



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

February 17, 2016

Re: JIC Advisory Opinion 2016-4.

Dear Mr. _____ :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: You are a candidate for Judge of the ___rd Judicial Circuit in the May 2016 Election. You have a campaign committee, "Friends of _____ for Circuit Court Judge. In March 2016, the Committee is holding a dinner dance fundraiser at a local hotel. The Committee posted the fundraiser on its campaign Facebook page. Tickets for the event are \$35 dollars, and the post indicates that they "may be obtained by messaging [the] campaign treasurer." You want to know if the event is permissible and whether you may attend and do a candidate meet and greet.

To address the questions which you have raised, the Commission has reviewed Rules 4.1(A)(6), 4.2(B)(1), and 4.4 of the Code of Judicial Conduct. Rule 4.1(A)(6) prohibits a judge or judicial candidate from personally soliciting or accepting campaign contributions other than through a campaign committee authorized by Rule 4.4. Rule 4.2(B)(1) gives a judge or judicial candidate subject to public election the authority to establish a campaign committee pursuant to Rule 4.4 which provides:

A judicial candidate subject to public election may establish a campaign committee to manage and conduct a campaign for the candidate, subject to the provisions of the Code. The candidate is responsible for ensuring that his or her campaign committee complies with applicable provisions of this Code and other applicable law."

The Comments to Rule 4.4 are instructive:

- [1]** Judicial candidates are prohibited from personally soliciting campaign contributions or personally accepting campaign contributions. See Rule 4.1(A)(5). This Rule recognizes that in many jurisdictions, judicial candidates must raise campaign funds to support their candidacies, and permits candidates, other than candidates for appointive judicial office, to establish campaign committees to solicit and accept reasonable financial contributions or in-kind contributions.
- [2]** Campaign committees may solicit and accept campaign contributions, manage the expenditure of campaign funds, and generally conduct campaigns. Candidates are responsible for compliance with the requirements of election law and other applicable law, and for the activities of their campaign committees.
- [3]** At the start of a campaign, the candidate must instruct the campaign committee to solicit or accept only such contributions as are reasonable in amount, appropriate under the circumstances, and in conformity with applicable law.

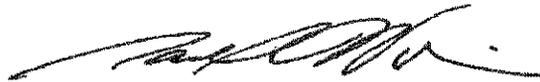
In a July 27, 2000 Advisory Opinion, the Commission held that a campaign committee could sponsor a golf fundraiser for a candidate. The Commission also found that it would be appropriate for the candidate to attend the function if the committee handles the sale of tickets and/or entry fees without the candidate's knowledge or input and the candidate does not know who made the contributions when he/she appears at the event. The Commission reiterated this decision in JIC Advisory Opinion 2012-17 and also noted that one person may purchase a ticket to the golf fundraiser that allows others to participate even though they did not contribute to the candidate's campaign. The Commission further advised that the purchaser's name must be listed as a contributor on campaign financial reports.

Based upon the foregoing, the Commission is of the opinion that your committee may hold a dinner dance fundraiser and you may attend and do a candidate meet and greet as long as you are not involved in soliciting money or try to find out who actually contributed to your campaign. It is important to note that this opinion is based solely on the Code of Judicial Conduct and that you are still subject to the requirements of W.Va.

Code § 3-1-1 *et seq.* and more particularly W. Va. Code §§ 3-8-1 through 14, pertaining to campaign finances.

The Commission hopes that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat