

Original

JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 FAX (304) 558-0831

February 15, 1995

RE: JIC Advisory Opinion 1995-01

Dear

In a recent letter to Counsel you asked the Judicial Investigation Commission for an advisory opinion regarding the ability of a judicial officer or candidate for judicial office to be named on the checking account signature card for purposes of signing checks from his or her respective campaign committee. This request was reviewed by the Commission at its recent meeting.

Canon 5C(2) of the Code of Judicial Conduct states:

CANON 5

**A JUDGE OR JUDICIAL CANDIDATE SHALL REFRAIN FROM
INAPPROPRIATE POLITICAL ACTIVITY**

C. Judges and candidates subject to public election.

- (2) A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly stated support. A candidate, however, may establish committees or responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums, and other means not prohibited by law. Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds

February 15, 1995

for the candidate's campaign and obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others.

It is clear from this language that the intent of the Canon is to insulate a judicial candidate from any solicitation of funds or publicly stated support. It is further clear from the language of the Canon that a judicial officer shall not use or permit the use of campaign contributions for the private benefit of the judicial officer or others.

Based upon the intent of the Canon and the language contained in it, it is the opinion of the Commission that a judicial officer or candidate for judicial office would not be permitted to be named on the checking account signature card for purposes of signing checks for his or her respective campaign committee.

It is hoped that this opinion fully addresses the question which you have raised. If there is any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II
Chairman

FLF,II/bl