

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**

October 21, 1997

Cecil W. Crowson  
Appellate Court Clerk

IN RE: AMENDMENT TO RULE 10,  
RULES OF THE SUPREME COURT OF TENNESSEE  
CODE OF JUDICIAL CONDUCT

**ORDER**

Rule 10 of the Rules of the Supreme Court of Tennessee, which sets out the Code of Judicial Conduct, is hereby amended by deleting Section C of Canon 5 and the accompanying commentary, and replacing it with the following:

**C. Judges and Candidates Subject to Election**

(1) A judge or a candidate\* subject to election\* may, except as prohibited by law\*:

(a) at any time

(i) purchase tickets for and attend political gatherings, subject to the limitations in (a)(iii);

political

(ii) identify himself or herself as a member of a

party; and

(iii) contribute to a political organization\* or a political candidate in an amount up to the limitations provided in Tenn. Code Ann. § 2-10-301, et seq.;

(b) when a candidate for election

(i) speak to gatherings on his or her own behalf;

(ii) appear in newspaper, television and other media advertisements supporting his or her candidacy; and

(iii) distribute pamphlets and other promotional campaign information supporting his or her candidacy.

*Commentary -Section 5C(1) provides a limited exception to the restrictions of 5A(1) and permits judges subject to election at any time to be involved in limited political activity. Note that by definition of "election", see Terminology, Section 5C is equally applicable to judges subject to partisan, non-partisan, and retention elections.*

*Section 5C(1)(a)(iii) allows a judge or a candidate to contribute to a political organization or candidate in an amount not to exceed the contribution limits provided in Tenn. Code Ann. § 2-10-301, et seq. This limitation includes the purchase of tickets set out in Section 5C(1)(a)(i).*

- (2) (a) A candidate\* shall not personally solicit or accept campaign contributions. A candidate may personally solicit publicly stated support and establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums, and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the candidate's campaign, and may also obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting campaign contributions and public support from lawyers. A candidate's committees may solicit contributions for the candidate's campaign no earlier than 180 days before an election (see Commentary below) and no later than 90 days after the last election in which the candidate participates during the election year. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others.
- (b) Candidates for judicial office must comply with all requirements of state law with regard to campaign finances, including but not limited to, all statutes relating to financial disclosure and campaign contribution limits.

*Commentary - Section 5C(2)(a) permits a candidate, other than a candidate for appointment, to establish campaign committees to solicit and accept financial contributions. At the start of the campaign, the candidate must instruct the campaign committees to solicit or accept only those contributions authorized by Tennessee law. More specifically, Tenn. Code Ann. § 2-10-301, et seq. sets forth the campaign contribution limits applicable to judicial candidates. Judicial candidates are reminded that they must comply with all state statutes relating to campaign finances. See Tenn. Code Ann. § 2-10-101, et seq. Though not prohibited, campaign contributions of which a judge has knowledge, made by lawyers or others who appear before the judge, may be relevant to disqualification under Section 3E.*

*It is possible for some judicial offices to be subject to a primary and general election. It is possible for some counties to have a partisan primary for a particular office whereas another county might only have a non-partisan general election for the same office. It is also conceivable that the decision as to whether or not to hold a primary might not be made until within the 180-day period before the primary. Therefore, for the sake of uniformity, the 180-day period for all judicial offices that can possibly be subject to a primary election, whether or not there actually is a primary, shall begin to run from the date the primary would be held.*

*Campaign committees established under Section 5C(2) should manage campaign finances responsibly, avoiding deficits that might necessitate post-election fund-raising, to the extent possible.*

*Section 5C(2) does not prohibit a candidate from initiating an evaluation by a judicial selection commission or bar association, or, subject to the requirements of this Code, from responding to a request for information from any organization.*

- (3) Except as prohibited by law\*, a candidate\* for judicial office in an election\* may permit the candidate's name: (a) to be listed on

election materials along with the names of other candidates for elective public office and (b) to appear in promotions of the ticket.

*Commentary - Section 5C(3) provides a limited exception to the restrictions imposed by Section 5A(1).*

It is so ORDERED this the 21st day of October, 1997.

FOR THE COURT:

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E. Riley Anderson  
Chief Justice