

History of the endorsement provision:

From *In re Hecht*, 213 S.W. 3d 547, 560-561 (Tex. Spec. Ct. Rev. 2006)

Until 1974, there was no Code of Judicial Conduct in Texas. In 1974, the Texas Supreme Court enacted the initial Code of Judicial Conduct, which contained an “endorsement” prohibition:

A judge or candidate for election to judicial office should not: ... (b) make political speeches for a political organization or candidate or publicly *endorse* a candidate for public office.

Tex.Code Jud. Conduct, Canon 7A(1)(b), 37 Tex. B.J. 853 (1974).

In 1976, the Texas Supreme Court removed the endorsement prohibition from the Code.¹⁷ In 1980, the Committee on Judicial Ethics¹⁸ issued an opinion in answer to the question: “May a judge endorse a specific candidate or candidates?” *561 The opinion stated the Code did not “specifically prohibit a judge from supporting a candidate or candidates.” After reviewing the provisions of Canon 2, the opinion concluded:

The Committee is of the opinion that endorsing a candidate or candidates is within the discretion of a judge provided the nature and type of endorsement does not contravene Canon 1, Canon 2A and Canon 2B of the Code of Judicial Conduct.

Comm. on Jud. Ethics, State Bar of Tex., Op. 53A (1980).

In 1990, the Texas Supreme Court amended Canon 7(3) as follows:

A judge or judicial candidate shall not *authorize* the public use of his or her name endorsing another candidate for any public office, except that a candidate may indicate support for a political party.

Tex.Code Jud. Conduct, Canon 7(3), 53 Tex. B.J. 240–41 (1990) (emphasis added).¹⁹ Today, this provision (hereafter, “authorization” provision) is found in [Canon 5\(2\)](#) and provides in pertinent part: “A judge or judicial candidate shall not authorize the public use of his or her name endorsing another candidate for any public office, except that either may indicate support for a political party.”

Tex.Code Jud. Conduct, [Canon 5\(2\)](#).