

Advisory Opinion #97-2

(adopted June 6, 1997)

Question: *May a judge contribute to charitable organizations that also are involved in political activity such as domestic violence groups?*

Opinion: Pursuant to Canon 7 A (1) (c) a judge should not contribute to a “political organization or candidate.” While political organization is not defined in the Alaska Code of Judicial Conduct, it has been defined in the 1990 ABA Model Code of Judicial Conduct. That Code defines “political organization” as denoting “a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office.” The Alaska Public Offices Commission has a similar definition, viewing such a group as any combination of two or more people “acting jointly who take action the major purpose of which is to influence the outcome of an election.” Charitable organizations that also engage in some political activities are not considered political organizations under either of these definitions. Judges may, therefore, contribute to charitable organizations that also engage in some political activities if those organizations are primarily engaged in nonpolitical charitable work. Domestic violence groups, for example, generally have primary purposes such as running shelters and counseling programs that are not political in nature.

Judges should be aware, however, that making contributions to groups that have an interest in matters before the court may create a disqualification issue for that judge. These situations should be examined by each individual judge as the specific cases may arise.