



**JUDICIAL INVESTIGATION COMMISSION**

City Center East - Suite 1200 A  
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Charleston, West Virginia 25304  
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June 23, 2011

Re: 2012 West Virginia Supreme Court of Appeals  
Public Campaign Financing Pilot program

At its May 6, 2011 meeting, the Judicial Investigation Commission in response to a written request for an opinion, addressed a question regarding the West Virginia Supreme Court 2012 public campaign financing pilot program as prescribed by West Virginia Code §3-12-1 through §3-12-17.

The Commission discussed and responded to this specific question: **CAN A PARTICIPATING CANDIDATE IN THE 2012 WEST VIRGINIA SUPREME COURT PUBLIC CAMPAIGN FINANCING PILOT PROGRAM PERSONALLY SOLICIT THE NECESSARY EXPLORATORY AND QUALIFYING CONTRIBUTIONS AND PERSONALLY COLLECT THE REQUIRED FIVE HUNDRED SIGNATURES AS PROVIDED BY STATUTE TO BECOME A CERTIFIED CANDIDATE?**

The Commission's response, in pertinent part, was that West Virginia Code 3-12-1 through 3-12-17, and the legislative rules that govern the pilot program, to the extent that they appear to permit a candidate in the 2012 West Virginia Supreme Court election to be the person collecting the signatures and donations necessary to qualify as a certified candidate, are in conflict with Canon 5C(2).

The plain language used in Canon 5 C(2) is unambiguous: "A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly stated support."

Our interpretation of Canon 5C(2) is that the personal solicitation or acceptance of campaign contributions and the personal collection of the 500 signatures as provided by the new statute would be a violation of the Canon.

Accordingly, the Commissions answer to the specific question presented is that a participating candidate in 2012 West Virginia Supreme Court Public Campaign Financing Pilot program cannot personally solicit the necessary exploratory and qualifying contributions and can not personally collect the required five hundred signatures as provided by statute to become a certified candidate.

It is hoped that this opinion will be made known to all seeking election to the Supreme Court of Appeals in 2012, and wish to take advantage of the public financing program for the 2012 election. If you have any questions regarding this matter, do not hesitate to contact the Commission.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", written over a horizontal line.

Ronald E. Wilson, Chairperson  
Judicial Investigation Commission

Cc: Charles R. Garten  
Disciplinary Counsel  
Judicial Investigation Commission