

**STATE OF TENNESSEE**

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January 3, 2002

Opinion No. 02-005

Fundraising by Multicandidate Political Campaign Committee with Legislator as Treasurer

**QUESTION**

Does Tenn. Code Ann. § 2-10-310 prohibit a multicandidate political campaign committee, which is not associated with a political party but whose treasurer is a state legislator, from soliciting or accepting contributions during the legislative session?

**OPINION**

No, so long as the committee is not a conduit within the meaning of Tenn. Code Ann. § 2-10-303(3) for contributions to a member or candidate of the General Assembly or Governor.

**ANALYSIS**

This opinion concerns the interpretation of Tenn. Code Ann. § 2-10-310. The question is whether this provision would prevent a multicandidate political campaign committee, the registered treasurer of which is a member of the General Assembly, from fundraising during the legislative session. Subsections (a) and (b) of Tenn. Code Ann. § 2-10-310 provide:

(a) From the convening of the general assembly in organizational session through the earlier of the last day of regular session or June 1 in odd years, and from the convening of the general assembly in regular session to the earlier of May 15 or the conclusion of the annual session in even years, *no member of the general assembly or a member's campaign committee shall conduct a fundraiser or solicit or accept contributions for the benefit of the caucus, any caucus member or member or candidate of the general assembly or governor.*

(b) From the convening of the general assembly in organizational session through the earlier of the last day of regular session or June 1 in odd years, and from the convening of the general assembly in regular session to the earlier of May 15 or the conclusion of the annual session in even years, *a*

*political campaign committee controlled by a political party on the national, state, or local level or by a caucus of such political party established by members of either House of the general assembly, which makes contributions to a candidate for the general assembly or governor for election or to defray the expenses of such person's office shall not conduct a fundraiser, solicit or accept contributions for the benefit of the caucus, any caucus member or candidate for the general assembly or governor.*

(Emphasis added). Under the statutory scheme, “multicandidate political campaign committee” means a political campaign committee to support or oppose two or more candidates for public office or two or more measures. Tenn. Code Ann. § 2-10-102(8). A “political campaign committee” means:

(A) A combination of two (2) or more individuals, including any political party governing body, whether state or local, making expenditures, to support or oppose any candidate for public office or measure, but does not include a voter registration program;

(B) Any corporation or any other organization making expenditures, except as provided in subdivision (3), [exceptions to the term “contribution,” including editorials and services] to support or oppose a measure; or

(C) Any committee, club, association or other group of persons which receives contributions or makes expenditures to support or oppose any candidate for public office or measure during a calendar quarter in an aggregate amount exceeding two hundred fifty dollars (\$250)[.]

Tenn. Code Ann. § 2-10-102(10). Under Tenn. Code Ann. § 2-10-105(e), a political campaign committee must certify the name and address of its political treasurer to the Registry of Election Finance or the county election commission, where appropriate, before the committee may receive a contribution or make an expenditure in a state or local election. The treasurer is required to file disclosure reports as required under the statute.

The question is whether a multicandidate political campaign committee, the treasurer of which is a member of the General Assembly, is subject to the ban on legislative fundraising under Tenn. Code Ann. § 2-10-310. Statutes dealing with the same subject or sharing a common purpose should be read and construed together. *Carver v. Citizen Utils. Co.*, 954 S.W.2d 34, 35 (Tenn. 1997). Based on subsections (a) and (b) of the statute, we do not think the ban would generally extend to such a political campaign committee. Subsection (a) applies to a legislator or that legislator's campaign committee, and bans either from conducting a fundraiser or soliciting or accepting contributions “for the benefit of the

caucus, any caucus member or member or candidate of the general assembly or governor.” Subsection (b) bans a political committee controlled by a political party or caucus from conducting a fundraiser, soliciting, or accepting contributions “for the benefit of the caucus, any caucus member or candidate for the general assembly or governor.” Reading these provisions together, we think the General Assembly intended to ban in-session fundraising by legislators or their campaign committees for their own campaigns, either for state or local office, and by a political party or caucus that makes contributions to legislative or gubernatorial campaigns. By implication, the ban does not include fundraising by other political campaign committees that are not controlled by a political party or caucus. The statute, therefore, would not generally apply to a multicandidate political campaign committee that is not controlled by a political party, whether or not its registered treasurer is a member of the General Assembly.

We note, however, that Tenn. Code Ann. § 2-10-310 prohibits a member of the General Assembly from soliciting or accepting “contributions” for the benefit of the caucus, any caucus member, or member or candidate of the General Assembly or Governor. Presumably, therefore, the statute incorporates the definition of the term “contribution” adopted in Tenn. Code Ann. § 2-10-102(3) and Tenn. Code Ann. § 2-10-303, which provides that certain indirect contributions will be treated as contributions made to the candidate for purposes of the limitations contained in Tenn. Code Ann. §§ 2-10-301, *et seq.* Tenn. Code Ann. § 2-10-303(3) provides:

All contributions made by a person, either directly or indirectly, on behalf of a particular candidate, *including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate*, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the registry of election finance and to the intended recipient.

(Emphasis added). The multicandidate political campaign committee, the treasurer of which is a legislator, may not serve as a conduit for contributions to a member or candidate of the General Assembly or Governor by soliciting or accepting these contributions during the legislative session.

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