



Indiana Judicial Nominating Commission Indiana Commission on Judicial Qualifications

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ADVISORY OPINION

Code of Judicial Conduct
Canon 7

#7-91

The Indiana Commission on Judicial Qualifications issues the following advisory opinion concerning the Code of Judicial Conduct. The views of the Commission are not necessarily those of a majority of the Indiana Supreme Court, the ultimate arbiter of judicial disciplinary issues. Compliance with an opinion of the Commission will be considered by it to be a good faith effort to comply with the Code of Judicial Conduct. The Commission may withdraw any opinion.

ISSUE

The issue is whether a judge may serve on a precinct election board at the voting polls.

ANALYSIS

Individuals who serve at the polls on precinct election boards do so as representatives of their political parties. While elected judges may, of course, identify themselves with political parties, Canon 7A(2), the range of permissible political activity is further set out in Canon 7A(2) as attending political gatherings, speaking at gatherings on the judge's own behalf, and contributing to political parties or organizations. Canon 7A(4) then provides, "A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice."

In Advisory Opinion #8-90, the Commission wrote that a judge may work as a voter registrar without violating the rules against inappropriate political activity so long as the judge ensures that the activity is completely non-partisan in nature. Service on precinct election boards, however, is clearly partisan activity. Whereas it is possible and quite common for a voter registrar to act without party affiliation, a precinct election board member is a party officer overseeing the activities of opposing parties. Canon 7A(1) states that a judge should not act as a leader or hold any office in a political organization, and the political activities permitted of elected judges pursuant to Canon 7A(2) are limited in scope and would not include service on a precinct election board.

CONCLUSION

A judge may not serve on a precinct election board.