



JUDICIAL INVESTIGATION COMMISSION

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

May 6, 2014

Re: JIC Advisory Opinion 2014-11.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. You want to know if a judicial candidate who has campaign signs or paraphernalia on his/her private vehicle may park at a parking meter or public parking space in the vicinity of the courthouse or judicial annex.

Canon 5A(1)(d) of the Code of Judicial Conduct provides in pertinent part that "a judge or candidate for election or appointment to judicial office shall not: . . . publicly display any campaign paraphernalia in any area where judicial activities are conducted or knowingly permit any such display."

The Commission has consistently held that a judicial candidate cannot display campaign signs or paraphernalia on his/her vehicle if it is parked on courthouse or county property. See JIC Advisory Opinion 2/28/1992 (Incumbent candidate for judicial office cannot display a campaign bumper sticker on his/her private automobile if the vehicle is on court premises); JIC Advisory Opinion 3/4/1996 (judicial officer cannot park a privately owned automobile with a re-election campaign sign attached in a parking spot located near the courthouse and designated as the parking spot for the on-call judicial officer); and JIC Advisory Opinion 4/19/1996 (judicial officer is prohibited from parking a privately owned automobile displaying a campaign sign in a parking spot, rented from the county building commission, on a lot which is adjacent to a building

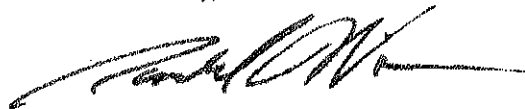
which houses magistrate offices, the magistrate clerk's office, and the family law master's office).

Meanwhile, W. Va. Code § 3-9-9 states that "[n]o person may do any electioneering on election day within any polling place, or within three hundred feet of the outside entrance to the building housing the polling place." Whoever violates this provision may be guilty of a misdemeanor and can be confined in a regional jail for not more than one year and/or fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Most if not all of the Courthouses in West Virginia are used as polling places for early voting. W. Va. Code § 3-3-3 states that "early in-person voting is to be conducted during regular business hours beginning on the thirteenth day before the election and continuing through the third day before the election. Additionally, early in-person voting is to be available from 9:00 a.m. to 5:00 p.m. on Saturdays during the early voting period."

Based upon the foregoing, a judicial candidate may park his/her private vehicle with campaign paraphernalia attached at a public spot located more than 300 feet off the courthouse/county premises.

We hope this opinion fully addresses the issue which you have raised. If there is any further question regarding this matter, please do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat