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## 1. *Who must file Campaign Financial Disclosure Statements?*

**Political Action Committees (PACs).** Reports are required of any multi-candidate political campaign committee, popularly known as a PAC, that participates in any state or local election. “Multi-Candidate committee” is defined as a committee that makes expenditures to support or oppose two or more candidates for public office or two or more measures in a referenda election. T.C.A. § 2-10-102(9)

## 2. *Where must committees file reports?*

**Political Action Committees (PACs).** Multi-Candidate political campaign committees supporting candidates for state public office must file all required reports with the Registry. Multi-Candidate committees that support candidates for local public office must file with the local election commission in each county where the committees plan to support candidates. Multi-Candidate committees supporting candidates for both state public office and local public office must file with both the Registry and the appropriate county election commission. T.C.A. § 2-10-105(a) and T.C.A. § 2-10-105(b)

## 3. *What must a committee do to begin a campaign operation?*

**Political Campaign Treasurers.** Before any monies can be received or spent, each political campaign committee must certify the name and address of its political treasurer to the Registry of Election Finance for a state election and to the county election commission for a local election. This is accomplished by completing and filing an appointment of political treasurer statement. T.C.A. § 2-10-105(4)(e)(1) and T.C.A. § 2-10-105(4)(e)(2)

**Campaign Bank Account.** A political campaign committee must open and maintain a separate bank account into which all campaign contributions are to be deposited. Additionally, all expenditures from campaign funds must be expended from this bank account. Rule 0530-1-1-.01(1), Rule 0530-1-1-.02(1) and Rule 0530-1-1-.02(4)

## 4. *Are there fees for registering as a PAC?*

Starting in 2003 an annual fee was instituted for PACs. This fee is to be paid on an annual basis by all PACs, except those affiliated with a statewide political party, registered with the Registry of Election Finance. The annual fee is \$100. T.C.A. § 2-10-121 and Rule 0530-1-1-.07

A bill will be sent to each registered PAC at the beginning of each calendar year. Any PAC registering with our office during the year will be required to pay the fee at that time. Rule 0530-1-1-.07

## 5. *How long is an appointment of treasurer statement effective?*

**Multi-Candidate Committee Treasurers.** A political treasurer for a multi-candidate political campaign committee serves as long as the committee remains active or until a replacement is made.

**Change of Treasurers.** Political campaign committees must notify the Registry or the appropriate county election commission of any changes in the office of political treasurer. An appointment of political treasurer statement must be completed and filed for the individual who replaces the previous treasurer.

## 6. *What information must be reported in a campaign financial disclosure statement?*

**Contributions.** A reportable contribution is defined by the law as being “any advance, conveyance, deposit, distribution, transfer of funds, loan, loan guaranty, personal funds of a candidate, payment, gift, pledge or subscription, of money or like thing of value, and any contract, agreement, promise or other obligation. . . .made for the purpose of influencing a measure or nomination for election or the election of any person for public office.” T.C.A. § 2-10-102(4)

**In-Kind Contributions.** In-kind contributions are goods or services provided to a candidate without charge (such as the use of equipment or advertisement materials at no cost to the candidate) and must be listed separately on the campaign financial disclosure statement from other campaign contributions. T.C.A. § 2-10-107(c)(1) and Rule 0530-1-1-.03(6)

An in-kind contribution is considered to be made and is reportable during the period in which the contribution is made or performed, not when the cost of the contribution is billed or paid. The amount for an in-kind contribution which should be reported by a candidate should be the fair market value for such goods or services provided. T.C.A. § 2-10-107(d)

If the actual cost of an in-kind contribution is not known at the time when it is reportable, an estimate of the cost shall be reported during the period that the contribution is made or performed, and the disclosure report shall indicate that the amount reported is

estimated. If the actual cost of the in-kind contribution as indicated on the bill for the goods or services is different than the amount reported, the candidate or committee shall adjust the amount reported on a later disclosure statement covering the period in which payment for the in-kind contribution is made. T.C.A. § 2-10-107(d)

