

Judicial Inquiry Commission

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April 29, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether under the Alabama Canons of Judicial Ethics a circuit judge may continue to serve in his position while qualifying to run and running in an election for another circuit judgeship within the same circuit. The judge began his present six-year term of office in January, 1985 and is now considering qualifying to be elected for a new six-year term beginning in January, 1989 .

It is the opinion of the Commission that the Alabama Canons of Judicial Ethics do not prohibit a judge from continuing to sit as a circuit judge while qualifying to run for election to another judicial position.

A judge's political activities are governed primarily by Canon 7 of the Alabama Canons of Judicial Ethics. Canon 7A(2) provides specifically as follows:

“A judge should resign his office when he becomes a candidate either in a political primary or in a general election for a nonjudicial office, except that he may continue to hold his judicial office while being a candidate for election to any judicial office ...”

Therefore, the Canons clearly do not prohibit a judge sitting in Place #3 in his circuit from qualifying for a new six-year term in Place #2.