



JUDICIAL INVESTIGATION COMMISSION

WV Judicial Tower - Suite 700 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169

October 20, 2023

Re: JIC Advisory Opinion 2023-25

Dear :

Your request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission at its October 13, 2023 meeting. You have announced your candidacy for a circuit judgeship in the 2024 election. You want to know if individuals who are running for seats on the West Virginia Legislature or other positions such as prosecutor in the 2024 election can serve on your campaign committee and/or be listed as sponsors for a fundraising event.

To address your question, the Commission has reviewed Rule 4.1(A)(3) which states in pertinent part that "[e]xcept as permitted by law, or by Rules 4.2, 4.3, and 4.4, a judge or a judicial candidate shall not: . . . (3) publicly endorse or oppose a candidate for any public office; . . ." The Commission also considered Rule 4.4 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 provision of this Code and other applicable law.

In JIC Advisory Opinion 2018-02, the Commission advised a judicial candidate that he/she could not have a candidate for election to the House of Delegates serve as his/her campaign treasurer because the public may conceivably believe that the judge is endorsing a particular candidate for House of Delegates or that he/she is endorsing the particular member's philosophy concerning given statutes or proposed law. In JIC Advisory Opinion 2023-16, the Commission told a judicial candidate that it would be inappropriate for a legislative candidate to serve on the judge's campaign committee or host a fundraiser for the judicial candidate.

Based upon the foregoing, the Commission is of the opinion that individuals concurrently running for any office in the 2024 election cannot serve on your campaign committee or sponsor a fundraiser on your behalf as the public might misconstrue that you are endorsing those candidates in their run for office.

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 blue ink, appearing to read "Alan D. Moats", is positioned above the typed name.

Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat