

1 **RULE 4.4 Campaign Solicitations and Contributions**

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3 (A) A judicial candidate shall not personally solicit or receive campaign  
4 contributions. A judicial candidate may establish a campaign committee to manage and conduct  
5 a campaign for the candidate, subject to the provisions of this Code. The judicial candidate is  
6 responsible for ensuring that his or her campaign committee complies with applicable provisions  
7 of this Code and other applicable law.

8  
9 (B) A judicial candidate shall prohibit public employees subject to his or her direction  
10 or control from soliciting or receiving campaign contributions.

11  
12 (C) The campaign committee of a judicial candidate shall not knowingly solicit or  
13 receive, directly or indirectly, for any political or personal purpose any of the following:

14  
15 (1) A contribution from any employee of the court or person who does business with  
16 the court in the form of a contractual or other arrangement in which the person, in the  
17 current year or any of the previous six calendar years, received as payment for goods or  
18 services aggregate funds or fees regardless of the source in excess of two hundred fifty  
19 dollars. The committee may receive campaign contributions from lawyers who are not  
20 employees of the court or doing business with the court in the form of a contractual or  
21 other arrangement.

22  
23 (2) A contribution from any appointee of the court unless the campaign committee,  
24 on its campaign contribution and expenditure statement, reports the name, address,  
25 occupation, and employer of the appointee, identifies the person as an appointee of the  
26 court, and indicates whether the appointee, in the current year or in any of the previous  
27 six calendar years, received aggregate compensation from court appointments in excess  
28 of two hundred fifty dollars.

29  
30 (3) A contribution from a political party unless the contribution is made from a  
31 separate fund established by the political party solely to receive donations for judicial  
32 candidates and the political party reports on the contribution and expenditure statements  
33 filed by the party the name, address, occupation, and employer of each person who  
34 contributed to the separate fund established by the political party.

35  
36 (D) As used in division (C) of this rule:

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38 (1) “Appointee” does not include a person whose appointment is approved, ratified,  
39 or made by the court based on an intention expressed in a document such as a will, trust,  
40 agreement, or contract.

41  
42 (2) “Court” means the court for which the judicial candidate is seeking election and,  
43 if applicable, the court on which he or she currently serves. If the judicial candidate is  
44 seeking election to a division of a court of common pleas or a municipal court, “court”  
45 means the division of the court for which the judicial candidate is seeking election and, if  
46 applicable, the court or division of the court on which he or she currently serves.

47  
48 (3) “Division” means any of the following whether separate or in combination:  
49 general division of the court of common pleas; domestic relations division of the court of  
50 common pleas; juvenile division of the court of common pleas; probate division of the  
51 court of common pleas; housing or environmental division of the municipal court.

52  
53 (4) “Compensation” does not include reasonable reimbursement for travel, meals, and  
54 other expenses received by an appointee who serves in a volunteer capacity.

55  
56 (E) A judicial candidate shall not participate in or receive campaign contributions  
57 from a judicial fundraising event that categorizes or identifies participants by the amount of the  
58 contribution made to the event.

59  
60 (F) The campaign committee of a judicial candidate may begin soliciting and  
61 receiving contributions no earlier than one hundred twenty days before the first Tuesday after the  
62 first Monday in May of the year in which the general election is held. If the general election is  
63 held in 2000 or any fourth year thereafter, the campaign committee of a judicial candidate may  
64 begin soliciting and receiving contributions no earlier than one hundred twenty days before the  
65 first Tuesday after the first Monday in March of the year in which the general election is held.  
66 Except as provided in divisions (G) and (H) of this rule, the solicitation and receipt of  
67 contributions may continue until one hundred twenty days after the general election.

68  
69 (G) If the candidate is defeated prior to the general election, the solicitation and  
70 receipt of contributions may continue until such time as the contributions solicited are sufficient  
71 to pay the campaign debts and obligations of the judicial candidate incurred on or before the date  
72 of the primary election, plus the costs of solicitation incurred after the date of the primary  
73 election, but in no event shall the solicitation or receipt of contributions continue beyond one  
74 hundred twenty days after the date of the election at which the defeat occurred. Notwithstanding  
75 division (K) of this rule, the limits on contributions in a primary election period shall apply to  
76 any contributions solicited or received by the campaign committee of the defeated judicial  
77 candidate after the date of the primary election.

78  
79 (H) In the case of the death or withdrawal of a judicial candidate, the solicitation and  
80 receipt of contributions may continue until such time as the contributions solicited are sufficient  
81 to pay the campaign debts and obligations of the judicial candidate incurred on or before the date  
82 of death or withdrawal, plus the costs of solicitation incurred after the date of death or  
83 withdrawal, but in no event shall the solicitation or receipt of contributions continue beyond one  
84 hundred twenty days after the date of death or withdrawal.

85  
86 (I) Notwithstanding any provision of division (F) of this rule to the contrary, a  
87 judicial candidate may do either or both of the following:

88  
89 (1) Not more than ninety days prior to the commencement of the one hundred twenty-  
90 day fundraising period described in division (F) of this rule, contribute personal funds to  
91 his or her campaign committee;  
92

93 (2) After the conclusion of the applicable fundraising period described in division (F),  
94 (G), or (H) of this rule, contribute personal funds to his or her campaign committee for  
95 the express purpose of satisfying any campaign debt that was incurred during the  
96 applicable fundraising period and that remains unpaid at the conclusion of the applicable  
97 fundraising period. The name of the individual or entity to whom the debt is owed, the  
98 amount of the debt, and the date on which the debt was incurred shall be clearly noted on  
99 the appropriate campaign contribution and expenditure statement.

100  
101 (J) Except as otherwise provided in division (K) of this rule, the campaign committee  
102 of a *judicial candidate* shall not directly or indirectly solicit or receive in the fundraising period  
103 allowed by division (F), (G), or (H) of this rule a campaign *contribution aggregating* more than  
104 the following:

105  
106 (1) From an individual other than the *judicial candidate* or a member of his or her  
107 *immediate family*, three thousand dollars in the case of a *judicial candidate* for chief  
108 justice or justice of the Supreme Court, one thousand dollars in the case of a *judicial*  
109 *candidate* for the court of appeals, or five hundred dollars in the case of a *judicial*  
110 *candidate* for the court of common pleas, municipal court, or county court.

111  
112 (2) From any *organization*, five thousand five hundred dollars in the case of a *judicial*  
113 *candidate* for chief justice or justice of the Supreme Court or three thousand dollars in the  
114 case of all other *judicial candidates*.

115  
116 (3) From a *political party*:

117  
118 (a) Two hundred seventy-five thousand dollars in the case of a *judicial*  
119 *candidate* for chief justice or justice of the Supreme Court;

120  
121 (b) Sixty thousand dollars in the case of a *judicial candidate* for the court of  
122 appeals;

123  
124 (c) Sixty thousand dollars in the case of a *judicial candidate* for a court of  
125 common pleas, municipal court, or county court that serves a territorial  
126 jurisdiction with a population of more than seven hundred fifty thousand;

127  
128 (d) Fifty thousand dollars in the case of a *judicial candidate* for a court of  
129 common pleas, municipal court, or county court that serves a territorial  
130 jurisdiction with a population of seven hundred fifty thousand or less;

131  
132 (K) If a *judicial candidate* is opposed in a primary election, the campaign committee  
133 of that *judicial candidate* shall not directly or indirectly solicit or receive either of the following:

134  
135 (1) A campaign *contribution* from an individual or an *organization aggregating* more  
136 than the applicable limitation contained in division (J)(1) or (2) of this rule in a primary  
137 election period or in a general election period;

139 (2) A campaign contribution from a political party aggregating more than the  
140 applicable limitation contained in division (J)(3) of this rule in a general election period  
141 or aggregating more than the following during a primary election period:

142  
143 (a) One hundred fifty thousand dollars in the case of a judicial candidate for  
144 chief justice or justice of the Supreme Court;

145  
146 (b) Thirty thousand dollars in the case of a judicial candidate for the court of  
147 appeals;

148  
149 (c) Thirty thousand dollars in the case of a judicial candidate for a court of  
150 common pleas, municipal court, or county court that serves a territorial  
151 jurisdiction with a population of more than seven hundred fifty thousand;

152  
153 (d) Twenty-five thousand dollars in the case of a judicial candidate for a court  
154 of common pleas, municipal court, or county court that serves a territorial  
155 jurisdiction with a population of seven hundred fifty thousand or less.

156  
157 (L) As used in division (K) of this rule, “primary election period” begins on the first  
158 day on which contributions may be solicited and received pursuant to division (F) of this rule  
159 and ends on the day of the primary election, and “general election period” begins on the day after  
160 the primary election and ends on the last day on which contributions may be solicited or received  
161 pursuant to division (F) of this rule.

