

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE
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OFFICE OF SECRETARY
OPINION 98-7
Issued June 5, 1998

[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]

SYLLABUS: An individual establishing a judicial campaign committee is not restricted by Canon 7(C)(8) of the Ohio Code of Judicial Conduct from terminating his or her nonjudicial campaign committee by disbursement of remaining nonjudicial funds through contributions to a political party or to other candidates as permitted under state law.

OPINION: This opinion addresses whether an individual establishing a judicial campaign committee is restricted by the Ohio Code of Judicial Conduct from terminating his or her nonjudicial campaign committee and disposing of the nonjudicial funds in a manner permitted under state law.

Is an individual establishing a judicial campaign committee restricted by the Ohio Code of Judicial Conduct from terminating his or her nonjudicial campaign committee by disbursing remaining nonjudicial funds through contributions to a political party or to other candidates as permitted by state law?

The Ohio Code of Judicial Conduct does restrict judges and judicial candidates in the use of campaign funds. Canon 7(C)(8)(a) prohibits a judge from using funds in a judicial campaign that were contributed to his or her nonjudicial campaign. Canon 7(C)(8)(b) prohibits a judge or judicial candidate from contributing or expending campaign funds in support of or opposition to a candidate for a public office. Canon 7(C)(8)(c) restricts contributions to political parties by limiting the purposes for which such funds may be used by the political parties.

Canon 7(C)(8)

- (a) 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.
- (b) 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. A judge or judicial candidate may contribute or

expend campaign funds to attend a social or fundraising event held by or on behalf of another public official or candidate for public office.

- (c) 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.

Under state law, Section 3517.10(J) of the Ohio Revised Code (Baldwin Supp. 1998), a candidate may have only one campaign committee. Thus, if an individual holds a nonjudicial public office but wishes to become a judicial candidate, he or she must terminate his or her nonjudicial campaign committee in order to establish a judicial campaign committee. Preferably, the termination of the nonjudicial committee should be accomplished prior to the individual becoming a judicial candidate or at least as soon as possible after becoming a judicial candidate.

Are the Canon 7(C)(8) restrictions applicable to an individual who is terminating a nonjudicial campaign committee before establishing a judicial campaign committee? In this Board's view the application is limited.

There is only one restriction in Canon 7(C)(8) that applies to the disbursement of nonjudicial funds in the termination of a nonjudicial committee—Canon 7(C)(8)(a). An individual's nonjudicial funds cannot be used in the individual's judicial race. Therefore, by virtue of the Canon 7 restrictions, the nonjudicial funds cannot be transferred from the individual's nonjudicial campaign committee to the individual's judicial campaign committee.

Outside of this Canon 7(C)(8) restriction in the Ohio Code of Judicial Conduct, the disbursement of nonjudicial funds to terminate a nonjudicial campaign committee is governed by state law. Under state law, permitted expenditures and contributions to terminate a committee include certain charitable contributions and contributions to a political party, legislative campaign fund, political action committee, other candidates, or to the Ohio Elections Commission Fund. *See* Ohio Rev. Code Ann. §3517.08(G), 3517.13(0)-(R) (Baldwin Supp. 1998.)

In conclusion, this Board advises that an individual establishing a judicial campaign committee is not restricted by Canon 7(C)(8) of the Ohio Code of Judicial Conduct from terminating his or her nonjudicial campaign committee by disbursement of remaining nonjudicial funds through contributions to a political party or to other candidates as permitted under state law.

Advisory Opinions of the Board of Commissioners on Grievances and Discipline are informal, nonbinding opinions in response to prospective or hypothetical questions regarding the application of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court Rules for the Government of the Judiciary, the Code of Professional Responsibility, the Code of Judicial Conduct, and the Attorney's Oath of Office.