

CAMPAIGN FINANCE For State and Local Candidates

Below is a brief summary of the campaign finance statutes for state and local candidates. **The purpose of this summary is to make potential candidates aware of their responsibilities under the campaign finance statutes.** For more complete info please go to our website (www.tn.gov/tref), speak with your Administrator of Elections (AOE), e-mail the Registry of Election Finance (Registry) (registry.info@tn.gov) or call the Registry (615.741.7959).

Who

Any individual who becomes a candidate. A candidate is defined as an individual who:

- Makes a formal announcement of candidacy for office;
- Has qualified to seek office;
- Accepts contributions or makes expenditures to determine if one shall be a candidate(except for incidental expenditures); or
- Establishes a campaign committee to accept contributions or make expenditures to seek election.

What

Appointment of Treasurer Statement. A candidate must file an Appointment of Political Treasurer Statement with the appropriate office before he or she may receive contributions or make expenditures. All campaign funds must be maintained in a bank or credit union insured by the FDIC or NCUA.

Campaign Financial Disclosure Statements. Candidates must file periodic campaign financial disclosure reports detailing their campaign contributions and expenditures unless they are exempt as described below.

Exempt. A local candidate is exempt from the filing requirements if he or she is seeking an office for which the service is part-time and the compensation is less than \$1,000 per month. This exemption does not apply if the candidate spends more than \$1,000 seeking the office or if the office being sought is mayor or chief administrative officer.

When

Periodic campaign financial disclosure reports are due based on the date of the election(s). The Registry posts on its website (www.tn.gov/tref) the filing dates for state elections and many common local elections. Local candidates should contact their AOE for filing dates.

Where

State candidates file campaign financial disclosure reports electronically with the Registry. Local candidates file campaign financial disclosure reports on paper with their county election commission office.

Candidates will receive a notice from either the Registry or county election commission before a report is due.

Information Required on Campaign Financial Disclosure Statements

Short Form. A candidate receiving \$1,000 or less and spending \$1,000 or less during a reporting period may file a short form. The only financial information required on a short form is balance on hand, loan balance and obligation balance.

Long Form. A candidate who does not meet the requirements to file a short form must file a disclosure detailing their contributions, in-kind contributions, expenditures, loans and obligations (see below for details).

Contributions. Contributions are monies (including a candidate's personal funds) or things of value received for the purpose of the election of any person to public office. Non-monetary contributions such as a donation of supplies are called in-kind contributions. Anonymous contributions may not be accepted.

Contributions totaling \$100 or less from a single source during the reporting period are not required to be itemized. They may be totaled with other single source contributions totaling \$100 or less and be reported as a single item. Contributions totaling more than \$100 from a single source during a reporting period are required to be itemized. Each itemized contribution must list the contributor's full name, complete address, occupation, and employer. In addition, the amount, date of receipt, and election the contribution is designated for must be listed.

Expenditures. Expenditures are defined as any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the election of any person to public office.

Expenditures totaling \$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 (i.e. gas, food, and printing).

Expenditures totaling more than \$100 to a single payee must be itemized. Each itemized expenditure must list the payee's full name and complete address along with the amount and purpose of the expenditure.

Loans. Campaign loans must be disclosed by a candidate during the reporting period that the loan is received. 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 stating the loan will not be repaid and is to be considered a contribution to the campaign.

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 candidate during the reporting period that the obligation is incurred. The obligation must continue to be disclosed by the candidate or committee until fully paid.

Contribution Limits

There are limits on how much a person or a PAC may contribute (monetary and in-kind) to a candidate's campaign per election (primary, general and run-off are considered separate elections) and how much monies that a candidate may accept for an election from a person or PAC. The limits for 2019/2020 are as follows:

Office	Person	PAC	Total Contributions from PACs Excluding Party PACs	Total Contributions from Party PACs
Statewide	\$4,200	\$12,300	50% of contributions	\$409,700
State Senate	\$1,600	\$12,300	\$122,900	\$65,500
State Rep	\$1,600	\$8,100	\$122,900	\$32,900
Local Candidate	\$1,600	\$8,100	\$122,900	\$32,900

A candidate may not accept more than \$50 in cash contributions from a single person per election.

Prohibited Uses of Campaign Funds

A candidate for an elected public office is prohibited from using any campaign funds prior to, during or after an election for the candidate's own personal use. Personal use is defined as any use of funds that would require the candidate or official to treat the use as gross income under Section 61 of the IRS Code of 1986. T.C.A. § 2-10-114(b)(1).

There are other specific uses of campaign funds that are prohibited. They may be found on the Registry website in Question 19 of the Candidate FAQs.

Failure to File Required Reports and Violating Other Campaign Finance Statutes

The Registry has the authority to impose civil penalties of up to \$10,000 for late filing or failure to file required campaign financial disclosure reports.

The Registry also has the authority to impose civil penalty of up to \$10,000 or 115% of the amount of all contributions made or accepted in excess of the limitations of the Act, whichever is greater.