



**CALIFORNIA SUPREME COURT
COMMITTEE ON JUDICIAL ETHICS OPINIONS**

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CJEO Expedited Opinion¹ 2026-055

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JUDICIAL CAMPAIGN CONTRIBUTION LIMITS

I. Questions Presented

Is there a limit on the amount a trial court judge or appellate court justice may contribute to a judicial campaign for reelection or retention? Relatedly, is there a maximum amount that a judge or justice may cumulatively donate among multiple such campaigns? What other ethical considerations arise from justices and judges contributing to the reelection or retention campaigns of their judicial colleagues?

¹ The California Supreme Court Committee on Judicial Ethics Opinions (CJEO or the committee) issues Expedited Opinions, formerly known as Oral Advice Summaries, pursuant to California Rules of Court, rule 9.80(i)(1) (eff. Jan. 1, 2021). Expedited Opinions are issued to requesting judicial officers following a discretionary decision by CJEO to address the ethical issues raised in an expedited process that does not include posting draft opinions for public comment, as required for CJEO Formal Opinions. CJEO Expedited Opinions are published in full, without identifying information regarding the requesting judicial officer, to provide information and analysis to the bench and the public regarding judicial ethics.

II. Advice Provided

Trial court judges and appellate court justices must consider the California Code of Judicial Ethics,² the Political Reform Act and its implementing regulations, and local ordinances in determining the ethical compliance of any contribution to a judicial election campaign. Although the canons establish contribution limits for political and nonjudicial campaigns, they do not contain express contribution limits regarding judicial campaigns. The canons nonetheless require that judges and justices comply with all applicable laws and regulations regarding elections and election campaigns, including campaign fundraising. Despite certain statutory and regulatory provisions setting a variety of electoral campaign contribution limits, those limits do not apply to candidates for judicial office. When a justice or judge is interested in contributing to a judicial candidate in a county level election, however, they must determine whether a local ordinance has enacted a limit on contributions to candidates for judicial office. If so, then any ethically appropriate contribution to the judicial campaign must comply with that limit.

Additionally, all judicial election campaign activity must align with the judiciary's central principles of independence, impartiality, and integrity. In pursuit of that goal, judges and justices who intend to contribute to a judicial campaign must carefully consider the timing and circumstances of their prospective contributions. Their contributions must avoid creating the appearance of impropriety, raising concerns of partiality, or causing frequent disqualification.

III. Authorities

A. *Applicable Canons*³

Canon 1: "An independent, impartial, and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary is preserved. The provisions of this code are to be construed and applied to further that objective."

² All further references to the Code and canon(s) are to the California Code of Judicial Ethics unless otherwise indicated.

³ Boldface, some capitalization, and asterisks (*) contained in the original are omitted throughout for clarity and readability.

Canon 2A: “A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A judge shall not make statements, whether public or nonpublic, that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts or that are inconsistent with the impartial performance of the adjudicative duties of judicial office.”

ADVISORY COMMITTEE COMMENTARY: Canons 2 and 2A

“A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on the judge's conduct that might be viewed as burdensome by other members of the community and should do so freely and willingly. . . . [¶] The test for the appearance of impropriety is whether a person aware of the facts might reasonably entertain a doubt that the judge would be able to act with integrity, impartiality, and competence.”

Canon 2B(2): “A judge shall not lend the prestige of judicial office or use the judicial title in any manner, including any oral or written communication, to advance the pecuniary or personal interests of the judge or others.”

Canon 3E(1): “A judge shall disqualify himself or herself in any proceeding in which disqualification is required by law.”

Canon 3E(2)(a): “A judge shall disclose information that is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge believes there is no actual basis for disqualification.”

ADVISORY COMMITTEE COMMENTARY: Canon 3E(b)(2)

“Canon 3E(2)(b) does not eliminate the obligation of the judge to recuse himself or herself where the nature of the contribution or loan, the extent of the contributor's or lender's involvement in the judicial campaign, the relationship of the contributor or lender, or other circumstance requires recusal under Code of Civil Procedure section 170.1, and particularly section 170.1, subdivision (a)(6)(A).”

Canon 3E(4): “An appellate justice shall disqualify himself or herself in any proceeding if for any reason: [¶] (a) the justice believes his or her recusal would further the interests of justice; or [¶] (b) the justice substantially doubts his or her capacity to be impartial; or [¶] (c) the circumstances are such that a reasonable person aware of the facts would doubt the justice's ability to be impartial.”

