

TENNESSEE

Governing Agency

- 1. What agency is charged with administering the state's campaign finance laws? Does it have authority to conduct its own investigations, including public hearings and subpoena power?**

The Tennessee Registry of Election Finance is charged with administering and enforcing the state's campaign finance laws. TENN. CODE ANN. §§ [2-10-205](#), [-206](#). It has the authority to conduct investigations, hold hearings, and subpoena witnesses. TENN. CODE ANN. §§ [2-10-206\(a\)\(7\)](#), [-207\(1\)](#), [-213](#). Hearings are open to the public pursuant to the Tennessee Open Meetings Act. [TENN. CODE ANN. § 8-44-101](#).

- 2. Does the agency have the ability to sanction, including injunctions and fines?**

Injunctions – None.

Fines – The Registry may fine \$25 to \$750 per day for late filings of disclosure reports. TENN. CODE ANN. §§ [2-10-110\(a\)\(1\)](#), [-207\(5\)](#). Failure to file a required disclosure report within 35 days of receiving notice from the registry of a violation may result in a \$10,000 maximum penalty or 15% of the amount in controversy if the 15% is greater than \$10,000. [TENN. CODE ANN. § 2-10-110\(a\)\(2\)](#). Violation of the state's campaign contribution limit laws may result in a \$10,000 maximum penalty or a penalty 115% of the amount of all contributions made or accepted in excess of the limits, whichever is greater. [TENN. CODE ANN. § 2-10-308\(a\)](#). Violation of any other campaign finance law violation may result in a \$10,000 maximum penalty. [TENN. CODE ANN. § 2-10-110\(a\)\(2\)](#)

- 3. Is the agency headed by an elected official? If not, are the members of the agency protected from removal without cause?**

The Registry consists of six appointed members. [TENN. CODE ANN. § 2-10-203\(a\)\(1\)](#) Two members are appointed by the Governor, two members are appointed by the Senate, and two members are appointed by the House of Representatives. [TENN. CODE ANN. § 2-10-203\(c\)\(1\)-\(3\)](#). A member will be removed from office if found guilty of violation of the oath of office. A member who violates their duties may also be suspended by a unanimous vote of the other members of the Registry Board. [TENN. CODE ANN. § 2-10-203\(k\)\(2\)](#). According to the Registry, these are the only grounds for removal. Email from William Young, Exec. Dir., Tenn. Bureau of Ethics and Campaign Finance Ethics Comm'n, to author (Sept. 22, 2021, 12:32 EST) (on file with author).

Campaign Coordination

- 4. (a) Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaigns and independent expenditure committees?**

An expenditure is considered a campaign contribution and not an independent expenditure when it is made “in cooperation, consultation, or concert with, or at the request or suggestion of,” a candidate, their campaign committee, or their agents. [TENN. CODE ANN. § 2-10-303\(5\)](#) An expenditure will be presumed to be made in coordination with a candidate or the candidate’s agent when it is:

- Based on information about the candidate’s plans, projects, or needs provided to the expending person by the candidate, or by the candidate’s agent(s), with a view toward having the expenditure made; or
- Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of any authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate’s committee or agent. [R. 0530-01-03-.07\(4\)\(a\)](#).

An expenditure made to disseminate, distribute, or republish campaign materials is considered an in-kind contribution. [R. 0530-01-01-.03\(8\)\(a\)](#).

(b) Does the state have a safe harbor rule and, if so, what does it allow?

There is no safe harbor provision.

Campaign Contributions

5. (a) Does the state limit the amount of contributions to political candidates for state level offices by individuals, corporations, other entities (PACs, 501(c)(4)s)?

Contribution limits are adjusted to reflect the percentage change in the average consumer price index every two years, and the updated amounts are published on the Registry’s website. [TENN. CODE ANN. § 2-10-302\(d\)\(2\)](#).

Individual to Candidate: \$4,300 per election (whether primary, general or run-off) for statewide candidates, \$1,600 per election (whether primary, general or run-off) for legislative candidates. [2021/22 Contribution Limit Changes](#).

Political Party to Candidate: House candidates cannot accept more than \$33,900 in the aggregate from political parties per election. Senate candidates cannot accept more than \$67,500 in the aggregate from political parties per election. Other statewide candidates cannot accept more than \$422,100 in the aggregate from political parties per election. [Id.](#)

PACs to Candidate: \$12,700 per election for candidates for statewide office including governor and state representatives; \$25,400 per election for Senate candidates. [Id., TENN. BUREAU OF ETHICS AND CAMPAIGN FINANCE, Campaign Finance and Limit Changes \(Jan. 29, 2021\)](#). The limit is \$8,300 for all other statewide candidates, which includes Criminal Court Judges, Circuit Court Judges, Chancellors, Probate Court Judges, District Attorney Generals and Public Defenders. TENNESSEE BUREAU OF ETHICS AND CAMPAIGN FINANCE, *Campaign Finance Limit Changes*. PACs are also subject to aggregate contribution limits. House candidates cannot accept

more than \$126,600 per election in PAC contributions, Senate candidates are limited to \$253,200 total in PAC contributions, and other statewide candidates cannot accept more than 50% of their total contributions from PACs. [Id.](#); [TENN. CODE ANN. § 2-10-302\(c\)](#).