**Expenditures.** A reportable expenditure is defined by statute as “a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing a measure or the nomination for election or election of any person to public office.” T.C.A. § 2-10-102(6)(A)

**Loans.** A loan must be disclosed by the PAC during the reporting period that the loan is made. A loan must continue to be disclosed on future campaign financial disclosure statements until the loan is paid back in full or a statement has been filed with the appropriate campaign financial disclosure statement by the PAC stating that the loan will not be repaid and is to be considered a contribution to the campaign. Rule 0530-1-1-.06(1) and Rule 0530-1-1-.06(2)

**Obligations.** Goods and services received on credit which are not paid for during the reporting period received must be disclosed as an obligation by the PAC or during the reporting period that the obligation is incurred. This obligation must continue to be disclosed by the PAC on campaign financial disclosure statements until fully paid. Payments on the obligation shall be disclosed as expenditures by the PAC on the appropriate campaign financial disclosure statement(s). Rule 0530-1-1-.10(1)

## **7. What details are required in campaign financial disclosure statements?**

**Short Form.** PACs are exempt from filing a detailed disclosure statement if neither contributions received nor expenditures made during a reporting period for which a statement is submitted exceed one thousand dollars (\$1,000). The PAC must report the balance of contributions on hand, outstanding loans and outstanding obligations. T.C.A. § 2-10-107(a)(1)

**Detailed Disclosure.** A PAC which has over one thousand dollars (\$1,000) in contributions and/or expenditures must complete a detailed disclosure and list contributions, expenditures, loans and obligations as described below. T.C.A. § 2-10-107(2)(A)(i)

**Contributions.** Contributions totaling one hundred dollars (\$100) or less from a single source during the reporting period may be totaled and reported as a single item. T.C.A. § 2-10-107(2)(A)(i)

PACs are required to list 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 one hundred dollars (\$100) during a reporting period. In addition, if this contribution is from an individual you must also list the occupation and employer of the contributor. A candidate that makes a "best effort" to obtain the address, occupation and employer for a contribution is considered to be in compliance with the requirement. "Best Effort" would include requesting the information on an invitation and stating that the information is required by state law for contributions over \$100 or requesting the information in a letter sent by first class postage and stating that the information is required by state law for contributions over \$100. T.C.A. § 2-10-107(a)(2)(A)(i)

For example, a person who contributes fifty dollars (\$50) one day, fifty dollars (\$50) the following day and one dollar (\$1) the next day would have to be specifically listed on the campaign financial disclosure statement as having contributed one hundred one dollars (\$101), if all those monies were contributed during one reporting period. Likewise, a person who buys five (5) tickets to a campaign fundraiser at twenty-five dollars (\$25) each would have to be specifically listed on the campaign financial disclosure statement as having contributed one hundred twenty-five dollars (\$125).

**Expenditures.** Expenditures totaling one hundred dollars (\$100) or less to a single payee during the reporting period are not required to be itemized. These expenditures may be broken down and totaled by general categories (such as gas, food, etc.). For example, purchases of twenty-five dollars (\$25) of gas at five different service stations would be shown as “Gas -- \$125.” T.C.A. § 2-10-107(a)(2)(B)

The law requires candidates to list the full name, complete address, amount and purpose for each person or organization to whom a total of more than one hundred dollars (\$100) was paid during a reporting period. T.C.A. § 2-10-107(a)(2)(B)

**Loans.** Itemized information must be provided for all loans for more than one hundred dollars (\$100) from one creditor during a reporting period. This information includes the full name and address of each creditor, and the date that the loan was made must be provided. In addition, any endorsers or guarantors for a loan must be listed by full name and address and the amount of the loan which is guaranteed by that person must be disclosed. The outstanding loan balance at the beginning of the reporting period, any additional loans received during that period, any loan payments made during the period and the outstanding loan balance at the end of the reporting period must also be disclosed. T.C.A. § 2-10-107(a)(2)(A)(i)

**Obligations.** All obligations owed at the end of a reporting period for more than one hundred dollars (\$100) to one creditor must be itemized. The itemized information includes the full name and address of the creditor. In addition, the outstanding obligations'

balance at the beginning of the reporting period, any additional obligations' incurred during the period, any payments made to the creditor during the period and the outstanding obligations balance at the end of the reporting period must be disclosed.

**8. When must PACs file reports?**

Multi-Candidate political campaign committees (PACs) are required to file quarterly campaign financial disclosure statements during state election years (even numbered years). In addition, during election years PACs are required to file pre-primary and pre-general reports. During non-election years (odd numbered years) PACs are required to file on a semi-annual basis. These reports are due to be filed as follows for 2010 and 2011: T.C.A. § 2-10-105(c)(1) and T.C.A. § 2-10-105(c)(3)

Report	Reporting Period	Due Date
1 <sup>st</sup> Quarter	January 16, 2010 - March 31, 2010	April 12, 2010
2 <sup>nd</sup> Quarter	April 1, 2010 - June 30, 2010	July 12, 2010
Pre-Primary	July 1, 2010 - July 26, 2010	July 29, 2010
3 <sup>rd</sup> Quarter	July 27, 2010 - September 30, 2010	October 11, 2010
Pre-General	October 1, 2010 - October 23, 2010	October 26, 2010
4 <sup>th</sup> Quarter	October 24, 2010 - January 15, 2011	January 25, 2011
Mid-Year 2011	January 16, 2011 - June 30, 2011	July 15, 2011
Year-End 2011	July 1, 2011 - January 15, 2012	January 31, 2012

A PAC must continue to file campaign financial disclosure reports until its campaign account has been closed with the Registry.

**9. Does the Registry have electronic filing for PACs?**

Yes, PACs can file their campaign financial disclosure statements electronically. The electronic filing system is an Internet based software maintained by the Registry. T.C.A. § 2-10-211

If you are interested in filing your PAC's campaign financial disclosure reports electronically you will need to submit a PAC ID and Password Registration form to the Registry. The form can also be faxed or mailed to you, just contact the Registry at (615) 741-7959. If you would like to see a demo of the system, go [www.tennesseeanytime.org/tncamp](http://www.tennesseeanytime.org/tncamp) and click on the "online demo" link.

While the electronic filing system is easy to use, if you feel you need training or you just have questions, please contact us at (615) 741-7959.

**10. Will a PAC receive notice when a disclosure report is due?**

The Registry of Election Finance is required to notify a PAC fourteen (14) days before any report is due. The county election commission is required to give seven (7) days notice for any report due in the county. T.C.A. § 2-10-103(a)(4) and T.C.A. § 2-10-206(a)(9)

**11. What activities are not campaign contributions?**

The following are NOT campaign contributions and are not required to be reported:

- a) **Volunteer Work.** Services, including expenses provided without compensation by a candidate, or any individuals who volunteer a portion or all of their time on behalf of a candidate are not contributions. T.C.A. § 2-10-102(4)(A)
- b) **Publicity.** Not included within the meaning of contribution is any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless such facilities are owned wholly or in part or controlled by a political party, political committee or candidate. T.C.A. § 2-10-102(4)(B)
- c) **Voter Registration Efforts.** Any nonpartisan activity designed to encourage individuals to vote or to register to vote is not considered a campaign contribution. T.C.A. § 2-10-102(4)(C)
- d) **Internal Communications.** Not included within the meaning of contribution is any written, oral or electronically transmitted communication by any membership organization or corporation to its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election or election of any person to public office. However, if the organization or corporation simply finances the dissemination, distribution or republication in whole or in part of campaign materials prepared by the candidate or candidate's committee, then such financing shall be considered a campaign contribution. T.C.A. § 2-10-102(4)(D)

e) **Printed slate cards, sample ballots and other printed listings.** The costs of preparing and distributing printed slate cards, sample ballots or other printed listings of three (3) or more candidates who are opposed for election are not campaign contributions. However, this exemption does not apply to costs incurred with respect to the preparation and display of listings made on broadcasting stations, newspapers, magazines and similar types of general public political advertising. T.C.A. § 2-10-306(b)(1)

f) **Cost of voter registration and get-out-the-vote activities.** The costs of voter registration and get-out-the-vote activities conducted by party committees shall not be campaign contributions, except when the expenditures of monies are made on behalf of a clearly identified candidate and the payments can be directly attributed to that candidate. T.C.A. § 2-10-306(b)(2)

g) **Day-to-day costs of political party committees.** Expenditures for rent, personnel, overhead, general administrative, fundraising and other day-to-day costs of party committees are not considered campaign contributions, unless the expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate. T.C.A. § 2-10-306(b)(3)

h) **Educational campaign seminars.** Expenditures made for educational campaign seminars and for the training of campaign workers, are not campaign contributions, unless the expenditures are made on behalf of a clearly identified candidate and the expenditures can be directly attributed to that candidate. T.C.A. § 2-10-306(b)(4)

i) **Other Candidate-Related Activities.** Not included within the meaning of contribution is the use of real or personal property and the cost of invitations, food and beverages not exceeding one hundred dollars (\$100), voluntarily provided on an individual's residential premises for candidate-related activities. T.C.A. § 2-10-102(4)(E)

**12. Are there any dollar limitations on the amount of campaign contributions that a PAC may give to a candidate?**

Pursuant to the Campaign Contribution Limits Act of 1995, T.C.A. 2-10-301, et seq., there are limits on how much monies that a person or a PAC may contribute to a candidate's campaign per election and how much monies that a candidate may accept for an election from a person or PAC. Those dollar limitations are based on the office sought by the candidate. Those limits are as follows:

<u>OFFICE SOUGHT</u>	<u>PERSON</u>	<u>PAC</u>	<u>TOTAL CONTRIBUTIONS FROM PACS (EXCLUDES *POLITICAL PARTY PACS)</u>	<u>TOTAL CONTRIBUTIONS FROM POLITICAL PARTY PACS</u>
Statewide Office (Governor)	\$2,500	\$7,500	50% of total contributions	\$250,000
State Senate	\$1,000	\$7,500	\$75,000	\$40,000
State Rep / Local Office	\$1,000	\$5,000	\$75,000	\$20,000

\*Political party PACs include those committees controlled by a political party on the national, state or local level and caucuses of a political party established by members of either house of the General Assembly. T.C.A. § 2-10-302

For purposes of dollar limitations, a primary election, general election, run-off election or special election are each considered a separate election with separate contribution limits. For example, a candidate for state senate in the August primary election could accept \$1,000 from John Doe, and if the candidate also runs in the general election, he/she could accept another \$1,000 from John Doe for the general election.

Campaign contributions made to candidates by affiliated PACs shall be considered made by a single PAC. T.C.A. § 2-10-303(4)

"Affiliated PACs" are defined as follows:

a) "Affiliated political campaign committees" means political campaign committees established, financed, maintained, or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons. T.C.A. § 2-10-102(1)

b) All committees established, financed, maintained or controlled by a single corporation and/or its subsidiaries shall be affiliated political campaign committees. T.C.A. § 2-10-102(A)

c) All committees established, financed, maintained or controlled by a single national or international union and/or all its state and the local central bodies shall be affiliated political campaign committees, but such committees shall not be affiliated with the

political campaign committees established, financed, maintained or controlled by any union that is a member of the organization. T.C.A. § 2-10-102(B) and T.C.A. § 2-10-102(C)

d) All committees established, financed, maintained or controlled by a membership organization, other than political party committees, including trade or professional associations and/or related state and local entities of that organization or group shall be affiliated political campaign committees. T.C.A. § 2-10-102(D)

e) All committees established, financed, maintained or controlled by the same person or group of persons shall be affiliated political campaign committees. T.C.A. § 2-10-102(E)

f) Owners, officers, employees, members or other individuals associated with a corporation, labor organization, membership organization or any other person or group of persons that has established, financed, maintained or controlled a political campaign committee shall not be considered affiliated with such political campaign committees. T.C.A. § 2-10-102(F)

