

West Virginia Supreme Court Rules in Favor of Justice Brent Benjamin

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Less than two and half hours after hearing argument, the West Virginia Supreme Court reversed the lower court and reinstated the State Election Commission's decision certifying Justice Brent D. Benjamin for approximately \$525,000 in public campaign financing.

Benjamin was represented by Jonathan Marshall and Maryl Sattler of Bailey Glasser's Charleston, West Virginia, office.

The State Election Commission had ruled that both Benjamin and fellow candidate Bill Wooten qualified for the program, which was designed to limit the influence of large donors in judicial elections.

Beth Walker, who is also running for the Supreme Court, then sued both Benjamin and Wooten in Kanawha County Circuit Court. Walker claimed that the State Election Commission's decision was wrong and violated her constitutional rights, making it more difficult for her to compete in the election.

Circuit Court Judges Tod Kaufman and Charles King had ruled against Benjamin and Wooten. Both were appealed to the Supreme Court. All five justices, including Benjamin, recused themselves from hearing the case.

Senior status judge Thomas Keadle was appointed as acting chief justice. Keadle then appointed four more acting justices to hear the cases.

Walker argued that the Commission was required to disqualify both Benjamin and Wooten based on what she claimed were late filings and other technical procedural violations. Walker also said that some of the contributions Benjamin received that qualified him for public financing didn't include proper signatures because they were made through PayPal.

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Marshall argued that Benjamin complied with all deadlines, and that the donations contained electronic signatures. “The law is, if a law requires a signature, an electronic signature satisfies that requirement,” Marshall said. Under the law, he said, an electronic signature is anything that verifies the identity of the sender, such as a PayPal account.

The court agreed, and agreed that the SEC had discretion to grant the financing. The order reversing the lower courts came down within hours of the hearing. An opinion detailing the legal reasoning will follow.

Attorneys

Jonathan R. Marshall