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Ohio Court of Appeals Judges' Association

Opponent Testimony  
SB 80

I am here today on behalf of the Ohio Court of Appeals Judges' Association. We conducted a poll of all our members to determine what, if any, position we should take regarding this bill. The comments we received unanimously opposed the increased politicizing of judicial races by adding party affiliation to the ballot.

Judges from several appellate districts reached out to me personally to express their concerns regarding "political blowback" should they openly oppose this bill. Fair and impartial courts independent of political faction are crucial to the checks and balances of our political system. This censorship of judges due to perceived political consequences demonstrates why this bill is a bad idea.

Judges are different. Judicial campaigns are regulated by the Code of Judicial Conduct to protect the public's confidence in the impartiality of the judiciary. Judges pride themselves on being able to set aside their personal views to fairly and impartially decide a case based upon the law and the facts before them. Judges do not advance policy positions of a specific political party. They are not elected based upon their political ideology. Consequently, when a person appears before the court, they are not asked to identify their party affiliation to be judged accordingly.

You have heard opposition testimony from the Ohio State Bar Association, the Ohio Association for Justice, and Justice Pfeifer on behalf of the Ohio Judicial Conference. Those who work closest to the judiciary believe the party designation on the ballot is not relevant information for a voter to use in making an informed decision when voting for a judge or justice. That testimony has outlined a concern that it is misleading to voters to imply that the party affiliation in any way affects judicial performance.

Many voters relied on the internet during the 2020 election because Covid kept them from participating in traditional candidate forums. The Judicial Votes Count.org website was designed to provide voters with pertinent information about judicial candidates. Mr. Green from the Bliss Institute pointed out that 10's of thousands of people used the website. Judges should be chosen based on their education, experience and background. Judicial Votes Count provides extensive information on judicial candidates to interested voters. We can increase voter participation in judicial races by telling voters where they can get the information they need. But we should not mislead them into thinking that the only information they need is the D or R.

## OCAJA Poll Results

“I think the OJC should oppose. Party affiliation is wholly irrelevant to the work of a judge. This change would only encourage uninformed voting in judicial elections (voting for an irrelevant party designation), rather than informed voting based on qualifications. While our current system- which includes a partisan primary- is not ideal, these bills don’t solve anything. They just create more problems. If passed, they will surely politicize, and thereby delegitimize, the judicial branch in the eyes of the public. And there is no intellectually-honest reason for distinguishing between appellate/supreme court and the trial court judges.”

Strongly opposed.

“Doing so would be further politicizing judges after the events of the last four years.”

“Definitely opposed to it.”

“Without going into a rant, I strongly oppose the further politicizing of our profession.”

“This is politics at its finest and wrong on so many levels to only single out OSC and COA races.”

Retired judge- “What a shame this is even being considered.”

“I see no reason to exclude lower courts from any change,”