



JUDICIAL INVESTIGATION COMMISSION

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

February 17, 2004

Re: JIC Advisory Opinion 2004-04

Dear Mr.

In a recent letter to the Judicial Investigation Commission, you stated that you are a candidate for Magistrate in _____ County and that you are currently an elected member of the _____ County Republican Executive Committee. You serve as the treasurer for that organization. You asked whether you could continue to hold that position while you are a candidate for magistrate.

To address the inquiry which you have made the Commission has reviewed Canon 5A(1) which states 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 by sections 5B(2), 5C(1), and 5C(3), a judge or a candidate for election or appointment to judicial office shall not:

(a) act as a leader or hold an office in a political organization; . . .

A "political organization" is defined as "a political party or other group, the principal purpose of which is the further the election or appointment of candidates to political office." Based upon the clear language set forth in Canon 5A(1), it is the opinion of the Commission that

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you would be required to resign your position with the
Committee while you are a candidate for magistrate.

County Republican Executive

If you have any further question regarding this matter do not hesitate to contact this
office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, looped "F" and a distinct "II" at the end.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb