



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 1, 2020

Re: JIC Advisory Opinion 2020-11.

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 was going to hold a fundraiser in the near future. About 20 groups donated baskets and your campaign committee was going to raffle them off at the fundraiser to raise money for your campaign. Your fundraiser has been canceled because of the COVID-19 pandemic. You want to know if either you or your campaign committee can give the baskets away on social media to needy individuals or families in light of the pandemic and the current economic climate. You plan to seek the authorization from the donors before taking such action.

To address your question, the Commission has reviewed Rule 4.1(A)(7) of the Code of Judicial Conduct which states:

**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: . . .
 - (7) use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others; . .

In JIC Advisory Opinion 2012-12, the Commission stated that a campaign committee may make donations to charitable or civic organizations. However, the advisory opinion does not allow a judicial candidate himself/herself to make such donations as a candidate but he/she can do so only in his/her individual capacity.

Based upon the foregoing, the Commission is of the opinion that it would be permissible for your campaign committee, but not you as either a candidate or an individual, to give the baskets away since they were originally donations made to your campaign. You must also, as you say, first obtain the permission of the donors before the giveaways can occur.

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,

A handwritten signature in black ink, appearing to read "Alan D. Moats", with a long horizontal flourish extending to the right.

Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat