

1 **RULE 4.5 Activities of a Judge Who Becomes a Candidate for Nonjudicial**
2 **Office**

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4 Upon becoming a candidate in a primary or general election for a nonjudicial elective
5 office, a judge shall resign from judicial office. A judge may continue to hold judicial office
6 while he or she is a candidate for election to or serving as a delegate in a state constitutional
7 convention, if the judge is otherwise permitted by law to do so.
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10 **Comment**

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12 [1] In campaigns for nonjudicial elective public office, candidates may make pledges,
13 promises, or commitments related to positions they would take and ways they would act if
14 elected to office. Although appropriate in nonjudicial campaigns, this manner of campaigning is
15 inconsistent with the role of a judge, who must remain fair and impartial to all who come before
16 him or her. The potential for misuse of the judicial office, and the political promises that the
17 judge would be compelled to make in the course of campaigning for nonjudicial elective office,
18 together dictate that a judge who wishes to run for such an office must resign upon becoming a
19 candidate.
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21 [2] The “resign to run” rule ensures that a judge cannot use the judicial office to
22 promote his or her candidacy, and prevents post-campaign retaliation from the judge in the event
23 the judge is defeated in the election.
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26 **Comparison to Ohio Code of Judicial Conduct**

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28 Rule 4.5 is identical in substance to Ohio Canon 7(B)(4).
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30 **Comparison to ABA Model Code of Judicial Conduct**

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32 Rule 4.5 is similar to Model Rule 4.5. However, the Ohio rule contains an absolute
33 requirement that a judge resign from judicial office upon becoming a candidate for nonjudicial
34 office, without drawing a distinction between elective and appointive office. The Ohio rule also
35 includes language that allows a judge to remain in office while seeking election to or serving as a
36 delegate in a state constitutional convention.