### **13. What is included as a contribution for purposes of the contribution limitations?**

Campaign contributions made by cash or a written instrument, such as a check, would be subject to the dollar limitations of the law, as well as in-kind contributions. A person who endorses or guarantees a candidate's campaign loan shall be considered to have made a contribution to the candidate's campaign in the amount of the endorsement or guaranty. Where the portion of the loan for which the endorser or guarantor is liable is not specified in the written agreement, each endorser or guarantor shall be considered to have made a contribution in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. T.C.A. § 2-10-102(4)

### **14. What are the restrictions on how and when PACs can make campaign contributions?**

**Cash Contributions.** PACs may not make cash contributions to candidates. T.C.A. § 2-10-311(c)

**Blackout Periods.** From the convening of the General Assembly in organizational session through the earlier of June 1 or the last day of regular session in odd numbered years and from the convening of regular legislative session to the earlier of May 15 or the conclusion of annual session in even numbered years and from the convening of an extraordinary session through the conclusion of extraordinary session, the governor or a legislator may not have a fundraiser or solicit or accept contributions for the governor or legislator's benefit or for the benefit of another legislative candidate or gubernatorial candidate, a political party legislative caucus PAC or any member of a political party legislative caucus PAC. T.C.A. § 2-10-310(a)(1)

Additionally, from the convening of the General Assembly in organizational session through the earlier of June 1 or the last day of regular session in odd numbered years and from the convening of regular legislative session to the earlier of May 15 or the conclusion of annual session in even numbered years and from the convening of an extraordinary session through the conclusion of extraordinary session, a political party PAC is prohibited from conducting a fundraiser, soliciting or accepting campaign contributions for the benefit of a legislative candidate, gubernatorial candidate, a caucus or any caucus member. T.C.A. § 2-10-310(b)

An employer of a lobbyist or a PAC controlled by an employer of a lobbyist is prohibited from making a campaign contribution to a gubernatorial or legislative candidate during regular or extraordinary legislative session (this restriction is found in the lobbying statutes). T.C.A. § 3-6-304

During the nine (9) day period prior to any election day, a PAC is prohibited from making a campaign contribution to a candidate for state or local public office, unless the committee is a political party PAC. T.C.A. § 2-10-117

### **15. Are corporate campaign contributions allowed in Tennessee?**

It is illegal for the officers of any corporation doing business in Tennessee to use corporate funds to aid in the election or defeat of any candidate. That means corporations are prohibited not only from giving money to candidates and their committees, but from giving money to any political campaign committee that supports the election or defeat of any candidate. Corporate officers who violate this provision are guilty of a Class C misdemeanor under state criminal law. T.C.A. § 2-19-132

National political party organizations that are incorporated are allowed to contribute to state and local candidates as long as none of those funds are derived from corporate contributions.

### **16. Are there any dollar limitations on the amount of contributions an individual may make to a PAC?**

An individual may only contribute a total of \$68,900 to all PACs during the 2011 and 2012 two (2) year election cycle. This amount will be adjusted every two years by the Consumer Price Index. T.C.A. § 2-10-312

**17. When must a report be filed if the due date falls on a weekend or holiday?**

Whenever a due date for a campaign financial disclosure statements falls on a weekend day or holiday, such report is due to be filed with the Registry of Election Finance or the county election commission, whichever is required, on the next business day. Rule 0530-1-1-.05(5)

“Filed” means the date that the Registry or county election commission actually receives the candidate or committee’s disclosure statement or the date of the postmark, if the statement is mailed by certified or registered mail. T.C.A. § 2-10-102(7)

**18. How does a PAC close out a campaign account?**

A campaign account may be closed out at any time when the political campaign committee has filed a campaign financial disclosure statement that shows no unexpended balance, continuing debts or obligations or expenditure deficit. In addition, if a PAC is operating in several states, they may close in Tennessee by notifying the Registry with their last report that the PAC is now closed in Tennessee.

