

1 **RULE 4.3 Campaign Standards and Communications**
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3 During the course of any campaign for nomination or election to judicial office, a *judicial*
4 *candidate*, by means of campaign materials, including sample ballots, advertisements on radio or
5 television or in a newspaper or periodical, electronic communications, a public speech, press
6 release, or otherwise, shall not *knowingly* or with reckless disregard do any of the following:
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8 (A) Post, publish, broadcast, transmit, circulate, or distribute information concerning
9 the *judicial candidate* or an opponent, either *knowing* the information to be false or with a
10 reckless disregard of whether or not it was false or, if true, that would be deceiving or misleading
11 to a reasonable person;
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13 (B) Manifest bias or prejudice toward an opponent based on race, sex, religion,
14 national origin, disability, age, sexual orientation, or socioeconomic status;
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16 (C) Use the title of an office not currently held by a *judicial candidate* in a manner
17 that implies that the *judicial candidate* does currently hold that office;
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19 (D) Use the term “judge” when the *judicial candidate* is not a judge unless that term
20 appears after or below the name of the *judicial candidate* and is accompanied by either or both of
21 the following:
22

23 (1) The words “elect” or “vote,” in prominent lettering, before the *judicial*
24 *candidate’s* name;
25

26 (2) The word “for,” in prominent lettering, between the name of the *judicial*
27 *candidate* and the term “judge;”
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29 (E) Use the term “re-elect” in either of the following circumstances:
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31 (1) When the *judicial candidate* has never been elected at a general or special
32 election to the office for which he or she is a *judicial candidate*;
33

34 (2) When the *judicial candidate* is not the current occupant of the office for which he
35 or she is a *judicial candidate*;
36

37 (F) Misrepresent his or her identity, qualifications, present position, or other fact or
38 the identity, qualifications, present position, or other fact of an opponent;
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40 (G) Make a false statement concerning the formal schooling or training completed or
41 attempted by a *judicial candidate*; a degree, diploma, certificate, scholarship, grant, award, prize
42 of honor received, earned, or held by a *judicial candidate*; or the period of time during which a
43 *judicial candidate* attended any school, college, community technical school, or institution;
44

45 (H) Make a false statement concerning the professional, occupational, or vocational
46 licenses held by a *judicial candidate*, or concerning any position a *judicial candidate* held for
47 which he or she received a salary or wages;

48
49 (I) Make a false statement that a *judicial candidate* has been arrested, indicted, or
50 convicted of a crime;

51
52 (J) Make a statement that a *judicial candidate* has been arrested, indicted, or
53 convicted of any crime without disclosing the outcome of all pending or concluded legal
54 proceedings resulting from the arrest, indictment, or conviction;

55
56 (K) Make a false statement that a *judicial candidate* has a record of treatment or
57 confinement for mental disorder;

58
59 (L) Make a false statement that a *judicial candidate* has been subjected to military
60 discipline for criminal misconduct or dishonorably discharged from the armed services;

61
62 (M) Falsely identify the source of a statement, issue statements under the name of
63 another person without authorization, or falsely state the endorsement of or opposition to a
64 *judicial candidate* by a person, organization, political party, or publication.

65 66 67 **Comment**

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69 [1] A *judicial candidate* must be scrupulously fair and accurate in all statements made
70 by the candidate and his or her campaign committee. This rule obligates the candidate and the
71 committee to refrain from making statements that are false or misleading or that omit facts
72 necessary to make the communication considered as a whole not materially misleading. Also see
73 Rule 4.2.

74
75 [2] A sitting judge, who is a *judicial candidate* for a *judicial office* other than the
76 court on which he or she currently serves, violates Rule 4.3(C) if he or she uses the title “judge”
77 without identifying the court on which the judge currently serves.

78 79 80 **Comparison to Ohio Code of Judicial Conduct**

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82 Rule 4.3 contains standards governing the content of campaign communications that are
83 taken from Ohio Canons 7(B), (D), and (E). Specifically:

- 84 • Rules 4.3(A) and (B) correspond to Ohio Canons 7(E)(1) and (2);
- 85
- 86 • Rule 4.3(C) corresponds to Ohio Canon 7(D)(1);
- 87
- 88 • Rule 4.3(D) corresponds to Ohio Canon 7(D)(3);
- 89
- 90

- 91 • Rule 4.3(E) corresponds to Ohio Canon 7(D)(4), with a modification to preclude a former
92 judge from using the term “re-elect” when seeking to return to the office to which he or
93 she was previously elected. See *In re Judicial Campaign Complaint Against Lilly* (2008),
94 117 Ohio St.3d 1467.
95
96 • Rule 4.3(F) corresponds to Ohio Canon 7(B)(2)(f);
97
98 • Rules 4.3(G) to (M) correspond to Ohio Canons 7(D)(5) to (11).
99

100 Comment [2] indicates that use of the title “judge” by an incumbent judge who is running
101 for a different judicial office is a violation of Rule 4.3(C) if the incumbent does not identify the
102 court on which he or she presently serves. See Ohio Canon 7(D)(2).
103

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105 **Comparison to ABA Model Code of Judicial Conduct**
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107 Because Ohio judges are elected, Model Rule 4.3, which governs the conduct of
108 candidates for appointive judicial office, is not adopted in Ohio. The Ohio version of Rule 4.3
109 contains standards governing the content of campaign communications by judicial candidates.
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111 Comment [1] corresponds to Model Rule 4.1, Comment [7]. Comment [2] is added to
112 note that the prohibition contained in Canon 7(D)(2) is now encompassed by the prohibition in
113 Rule 4.3(C) against misusing the title of an office not currently held by the judicial candidate.