

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. C. R. No. 43

Representative Synenberg

A CONCURRENT RESOLUTION

To urge the Supreme Court of Ohio to find the Ohio Code of Judicial Conduct Rule that prohibits judges from endorsing a candidate for office constitutional. 1
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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO (THE SENATE CONCURRING):

WHEREAS, Article IV, Section 2 of the Ohio Constitution grants the Supreme Court of Ohio original jurisdiction over admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law; and 4
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WHEREAS, Article IV, Section 5 of the Ohio Constitution grants the Supreme Court of Ohio general superintendence over all courts in Ohio, exercised by the Chief Justice in accordance with rules promulgated by the Supreme Court of Ohio; and 9
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WHEREAS, Article IV, Section 5 of the Ohio Constitution grants the Supreme Court of Ohio the power to prescribe rules governing practice and procedure in all courts of Ohio; and 13
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WHEREAS, The Ohio Code of Judicial Conduct is intended to establish standards for the ethical conduct of judges and judicial candidates; and 16
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WHEREAS, The Ohio Code of Judicial Conduct Rule 1.2 requires a judge to act at all times in a manner that promotes 19
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public confidence in the independence, integrity, and 21
impartiality of the judiciary, and to avoid impropriety and the 22
appearance of impropriety; and 23

WHEREAS, The Ohio Code of Judicial Conduct Rule 1.3 24
prohibits a judge from abusing the prestige of judicial office 25
to advance the personal or economic interests of the judge or 26
others; and 27

WHEREAS, The Ohio Code of Judicial Conduct Rule 4.1(A) (3), 28
the Code of Conduct for United States Judges Canon 5, and most 29
states prohibit a judge from publicly endorsing or opposing a 30
candidate for public office; and 31

WHEREAS, In June 2024, the disciplinary counsel found that 32
John William Rudduck violated Ohio Code of Judicial Conduct 33
Rules 1.2, 1.3, and 4.1(A) (3); and 34

WHEREAS, The Supreme Court of Ohio, without giving notice 35
to the parties, without being asked by the parties, and without 36
being fully briefed by the parties, held in *Disciplinary* 37
Counsel v. Rudduck, that Ohio Judicial Conduct Rule 4.1(A) (3) 38
that prohibits judges from publicly endorsing or opposing a 39
candidate for public office violates the First Amendment's right 40
to free speech. The Court found that the rule was not narrowly 41
tailored to serve the state's interest in preventing the 42
appearance of judicial bias or to preserve the independence of 43
the judiciary; was not the least restrictive alternative 44
available; and was not narrowly tailored to advance the state's 45
interest in maintaining judicial integrity and in preventing 46
judicial corruption; and 47

WHEREAS, The Supreme Court of Ohio should have exercised 48
judicial restraint and not decided a constitutional question 49
unless it was absolutely necessary to do so; and 50

WHEREAS, Since the Supreme Court of Ohio did decide the 51

constitutional question, the court should have agreed with the 52
United States Court of Appeals for the Sixth Circuit that held 53
that a state has a compelling interest in keeping its judges 54
above the partisan fray of trading political favors. That court 55
found that the rule withstood strict scrutiny because a ban on 56
such endorsements guards against the risk that, once a judge is 57
elected, the judge will not be able to referee disputes 58
involving elected officials the judge did or did not endorse; 59
and 60

WHEREAS, Allowing judges to endorse or oppose a candidate 61
for public office creates partisanship within the judiciary, 62
contravenes Ohio Judicial Conduct Rules 1.2 and 1.3, and 63
actively erodes public confidence and trust in Ohio courts; and 64

RESOLVED, That we the members of the 136th General Assembly 65
of the State of Ohio, urge the Supreme Court of Ohio to find 66
Ohio Code of Judicial Conduct Rule 4.1(A)(3) prohibiting judges 67
from endorsing a candidate for office constitutional; and be it 68
further 69

RESOLVED, That the Clerk of the House of Representatives 70
shall transmit duly authenticated copies of this resolution to 71
the Governor, to the Chief Justice of the Supreme Court of Ohio 72
and the other Justices of the Supreme Court of Ohio, and the 73
news media of Ohio. 74