

JUDICIAL INVESTIGATION COMMISSION

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

January 31, 2019

Re: JIC Advisory Opinion 2019-05.

Dear

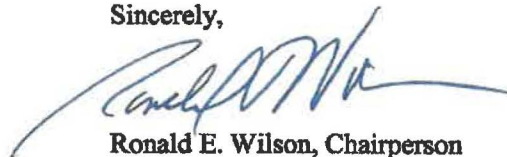
Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows:

Your wife has been asked to help with an upcoming municipal election as a poll worker. The election is non-partisan and will be for the City's Mayor and Council positions. The primary will be held in April, and the general election will be held in June. Based upon information and belief, your wife will be tasked with checking in voters and directing them to a booth to cast their ballots.

In a JIC Advisory Opinion issued on May 10, 2010, the Commission held that a judge's secretary could not serve as a poll worker "because of the probability that the public would view [the] secretary and other judicial employees as an extension of the judicial office." We decline to broaden this decision to include a judge's spouse. Comment [5] to Rule 4.1 of the Code of Judicial Conduct notes that despite a few restrictions, the family members of judges and judicial candidates are generally free to engage in their own political activity including running for office. The few restrictions do not include serving as a poll worker.

Based upon the foregoing, the Commission is of the opinion that your wife may work as a poll worker in the upcoming municipal elections. It is hoped 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,



Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat