

State of Tennessee



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REGISTRY OF ELECTION FINANCE  
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Peggy Nance Catalano

June 16, 1993

Jonathan Levin  
Federal Election Commission  
Office of the General Counsel  
999 E. Street N.W.  
Washington, DC 20463

Comment On  
AOR 1993-08

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FEDERAL ELECTION COMMISSION RECEIVED

Dear Mr. Levin:

This letter is in response to your request to the Tennessee Registry of Election Finance to review and respond as to the interpretation of Tennessee law as it relates to an advisory opinion request received by the Federal Election Commission (FEC) from Congressman John Duncan, Jr.'s attorney on behalf of the Congressman.

Congressman Duncan is considering incorporating his re-election campaign and placing his campaign funds into the corporate account. His attorney asks for an opinion from the FEC as to whether Congressman Duncan could contribute to the Republican Party from such an account. He indicates that Congressman Duncan makes contributions to the Republican Party at the national, state and local levels.

Basically, the FEC wishes a response from the Registry as to the applicability of T.C.A. § 2-19-132 of Tennessee's Election Laws to the scenario described in the opinion request filed on behalf of Congressman Duncan. T.C.A. § 2-19-132(a) prohibits a corporation from making contributions in connection with any candidate election or from contributing to the campaign fund of a political party. T.C.A. § 2-19-132(b) does exempt from this prohibition contributions made by an incorporated national committee of a political party, when the

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committee makes contributions to the executive committee of a state political party, if the monies contributed by the national committee do not consist of any corporate contributions.

As it relates to Tennessee's Election Laws, the Registry of Election Finance only has jurisdiction over the state's Campaign Financial Disclosure Law, T.C.A. § 2-10-101, et seq. Therefore, the Registry does not have the statutory authority to administer or enforce the prohibition on corporate contributions in Tennessee's Election process. In fact, T.C.A. § 2-19-133, which provides that a violation of T.C.A. § 2-19-132 may subject a representative of the involved corporation to a misdemeanor charge, makes clear that the enforcement of the corporate contribution prohibition lies in the jurisdiction of Tennessee's State Attorney General and/or District Attorney Generals.

Therefore, because of the Registry's lack of authority to administer or enforce T.C.A. § 2-19-132, this agency is not in a position to interpret this statutory provision and does not wish to attempt to do so.

Sincerely,



Peggy Nance Catalano  
Executive Director