

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 82-01
(January 22, 1982)

**Election of Part-time Judge to Board of
Directors of Sanitation District**

Issue

May an appointed part-time city magistrate simultaneously serve as an elected board member of a sanitation district?

Answer: No

Facts

The requesting judge informed the committee that he is now serving as an elected member of the board of the local sanitation district as well as serving at least two days a week (and on call during the other five days) as an appointed part-time town magistrate.

Discussion

Canon 7 of the Code of Judicial Conduct, 17A, A.R.S. Sup. Ct. Rules, Rule 45, which applies to all judges, whether full-time or part-time, provides in part, that:

[A](3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a *non-judicial* office. . . .

[A](4) Except as otherwise permitted in this Code, 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 (emphasis supplied).

“Political activity” has been defined as “related or connected with the orderly conduct of government and the peaceful organization, regulation and administration of the government.” *Lockheed Aircraft Corp. v. Superior Court*, 28 Cal. 2d 481, 171 P. 2d 21, (1946).

The residents of the sanitation district elect, on a non-partisan basis, members of its governing board. It is the opinion of the committee that you are engaged in a political activity when you are serving as a member of the Sanitation Board. The issues dealt with by the board are not concerned with the improvement of the law, the legal system, or the administration of justice.

Since one must resign a judicial office when campaigning for a non-judicial office, it is the opinion of the committee that it is not ethical to retain one's judicial office upon being so elected. Accordingly, a resignation from one of the two offices seemingly is required.

Advisory Opinion 82-01

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 7A(3) and (4) (1975).

Other References

Lockheed Aircraft Corp. v. Superior Court, 28 Cal. 2d 481, 171 P. 2d 21 (1946).