept. 2, 2008, campaign posted
18"x24" signs throughout the district and at the polling places. These signs were recycled from
his 2004 campaign for reelection to the or his personnel placed
a sticker or other form of label over the office he was seeking in that election, which changed the
signs to indicate his efforts to seek the office in the 2008 election. The very
first line of text on the sign, which read "RE-ELECT," was not changed. This hyphenated word
was visible atop the sign at the time the signs were posted and throughout the election.

is not the incumbent

Under Canon 5(B)(1)(d)(ii), Arizona Code of Judicial Conduct, a candidate for
judicial office shall not knowingly misrepresent "the identity, qualifications, present position or
other fact concerning the candidate or an opponent." In reusing this signage after modifying the
office sought, yet knowing that they were from his 2004 campaign (as indicated on the bottom of
the signs) and failing to eliminate the "RE-ELECT" language, knowingly perpetrated
a lie upon the voting public by intentionally misleading anyone reading the sign into believing
that he was the incumbent officeholder.

Signs displaying this language were discovered at four polling places, though other polls
may have had these signs as well. Photographs were taken at the four sites where they were
discovered

A copy of one photograph, taken Sept. 2 showing one of signs sitting in
line and less than a foot away from another candidate's sign, is enclosed with this complaint.
sign was placed after sign was installed at that voting site.

This fraudulent conduct violates CJC Canon 5.