ATLANTA — A federal judge on Thursday rejected a lawsuit by a former Democratic congressman running for Georgia state Supreme Court who claimed a state agency was unconstitutionally trying to block him from [*talking about abortion*](https://apnews.com/article/georgia-supreme-court-abortion-2024-election-9c6a5a89117daca1e0260cec6538fecf).

U.S. District Judge Michael Brown ruled John Barrow didn't have standing to sue because Barrow himself [*chose to release*](https://apnews.com/article/john-barrow-georgia-supreme-court-lawsuit-64e2e6c227bb6e8bf81af7eae4926be3) a confidential letter from the Georgia Judicial Qualifications Commission and because his continued public statements show his speech isn't being restricted.

Election day is Tuesday in the nonpartisan contest between Barrow and Justice Andrew Pinson, who was appointed to the nine-justice court in 2022 by Republican Gov. Brian Kemp. Incumbent justices in Georgia almost never lose or face serious challenges. The three other justices seeking new six-year terms are unopposed.

Facing that uphill battle, Barrow has made abortion the centerpiece of his campaign, saying he believes Georgia’s state constitution guarantees a right to abortion that is at least as strong as Roe v. Wade was before it was overturned in 2022. That decision [*cleared the way*](https://apnews.com/article/abortion-health-georgia-atlanta-government-and-politics-2684684dc929966c1647094883cda2f8) for a 2019 Georgia law to take effect banning most abortions after fetal cardiac activity can be detected, usually in about the sixth week of pregnancy. That is before many women know they are pregnant.

While the contest hasn’t grown as intense as [*high court races*](https://apnews.com/article/state-supreme-courts-abortion-redistricting-2024-931a453131fac282815ae31b4f0ea271) in other states [*including Wisconsin*](https://apnews.com/article/wisconsin-supreme-court-election-abortion-0d188b5c6f841546f98436c1ab8180fa), attention and spending are higher than in the state’s historically sleepy judicial campaigns. Kemp and Christian conservative groups [*are aiding Pinson*](https://apnews.com/article/georgia-supreme-court-john-barrow-pinson-kemp-af5bac585f35a950a1a91628a38c0cbe), while groups that support abortion rights have endorsed Barrow but provided little aid. Kemp's political group has said it is spending $500,000 on advertising for Pinson.

But Georgia's judicial ethics rules bar candidates from making commitments about how they will rule on issues that are likely to come before the high court. A challenge to Georgia’s law is pending in a lower state court and could come before the state Supreme Court.

A May 1 letter from the commission suggested Barrow may have violated those rules and requested that he bring his ads and public statements in line with the commission rules.

That could eventually lead to sanctions against Barrow, but Brown said the commission was far from issuing a punishment. He wrote that Barrow could have filed his lawsuit over the May 1 letter under seal and avoided criticism from Pinson's campaign.

“The details of the allegations, the director's analysis, the instruction that he stop the violations, and his alleged intention to ‘keep violating the ethics rules’ are all out in public because of plaintiff's actions,” [*the judge wrote*](https://storage.courtlistener.com/recap/gov.uscourts.gand.329197/gov.uscourts.gand.329197.35.0.pdf).

The publicity, though, has elevated the profile of Barrow's race, likely informing more voters of his stand on abortion.

“I think John Barrow has made it clear he’s going to continue to speak out on the issues he believes are important for the race and the voters will have their say next Tuesday," his lawyer, Lester Tate, said Thursday.

Tate said Barrow could appeal to the 11th U.S. Circuit Court of Appeals, which he said could construe the law differently, or file a fresh lawsuit in state court.

Heath Garrett, a spokesperson for Pinson, said Barrow has only himself to blame.

“He knowingly and intentionally violated the judicial code of ethics, then filed a frivolous lawsuit as a political stunt,” Garrett said in a statement. “Sad that puts hyperpartisan ***politics*** ahead of being an impartial nonpartisan judge.”

Pinson has declined to talk about issues. But he warned in an April interview with The Associated Press that making judicial races conventionally political will destroy people's belief that courts are fair and impartial.

Courtney Veal, the Judicial Qualifications Commission's executive director, told The Atlanta Journal-Constitution that she was pleased with the ruling and “glad to return our time and focus to the commission’s work in addressing unethical judicial campaign conduct.”