



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
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June 14, 2007

Re: JIC Advisory Opinion 2007-12

Dear Commissioner

In a recent letter you asked for an advisory opinion regarding the propriety of a mental hygiene commissioner being elected to a city council position. You stated that on June 5, 2007, you were elected to the _____ City Council. You also stated that you are the chief mental hygiene commissioner for _____ County.

In addressing the question which you have raised, the Commission reviewed Article 8, §7, of the Constitution of West Virginia, which states in relevant part that:

No justice, judge, or magistrate shall hold any other office or accept any appointment or public trust under this or any other government; nor shall he become a candidate for any elective public office or nomination thereto except a judicial office; . . .

While the language does not specifically address mental hygiene commissioners, the intent that no judicial officer serve in any other office or accept any appointment for public trust is made clear. A city council position would be another office which you would be holding in addition to your position as chief mental hygiene commissioner for _____ County. The Commission feels that in view of the Constitutional language specifically prohibiting justices, judges, or magistrates from holding any other office or accepting any appointment of public

The Honorable

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trust the intent of that language should be expanded to cover mental hygiene commissioners as well. The Commission, therefore, feels that it would not be appropriate for you to serve as a member of the Princeton City Council. (See JIC Advisory Opinions January 26, 1996; October 15, 1996; August 31, 1998).

If there is any question regarding any of the issues which you have raised, 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 "F" and "L" and a small "II" at the end.

Fred L. Fox, II, Chairperson

CRG/bl
Enclosures