



Ohio Board of Professional Conduct

OPINION 2022-02

Issued April 8, 2022

Withdraws Adv. Op. 1990-08, 1998-08

Judicial Membership and Leadership in County or State Party Executive Committees, Political Party Clubs, and County Boards of Elections

SYLLABUS: A judicial officer may not serve as a member of a state or county executive committee of a political party, as a leader of a political party club, or as a member of a county board of elections.

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QUESTIONS PRESENTED:

- 1). Whether a judicial officer may serve as a member of a state or county executive committee of a political party;
- 2). Whether a judicial officer may serve as a leader of a political party club;
- 3). Whether a judicial officer may serve as a member of a county board of elections.

APPLICABLE RULES: Jud.Cond.R. 1.2, 3.4, 4.1

OPINION:

Party Executive Committee Membership

Judicial officers are permitted to belong to a political party, advertise an endorsement by or affiliation with a party, and vote in elections. However, Jud.Cond.R. 4.1(A)(1) prohibits a judicial officer (a full-time and part-time judge or a full-time and part-time magistrate) and a judicial candidate from acting as a leader or holding office in

a political party. The term “political party” in the Code of Judicial Conduct has the same meaning as R.C. 3517.01 and includes any national, state, or county political party. Jud.Cond.R. 4.6(M). The prohibition in Jud.Cond.R. 4.1 avoids the appearance that a judge is subject to political influence and political pressure and preserves public confidence in the independence and impartiality of the judiciary. Jud.Cond.R. 4.1, cmt.[1],[3].

The controlling committees of each major political party are the state central committee and the county central committees. Members of the central committees are elected at primary elections. Each central committee elects executive committee members. Executive committee members have powers granted to them by the party controlling committee and as provided by law. R.C. §§ 3517.02, 3517.03. Consequently, serving as a member of a state or county executive committee of a political party is considered acting as a leader in a political party prohibited by Jud.Cond.R. 4.1(A).

Leadership Position in a Political Party Club

A political party club is typically identified or associated with a particular political party and engages in activities that tend to promote the philosophy and platform of a party. *See e.g.*, Jud.Cond.R. 4.6(K) (definition of an organization affiliated with a political party.) Although a judge is not prohibited under the Code of Judicial Conduct from holding membership in a political party club, the Board recommends that a judicial officer avoid assuming a leadership role in a political party club for the same reasons a judicial officer cannot hold a leadership position in a political party. A leadership position in a party club may suggest that a judge is subject to political influence and erode the public’s confidence in the independence and impartiality of the judiciary. Jud.Cond.R. 1.2.

Membership on a County Board of Elections

Judicial officers may generally accept appointments to governmental boards, commissions, or other governmental positions that are concerned with the law, the legal system, or the administration of justice. Jud.Cond.R. 3.4. County boards of elections are bi-partisan boards consisting of political party members who are nominated by county parties and officially appointed by the secretary of state. R.C. § 3501.05. Duties of the board of elections include the conducting of elections; reviewing and certifying petitions

and nomination papers; receiving the returns of elections; issuing certificates of election to the secretary of state; investigating irregularities or violations by election officers and other persons; and removing ineligible electors from voter registration lists. R.C. §§ 3501.11, 3501.18, 3501.22. Because the duties and functions of county boards of elections are unrelated to any of the subjects enumerated in Jud.Cond.R. 3.4, a judicial officer may not accept a governmental appointment to a board of elections.