Corporation to Candidate: Same as PACs. [Campaign Finance Guidelines for Candidates at 9. Tenn. Code Ann. § 2-10-132.](#)

Unions to Candidate: Same as PACs. [TENN. CODE ANN. § 2-10-102\(12\).](#)

(b) Does the state limit the amount of contributions to state political parties?

There are no stated limits.

Campaign Disclosure Requirements

6. What is the dollar amount for disclosure of campaign contributions to candidates?

Candidates must disclose the name, address, occupation, and employer of each person who contributes more than \$100 in the aggregate during the reporting period, in addition to the date and amount of the contribution. [TENN. CODE ANN. § 2-10-107\(a\)\(1\)\(A\).](#)

7. Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?

Political campaign committees must report the full name, complete address, amount, date of receipt of contribution, and the election the contribution is designated for, for each person or organization who contributes a total of more than \$100 during a reporting period. [TENN. CODE ANN. § 2-10-107\(a\)\(2\)\(A\)\(i\).](#) Political campaign committees include any group of persons which receives contributions or makes expenditures of more than \$1,000 to support or oppose any candidate. [TENN. CODE ANN. § 2-10-102\(12\).](#) Corporations must form political committees to make independent expenditures, but need not disclose their own funders. Email from the Tennessee Registry of Election Finance, (July 17, 2020, 3:12 PM EDT), [“Campaign Finance Rules,” Tennessee Registry of Election Finance.](#)

There is no requirement to report donors to 501(c) organizations or the beneficial owners of LLCs, which contribute to independent spenders.

8. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?

Any communication advocating for or against a candidate, whether in broadcast, print and electronic media, must contain a clear disclaimer indicating who paid for and, where required, who authorized the communication. [TENN. CODE ANN. § 2-19-120\(a\).](#) The Attorney General issued an

Opinion in August 2018 stating the disclaimer requirements of [TENN. CODE ANN. § 2-19-120\(a\)](#) apply to election-related communication on social media platforms. State of Tennessee Office of the Attorney General, [Opinion No. 18-37](#), (Aug. 14, 2018).

Campaign Finance Filing Requirements

9. (a) Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline?

By the seventh day before the election, candidates must disclose contributions and expenditures received and made up until the tenth day before the election in a pre-primary or pre-general election report, regardless of amount. [TENN. CODE ANN. § 2-10-105\(c\)\(1\)](#).

Beginning the tenth day before the election up until the day of the election, candidates must disclose contributions exceeding \$5,000 from a single source by the end of the next day. [TENN. CODE ANN. § 2-10-105\(h\)](#).

(b) Is there a requirement for independent spenders to report expenditures of \$5000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made?

Political campaign committees must report by the seventh day before an election contributions and expenditures received up until the tenth day before the election, regardless of amount. [TENN. CODE ANN. § 2-10-105\(c\)\(1\), \(h\)](#).

(c) Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?

There are no post-election reports that must be filed within 30 days of the election.

Accessibility of Reports

10. (a) Can reports be filed through an on-line portal provided by the agency?

Reports by candidates for state public office and PACS must be filed electronically through the [Tennessee Campaign Finance Database](#) on the website for the Tennessee Bureau of Ethics and Campaign Finance. [TENN. CODE ANN. § 2-10-211\(c\)](#).

(b) Are reports available on an easily searchable and sortable website?

Campaign finance data can be searched on the Tennessee Online [Campaign Finance Database](#).

Search by candidates/committee -

- Name - YES

- Election Year - YES
- Office - YES
- Date and Amount of Contribution – YES
- Date and Amount of Expenditure - YES
- Contributor - YES

Search by independent expenditure -

- Election Year - YES
- Amount of Expenditure - YES
- Candidate Supported or Opposed - YES

Appendix: Sources of Law & Guidance *

Statutes

Elections ([TENN. CODE ANN. § 2-1-101, 301 et seq.](#))

Tenn. Code Ann. § 2-10-201, et seq.

Tenn. Code Ann. § 4-55-101, et seq.

Regulations

[Campaign Financial Disclosure Rules: 0530-01-01](#)

[Campaign Finance Rules: 0530-01-03](#)

Guidance

State of Tennessee Office of the Attorney General, [Opinion No. 18-37](#), (Aug. 14, 2018)

Tennessee Bureau of Ethics and Campaign Finance Ethics Commission, [Complaints](#).

[Campaign Finance Guidelines for Candidates](#), TENNESSEE REGISTRY OF ELECTION FINANCE

[Campaign Finance Guidelines For PACs](#), TENNESSEE REGISTRY OF ELECTION FINANCE

[Citizens Guide](#), TENNESSEE REGISTRY OF ELECTION FINANCE

TENNESSEE BUREAU OF ETHICS AND CAMPAIGN FINANCE, *Campaign Finance Limit Changes*.

*Note on hyperlinks: The official free public access version of the Tennessee Code is hosted through LexisNexis. In order to view any individual provision of the Tennessee Code hyperlinked below, you must first agree to the LexisNexis terms of use on this landing page: <http://www.lexisnexis.com/hottopics/tncode/> In other words, click “Ok” on that landing page before clicking any of the hyperlinks to the Tennessee Code cited above.