



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

April 20, 2012

Re: JIC Advisory Opinion 2012-17.

Dear _____ :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: Your campaign committee wishes to hold a golf fundraiser. You want to know the following: (1) Is the event permissible; (2) Can a portion of the proceeds go to defray costs and the remainder be applied to future campaign expenditures; (3) Can the tickets include the following language: "The purchaser and three friends to golf on May ___, 2012 for the cost of \$500, paid for the committee to elect _____ for Magistrate;" (4) Is there any required language for the ticket and/or the advertisements? (5) May one person purchase a ticket that allows others to participate in the event even though they did not contribute; (6) Can you attend the dinner portion of the event since you will not know which of the four persons paid for the ticket; (7) Can someone sponsor each of the 18 holes so long as the candidate does not know who sponsored them; (8) Can the committee award prizes; and (9) Can the committee give gift baskets that are donated by individuals?

Canon 5C(2) of the Code of Judicial Conduct states:

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

The Comment to the Canon states that "though not prohibited, campaign contributions of which a judge has knowledge, made by lawyers or others who appear before the judge, may be relevant to disqualification under [Canon] 3E."

In an Advisory Opinion dated July 27, 2000, the Commission held that a campaign committee can sponsor a golf fundraiser for a candidate. The Commission also found that it would be appropriate for a candidate to attend the function if the committee handles the sale of tickets and/or entry fees without the candidate's knowledge or input and the candidate does not know who made the contributions when he/she appears at the event. Based upon the language of the Advisory Opinion, one person may purchase a ticket that allows others to participate even though they did not contribute to your campaign. The purchaser's name must be listed as a contributor on campaign financial reports.

The campaign committee can allow an individual sponsor for each of the 18 holes. However, you would then be unable to attend the outing since it is likely that you would learn the identity of those contributors. Additionally, those contributors must be listed on any campaign financial reports. Your committee may give donated gift baskets only as door prizes. Once again, the donors would have to be listed as contributors. With respect to disclaimers, the term "paid for" and the campaign identity disclosure are required on all tickets and advertisements.

It is important to note that this opinion is based solely on the Code of Judicial Conduct and that you are still subject to the requirements of W.Va. Code § 3-1-1 *et seq.* and more particularly W. Va. Code §§ 3-8-1 through 14, pertaining to campaign finances.

The Commission hopes that this opinion fully addresses the issues which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", written in a cursive style.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat