



## JUDICIAL INVESTIGATION COMMISSION

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

March 29, 2004

Re: JIC Advisory Opinion 2004-13

Dear

You have written to the Judicial Investigation Commission stating that you are a Candidate for Magistrate in \_\_\_\_\_ County. You asked for an advisory opinion regarding whether it is unethical for you to team up with another candidate in renting or purchasing equipment to share with the other candidate of a non judicial office in pursuit of each of your respective offices. You stated that you would not support the other candidate in words or in print and would not provide public support for the candidate you are teaming up with. You wanted to be able to team up with the candidate to maximize your campaign dollars.

In reviewing the request which you have made, the Commission has looked at relevant sections of Canon 5 of the Code of Judicial Conduct. Canon 5 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 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. . . .

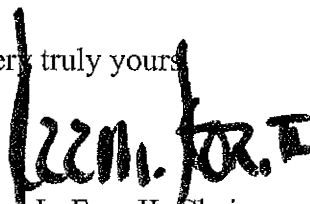
In reviewing this section of the Canon in the context of your question, the Commission felt that you should not team up with another candidate in renting or purchasing equipment to share during the campaign. That action could give an appearance that you were supporting that candidate and/or at least indirectly contributing to that candidate's campaign. Further, reporting

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requirements about your campaign expenses could reveal the shared expense relationship and constitute a public disclosure of at least support through the shared expenses.

It is hoped that this opinion fully addresses the question which you have raised. If you have 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 "Fred L. Fox, II". The signature is stylized with a large, bold "F" and "L", and the name "Fox, II" is written in a cursive-like script.

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb