

Judicial Inquiry Commission

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May 2, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a circuit court judge may use unspent campaign contributions to repay prior loans associated with a previous campaign. Under the facts presented, the judge personally borrowed money and contributed the proceeds to his own campaign for election to circuit judge. The money has thus far not been replaced or reimbursed. In the present election, the judge is running for re-election unopposed and has a surplus of campaign funds. The question now presented is whether the surplus campaign funds may be used to retire the loans taken out to pay for the earlier campaign.

It is the opinion of the Commission that the above described use of surplus campaign funds does not in and of itself violate the Alabama Canons of Judicial Ethics.

Campaign activities are governed primarily by Canon 7 of the Alabama Canons of Judicial Ethics. That Canon provides in pertinent part that:

“A Judge Should Refrain From Political Activity Inappropriate to His Judicial Office.”

The Canon further provides under 7A(l):

“A judge ... should endeavor at all times to refrain from political activities inappropriate to the judicial office that he holds or seeks.”

And, 7B(l)(d) provides that a judge:

“Should not use or permit the use of campaign contributions for the private benefit of himself.”

This last provision prohibits personal use of campaign funds. The Commission does not believe that this provision is intended to prohibit the judge from using these funds to repay loans taken out by the judge personally to finance a previous campaign. So long as it is clear that the funds are being used to reimburse previous campaign expenditures, the use of such funds to repay loans that the judge personally took out to pay for the prior campaign would not violate this canon.