



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 18, 2016

Re: JIC Advisory Opinion 2016-11.

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 is holding a ticket-based fundraiser at the end of the month. The event will offer food, beverages and entertainment. You want to know if your campaign committee can also give out door prizes. The campaign committee will purchase some of the door prizes and the remainder will be donated and counted as in-kind contributions. You will not personally provide anything for the fundraiser, sell tickets or solicit individuals to buy tickets.

To address your question, the Commission has reviewed Rule 4.4 of the Code of Judicial Conduct which states:

A judicial candidate subject to public election may establish a campaign committee to manage and conduct a campaign for the candidate, subject to the provisions of this Code. The candidate is responsible for ensuring that his or her campaign committee complies with applicable provisions of this Code and other applicable law.

Comment [1] to the Rule notes that "[j]udicial candidates are prohibited from personally soliciting campaign contributions or personally accepting campaign contributions." The Comment also states that the campaign committee is designed "to solicit and accept reasonable contributions or in-kind contributions" on behalf of the candidate. Meanwhile, W. Va. Code § 3-8-1a(15) defines the term "fund raising event" as "an event such as a dinner, reception, testimonial, cocktail party, auction or similar affair through which contributions are solicited or received by such means as the purchase of a ticket, payment of an attendance fee or by the purchase of goods or services."

Based upon the foregoing, your campaign committee may solicit for and give door prizes at the fundraiser provided the donations fall within the legal range for contributions and each door prize/donation is properly accounted for and reported. 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 stylized flourish at the end.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat