

ADVISORY COMMITTEE
ON STANDARDS OF JUDICIAL CONDUCT

OPINION NO. 8 - 2016

RE: Propriety of a full-time magistrate running for a political office.

FACTS

A full-time magistrate is interested in running for a political office and inquires as to whether such a run would violate the Code of Judicial Conduct.

CONCLUSION

A full-time magistrate cannot run for a political office.

DISCUSSION

Canon 5 of the Code of Judicial Conduct states:

A judge shall resign from judicial office upon becoming a candidate for a non-judicial office either in a primary or in a general election, except that the judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention if the judge is otherwise permitted by law to do so.

Canon 5A(2). The inquiring judge did not indicate that he or she was seeking to be a delegate in a state constitutional convention. Thus, if the magistrate wants to run for a political office, he or she must resign before becoming a candidate for this office. Because of our conclusion, the issue of dual-office holding is moot, and in any event, this Committee does not issue opinions as dual office-holding, only the propriety of conduct under the Code of Judicial Conduct.

S/ _____
A. CAMDEN LEWIS, CHAIRMAN

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JOCELYN B. CATE

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D. GARRISON HILL

April 15, 2016.