

# Voter's Guide 2012

**The League of Women Voters of Ohio, founded in 1920, is a non-partisan political organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Complementing it is the League of Women Voters of Ohio Education Fund that provides nonpartisan information and educational services to citizens.**

Prior to each state and national election, the League of Women Voters of Ohio Education Fund provides nonpartisan information on statewide candidates and issues to its local Leagues. This information is used in Voter Guides which are distributed by local Leagues throughout the state. Statewide offices in the 2012 Primary and General Election are U.S. Senator and Justice of the Supreme Court of Ohio.

All statewide candidates who filed their intent to run for office with the Ohio Secretary of State were sent questions relating to the office they were seeking, as well as instructions on how to complete the candidate questionnaire. *The League does not alter, edit, correct, or evaluate any candidate's reply, and each candidate is solely responsible for the accuracy and truth of his or her statements. Each candidate is advised in writing to carefully note the word limitations listed on their questionnaire since no text beyond the word limit will be included, as indicated by ....*

A candidate's answers are accepted and printed only with the understanding that the material will not be used in any way that may be deemed to be an endorsement by the League of his or her candidacy or views.

**Deadline for Voter Registration is February 6<sup>th</sup>, 2012  
The Primary Election Day is March 6<sup>th</sup>, 2012**

Prepared by the  
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Please visit our website: [www.lwvohio.org](http://www.lwvohio.org)

# Candidates: U.S. Senate

*Term Beginning January 2013*

## Democratic Party

**Sherrod Brown**

## Green Party

**Joseph Resario DeMare – write-in**

**Anita Rios – write-in**

## Libertarian Party

**John Fockler – write-in**

## Republican Party

**David W. Dodt**

**Donna Glisman**

**Eric LaMont Gregory**

**Josh Mandel**

**Michael L. Pryce, MD**

**Russell P. Bliss, Jr. – write-in**

## DEMOCRATIC PARTY

### **Sherrod Brown – D**

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## Biographical Information

- A. EDUCATION:** 1974, Yale B.A.; 1979, Ohio State M.A., Education; 1981, Ohio State M.A., Public Administration.
- B. OCCUPATION:** U.S. Senator; educator
- C. TRAINING AND EXPERIENCE:** U.S. Senator 2007-present; U.S. Representative 1993-2007; Ohio Secretary of State, 1983-1991; Ohio State Representative, 1975-1983

## Questions & Answers

- 1) *According to the U.S. Census, median income has declined and the number in poverty has increased. What steps should be taken to strengthen the U.S. economy and address unemployment?*

Protecting and revitalizing American manufacturing is critical to reducing unemployment and preserving the middle-class. That's why I sponsored and passed a bipartisan bill in the Senate this year that would help protect our manufacturers from unfair Chinese currency manipulation and why I have consistently opposed free trade agreements that help multi-national corporations but destroy middle-class manufacturing jobs in Ohio. We need to redouble our efforts to educate and train Ohioans, and we need to address our nation's crumbling infrastructure and get Ohioans back to work while strengthening our local communities' critical services like transportation and water.

2) *How would you reform the tax code?*

For too long, our tax code has unfairly benefited the wealthiest among us instead of middle-class Ohioans. When Wall Street hedge-fund managers make millions and pay a 15% tax rate but a construction worker in Parma pays a 25% tax rate, something is wrong. I support simplifying the tax code to lessen the burden on middle-class Ohioans and making the tax code fair so that the wealthiest aren't paying a lower rate than hard-working middle-class Ohioans. Additionally, I have cosponsored and voted for measures to end billions in tax subsidies for huge oil companies at the same time they've collected skyrocketing profits over the last few years. Finally, I support changes to the tax code for businesses that keep jobs in Ohio and America rather than giving companies incentives to outsource operations overseas.

3) *How would you change Medicare to make it sustainable?*

Medicare is a critically important program that I will continue to fight to preserve. I support allowing the government to negotiate with drug companies under Medicare Part D to significantly reduce the price of prescription drugs for seniors and taxpayers. Currently, the government receives a discount on drugs for Medicaid beneficiaries. Extending this benefit for Medicare beneficiaries who are also eligible for Medicaid would save at least \$112 billion over 10 years. I also have pushed to allow faster competition from generic drugs for the complex and expensive biologic drugs that are eating up a bigger and bigger share of Medicare spending. Drastic cuts to Medicare would be devastating to Ohio seniors. We should combat waste and fraud in the Medicare system, but we must not renege on our promise to seniors by replacing a guaranteed benefit with vouchers and privatizing a system to the benefit of insurance companies.

4) *Do you believe it is possible to protect the environment while preserving American jobs? What are examples of how this can be done?*

I reject the false choice between protecting the health of Ohio's families and expanding job opportunities for the middle-class. Companies all over Ohio are making products to power our future. I have aggressively advocated for tax incentives to create and support green manufacturing in our state. I introduced the SEAM Act (Security in Energy And Manufacturing) to provide tax credits for American companies that invest in energy efficiency. I also am an enthusiastic supporter of the Solar by Soldiers program, which helps train and employ veterans in green energy installation. Finally, I will continue to work with Northern Ohio businesses and universities to help coordinate the research and development of offshore wind energy in Lake Erie.

## **GREEN PARTY**

### **Joseph Rosario DeMare – Green**

- Write-in candidate.

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### **Biographical Information**

**A. EDUCATION:** Bachelor's English, Master's teaching English.

**B. OCCUPATION:** Machinist at an industrial ceramics factory.

**C. TRAINING AND EXPERIENCE:** Seven years Grant writer. Owned wind/solar/geothermal business five years. Five Years Vice-chair Erie County, NY, Green Party.

Important qualification: I am not the product of the two party system. I have not had to sell out.

## **Questions & Answers**

### ***1) According to the U.S. Census, median income has declined and the number in poverty has increased. What steps should be taken to strengthen the U.S. economy and address unemployment?***

In bankruptcy, people used to keep their home and one car and lose their debt. The Democrats and Republicans under G.W. Bush “reformed” bankruptcy so now people lose their homes and keep their debt. Democrats and Republicans won’t restore the old system which kept lenders cautious and families off the street, but Greens will.

“Free” trade agreements like NAFTA and GATT, pitting U.S. workers against those earning pennies, must be overturned. We Greens protested NAFTA and GATT. We were promised labor and environmental “side agreements.” Those promises were lies.

Technology slashes employment. Office buildings were once filled with people whose jobs are now done by computers. Automated factories need few workers. Reducing the full time work week to 30 hours would employ more.

Unionizing must be facilitated through laws like “card check.” Unions increase income. Income decline mirrors union decline.

These four steps are a start.

### ***2) How would you reform the tax code?***

I believe we should tax the ultra-wealthy, the multi-billionaires, out of existence. Progressive taxation, having higher incomes taxed at a higher rate, should be the heart of the tax code. At one point, we had a 90% tax rate in this country and our economy was booming. This puts money back into the economy and provides the funds to allow the government to provide more services to its citizens.

The Production Tax Credit which encourages wind and solar power development must be extended for at least 10 years. Tax breaks and rebates given to the largest companies such as Exxon, must cease. The riches corporations in America pay nothing in taxes. This is why the country is wallowing in debt while profits soar. They must begin paying their fair share.

### ***3) How would you change Medicare to make it sustainable?***

Greens want universal, single payer, health care—Medicare for everyone. Insurance companies limit care and have slashed benefits, so now insurance is no guarantee against bankruptcy from medical bills. Obama literally sold us to the insurance corporations, forcing us to buy expensive, inadequate coverage.

Taking the profit out of sickness dramatically reduces the cost of health care. Medicare has low administrative costs. During the health care debate, over 70% of Americans wanted a public option.

Almost 2/3 of Ohioans voted against forced health insurance. I will give them a voice in Washington. I will fight to expand Medicare. If we take the premiums people currently pay for health insurance, and apply that money to a universal Medicare system, the amount taken out of our paychecks would be reduced and everyone would be covered for life.

### ***4) Do you believe it is possible to protect the environment while preserving American jobs? What are examples of how this can be done?***

It is impossible to preserve American jobs without protecting the environment. In country after country, ecological destruction is followed by economic collapse. We are on the same path because our leaders lack

ecological wisdom. Changing our energy systems from nuclear, coal, and fracking to wind, solar, geothermal, and conservation is a beginning that will create jobs. Also, we need to employ people restoring our ecosystems. Ohio has lost its ash trees to the emerald ash borer because the federal government has no system for stopping invasive species when they are first discovered. The loss of the ash, and the american chestnut before that, show us unregulated commerce can impoverish us all. Our \$7 billion fishery in Lake Erie is threatened by toxic algae and invasive species like asian carp. Instead of simply watching ecological disasters happen, we must employ Americans in the fight to preserve and restore America's environment.

### **Anita Rios – Green**

- Write-in candidate.

The candidate's information will be posted on the LWV Ohio website ([www.lwvohio.org](http://www.lwvohio.org)) when received.

## **LIBERTARIAN PARTY**

### **John Fockler – Libertarian**

- Write-in candidate.

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### **Biographical Information**

- A. EDUCATION:** Bay Village, Ohio, Schools; BA History, Colgate University
- B. OCCUPATION:** Hotel desk clerk
- C. TRAINING AND EXPERIENCE:** 30+ years in the hotel industry in a variety of management and line positions. 12 years experience in various positions with the Libertarian Party of Ohio.

### **Questions & Answers**

- 1) *According to the U.S. Census, median income has declined and the number in poverty has increased. What steps should be taken to strengthen the U.S. economy and address unemployment?*

Median income has declined and poverty increased primarily because of the additional stress placed on the economy by large, intrusive government. The solution is to reduce government's footprint by eliminating unnecessary or unconstitutional government departments and programs and streamlining the regulatory process. In particular, the additional regulation coming with full implementation of the Patient Protection and Affordable Care Act and that which would be the cornerstone of "cap and trade" will likely prove extremely expensive for business, especially for smaller enterprises that create the majority of new jobs in today's economy.

- 2) *How would you reform the tax code?*

The tax code should be reformed by going back to the basics. The overwhelming number of deductions and credits have been instituted to benefit special interests or to try to engineer behavior. All of these should be eliminated. Almost all corporate tax incentives should be repealed, but the corporate tax rate should be lowered to a level competitive in the world marketplace. Capital gains rates should be reformed to encourage long-term investment and to prevent it from being used to discount taxes on employee compensation. Long-term, after government as a whole has been shrunken and the deficit eliminated, tax rates across the board should be lowered.

3) *How would you change Medicare to make it sustainable?*

I'm not sure anything will make Medicare sustainable in the long term. Any time unlimited services are guaranteed without cost considerations, the cost of those services will rise without limit. Medicare should be converted to a private system including some level of co-payment and with a choice of coverage. Medical professionals and hospitals should be encouraged to compete according to prices the way any other service does. Government involvement should be limited to last-resort financial aid according to need, which would be gradually phased out as the market comes into full play in containing costs.

4) *Do you believe it is possible to protect the environment while preserving American jobs? What are examples of how this can be done?*

Yes, it's possible to preserve jobs and protect the environment. In fact, in the long run, it's not possible to do one without the other. The mistake we have been making is to rely on government to have the right answers. Most consumers will make decisions based at least in part on environmental concerns, especially if they believe that it is up to them and not to the government. Entrepreneurs and inventors will produce new, more environmentally-friendly goods and services which are able to compete in the marketplace. Specific regulation should be largely abandoned in favor of relying on tort law which would hold polluters responsible for the full costs of their actions and encourage responsible behavior. Conversely, relying on government to pick winners produces products made to please government and not the marketplace and which therefore do not sell. Regulation that ignores the marketplace will eventually fail.

## **REPUBLICAN PARTY**

### **David W. Dodt – R**

No contact information available.

### **Donna Glisman - R**

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### **Biographical Information**

- D. EDUCATION:** Graduate of Detroit Pershing high 1959, Attended Oakland university
- E. OCCUPATION:** Retired, previously self employed motel and restaurant owner, chrysler worker, and professional speaker
- F. TRAINING AND EXPERIENCE:** Realtor training, modeling, elected to Board of Public Affairs, and Michigan Republican Delegate

### **Questions & Answers**

1) *According to the U.S. Census, median income has declined and the number in poverty has increased. What steps should be taken to strengthen the U.S. economy and address unemployment?*

I am a firm believer that our country's strength goes hand in hand with that of our economic mite and dedication to the free market system which has afforded us all of our success. We must strive to tighten the trade deficit and allow manufacturing to flourish here in America once again, that alone would boost the jobs and cut poverty in this country. Further, cutting through red tape and liberal agendas such as over regulation, is the only clear path to business growth. By shrinking the size and imposition of government we will in turn

see business and the economy restored. As a long time small business owner myself, I know the value of American entrepreneurship and the jobs it can bring. I will support any legislation or measures that will help grow business and in turn bring new jobs and careers to our workforce.

2) *How would you reform the tax code?*

Taxes, the necessary evil in our society, but it doesn't mean they have to be overly complex, striking fear in the very citizens who pay them. First off, we should all agree that the tax code needs to be restructured in a manner that is easy and free of loopholes that allow those in the know to avoid payment. That goes both ways, meaning there are both rich and poor, businesses and individuals using the tax code to get out of paying a fair share. I would like to see us move towards a flat tax program that not only brings in the tax dollars we need, but is a fair and balanced system so that we are all involved in paying for our government as citizen. Perhaps then we as a nation will have greater interest in the decisions that our legislation makes, and more people will get out....

3) *How would you change Medicare to make it sustainable?*

We have spiraled out of control on Medicare, and now it's become so massive in terms of people and dollars that it's become such a "tricky" issue. Clearly, we cannot cut the benefits now, as far too many people depend on it, but it's not a sustainable program. First thing I would want to do, is take a proactive stance on healthy living, that is the best thing we can do, at nearly zero cost, to help us save money down the road. Through early education about the benefits of proper diet, exercise and preventative care, we can significantly reduce the cases of heart and lung disease, high blood pressure and other ailments that ultimately bombard our healthcare facilities and drive up costs for everyone. With this approach we can begin a trend in Americans that will take root and show positive change and savings down the road.

4) *Do you believe it is possible to protect the environment while preserving American jobs? What are examples of how this can be done?*

There is no reason that we can't have both, the first thing we must understand is that the environment is not just a national issue, it's one that involves the globe. When viewed in that perspective we must realize that America is outnumbered, whatever major steps we may take to protect our lakes, and air, do very little when massive nations like China, and India, combined have ten times our population, and environmentally they are where we were in the early 1900's. So the question is, how do we combat their pollution, while saving American jobs. Easy, stop funding their growth! We can MAKE things here in the U.S., cleaner and better than foreign markets, so let's cut out their only advantage, cheap labor, we can do this through import tariffs. That will restore American jobs, our manufacturing base, and the economy, while lowering global pollution.

**Eric LaMont Gregory - R**

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**Biographical Information**

- A. **EDUCATION:** Master's Degree, MSc Oxon, Faculty Board of Clinical Medicine, Green College, Oxford University.
- B. **OCCUPATION:** Clinical Physiologist
- C. **TRAINING AND EXPERIENCE:** Medical Research Fellow, Department of Paediatrics and Dermatology, Oxford University. Candidate undertook missions for the Executive Branch of the US Government and International Agencies to areas of conflict including Afghanistan, Angola and Rwanda, among others.

## Questions & Answers

- 1) *According to the U.S. Census, median income has declined and the number in poverty has increased. What steps should be taken to strengthen the U.S. economy and address unemployment?*

Short answer: Congressional oversight of our financial institutions.

The stock market 'boom' of the 1920's increased the income of a small fraction of the American people, while the earnings of most workers fell. Although it represented lower production costs, it also limited the ability of workers to purchase new goods. The fall in consumer demand existed as speculation in the investment sector inflated stock prices.

Banks allowed investors to use stocks as collateral. When stocks dropped in value investors could not repay their loans, the banks were left holding worthless collateral. The banks failed and brought productive businesses down with them. Banks foreclosed mortgages in a desperate attempt to stay solvent.

As it was in the crash of the 1920's, so it was in the first decade of the 21<sup>st</sup> Century.

We must never allow speculation (gambling) to destroy jobs and the productive capacity of this country, ever again.

- 2) *How would you reform the tax code?*

Short answer: Simplify the tax code.

There are two proposed tax restructuring systems that have a reasonable chance of reforming our tax code; the flat-tax, and the fair-tax. I would favor a family-friendly flat-tax for individuals, and a fair-tax for businesses.

We spend billions of unproductive dollars collecting taxes, and arguing tax disputes in our courts. The IRS as it now exists needs to be abolished.

The flat-tax for families would be set at a rate of 11% for a family of three on all income in excess of \$35,000. A simple postcard like tax form would be filed annually.

The fair tax for businesses would be set at 17.5%. The fair tax is designed to tax purchases. The more one purchases, foreexample, the more the roads on which the delivery of goods depends deteriorate.

Taxing consumption, purchases, is a straightforward and fair means of collecting tax revenue.

- 3) *How would you change Medicare to make it sustainable?*

Short answer: Stop borrowing from the Social Security Trust Fund

The Social Security Trust Fund is running out of money, not because there has not been enough money paid into the system to sustain it, but because various administrations have been borrowing money from the Trust Fund that has not been paid back into the fund.

The legality of this practice has not been challenged, because it has been convenient for various administrations to use these funds for their pet projects or wars without having to raise taxes.

Perhaps, the word trust is not clearly understood.

4) *Do you believe it is possible to protect the environment while preserving American jobs? What are examples of how this can be done?*

Short answer: We have no choice but to preserve both jobs and the environment

It is our responsibility, our opportunity, to conquer the blights on the human condition; hunger, ignorance, and disease. It will be of little consequence, however, if we so foul our air, water and soil that the environment can no longer sustain us.

The Clean Air Act and the Federal Water Pollution Control Act are examples of federal environmental protection measures.

The problem arises when regulations, such as those concerning coal power plants threaten jobs.

Federal agency regulations are developed over several years, and it is the responsibility of our elected officials to exercise oversight of federal agencies.

It is peculiar that our elected officials do not hold hearings to ask federal agencies as to the likely impact on jobs of a regulation while it is being proposed, but complain about them after they are in force.

## **Josh Mandel - R**

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### **Biographical Information**

- A. EDUCATION:** B.A., The Ohio State University, 2000; J.D., Case Western Reserve University School of Law, 2003
- B. OCCUPATION:** State Treasurer
- C. TRAINING AND EXPERIENCE:** City of Lyndhurst, Ohio, City Councilman, (2004-2006); State Representative (District 17), (2007-2010); State Treasurer, (2011-present)

### **Questions & Answers**

- 1) *According to the U.S. Census, median income has declined and the number in poverty has increased. What steps should be taken to strengthen the U.S. economy and address unemployment?*

As they continue to borrow and spend like there's no tomorrow, Washington politicians want us regular Americans to be satisfied with 8% unemployment. To strengthen the U.S. economy and address unemployment, we need to shake up Washington. That's why creating a business-friendly, pro-growth environment to foster job creation in Ohio and America is the highest priority of our campaign. I strongly believe that common sense tax reforms, the repeal of Obamacare and the elimination of over burdensome agency regulations on small businesses are crucial to the recovery of our state and national economies. I will also work to bring more bi-partisan leadership to Washington.

- 2) *How would you reform the tax code?*

The current tax code is overly burdensome, confusing and costly. It is patently unfair. I support common sense tax reform that will address the inherent defaults of the current system and encourage economic growth and the creation of jobs.

3) *How would you change Medicare to make it sustainable?*

Those who refuse to reform Medicare are condemning the program to the ash heap of history. In order to save Medicare, we must change it. Saving Medicare will be a top priority of mine, as this important program represents a promise made by the government to the American people. We can reform it in a way that does not impact current recipients or those approaching Medicare-eligible age.

4) *Do you believe it is possible to protect the environment while preserving American jobs? What are examples of how this can be done?*

It is not only “possible” to protect the environment while preserving American jobs, it is imperative that we do so. One example is the oil and gas exploration that has significant economic potential for the citizens of Ohio. While Ohio stands to gain tens of thousands of jobs in both direct and indirect fields, the safety and security of our natural environment, and the families and senior citizens that benefit from it, must come first. While ensuring safety, I remain a strong advocate for responsible energy exploration because of the impact it will have on job opportunities and the lowering of utility bills for Ohioans.

**Michael L. Pryce MD - R**

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**Biographical Information**

- A. **EDUCATION:** BS Natural Science University of Akron; MD Wake Forest
- B. **OCCUPATION:** Orthopaedic Surgeon/Hand Surgeon/Author
- C. **TRAINING AND EXPERIENCE:** 23 years Summit County Republican Executive Committee, Two Presidential Medical Round Tables; President Regional Airport Authority, Book: Anathema America’s War on Medicine; Candidate US Senate 2010; US Patent: President 2 Small Businesses, FBI Citizens Academy

**Questions & Answers**

1) *According to the U.S. Census, median income has declined and the number in poverty has increased. What steps should be taken to strengthen the U.S. economy and address unemployment?*

We must convince everyone that businesses do not pay taxes, the public does. Change to a cash register tax and eliminate all federal taxes. That brings the cost of our products down so people can afford them both in the United States as well as abroad. When people buy things jobs increase. Our balance of trade will improve and dollars will begin to flow back into the US, strengthening the dollar monumentally. Alan Greenspan testified before Congress that we will not lose one dime of revenue, but it will improve as everyone pays taxes instead of just half of us. Investments will flourish, jobs will be plentiful, foreign governments will invest in America. It will stop the fighting between Democrats and Republicans as taxes are cut to satisfy Republicans and revenue will increase to satisfy the Democrats. It is simple, easy to administer and saves the federal government trillions.

2) *How would you reform the tax code?*

The Tax code is the most burdensome problem in our country. NO ONE can figure it out. Even the Secretary of the Treasury failed to get his taxes right. There is no need for this. Changing to a consumption tax, which some people refer to the fair tax, is the cheapest and easiest way to eliminate this problem. The elimination of all federal taxes and the IRS saves the American taxpayer trillions. Confusing tax schemes only make the problem worse as there is still a tax in place and Democrats constantly want to raise it and

Republicans want to cut it. By making it require a 3/4's vote of the public to change the rate stops the fighting forever. An emergency tax of 5% could be put in place for wars or natural disasters, but needs the 3/4's vote as well. It's secure and easy to implement.

3) *How would you change Medicare to make it sustainable?*

I am a doctor and I have lived with Medicare and I am the only expert on this in the Senate Race. I am the only candidate for high office in the country that has actually written a book about health care reform. Its title is *Anathema! America's War on Medicine*. It raised me to recognition as a health reform expert. I create a health care plan that is a 3 step process: 1) by creating a common digital medical record that only health professionals can use, 2) reforming liability which I have done without interfering with anyone's Constitutional Right to Sue, 3) bring the entitlements in so initially, the federal government only has to raise enough taxes to pay the premiums on the policies creating the largest actuarial table possible, over 300 million. This plan brings everyone's cost down to \$100 a month on the average. No other plan approaches this.

4) *Do you believe it is possible to protect the environment while preserving American jobs? What are examples of how this can be done?*

Certainly! We take advantage of everything that is free from Mother Nature; Wind, Ocean Currents, Hydroelectric, Solar, Nuclear. We must be aware that we cannot buy our way out of economic doldrums with green energy, but if it is free energy, why not take it? I grew up in Northeast Ohio and was alive when the Cuyahoga River caught fire. There is no reason to poison our environment. We must respect the fact that until our natural American ingenuity can come up with alternate sources we will have to rely on fossil fuels. Plant millions of trees. Increasing the fuel mileage will help. Creating better mass transit will help. The carbon footprint in our Revolutionary War was 4 times higher than it is right now. Our problem is not America, but China and other third world countries that do not care. That does not free us of vigilance.

**Russell P. Bliss, Jr. - R**

- Write-in candidate.

The candidate's information will be posted on the LWV Ohio website ([www.lwvohio.org](http://www.lwvohio.org)) when received.

**Candidates: Justice of the Supreme Court of Ohio**

*For full term commencing January, 2013*

**Democratic Party**

**Robert W. Price**

**Republican Party**

**Terrence O' Donnell**

**DEMOCRATIC PARTY**

**Robert W. Price - D**

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## **Biographical Information**

- A. **EDUCATION:** Associates in Labor Studies, Bachelor of Science, MBA, Youngstown State University, JD University of Akron
- B. **OCCUPATION:** General Practice Attorney
- C. **TRAINING AND EXPERIENCE:** Lifetime of experience with average, working Ohioans addressing and resolving their problems, including family, financial, and work/employer related issues. I particularly appreciate working with children as a guardian ad litem

## **Questions & Answers**

- 1) *There is a public perception that campaign spending influences judicial decisions. What steps should be taken to give Ohioans confidence that justice is impartial and not influenced by campaign spending?*

The problem of public misperception about parties attempts to influence jurists with large contributions comes, I believe, not from the jurists, but from the parties attempting to influence the jurists and the appeals that they make to their members. Special interests that pursue their own agenda, of either political stripe, first appeal to their members to give funds and lead them to believe that a judge may be influenced, even if only indirectly. This is not to say that judges or judicial candidates do not discourage such perception by silence.

I received a recent questionnaire from a group who wanted to know how as a justice I could advance the interests of that constituency. These questions were improper because a justice or judge should have no constituency save the rule of law.

- 2) *Ohio has recusal standards requiring judges not to participate in cases where they have an interest. What are specific examples of situations where you think a judge should recuse himself or herself?*

As a practising attorney, I have a simple rule regarding conflicts of interest. If there appears to be a conflict, I walk away from the case. This question relates very well to your first question about the appearance of influence from political donations. It is naive to assume that a sitting justice should recuse himself in every instance. I have a strong labor background, but would not step down from every case relating to unions. Prior representation of a union or union official would be an obvious reason for recusal, however. Close personal relationships would also cause me to step back.

The same standards that apply to Justices of the United States Supreme Court would not necessarily apply to Justices of the Ohio Supreme Court because these justices do not have a lifetime tenure. The voters are the ultimate arbiters of a justice's actions. If I were a hunting companion of a litigant, or if my wife was associated with a political action committee supporting a litigant, for example, as in the case of recent US Supreme Court cases in which justices refused to recuse themselves, common sense would dictate taking a step back.

## **REPUBLICAN PARTY**

### **Terrence O'Donnell - R**

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## **Biographical Information**

- A. **EDUCATION:** B.A. John Carroll, J.D. Cleveland Marshall, Honorary J.D. Univ. of Akron
- B. **OCCUPATION:** Supreme Court Justice
- C. **TRAINING AND EXPERIENCE:** Over 30 years Judicial experience. Cuyahoga County Common Pleas Court (1994-2003), 8<sup>th</sup> District Court of Appeals (1994-2003), Ohio Supreme Court 2003-present

### **Questions & Answers**

- 1) *There is a public perception that campaign spending influences judicial decisions. What steps should be taken to give Ohioans confidence that justice is impartial and not influenced by campaign spending?*

Every jurist in Ohio takes an oath to administer justice without respect to persons – meaning that the financial status or others characteristics of a litigant will not influence a judicial decision. Judges also swear to administer justice impartially.

Organizations like the League of Women Voters can educate the public about the vote of judges and the oath they take to dispel conjecture about extraneous influences over judicial decisions.

When judges adhere to their role of interpreting law and later the legislature makes the law, they further instill public confidence in the judiciary. We are privileged to live in a country where the rule of law predominates. It is why so many people from other countries want to live in the United States.

- 2) *Ohio has recusal standards requiring judges not to participate in cases where they have an interest. What are specific examples of situations where you think a judge should recuse himself or herself?*

The Code of Judicial Conduct speaks to recusal.

A judge should recuse whenever the judge’s impartiality might reasonably be questioned.

Referenced instances include situations where a judge has a personal bias concerning a party or a lawyer or personal knowledge of the facts of a case; instances of relationship within the third degree of the judge or spouse to a party, a lawyer, or a witness in a case; when a judge knows of an economic interest in the subject matter of the controversy affecting the judge; or when a judge has made a public statement that appears to commit the judge to a particular result; or when a judge has been a lawyer or witness on the matter.

## **Candidates: Justice of the Supreme Court of Ohio**

*For full term commencing January, 2013*

### **Democratic Party**

**Fanon A. Rucker**

### **Republican Party**

**Robert R. Cupp**

### **DEMOCRATIC PARTY**

#### **Fanon A. Rucker - D**

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### **Biographical Information**

- A. EDUCATION:** Law Degree, University of Cincinnati (1996); B.A., Hampton University (1993)
- B. OCCUPATION:** Judge
- C. TRAINING AND EXPERIENCE:** Former Prosecutor; Experience representing individuals, small businesses, corporations and municipalities in state and federal court; Experience in criminal and civil litigation; Experienced representing both plaintiffs and defendants; as a Judge, I have written more than two hundred decisions

### **Questions & Answers**

- 1) *There is a public perception that campaign spending influences judicial decisions. What steps should be taken to give Ohioans confidence that justice is impartial and not influenced by campaign spending?*

I agree with the late Supreme Court Justice Thomas Moyer's position that appellate and Supreme Court Justices should be subject to an appointment system and not elected to their positions. A "pure" appointment system or a hybrid of appointment then retention (as Indiana subscribes) has proven effective in other states.(50) Empaneling a bipartisan (or nonpartisan) statewide commission that includes input from Bar Associations, business, labor and community stakeholders would, in my opinion, instill a greater amount of confidence in the legal system and the process than there is about the current method of selecting judges. Unless and until the system is changed, candidates and sitting justices/judges must be the most vocal and visible objectors to the concept that their decisions are based upon the ideology of their constituents instead of the purest constitutional principles. I would be willing to sign a public pledge that affirmed the commitment to fair and impartial decisions.

- 2) *Ohio has recusal standards requiring judges not to participate in cases where they have an interest. What are specific examples of situations where you think a judge should recuse himself or herself?*

There are several obvious situations when judges should recuse themselves on cases before them: where family members are parties or witnesses or where the judge is personally involved with the case as a witness or where the outcome may personally affect the judge's property or financial interest. Less obvious, but equally important to the public, is the need for judges to recuse themselves from cases in which they know (or strongly believe) that personal bias or preconceived ideas about the subject or parties will prevent them from a fair, uninfluenced decision. An example of this would be a judge who has declared himself/herself to be pro-life recusing themselves from consideration of a question of the constitutionality of a law prohibiting abortions.

## **REPUBLICAN PARTY**

### **Robert R. Cupp - R**

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### **Biographical Information**

- A. EDUCATION:** Ohio Northern University, B.A. (Political Science), J.D. (law)
- B. OCCUPATION:** Justice, Ohio Supreme Court (2007-present)

**C. TRAINING AND EXPERIENCE:** Judge, Court of Appeals, Third District (2003-2006); former state senator, four terms, and Senate President Pro Tempore; former Lima city prosecutor and assistant law director; forr Allen County Commissioner; 25 years in private law practice.

### Questions & Answers

1) *There is a public perception that campaign spending influences judicial decisions. What steps should be taken to give Ohioans confidence that justice is impartial and not influenced by campaign spending?*

Public confidence in the judiciary as a neutral and impartial forum for resolving disputes is essential. The most important shield against improper influence is to elect a person of character and integrity as judge.

