



# TEXAS ETHICS COMMISSION



---

## ETHICS ADVISORY OPINION NO. 548

---

*December 14, 2018*

*Whether an associate judge may wear judicial robes and use the title “associate judge” in political advertising. (SP-15)*

### SUMMARY

Section 255.006 of the Election Code does not prohibit an associate judge from wearing judicial robes or referring to the judge in political advertising as “Associate Judge, 1000th District Court, Texas County.”

### ANALYSIS

#### *Use of “Associate Judge” in Political Advertising*

We address in this opinion whether an associate judge, who is also a candidate for state district judge, may wear judicial robes or refer to himself in political advertising in the following manner: “John Smith, Associate Judge, 1000th District Court, Texas County.”

Section 255.006 of the Election Code states:

- (a) A person commits an offense if the person knowingly enters into a contract or other agreement to print, publish, or broadcast political advertising with the intent to represent to an ordinary and prudent person that a candidate holds a public office he does not hold at the time the agreement is made.
- (b) A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office he does not hold at the time the representation is made.

That law generally does not prohibit a judge from using the title “judge” in political advertising or campaign communications for another judicial office as long as the communications do not suggest that the judge holds a public office the person does not hold. *See, e.g.*, Ethics Advisory Opinion No. 171 (1993) (a part-time municipal judge seeking the office of district or county court-at-law judge may use the title “judge” in political advertising); *see also* Elec. Code §§ 251.001(16), (17) (defining “political advertising” and “campaign communication”).

For purposes of this opinion, the issue is whether wearing judicial robes or the use of the title “associate judge” would represent that the judge holds a public office, not whether the judge is actually a judge. In this instance, wearing judicial robes or using a reference to the associate judge as “Associate Judge, 1000th District Court, Texas County” does not, by itself, represent that the judge holds an office the judge does not hold, and therefore would not violate section 255.006 of the Election Code.