No additional reports are required after a campaign account is properly closed. T.C.A. § 2-10-107(b)

**19. What recordkeeping procedures are required for political campaign committees?**

A PAC is prohibited from commingling personal monies or any other funds with funds maintained in a campaign bank account. Rule 0530-1-1-.02(1)

Within ten (10) business days of the receipt of a campaign contribution, a political campaign committee is required to deposit the contribution into the PACs campaign bank account. For contributions received from a single source during a reporting period which total more than \$100, a committee is required to maintain a listing of the names and addresses of those contributors and the amount and date of the contributions made by those contributors. Rule 0530-1-1-.02(2)

Additionally, political campaign committees must maintain copies of all checks, bank statements and vendor receipts for a period of two years after the election to which they refer. When feasible, a committee should make copies of campaign contribution checks. Rule 0530-1-1-.02(5) and Rule 0530-1-1-.02(6)

Campaign bank account reconciliations must be performed by a PAC to ensure that the bank account balances with the financial disclosure reports filed by the committee. Rule 0530-1-1-.02(8)

**20. How long must campaign records be maintained?**

All financial records used by a PAC to prepare a campaign financial disclosure statement must be retained for at least two (2) years after the date of election to which the records refer. T.C.A. § 2-10-105(f)

If investigative procedures or an administrative hearing have been initiated against a political campaign committee, financial records relating to a campaign account must be maintained by the committee until the investigation or administrative hearing has been completed. Rule 0530-1-1-.02(7)

The Registry of Election Finance and each county election commission shall maintain all reports filed with their respective offices for five (5) years. These records will be available for public inspection and copying. T.C.A. § 2-10-206(a)(8)

**21. How does an individual inspect or obtain a copy of a campaign financial disclosure statement?**

**2004 Elections Forward.** Campaign financial disclosure reports are available online. Go to [www.tennesseeanytime.org/tncamp](http://www.tennesseeanytime.org/tncamp) and click on the "Search Database" tab to find PAC and Candidate reports.

**Prior to 2004 Elections.** In order to inspect or obtain copies of campaign financial disclosure statements filed by state candidates and PACs, you may come to the Registry's office or request copies by email or telephone. Copies of local candidates may be obtained at the local county election commission. The Registry's charge for copying is 25¢ a page if our staff makes the copies and 10¢ if you make the copies in our office. You will need to check with the local county election commission in order to determine their fees.

**22. What happens if a PAC does not file the required reports on time or violates other provisions of the law?**

The Registry of Election Finance has the authority to impose civil penalties against a PAC for failing to file a statement on time and ignoring subsequent warnings about the required report. The Registry also has the authority to impose civil penalties for other violations. T.C.A. § 2-10-207(6) and T.C.A. § 2-10-207(7)

**CLASS ONE (1) OFFENSES.** The Registry may impose class one (1) civil penalties of twenty-five dollars (\$25) a day up to a maximum of seven hundred fifty dollars (\$750) for the late filing of any campaign financial disclosure report required to be filed either with the Registry or the county election commission. The law sets specific procedures that must be followed whenever the Registry or a county election commission discovers that a required report has not been filed. T.C.A. § 2-10-110(a)(1)

The Registry staff or the county election commission, whichever office should have received a required campaign financial disclosure statement, must notify the candidate or committee by personal service or by return receipt requested mail that the report has not been received and that civil penalties of twenty-five dollars (\$25) a day will begin to accrue five (5) days after receipt of the notice until the report is filed or for thirty (30) days, whichever occurs first. T.C.A. § 2-10-110(a)(1)(A) and T.C.A. § 2-10-110(a)(1)(B)

A committee that files the required report within that five-day grace period will not be subject to civil penalties.

**CLASS TWO (2) OFFENSES.** The Registry also has the authority to impose civil penalties of up to ten thousand dollars (\$10,000) or fifteen percent (15%) of the amount in controversy, whichever is greater for a class two (2) offense involving both state and local elections. A class two offense is the failure to file a report within thirty-five (35) days of service of notice of a delinquent report or any other violation of the Campaign Financial Disclosure Act. T.C.A. § 2-10-110(a)(2)

The law requires the Registry staff to send an assessment letter to the committee before any class two (2) civil penalties are imposed by the Registry, advising the committee of the factual basis of the violation, the maximum penalty and the date that a response must be filed. T.C.A. § 2-10-110(a)(2)

**VIOLATIONS OF THE CAMPAIGN CONTRIBUTIONS ACT OF 1995.** The Registry is empowered to impose a maximum civil penalty of not more than ten thousand dollars (\$10,000) or one hundred fifteen percent (115%) of the amount of all contributions made or accepted in excess of the limitations of the Act, whichever is greater. T.C.A. § 2-10-308(a)

A campaign contribution made or accepted in excess of the limitations of this Act shall not be a violation if the committee refunds or returns the contribution to the person making the contribution within sixty (60) days of its receipt. T.C.A. § 2-10-307(b)

**CONTESTED PENALTIES.** To appeal any penalty imposed by the Registry, a candidate or committee must file a petition with the Registry within thirty (30) days after the date that the order is issued. An assessment order issued by the Registry becomes final and cannot be appealed thirty (30) days after it has been issued. T.C.A. § 2-10-308(c), T.C.A. § 2-10-308(d), Rule 0530-1-1-.12(3) and Rule 0530-1-1-.12(4)

**23. What happens if a PAC fails to pay an assessed civil penalty after an assessment order becomes final?**

For any civil penalty that is assessed against a PAC by the Registry, the treasurer of the PAC is personally liable for payment of that penalty. T.C.A. § 2-10-110(f)

**24. Is there any criminal liability of a treasurer or other responsible party of a PAC when required campaign disclosure reports are not filed?**

It is unlawful for a responsible party of a PAC who has a prior civil penalty assessment record to intentionally fail to file a required quarterly campaign disclosure report. "Responsible party" includes the PAC treasurer or if no treasurer has been appointed, any person who organizes or directs the fundraising activities of a PAC. T.C.A. § 2-10-118

The responsible party is considered to have a prior assessment record if during the person's service as a responsible party to one or more PACs the committee(s) violates the campaign finance law on two (2) or more occasions and those violations result in a civil penalty assessment against the PAC(s). T.C.A. § 2-10-118

**25. How does the Registry of Election Finance begin an investigation?**

**ON ITS OWN INITIATIVE.** The Registry of Election Finance may, on its own initiative, conduct an investigation whenever it believes that a violation of the Campaign Financial Disclosure Act may have occurred. If the Registry investigates the records of any selected candidate, it may also investigate the records of all other candidates running for the same office in the same district or other

appropriate geographic area. The Registry has the authority to hold hearings, subpoena witnesses, administer oaths, and compel the production of books, correspondence, papers and other records. T.C.A. § 2-10-206(a)(7) and T.C.A. § 2-10-213(a)(2)

**UPON SWORN COMPLAINTS.** An investigation also may be based on a sworn complaint. A registered voter of Tennessee may file a sworn complaint alleging that a statement filed regarding an election for which that voter was registered to vote does not conform to the law, that a statement filed is not accurate or that a person has failed to file a statement required by law. Sworn complaints regarding candidates or single-candidate political campaign committees for state public office should be filed with the Registry. Sworn complaints regarding elections for local public office should be filed with the district attorney general in the judicial district in which the voter resides. T.C.A. § 2-10-108

**26. What guidelines will the Registry of Election Finance provide to PACs regarding the Campaign Financial Disclosure Law?**

The Registry of Election Finance may issue written advisory opinions when questions arise about the Campaign Financial Disclosure Act and its requirements. Anyone wishing to receive guidance on his or her own campaign finance activities should contact the Registry prior to undertaking the questioned activity. The Registry will issue written advisory opinions to individuals based on written requests describing specific facts and circumstances. The Registry will issue opinions only as to prospective activities. A candidate may rely upon an advisory opinion without threat of sanction with respect to the particular issues addressed if the candidate conforms his or her conduct to the requirements of the advisory opinion. T.C.A. § 2-10-207(3)