



JUDICIAL INVESTIGATION COMMISSION

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

February 29, 2016

Re: JIC Advisory Opinion 2016-06.

Dear

Your request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission at its February 26, 2016 meeting. The factual scenario giving rise to your request is as follows: You are a candidate for Magistrate in the May 2016 Election. You want to know if you may campaign door to door with a Candidate for Circuit Clerk as long as you don't endorse him/her. Alternatively, you want to know if you can ride in the same vehicle together to the neighborhoods in which you plan to campaign even if you are unable to campaign together.

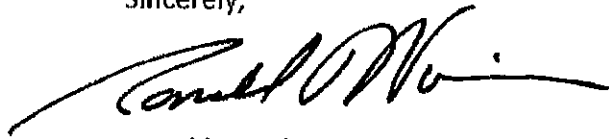
To address the questions which you have raised, the Commission has reviewed Rules 4.1(A)(3) of the Code of Judicial Conduct which states that "a judge or judicial candidate shall not publicly endorse or oppose a candidate for any public office." Comment 3 to the Rule provides in pertinent part that "[p]ublic confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence." Meanwhile, Comment 4 states the purpose of the Rule, which is to prevent judges and judicial candidates "from abusing the prestige of judicial office to advance the interests of others."

A public endorsement of a candidate can occur by word or deed. A public pronouncement isn't necessary for voters to believe that a judge supports another candidate for office. Simply campaigning door to door together or arriving in the same automobile to campaign sites is sufficient to give voters the idea that you publicly support the other candidate.

Based upon the foregoing, the Commission is of the opinion that you cannot campaign door to door with another candidate for office. You also cannot ride in the same car as the other candidate to the locations in which you may campaign door to door.

The Commission hopes that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any questions, comments or concerns.

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