

Canons of Judicial Ethics

Canon 7.

A judge or a judicial candidate shall refrain from political activity inappropriate to judicial office.

Definitions: As used in this Canon:

(a) "Candidate" means a person who has made a public announcement of candidacy for judicial office, or declared or filed as a candidate for judicial office with the election authority, or authorized the solicitation or receipt of contributions or support for judicial office, whichever occurred first. The term "candidate" includes an incumbent judge or an attorney who is not a judge.

(b) "Shall" is employed in Canon 7 to indicate the mandatory.

A. Political Conduct in General:

(1) A judge or a candidate for election to a judicial office shall endeavor at all times to refrain from political activities inappropriate to the judicial office that he or she holds or seeks. It is desirable that a judge or a candidate for election to judicial office endeavor not to be involved in the internal workings of political organizations, engage in campaign activities in connection with a political candidate other than a candidate for a judicial office and not be involved in political fund solicitations other than for himself or herself. However, so long as judges are subject to nomination and election as candidates of a political party, it is realized that a judge or a candidate for election to a judicial office cannot divorce himself or herself completely from political organizations and campaign activities which, indirectly or directly, may be involved in his or her election or re-election. Nevertheless, should a judge or a candidate for a judicial position be directly or indirectly involved in the internal workings or campaign activities of a political organization, it is imperative that he or she at all times conduct himself or herself in a manner as to prevent any political considerations, entanglements, or influences from ever becoming involved in or from ever appearing to be involved in any judicial decision or in the judicial process.

(2) A judge shall resign his or her office when the judge becomes a candidate either in a political primary or in a general election for nonjudicial office, except that the judge may continue to hold judicial office while being a candidate for election to any judicial office or while being a candidate for election to a state constitutional convention or commission.

(3) A judge may engage in activity on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign conduct:

(1) A candidate for judicial office filled either by public election between competing candidates or on the basis of a merit system election:

(a) Shall maintain the dignity appropriate to judicial office.

(b) Shall not authorize or knowingly permit any other person to do for the candidate what the candidate is prohibited from doing under this or any other Canon. This shall not apply to B.(4)(a).

(c) Shall not make any promise of conduct in office other than the faithful and impartial performance of the duties of the office; shall not announce in advance the candidate's conclusions of law on pending litigation; and shall not knowingly misrepresent his or her identity, qualification, present position, or other fact.

(d) Shall not use or permit the use of campaign contributions for the private benefit of the candidate.

(2) **CAMPAIGN COMMUNICATIONS:** During the course of any campaign for nomination or election to judicial office, a candidate shall not, by any means, do any of the following:

Post, publish, broadcast, transmit, circulate, or distribute false information concerning a judicial candidate or an opponent, either knowing the information to be false or with reckless disregard of whether that information is false.

(3) **ACCOUNTABILITY.** A candidate, including an incumbent judge or a nonincumbent candidate, shall be responsible for the content of any statement communicated in any medium by his or her campaign committee and for compliance by his or her campaign committee with the limitations on campaign solicitations, contributions, and expenditures contained in this Canon and with the laws of this state if the candidate knew, or should have known through the exercise of due and reasonable diligence, of the statement, solicitation, contribution, or expenditure.

(4) **CAMPAIGN FINANCING.**

(a) A candidate is strongly discouraged from personally soliciting campaign contributions. It is highly recommended that a candidate establish committees of responsible persons to solicit and accept campaign contributions, to manage the expenditure of funds for the candidate's campaign, and to obtain public statements of support for his or her candidacy. Such committees may solicit and accept campaign contributions and public support from lawyers.

(b) Contributions to a judge's or a candidate's campaign shall be neither solicited nor accepted more than one year prior to the election in which the candidate participates as a candidate for judicial office or more than 120 days after that election.

(c) Candidates shall file reports as required by the Alabama Fair Campaign Practice Act.

Commentary

Communications by a candidate concerning the cost of a campaign or the necessity of raising funds, and general comments about campaign expenses, are permitted conduct under this section. A candidate may appear and speak in his or her behalf at any function organized in support of his or her candidacy.

C. Reporting Violations of Canon 7:

(1) If such filing is permitted by law, a complaint alleging a violation of this Canon 7 shall be filed with the Judicial Inquiry Commission.

(2) A complaint, alleging a violation of Canon 7, filed with the Judicial Inquiry Commission or the Alabama State Bar during the course of a campaign for election shall be given priority by that institution, and every effort shall be made to render a decision on the complaint during the course of the election campaign.

[Amended eff. 10-1-90; Amended eff. 1-1-98; Amended eff. 7-1-98; Amended eff. 8-25-2004.]

Note from the reporter of decisions: The order amending Canon 7.B(1)(c), 7.B(2), and 7.B(4)(a), Alabama Canons of Judicial Ethics, effective August 25, 2004, is published in that volume of *Alabama Reporter* that contains Alabama cases from 879 So.2d.