

# JUDICIAL INQUIRY COMMISSION

DATE ISSUED: FEBRUARY 29, 2000

ADVISORY OPINION 00-746

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## REELECTION CAMPAIGN STATIONERY

### ISSUE

May a judge use the State of Alabama Unified Judicial System seal above the judge's name and address as part of the letterhead for the judge's reelection campaign stationery?

**Answer:** No, use of the seal would improperly create an appearance that official stationery is being used for campaign purposes.

### FACTS

A judge questions whether the Alabama Canons of Judicial Ethics permit the use of reelection campaign stationery that has the State of Alabama Unified Judicial System seal printed above the judge's name as part of the letterhead. The following would appear below the seal:

JUDGE XXXX XXXXX  
REELECTION CAMPAIGN  
XXXX COUNTY DISTRICT COURT.

The address and telephone and fax numbers that would appear below this are not the judge's courthouse address or telephone or fax numbers.

### DISCUSSION

It is the opinion of the Commission that a judge may not use the State of Alabama Unified Judicial System seal above the judge's name and address as part of the letterhead for the judge's reelection campaign stationery.

Under ALA. CODE §36-12-61 (1975), it is unlawful for any officer of the state

to use or permit to be used any state-owned property of any character or description, including stationery, stamps, office equipment, office supplies, automobiles or any other property used by him, in his custody or under his control for the promotion or advancement of the interest of any candidate for the nomination or election to any public office of the state of Alabama.

The Commission has never before had occasion to address the propriety of use of a state seal on campaign materials. It concludes that the proposed stationery would give to a casual observer the impression that official stationery is being used for campaign purposes. Thus, it creates an appearance of impropriety and its use would be improper. *Accord* South Carolina Judicial Investigation Commission. (Opinion, February 28, 1992).

Of course, if use of a state seal on reelection stationery is not permissible under ALA. CODE §36-12-61, then such use of the seal also would constitute a violation of Canon 2A, which requires judges to respect and comply with the law. However, the Commission is not authorized to provide advisory opinions concerning the application of statutes, so it may not address whether use of a state seal on reelection stationery is permissible under ALA. CODE §36-12-61. Questions concerning application of the statute may be directed to the Attorney General for an opinion.

In reaching its conclusion that a state seal may not be used on reelection stationery, the Commission notes that there is no impropriety

in the proposed use of the title “Judge” on the letterhead in question. Use of the title is an accurate representation of the candidate’s present position and qualifications. A sitting judge may also use the title “Judge” in campaign materials for a different judicial office than that currently held, so long as he or she either identifies his or her current judicial position or otherwise indicates that he or she is not the incumbent in the current race, so as to avoid misleading voters about the candidate’s current position. Advisory Opinion 99-718.

The Commission also recognizes that the proposed letterhead lists an address other than the judge’s courthouse address, and telephone and fax numbers other than official telephone and fax numbers. Use of a judge’s courthouse address and phone and fax numbers on campaign materials would itself create an appearance of impropriety that is contrary to a judge’s obligations under Canon 2, and might also constitute a violation of ALA. CODE §36-12-61 and, thus, violate Canon 2A. However, the Commission is of the opinion that the proposed letterhead is impermissible notwithstanding the proper use of an address and telephone and fax numbers other than those of the judge’s official office.

## REFERENCES

- Alabama Advisory Opinion 99-718.
- Alabama Canons of Judicial Ethics, Canons 2 and 2A.
- ALA. CODE §36-12-61 (1975).
- South Carolina Judicial Investigation Commission (Opinion, February 28, 1992).

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This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, 800 South McDonough Street, Suite 201, Montgomery, Alabama 36104; tel.: (334) 242-4089; fax: (334) 240-3327; e-mail: [jic@alalinc.net](mailto:jic@alalinc.net).