As long as the Ohio Constitution requires the election of judges, some campaign spending will exist as a necessary means to inform voters about judicial candidates. However, the Code of Judicial Conduct provides safeguards by strict limits on what judicial candidates may do or say. For example, a judicial candidate may not personally ask others for contributions nor personally accept contributions from others. Also, strict limits curb how much anyone may contribute to a judicial campaign. Moreover, judges and judicial candidates are prohibited from even appearing to promise to decide specific cases or issues in a particular way. Finally, a judge whose impartiality may reasonably be questioned is required to recuse from a case.

2) *Ohio has recusal standards requiring judges not to participate in cases where they have an interest. What are specific examples of situations where you think a judge should recuse himself or herself?*

Some examples include when: a judge has a personal bias against a party or a party's lawyer; a judge has personal knowledge of the facts in dispute; a judge has a personal economic stake in the outcome of the case; a judge's spouse, other family member or close relative are either involved in the case or have a personal or economic stake in the outcome of the case; the judge has made an out of court statement appearing to commit the judge to a specific decision in the matter; the judge previously made a decision in same case in a lower court; and, any other matter in which the judge's impartiality may reasonably be questioned.

## Candidates: Justice of the Supreme Court of Ohio

*For unexpired term ending Dec. 31, 2014*

### Democratic Party

**Yvette McGee Brown**

### Republican Party

**Sharon L. Kennedy**

## DEMOCRATIC PARTY

### **Yvette McGee Brown - D**

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### Biographical Information

**A. EDUCATION:** BS Journalism – Ohio University; JD – OSU College of Law

- B. OCCUPATION:** Domestic/Juvenile Court Judge; President Center for Child and Family Advocacy; Supreme Court Justice
- C. TRAINING AND EXPERIENCE:** Attorney for 26 years (10 as a judge); Ran a large non-profit; active community and business leader.

### Questions & Answers

- 1) *There is a public perception that campaign spending influences judicial decisions. What steps should be taken to give Ohioans confidence that justice is impartial and not influenced by campaign spending?*

The perception is not the reality. In Ohio, our constitution requires the election of judges. Informed voters are the ultimate accountability. Judges are also required to abide by a strict judicial canon of ethics that states all judges are to avoid even the appearance of impropriety.

- 2) *Ohio has recusal standards requiring judges not to participate in cases where they have an interest. What are specific examples of situations where you think a judge should recuse himself or herself?*

A judge is required to avoid the appearance of impropriety. Any case where a judge has a personal interest or stake in the outcome of the proceedings; has a relationship with one of the parties; or where the judge for whatever reason believes they cannot be impartial, are just a few examples.

## REPUBLICAN PARTY

### **Sharon L. Kennedy - R**

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Phone: Amy at 440-796-8802

### Biographical Information

- A. EDUCATION:** University of Cincinnati, BSW 1984 and JD 1991
- B. OCCUPATION:** Administrative Judge, Court of Common Pleas, Domestic Relations Division
- C. TRAINING AND EXPERIENCE:** 4 years Hamilton Police Department, Police Officer, 13 years Court of Common Pleas

### Questions & Answers

- 1) *There is a public perception that campaign spending influences judicial decisions. What steps should be taken to give Ohioans confidence that justice is impartial and not influenced by campaign spending?*

There are three ways to improve Ohioans confidence in the justice system. First, improve and increase civic education. Second, improve and increase decision-making transparency. Lastly, with appropriate approval, reform the state-wide election process.

Often, myths and misconceptions about the judicial system and the work of individual courts exist. Improving and increasing civic education to dispel myths and correct misconceptions can improve the public's understanding and impartiality confidence measures.

In conjunction with civic education, technological advancements permit independent non-lawyer access and review of judicial decisions. Increasing decision-making transparency would improve the public's understanding and impartiality confidence measures.

Lastly, subject to legislative, executive and voter approval, the creation of Associate Justice districts is a way to restructure state-wide judicial elections to reduce reliance on campaign contributions and expenditures, while advancing confidence in an impartial judiciary. Only the Chief Justice is elected state-wide.

2) ***Ohio has recusal standards requiring judges not to participate in cases where they have an interest. What are specific examples of situations where you think a judge should recuse himself or herself?***

Recusal should occur in two situations. First, recusal should occur when the litigant is in a familial or close relationship with the jurist. Second, recusal should occur when the jurist has a vested or tangible interest in the outcome.

In the first situation, regardless of controversy, when an immediate or extended family member enters an appearance as counsel or appears as a litigant before the jurist a question of impartiality immediately arises. Similarly, a close associate appears before the jurist as a litigant the question of impartiality arises. To remove even the impression of impropriety the judge should recuse themselves.

In the second situation, the jurist has or will receive an immediate or future financial benefit in the outcome of the litigation. The judge should recuse themselves.