



## JUDICIAL INVESTIGATION COMMISSION

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April 14, 2000

JIC Advisory Opinion 2000-23

Dear Mr. :

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In that correspondence you stated that you have been advised that the committee which raised and spend funds in connection with your previous judicial campaign has an excess balance in its account. The committee desires to contribute all or a portion of the balance to the political committee of a state candidate for political office ( a non-judicial office) which is permitted under state election law. You indicated as a former County Circuit Judge you are concerned as to whether the committee's contribution would be in accordance with the Code of Judicial Conduct. You asked whether the post-election distribution of an excess amount in a former judge's judicial committee's campaign account would be in violation of the Code of Judicial Conduct.

To address the question which you have raised, the Commission reviewed Canon 5C(2) of the Code of Judicial Conduct which 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 may, however, establish committees of 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 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

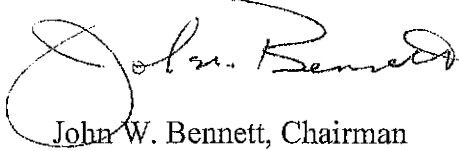
April 14, 2000

Page Two

contributions and public support from lawyers. A candidate shall not use or permit the use of campaign contributions for the private benefit of a candidate or others. (Emphasis supplied)

Based upon the clear language stated in the last line of Canon 5C(2), it is the opinion of the Commission that your committee may not contribute all or a portion of the balance of the political committee to a state candidate for political office. If you have any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John W. Bennett". The signature is written in dark ink and is positioned above the printed name.

John W. Bennett, Chairman

JWB:nb