

§3505.04 requires judicial candidates in a general election to be on nonpartisan ballots. Nonpartisan ballots do not display party affiliation.

7. I want to be consistent and open in my presentation to the voting public. Having already declared my party affiliation as Democrat, I want the option to choose to have the general election ballot read the same way and indicate that I am running as a Democrat and necessarily as the winner of the Democratic primary.
8. I have been a judge since 1987. As a judge I am committed to being fair and impartial in all decisions and during all proceedings. I have always acted consistent with that duty. Identifying a party affiliation in the primary and/or general election in no way undermines my ability to act impartially with respect to all litigants who come before me.
9. As a current candidate for judicial office, I am a judicial candidate as defined by the Ohio Code of Judicial Conduct.
10. As a current candidate for judicial office, the Rules set out in the Ohio Code of Judicial Conduct regarding judicial candidates apply to me.
11. There are two rules in the Ohio Code of Judicial Conduct that I believe may violate a judicial candidate's right to free speech and equal protection.
12. First, Rule 4.2(B) (4) states that as a judicial candidate I shall not, "After the day of the primary election, identify [myself] in advertising as a member of or affiliated with a political party." I would like the option to advertise my party membership and affiliation to the voters because it is an issue important to voters.
13. Second, Rule 4.4 (A) states that "A judicial candidate shall not personally solicit or receive campaign contributions." I believe a judicial candidate should have the

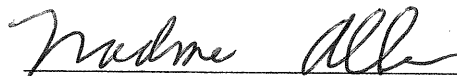
right to opt to solicit and receive campaign contributions without facing disciplinary sanctions. I believe direct solicitations can be more efficient in the political reality we face (running in contested elections). A judicial candidate should be able to receive unsolicited contributions without facing disciplinary sanctions as well.

14. As a past judicial candidate, a current judicial candidate and a future judicial candidate, I would like to decide whether to advertise my party membership throughout the election year and have freedom in soliciting and receiving campaign contributions directly.
15. There are many rules in place in Ohio to ensure that campaign contributions are not treated as a quid pro quo for government action on specific matters that come before legislative, executive and judicial bodies. I presently follow and will in the future follow all such rules. It is unfair and a denial of a judicial candidate's right to equal protection for the State to impose on a judicial candidate the more restrictive campaign speech rules described in this declaration when no similar restrictive campaign rules are imposed on candidates for legislative and executive positions in this state.
16. Without a prompt injunction by this court I will be denied the option to be on a partisan ballot and would be forced onto a nonpartisan ballot and my party affiliation and status as the winner of the Democratic primary election will be hidden from the voters by operation of R.C. §3505.04. It is clear to me that without a prompt injunction by this court I would be denied the option to identify myself as a member of or affiliated with a political party and I would be

prohibited from the option to solicit for and receive funds by operation of Rule 4.2 (B)(4) and 4.4 (A) respectively. These restrictions undermine my right to engage in core political speech and are not narrowly tailored to meet any legitimate government purpose.

17. I have attended the seminar required by the Ohio Supreme Court for judicial candidates. That seminar made it clear that in the absence of an injunction by this Court, engaging in acts that violate the Code of Judicial Conduct will subject me to an enforcement action by the Defendants which could lead to fines, suspension, removal from office, and even disbarment. I am chilled in the exercise of my rights by the certainty of enforcement and request that enforcement of the challenged law and code rules be immediately enjoined.

18. I have read the complaint submitted in this action and all of the allegations regarding me are true. I also believe to the best of my knowledge that the remaining allegations in the complaint are true.



Honorable Nadine Allen

Dated: July 27, 2010