

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



**IN RE: PETITION TO AMEND NEW RULE 10, RJC 4.1,
RULES OF THE TENNESSEE SUPREME COURT**

No. M2012-01031-SC-RL2-RL - Filed: June 29, 2012

ORDER

On June 26, 2012, the Court filed an order modifying the comprehensive revision of Rule 10, Rules of the Tennessee Supreme Court, initially adopted on January 4, 2012. The revision of Rule 10, as amended by the June 26, 2012 order, takes effect on July 1, 2012.

Soon after the filing of the order on June 26, the Court learned that, due to a drafting error, the amendments to RJC 4.2 failed to adequately set out the Court's intended modifications regarding campaign contribution by judges or judicial candidates. Accordingly, the Court hereby withdraws in its entirety the amended RJC 4.2 set out in Appendix A to the order entered on June 26, 2012 and replaces it with the version set out in the attached Appendix to this order, effective July 1, 2012.

IT IS SO ORDERED.

PER CURIAM

APPENDIX

[Tenn. Sup. Ct. R. 10, RJC 4.2, as adopted on January 4, 2012 and as amended on June 26, 2012 is withdrawn in its entirety and is replaced by the following RJC 4.2, effective July 1, 2012:]

**Rule 4.2 Political and Campaign Activities of Judges and Judicial Candidates
in Public Elections**

(A) A judge or judicial candidate in a partisan, nonpartisan, or retention public election shall:

(1) act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary;

(2) comply with all applicable election, election campaign, and election campaign fund-raising laws and regulations of this jurisdiction;

(3) review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee, as authorized by RJC 4.4, before their dissemination; and

(4) take reasonable measures to ensure that other persons do not undertake on behalf of the candidate activities, other than those described in RJC 4.4, that the candidate is prohibited from doing by RJC 4.1.

(B) (1) A candidate for elective judicial office may, unless prohibited by law, and not earlier than 180 days before the first applicable primary election, caucus, or general or retention election, establish a campaign committee pursuant to the provisions of RJC 4.4.

(2) – (6) [Intentionally omitted].

(C) A judge or judicial candidate may, except as prohibited by law, at any time

(1) purchase tickets for and attend political gatherings, subject to the limitations in (C)(3);

(2) identify himself or herself as a member of a political party; and

(3) 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.

COMMENT

[1] Paragraphs (B) and (C) permit judicial candidates in public elections to engage in some political and campaign activities otherwise prohibited by RJC 4.1.

[1A] 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 nonpartisan 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.

[2] Paragraph C provides a limited exception to the restrictions imposed by RJC 4.1 and permits judges or judicial candidates at any time to be involved in limited political activity. Note that Paragraph C is equally applicable to judges or judicial candidates subject to partisan, non-partisan, and retention elections. Paragraph C(3) allows a judge or judicial 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 Paragraph C(1).

[3] In partisan public elections for judicial office, a candidate may be nominated by, affiliated with, or otherwise publicly identified or associated with a political organization, including a political party. This relationship may be maintained throughout the period of the public campaign, and may include use of political party or similar designations on campaign literature and on the ballot.

[4] [Intentionally omitted]

[5] [Intentionally omitted]

[6] [Intentionally omitted]

[7] [Intentionally omitted]

[8] Compliance with all applicable election, election campaign, and election campaign fund-raising laws and regulations of this jurisdiction includes, but is not limited to, the provisions of Tennessee Code Annotated sections 2-10-101 et seq., the Campaign Financial Disclosure Act, and Tennessee Code Annotated sections 2-10-301 et seq., the Campaign Contribution Limits Act.