



## JUDICIAL INVESTIGATION COMMISSION

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

August 28, 1995

Re: JIC Advisory Opinion 1995-23

Dear

Your recent letter to the Judicial Investigation Commission in which you asked for an advisory opinion was reviewed by the Commission at its recent meeting. In that correspondence you asked an opinion on eight separate questions. This letter will address the matters which you have raised in the order set forth in your correspondence.

(1) Within legal limits, can I contribute money to my fellow judge's campaign? The language contained in Canon 5C (1) (iii) states that "a judge or a candidate subject to public election may except as prohibited by law contribute to a political organization." A political organization is defined as "a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office." Canon 5A (1) (e) states that a judge shall not "solicit funds for a political organization or candidate." Based on the language in Canon 5 you may contribute to a political organization as defined in the Code of Judicial Conduct; however, you may not contribute to an individual judge's campaign.

(2) Can I contribute money to my county political party executive committee and restrict its use to my fellow judge's campaign? The language cited in answer to (1) would prohibit this activity. You may contribute to the county political party executive committee if it meets the definition of a political organization as set forth in the Code of Judicial Conduct. However, you could not restrict the use of the contribution to an individual judge's campaign.

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(3) Can my wife contribute money to said campaign? Your wife could contribute to the campaign if the contribution was made from an account separate from any joint account which you may hold with your spouse. All efforts must be taken to demonstrate that you were not involved in making the contribution. See West Virginia Advisory Opinion (June 19, 1991) which is attached hereto.

(4) Can my 18-year-old son do so? Yes, your 18-year-old son could contribute to the campaign under the same restrictions which apply as set forth in (3).

(5) Can my 15-year-old daughter do so? Yes, based on the same restrictions as set forth in (3).

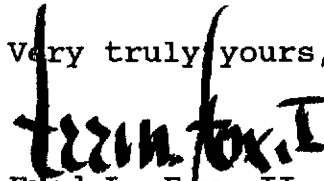
(6) Can my 72-year-old mother do so? Yes, the contribution would come from her own funds and/or account.

(7) Can my adult brother do so? Yes, the contribution would come from his own funds and/or account.

(8) If I or my aforesaid family members attend a public fundraising event for my fellow judge's campaign, is there any restriction or prohibition (other than the standard legal limits for campaign contributions) on payment? Specifically, if I, my wife, and children attend a \$100-a-plate ham dinner, can any of all of us pay the \$100 each for such dinner? Canon 5C (1) (iii) permits you to "contribute to a political organization." However, Canon 5A (1) (e) prohibits you from "soliciting funds for a political organization or candidate." Canon 5C (1) (a) (i) permits you to "purchase tickets for and attend political gatherings." Based on a reading of the language contained in these sections of Canon 5 it is the opinion of the Commission that while you may attend a public gathering you could not pay to attend a fundraiser for an individual political candidate. Attending a fundraiser for an individual political candidate would result in your soliciting funds for a political candidate and this activity is prohibited by Canon 5A (1) (e) of the Code of Judicial Conduct.

It is hoped that this opinion addresses those concerns which you raised in your correspondence. If you have any further question regarding these matters, do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF, II/b1  
Enclosure