

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 1st day of August, 2012, the following order was made and entered **in vacation**:

State of West Virginia ex rel., Allen H. Loughry II,
candidate for the Supreme Court of Appeals of
West Virginia, Petitioner

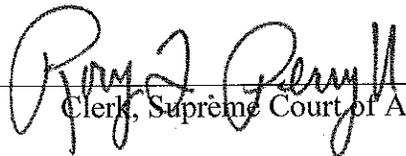
vs.) No. 12-0899

Natalie E. Tennant, in her official capacity as West Virginia Secretary of State; Natalie E. Tennant, Gary A. Collias, William N. Renzelli, and Robert Rupp, in their official capacities as members of the West Virginia State Election Commission; Glen B. Gainer III, in his official capacity as West Virginia State Auditor; and John Perdue, in his official capacity as West Virginia State Treasurer,
Respondents

This day, to-wit, August 1, 2012, came the Honorable Brent D. Benjamin, Justice of the Supreme of Court of Appeals of West Virginia, and notified the Clerk of this Court of his voluntary disqualification from participating in the above-captioned proceeding, pursuant to Canon 3(E)(1)(a) of the Code of Judicial Conduct.

A True Copy

Attest:


Clerk, Supreme Court of Appeals

MEMORANDUM

TO: Rory Perry, Clerk
FROM: Justice Brent Benjamin *BJB*
DATE: August 1, 2012
CASE: *State ex rel. Loughry v. Tennant, et al.*, No. 12-0899
RE: Disqualification

Pursuant to Canon 3E(1)(a) of the Code of Judicial Conduct, I disqualify myself from this request for extraordinary relief. During the past several months, prior to the pendency of this petition, the petitioner, Mr. Loughry, and I have discussed West Virginia's Public Campaign Financing Pilot Program, his campaign's pursuit of such funding, and the United States Supreme Court's decisions in *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 564 U.S. ____ (2011). Because of this personal knowledge of matters related to this petition, I disqualify myself.

cc: Menis Ketchum, C.J.
Robin Jean Davis, J.
Margaret Workman, J.
Thomas McHugh, J.