



JUDICIAL INVESTIGATION COMMISSION

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

August 7, 2023

Re: JIC Advisory Opinion 2023-16

Dear :

Your request for a formal advisory opinion was recently reviewed by the Judicial Investigation Commission. The facts giving rise to the request are as follows: You are contemplating running for judge in the 2024 election. You want to know if a current member of the West Virginia House of Delegates who plans on running for re-election can (1) serve on your campaign committee and/or (2) host a fundraiser for you.

To address your question the Commission has reviewed Rules 4/1(A)(3) and 4.4 of the Code of Judicial Conduct which state:

Rule 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:
 - (3) publicly endorse or publicly oppose a candidate for any public office.

Rule 4.4 Campaign Committees

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.

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. The Commission stated:

Judges have an obligation to be or perceived to be involved in other peoples' elections. The public might conceivably believe that a judge is endorsing a particular candidate for House of Delegates because the individuals is also serving as the judge's treasurer. The public may also think that the judge is endorsing the particular House of Delegate's philosophy concerning given statutes or proposed laws. Since the above-cited Rules require a judge or judicial candidate to refrain from engaging in such conduct, the Commission is of the opinion that someone running for the House of Delegates cannot concurrently serve as a campaign treasurer for a judicial candidate.

Based upon the same reasoning, the Commission finds that it would be inappropriate for a House of Delegate's member/candidate to serve on your campaign committee or host a fundraiser for you.

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,



Alan D. Moats, Chairperson
Judicial Investigation Commission