

# *The Supreme Court of Ohio*

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OFFICE OF SECRETARY

## **OPINION 87-002**

*[Former CJC Opinion-provides advice under the former Ohio Code of Judicial Conduct which is superseded by the Ohio Code of Judicial Conduct, eff. 3/1/2009.]*

*[Not Current- subsequent rule amendments to Canon 7, Ohio Code of Judicial Conduct]*

**SYLLABUS:** Under the Code of Judicial Conduct, use of the term "re-elect" by a candidate running for judicial office is limited to those candidates who currently hold the office for which they are running. Non-incumbent candidates for judicial office may not use the term "re-elect" during their campaign in that it might misrepresent the candidates' present position as viewed by the public, which is proscribed under Canon 7B (1)(c) of the Code of Judicial Conduct.

**TO:** George J. Limbert, President  
Mahoning County Bar Association

**FROM:** The Board of Commissioners on Grievances and Discipline of the Judiciary

**DATE:** May 5, 1987

We have before us your request for our opinion on whether use of the term "re-elect" is proper in a judicial campaign if a particular candidate held the office in question in the past, but is not currently the incumbent. In your request letter you state in part: "[a]pparently the only prohibition against using the term 're-elect' is if that individual has never been elected to the particular office."

Under Canon 7B (1) (c) of the Code of Judicial Conduct (the "Code") a candidate for a judicial office should not misrepresent his identity, qualifications, present position, or other fact. Code of Judicial Conduct, Canon 7B (1) (c) (1973). We believe that a non-incumbent candidate, using the term "re-elect" during his or her campaign, would be in violation of the prohibition against misrepresenting his present position inasmuch as the public might assume the term "re-elect" indicates the candidate is the incumbent. In addition, a candidate's use of the term "re-elect" during his or her campaign implies that the candidate does currently hold that office, which is proscribed under Canon 7C (1) of the Code. Code of Judicial Conduct, Canon 7C (1) (1973).

In conclusion, it is our opinion, and you are so advised, that use of the term "re-elect" during a judicial campaign should be limited to those candidates who are the incumbent regardless of whether they held that office in the past.

**This opinion is advisory in nature, is based upon the facts as presented and is limited to questions arising under the Code of Judicial Conduct.**