162  
163 (M) For purposes of division (J), (K), and (L) of this rule:

164  
165 (1) Contributions received from political action committees that are established,  
166 financed, maintained, or controlled by the same corporation, nonprofit corporation,  
167 partnership, limited liability company, association, professional association, continuing  
168 association, estate, trust, business trust, or other entity, including any parent, subsidiary,  
169 local, division, or department of that same corporation, nonprofit corporation,  
170 partnership, limited liability company, association, professional association, continuing  
171 association, estate, trust, business trust, or other entity, shall be considered to have been  
172 received from a single political action committee.

173  
174 (2) All contributions received by a judicial candidate from a national, state, or county  
175 political party shall be combined in applying the limits set forth in division (J)(3) of this  
176 rule.

177  
178 (3) In-kind contributions consisting of goods and compensated services shall be  
179 assigned a fair market value by the campaign committee and shall be subject to the same  
180 limitations and reporting requirements as other contributions.

181  
182 (4) A loan made to a campaign committee by a person other than the judicial  
183 candidate or a member of his or her immediate family shall not exceed an amount equal  
184 to two times the applicable contribution limit, and amounts in excess of the applicable

185 contribution limit shall be repaid within the fundraising period allowed by division (F) of  
186 this rule. A debt remaining at the end of the fundraising period shall be treated as a  
187 contribution and subject to the applicable contribution limit.

188  
189 (5) A debt incurred by a judge or judicial candidate in a previous campaign for public  
190 office and forgiven by the individual, organization, or political party to whom the debt is  
191 owed shall not be considered a campaign contribution.

192  
193 (N) In applying the contribution limits contained in division (J) and (K) of this rule,  
194 the contributions of an individual or organization to a judicial candidate fund established by a  
195 political party shall not be aggregated with other contributions from the same individual or  
196 organization made directly to the campaign committee of a judicial candidate unless the  
197 campaign committee of the judicial candidate directly or indirectly solicited the contribution to  
198 the judicial candidate fund.

199  
200 (O) On or before the first day of December beginning in 2008 and every four years  
201 thereafter, the secretary of the Board of Commissioners on Grievances and Discipline shall  
202 determine the percentage change over the preceding forty-eight months in the Consumer Price  
203 Index for All Urban Consumers, or its successive equivalent, as determined by the United States  
204 Department of Labor, Bureau of Labor Statistics, or its successor in responsibility, for all items,  
205 Series A. The secretary shall apply that percentage change to the contribution limitations then in  
206 effect and notify the Supreme Court of the results of that calculation. The Supreme Court may  
207 adopt revised contribution limitations based on the secretary's calculation or other factors that  
208 the Court considers appropriate.

## 209 210 211 **Comment**

212  
213 [1] A judicial candidate is prohibited from personally soliciting campaign  
214 contributions or personally receiving campaign contributions. Likewise, public employees  
215 subject to the direction or control of a judicial candidate are prohibited from soliciting or  
216 receiving campaign contributions.

217  
218 [2] A judicial candidate may establish a judicial campaign committee to solicit and  
219 accept campaign contributions, manage the expenditure of campaign funds, and generally  
220 conduct the campaign. In so doing, the campaign committee shall follow the provisions of the  
221 rule regarding the solicitation and receipt of contributions. A campaign committee shall follow  
222 all time guidelines controlling when judicial fundraising shall begin and end in reference to a  
223 particular judicial election.

224  
225 [3] The campaign committee may accept contributions that do not exceed the  
226 limitations established for individuals, organizations, and political parties. The judicial candidate  
227 is responsible under Rule 4.2(A)(3) for compliance by his or her campaign committee with the  
228 limitations established on campaign solicitations and contributions.

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**Comparison to Ohio Code of Judicial Conduct**

Rule 4.4 corresponds to Ohio Canon 7(C), with two substantive differences:

- The provisions of Ohio Canon 7(C)(7), governing the use of campaign funds, are moved to Rules 4.1(A)(4), 4.1(B)(2) and (3), and 4.2(B)(3);
- The requirement of Ohio Canon 7(C)(8), requiring a successful candidate to file copies of his or her campaign finance reports with the clerk of court, is not retained. Increasingly, campaign finance statements are available electronically, through web sites maintained by the Secretary of State and county boards of election.

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

Model Rule 4.4, governing the conduct of judicial campaign committees, is replaced by Ohio’s more comprehensive provisions regulating the solicitation and receipt of campaign contributions. The Ohio version of Rule 4.4 has provisions analogous to Model Rule 4.4(B)(1) and (2).

Rule 4.4, Comments [1] and [2] correspond to the same comments in Model Rule 4.4, with modifications to reflect the content of the Ohio rule. Comment [3] is new and does not correspond to Comment [3] of the Model Rule.