Canon 3E(5): “Disqualification of an appellate justice is also required in the following instances: . . . [¶] (j) The justice has received a campaign contribution of \$5,000 or more from a party or lawyer in a matter that is before the court, and either of the following applies: [¶]

(i) The contribution was received in support of the justice’s last election, if the last election was within the last six years; or ¶ (ii) The contribution was received in anticipation of an upcoming election. ¶ Notwithstanding Canon 3E(5)(j), a justice shall disqualify himself or herself based on a contribution of a lesser amount if required by Canon 3E(4).”

Canon 4A: “A judge shall conduct all of the judge’s extrajudicial activities so that they do not[:] ¶ (3) interfere with the proper performance of judicial duties”

Canon 4D(4): “A judge shall manage personal investments and financial activities so as to minimize the necessity for disqualification.”

Canon 5: “A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary. ¶ Judges and candidates for judicial office are entitled to entertain their personal views on political questions. They are not required to surrender their rights or opinions as citizens. They shall, however, not engage in political activity that may create the appearance of political bias or impropriety. Judicial independence, impartiality, and integrity shall dictate the conduct of judges and candidates for judicial office. ¶ Judges and candidates for judicial office shall comply with all applicable election, election campaign, and election campaign fundraising laws and regulations.”

Canon 5A(3): “[Judges and candidates for judicial office shall not] make contributions to a political party or political organization or to a nonjudicial candidate in excess of \$500 in any calendar year per political party or political organization or candidate, or in excess of an aggregate of \$1,000 in any calendar year for all political parties or political organizations or nonjudicial candidates.”

ADVISORY COMMITTEE COMMENTARY: Canon 5A

“The prohibition in Canon 5A(3) does not preclude judges from contributing to a campaign fund for distribution among judges who are candidates for reelection or retention, nor does it apply to contributions to any judge or candidate for judicial office.”

B. Statutes, Court Rules, and Other Authorities

Government Code, section 85301, subdivision (d)(1): “A person shall not make to a candidate for elective county or city office, and a candidate for elective county or city office shall not accept from a person, a contribution totaling more than the amount set forth in subdivision (a) per election, as that amount is adjusted by the Commission pursuant to Section 83124. This subdivision does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.”

Government Code, section 85702.5, subdivision (a): “A county or city may, by ordinance or resolution, impose a limit on contributions to a candidate for elective county or city office that is different from the limit set forth in subdivision (d) of Section 85301. The limitation may also be imposed by means of a county or city initiative measure.”

California Supreme Court Committee on Judicial Ethics Opinions, CJEO Oral Advice Summary 2018-026, *Soliciting Endorsements from Trial Court Judges for Other Appellate Court Justices Subject to Retention Elections* (CJEO Oral Advice Summary 2018-026).

Rothman et al., California Judicial Conduct Handbook (4th ed. 2017 & 2020 supp.) sections 7:56, 11:41, 11:56 (Rothman).

California Judges Association, Judicial Elections Handbook (16th ed. 2022) page 21.

Fair Political Practices Commission, Campaign Disclosure Manual 2 (Aug. 2023) chapter 1, page 15.

IV. Discussion

All trial court judges and appellate court justices in California are subject to reelection or retention through a judicial election. (California Courts Newsroom, Judicial Selection: How California Chooses Its Judges and Justices (2026) <<https://newsroom.courts.ca.gov/branch-facts/judicial-selection-how-california-chooses-its-judges-and-justices>> [as of May 5, 2026] (Judicial Selection website).) Trial court judges must stand for reelection, which may be contested, at the end of every six-year term. (Judicial Selection website, *supra*.) Justices of the Court of Appeal and Supreme Court stand for an uncontested “retention” election that occurs approximately every four to 12 years. (Judicial Selection website, *supra*; California Courts of Appeal, Appellate Retention Elections (2026) <<https://appellate.courts.ca.gov/about-courts/appellate-retention-elections>> [as of May 5, 2026] (Appellate Retention Election website).) Although appellate justices “generally do not actively campaign for retention” (Appellate Retention Election website, *supra*), the possibility of a campaign to maintain a judicial office is present, in some fashion, for all judges and justices.

A. Contribution Limits for Judicial Elections

Canon 5 provides valuable guidance regarding a judge’s engagement in political and campaign activity. As a central principle, it provides that “judicial independence, impartiality, and integrity shall dictate the conduct of judges and candidates for judicial office.” (Canon 5.) To that end, canon 5 establishes limits on campaign contributions to political parties, political organizations, and nonjudicial candidates. (Canon 5A(3).) Those limits, however, do not apply to candidates for judicial office. (Advisory Com. com. foll. canon 5A [“The prohibition in Canon 5A(3) does not preclude judges from contributing to a campaign fund for distribution among judges who are candidates for reelection or retention, nor does it apply to contributions to any judge or candidate for judicial office”]; Rothman, et al., *Cal. Judicial Conduct Handbook*, *supra*, §11:41, p. 755 [“judges supporting a judicial candidate are not subject to the rules in canon 5 that limit support, fundraising and contributions regarding nonjudicial candidates.”]; Cal. Judges Assn., *Judicial Ethics Update* (2009) [“There are no limits on the amount a Judge may contribute in an election for a judicial office. (Canon 5A(3)).”].) Therefore, despite canon 5A(3) prohibiting contributions of more than \$500 in a calendar year to nonjudicial candidates, “a judge may donate in excess of \$500 to a candidate for judicial election or to a judge subject to a recall election.” (Rothman, et al., *Cal. Judicial Conduct Handbook*, *supra*, §11:56, p. 776.)

In addition to considering the canons, justices and judges must “respect and comply with the law” (canon 2A) that governs contributions to candidates in judicial elections. Specifically, compliance is required “with all applicable election, election campaign, and election campaign fundraising laws and regulations.” (Canon 5.) The Political Reform Act (Gov. Code, §§ 81000–91157; the Act) regulates electoral campaign finance, among many other aspects of elections, and the Fair Political Practices Commission (FPPC) implements the Act through regulations (Cal. Code Regs., tit. 2, §§ 18110–18997). Of potential relevance to judicial elections, the Act establishes contribution limits to candidates for state, statewide, and county elective offices. (Gov. Code, § 85301, subds. (b) & (d); see also Cal. Code Regs., tit. 2, § 18545, subd. (a)(2) & (9).) Despite judges and justices securing or retaining their respective seats through county or statewide elections, the Act’s campaign contribution limits do not apply to candidates for judicial office. (See Gov. Code, §§ 82024, 82053 [defining neither “elective state office” nor

“statewide elective office” to include justices of the Supreme Court]; Cal. Code Regs. tit. 2, § 18545, subd. (a)(1) & (2) [same]; FPPC, Campaign Disclosure Manual 2, *supra*, ch. 1, p. 15 [clarifying that “[e]lective . . . county offices do not include judicial offices” and that default county-based contribution limits do not apply to judicial candidates]; Cal. Judges Assn., Judicial Elections Handbook, *supra*, p. 21 [“[t]here are no contribution limits for a judicial election (at present)”].) As a state statutory and regulatory matter, therefore, there is no specified limit on the amount a judge or justice may contribute to a judicial campaign.

Cities and counties may, however, enact their own campaign contribution limits. (Gov. Code, § 85702.5, subd. (a).) Any such ordinance must expressly state the contribution limits and identify the elective offices to which the limits will apply, which may occur through the adoption of “a general provision implementing a contribution limit for all elective city and county offices in that jurisdiction.” (FPPC, Campaign Disclosure Manual 2, *supra*, p. 16.) As a result, it is possible that a county ordinance could limit the amount that a judge or justice may ethically contribute to a judicial campaign in a county level election. Where a justice or judge is unsure whether a relevant county has adopted a campaign contribution limit, the FPPC website maintains a list of cities and counties that have enacted contribution limits. (FPPC, Contribution Limits – City and County Candidates (2026) <<https://www.fppc.ca.gov/learn/campaign-rules/contribution-limits-city-and-county-candidates/>> [as of May 5, 2026].) If an ordinance has established a contribution limit that applies to judicial elections, any contribution to a judicial candidate within that jurisdiction must comply with that law. (Canons 2A, 5.)

B. Independence, Integrity, and Impartiality of the Judiciary

Beyond considering the potential limits on the amount of a judicial campaign contribution, judges and justices must take care that their contributions to a judicial candidate are not “inconsistent with the independence, integrity, or impartiality of the judiciary[.]” (Canon 5; see Rothman, et al., Cal. Judicial Conduct Handbook, *supra*, § 7:56, pp. 475–476 [“[n]otwithstanding the many protections regarding contributions to judicial campaigns, there remains a potential compromise to judicial integrity created by campaign contributions in

judicial elections.”]; see also canon 2B(2) [a judge must not lend the prestige of judicial office, or use the judicial title in any manner, to advance the judge’s personal interests].)

A justice or judge who intends to contribute to a judicial reelection or retention campaign must, therefore, consider the specific timing and circumstances to determine whether their contribution would create the appearance of impropriety or raise concerns of partiality. For example, a judge whose adult child is a party to an ongoing legal matter would be prudent to refrain from contributing to the reelection or retention campaign of the judge or justice assigned to the litigation prior to the matter’s resolution. (Canons 2A [judges must act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary]; 5 [judicial independence, impartiality, and integrity must dictate the conduct of judges engaged in campaign activity]; 1 [a judge should participate in establishing and maintaining high standards of conduct and must personally observe those standards so that the integrity and independence of the judiciary is preserved]; Advisory Com. com. foll. canons 2, 2A [a judge must “expect to be the subject of constant public scrutiny” and “accept restrictions on the judge’s conduct that might be viewed as burdensome by other members of the community”].)

Where the timing and circumstances of a justice’s or judge’s contribution to the judicial campaign of a colleague are not comparably complicated, however, there is nothing inherently improper about their providing financial support to a retention or reelection campaign. As previously recognized by this committee, judges and justices are “uniquely knowledgeable” about the qualifications necessary for judicial office and may have specific knowledge about the qualifications of a judicial candidate “based on their personal experience as colleagues or from participating in review of their work.” (CJEO Oral Advice Summary 2018-026, *supra*; see Advisory Com. com. foll. canon 5A [judges are in a unique position to know the qualifications necessary to serve as a competent judicial officer].) Such well-informed support of a meritorious judicial candidate, effected through an appropriate campaign contribution, would generally appear poised to advance the independence, integrity, and impartiality of the judiciary.

C. Disqualification

Campaign contributions can result in the disqualification of both trial court judges and appellate court justices. If a judge receives a campaign contribution exceeding \$1,500 from a party or an attorney in a proceeding, and the contribution was received in anticipation of an upcoming election or within the prior six years in support of the judge's last election, then the judge is disqualified. (Code Civ. Proc., § 170.1, subd. (a)(9)(A); see canon 3E(1).) Appellate justices are disqualified if they receive a campaign contribution of \$5,000 or more from a party or an attorney in a matter before the appellate court, and the contribution was received in anticipation of an upcoming election, or within the last six years in support of the justice's last election. (Canon 3E(5)(j).) Disqualification may be required even if the above-mentioned campaign contribution thresholds are not met. For example, a lesser campaign contribution will still require judges and justices to disqualify if, for any reason, they believe recusal would further the interests of justice; there is a substantial doubt as to their capacity to be impartial; or a person aware of the facts might reasonably entertain a doubt that the judge or justice would be able to be impartial. (Code Civ. Proc., § 170.1, subd. (a)(6)(A), (9)(B); canon 3E(4)–(5)).

It is unlikely that a judge or justice who contributes to the judicial campaign would later become a party or attorney in a matter before the judicial colleague who received the donation. If, however, a judge or justice who intends to contribute to a judicial retention or reelection campaign could foresee that such a circumstance would occur, perhaps on account of their impending postretirement employment plans or knowledge of a personal legal matter that would likely be calendared in the receiving judge or justice's court, they should refrain from the contribution. (Canons 4A(3) [requiring judges to conduct their extrajudicial activities to avoid interference with the proper performance of judicial duties]; 4D(4) [“[a] judge shall manage . . . financial activities so as to minimize the necessity for disqualification”]; see also Advisory Com. foll. canon 3E(2)(b) [a judge's disclosure of a campaign contribution does not eliminate the judge's obligation to recuse “where the nature of the contribution or loan, the extent of the contributor's or lender's involvement in the judicial campaign, the relationship of the contributor or lender, or other circumstance requires recusal under Code of Civil Procedure section 170.1, and particularly section 170.1, subdivision (a)(6)(A)”].) In a similar manner to

avoiding concerns of impropriety and partiality, justices and judges who intend to contribute to a judicial colleague's retention or reelection campaign must be cognizant of, and carefully consider, the surrounding circumstances to minimize future disqualification.

V. Conclusion

Judges and justices must comply with the canons and all applicable laws and regulations regarding elections and election campaigns, including campaign fundraising. Although neither the canons nor the Political Reform Act and its regulations establish judicial campaign contribution limits, those limits may be set by local ordinances, and any contribution from a justice or judge must comply with those local limits. Additionally, judges and justices must carefully consider the timing and circumstances of their prospective judicial election contributions; and any resulting judicial campaign contributions must avoid creating the appearance of impropriety, raising concerns of partiality, or causing frequent disqualification.



This expedited advice opinion is advisory only. (Cal. Rules of Court, rule 9.80(a), (e); Cal. Supreme Ct. Com. Jud. Ethics Opns. (CJEO), Internal Operating Rules & Proc. rule 1(a), (b).) It is based on facts and issues, or topics of interest, presented to the California Supreme Court Committee on Judicial Ethics Opinions in a request for an opinion (Cal. Rules of Court, rule 9.80(i)(3); CJEO rules 2(f), 6(c)), or on subjects deemed appropriate by the committee (Cal. Rules of Court, rule 9.80(i)(1); CJEO rule 6(a)). The conclusions expressed in this opinion are those of the committee and do not necessarily reflect the views of the California Supreme Court or any other entity. (Cal. Rules of Court, rule 9.80(b); CJEO rule 1(a).)