

1 **RULE 4.2 Political and Campaign Activities of Judicial Candidates**

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3 (A) A judicial candidate shall be responsible for all of the following:

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5 (1) Acting at all times in a manner consistent with the independence, integrity, and
6 impartiality of the judiciary;

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8 (2) Reviewing and approving the content of all campaign statements and materials
9 produced by the judicial candidate or his or her campaign committee before their
10 dissemination;

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12 (3) The content of any statement communicated in any medium by his or her
13 campaign committee and for compliance by his or her campaign committee with the
14 limitations on campaign solicitations and contributions contained in Rule 4.4, if the
15 candidate knew of the statement, solicitation, or contribution;

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17 (4) No earlier than one year prior to or no later than thirty days after certification of
18 his or her candidacy by the election authority, completing a two-hour course in campaign
19 practices, finance, and ethics accredited by the Commission on Continuing Legal
20 Education and certifying such completion within five days of the date of the course to the
21 Board of Commissioners on Grievances and Discipline.

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23 (B) A judicial candidate shall not do any of the following:

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25 (1) Jointly raise funds with a candidate for nonjudicial office, except as permitted by
26 division (C) of this rule;

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28 (2) Appear in a joint campaign advertisement with a candidate for nonjudicial office,
29 except as permitted by division (C) of this rule;

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31 (3) Expend funds in a judicial campaign that have been contributed to the judicial
32 candidate to promote his or her candidacy for a nonjudicial office.

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34 (C) A judicial candidate may do any of the following:

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36 (1) Conduct joint fundraising activities with other judicial candidates;

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38 (2) Appear in joint campaign advertisements with other judicial candidates;

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40 (3) Participate with judicial and nonjudicial candidates in fundraising activities
41 organized or sponsored by a political party;

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43 (4) Appear with other candidates for public office on slate cards, sample ballots, and
44 other publications of a political party that identify all of the candidates endorsed by the
45 party in an election;

93 Rule 4.2(C)(6) permits the use of party affiliation, membership, nominations, and
94 endorsements in campaign communications throughout a judicial campaign. This provision
95 replaces the standards contained in Ohio Canons 7(B)(3)(a)(iii) and (iv) and (B)(3)(b) that
96 prohibit the use of party affiliation and membership in campaign advertisements after the date of
97 the primary election campaign but allow the fact of nominations and endorsements to be
98 communicated at any time.

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100 **Comparison to ABA Model Code of Judicial Conduct**

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102 Model Rule 4.2 sets forth standards applicable to judicial candidates who are subject to
103 public election, whether the election is a retention election or partisan or nonpartisan in nature.
104 Rule 4.2 retains many of these standards and modifies or eliminates others to reflect the present
105 system of selecting judges in Ohio.

106
107 Model Rule 4.2(A)(1) is retained in Rule 4.2(A)(1).

108
109 Model Rule 4.2(A)(2) is unnecessary in light of statutory provisions contained in Title 35
110 of the Revised Code applicable to all candidates for public office.

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112 Model Rule 4.2(A)(3) is identical in substance to Rule 4.2(A)(2), and Model Rule
113 4.2(A)(4) is replaced by the more definitive requirement found in Rule 4.2(A)(3). Rule
114 4.2(A)(4) has no counterpart in the Model Code.

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116 Model Rules 4.2(B) and (C) are replaced by the provisions of Rule 4.2(B) and (C) that
117 are taken from Ohio Canon 7.

118
119 Comments [1] and [2] correspond to Model Rule 4.2, Comments [2] and [3], with
120 modifications to conform the comments to the rule. Comments [1] and [4] to [7] of the Model
121 Rule are inconsistent with Rule 4.2 and other provisions of Canon 4 and are not adopted.