

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

AFSCME OHIO COUNCIL 8, et al.

Plaintiffs,

vs.

JENNIFER BRUNNER, et al.

Defendants.

Case No. 1:10-CV-

DECLARATION OF PETER J.
CORRIGAN, PLAINTIFF

I, Peter J. Corrigan, pursuant U.S.C. §1746, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. My name is Peter J. Corrigan and I am currently a judge presiding in the Cuyahoga County Court of Common Pleas.
2. I am a candidate for reelection at the present time.
3. I voted in the last primary election and publicly declared I was a Democrat in order to vote the Democratic primary ballot.
4. On my nominating petition for common pleas court judge I declared my party affiliation to be Democrat.
5. During the primary election that was held on May 4, 2010 I was listed on the Democratic ballot. This meant I was identified as a candidate for office as a member of the Democratic Party.
6. Voting in the general election begins on September 28, 2010. On the general election ballot I will not be identified with my party affiliation because R.C.

§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 general election ballot to 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 January 2005. 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. But eliminating my party status from the general election ballot after setting it before the public on the primary ballot suggests unfairly that I am hiding that fact. I will be more easily held accountable by the voting public if I am consistently presented to the voters as a Democrat.
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 and generally conveys my personal philosophy with respect to a number of issues.

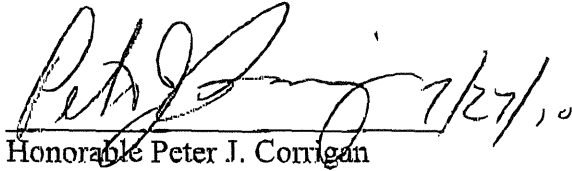
13. Second, Rule 4.4 (A) states that “A judicial candidate shall not personally solicit or receive campaign contributions.” I believe a judicial candidate should have the right to solicit and receive campaign contributions because I believe direct solicitations can be more efficient than indirect solicitations by a committee. I also believe that I am more accountable regarding solicitations when I am participating in the effort myself. A judicial candidate should be able to receive unsolicited contributions. For example, a potential donor may approach me to make a contribution, but I am forbidden from accepting it or even telling her where to send it. Nor am I permitted to sign thank you notes to donors that imply they will continue to support me. By helping with my campaign fundraising I increase my personal engagement and exposure to the voting public.
14. As a past judicial candidate, a current judicial candidate and a future judicial candidate, I would like to be able to advertise my party membership throughout the election year and solicit and receive 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 my right to equal protection for the State to impose on me as 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. I am in a unique position. On the general election 2010 ballot for most of Cuyahoga County there will be two Peter J. Corrigan's running for office. The other Peter J. Corrigan is a republican. He is running in a highly contested, highly publicized congressional race that includes most of Cuyahoga County. Voters repeatedly confuse me with him. One clear way for me to distinguish myself on the general election ballot is for me to be identified as a democrat.
17. Without a prompt injunction by this court I will 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.
18. It is clear to me that without a prompt injunction by this court I will be unable to identify myself as a member of or affiliated with my political party and I will be prohibited from soliciting for and receiving 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.
19. 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.

20. 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.

 7/27/10
Honorable Peter J. Corrigan

Dated: July 27th, 2010