



JUDICIAL INVESTIGATION COMMISSION

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

February 18, 2000

JIC Advisory Opinion 2000-07

Dear Magistrate Humway:

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In your letter to the Commission you stated that you have filed to run again for magistrate. You also said that your daughter has filed to run for prosecuting attorney. You asked for an advisory opinion dealing with the propriety of having both names appear on the ballot as magistrate and prosecuting attorney candidates.

To address your request the Commission reviewed Canon 5A of the Code of Judicial Conduct and the commentary following that Canon. Canon 5A prohibits judges and candidates for judicial office from publicly endorsing or publicly opposing another candidate for public office. The commentary to that Canon states however that "a candidate does not publicly endorse another candidate for public office by having that candidate's name on the same ballot."

Based upon the clear language set forth in Canon 5 and the commentary to that Canon, it is the opinion of the Commission that no violation of the Canon would occur if your name is on the same ballot with that of your daughter. As you know, however, you may not publicly endorse or oppose any candidate for public office. It is hoped that this opinion addresses the issue which you raised in your letter. If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "John W. Bennett".

John W. Bennett, Chairman

JWB:nb