

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OPINION 96-7

Issued October 11, 1996

[Withdrawn- by Board on October 10, 1997 due to amended Canon 7 (c) (8) eff. June 1, 1997.]

SYLLABUS: It is improper under Canon 7(C)(8) for a judge or judicial candidate to use judicial campaign funds to purchase a ticket to another candidate's fund raiser. A judge or judicial candidate may use personal funds to purchase a ticket to another candidate's fund raiser.

Opinion 88-017 is withdrawn.

OPINION: This opinion addresses the use of judicial campaign funds to purchase tickets to fund raisers.

Is it proper for a judge or judicial candidate to use judicial campaign funds to purchase a ticket to another candidate's fund raiser?

Canon 7(C)(8) of the Ohio Code of Judicial Conduct governs the question raised. The rule is set forth below with emphasis added.

Canon 7(C)(8) A judicial candidate shall not expend funds in a judicial campaign that have been contributed to him or her to promote his or her candidacy for a nonjudicial office. **A judge or judicial candidate shall not contribute or expend campaign funds in support of or opposition to a candidate for a public office, other than the public office to which the judge or judicial candidate is seeking election.** For any of the purposes contained in division (A) of section 3517.18 of the Revised Code and subject to the limitations contained in division (B) of that section, a judge or judicial candidate may contribute campaign funds to or expend campaign funds for a political party or to attend social events sponsored by a political party.

Canon 7(C)(8) is the outcome of two amendments. The first two sentences of the rule became effective July 1, 1995. The last sentence became effective April 18, 1996.

Under Canon 7(C)(8), as amended effective July 1, 1995, a judge or judicial candidate is prohibited from contributing or expending judicial campaign funds to other candidates for

public office. This marks a departure from the past. Under the Ohio Code of Judicial Conduct as adopted, effective December 20, 1973, there was no restriction upon a judge or judicial candidate contributing campaign money to other candidates for public office. Accordingly, the Board advised in Opinion 88-017 that “[t]here is nothing in the Code of Judicial Conduct which precludes a judge’s or judicial candidate’s campaign committee from making contributions to other candidates for public office.” That advice in Opinion 88-017 is outdated as a result of the amendment to Canon 7(C)(8).

The purpose of a fund raiser is to provide financial support to the candidate for whom the fund raiser is held. The purchase of a ticket to another candidate’s fund raiser is a contribution to that candidate, not a campaign expenditure of the person purchasing the ticket. Although there may be some incidental campaign benefit to the person purchasing the ticket, the direct purpose is to benefit and support the campaign of the candidate for whom the fund raiser is held. Thus, the use of judicial campaign funds to purchase a ticket to another candidate’s fund raiser falls within the restriction of Canon 7(C)(8).

In conclusion, the Board advises that it is improper under Canon 7(C)(8) for a judge or judicial candidate to use judicial campaign funds to purchase a ticket to another candidate’s fund raiser. A judge or judicial candidate may use personal funds to purchase a ticket to another candidate’s fund raiser. Opinion 88-017 is withdrawn.

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