



JUDICIAL INVESTIGATION COMMISSION

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September 1, 2000

JIC Advisory Opinion 2000-36

Dear Judge :

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. In that correspondence you stated that you owned a 40% interest in an office building along with your wife who also owns 40% and your oldest son who has a 20% interest. In that building there is an empty storefront that you would like to donate rent free to the Party for use as a campaign headquarters for the upcoming election. You state that although Canon 5C states that a judge or a candidate for election can contribute to a political organization, Canon 5A(b) states that a judge or candidate cannot publicly endorse or publicly oppose another candidate for public office. You asked for an advisory opinion regarding whether there is a conflict between the two provisions of Canon 5. You asked for an opinion regarding whether you can donate building space in which you have an interest to the Party for use as a headquarters for the upcoming general election, with the understanding that it may be used for posting and disseminating political literature and conducting other political activities for all candidates.

To address the inquiry which you have made, the Commission has reviewed the relevant sections of Canon 5. Those provisions of Canon 5 state in relevant part:

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

A. All judges and candidates. - (1) Except as authorized in Sections 5B(2), 5C(1), and 5C(3), a judge or a candidate for election or appointment to judicial office shall not:

(b) publicly endorse or publicly oppose another candidate for public office; . . .

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C. Judges and candidates subject to public election. - (1) A judge or a candidate subject to public election may, except as prohibited by law:

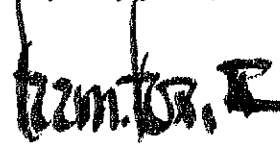
(a) at any time

(iii) contribute to a political organization; . . .

After reviewing these relevant Sections of Canon 5 it is the opinion of the Commission that while Canon 5A(b) prohibits a judge or a judicial candidate from publicly endorsing or publicly opposing another candidate for public office, it does so subject to the authorization set forth in Canon 5C(1). Canon 5C(1) states that judges and judicial candidates subject to public election may, except as prohibited, by law at any time contribute to a political organization. The Commission sees no difference between a monetary contribution to a political organization or an in kind contribution to a political organization which would be analogous to what you are proposing to do. It is therefore, the opinion of the Commission that there would be no prohibition against you donating the office space which you have provided to the Party, so long as it is done within the dictates of the election law.

If it hoped that this opinion fully addresses your inquiry. 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 "L. M. B. E." with a stylized flourish at the end.

Chairman