



JUDICIAL INVESTIGATION COMMISSION

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

March 10, 2020

Re: JIC Advisory Opinion 2020-09.

Dear Magistrate :

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

In February 2019, you were appointed as Magistrate by the Chief Circuit Judge. You are running to retain your seat in the May 2020 election. Your campaign committee is holding a fundraiser at the end of March 2020. You want to know if either your campaign committee or you can purchase a gun to raffle off at the fundraiser. Your committee would sell tickets at \$5.00 apiece. During the fundraiser, your committee would do a draw and the winning ticket holder would get the gun. You want to know if this activity is permissible under the Code of Judicial Conduct.

To address your question, the Commission has reviewed Rules 4.1(A)(6) and (7) which state:

**4.1 -- Political and Campaign Activities of Judges and Judicial Candidates
in General**

- A. Except as permitted by law, or by Rules 4.2, 4.3 and 4.4, a judge or a judicial candidate shall not: . . .
- (6) personally solicit or accept campaign contributions other than through a campaign committee authorized by Rule 4.4;
 - (7) use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others; . . .

Based upon the foregoing, the Commission is of the opinion that you cannot purchase the gun yourself since people could misconstrue that you are personally soliciting donations. Likewise, you cannot use campaign funds to purchase the item for raffle since the winner would be personally benefit from the contributions. However, your campaign committee may raffle off a gun that has been donated to your campaign for the event.

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,



Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat