

HOUSE BILL 1138

By Lynn

AN ACT to amend Tennessee Code Annotated, Title 2,
Chapter 10, relative to electioneering
communications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following language as a new section:

(a) Any person that makes a disbursement for an electioneering communication shall be required to electronically file a report with the registry of election finance within twenty-four (24) hours of making the disbursement. The registry of election finance shall make the report available on the registry's web site within one (1) business day after the report has been filed.

(b) The report shall disclose:

(1) The identification of any person that made the disbursement, or that executed a contract to make a disbursement and the person's principal place of business if the person is not an individual;

(2) The identification of any person sharing or exercising direction or control over the activities of the person that made the disbursement or executed the contract;

(3) The amount of each disbursement in excess of two hundred dollars (\$200), the date of the transaction, and the person that received the funds;

(4) All clearly identified candidates referred to in the electioneering communication and the elections in which they are candidates; and

(5) The name and address of each person that, within the last twelve (12) months, has donated in the aggregate one thousand dollars (\$1,000) or more to the person making the disbursements.

(c) The registry of election finance is authorized to update the registry's electronic filing system in order for reports to be created and filed pursuant to this section.

(d)

(1) As used in this section, "electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(A) Clearly identifies a candidate for a state or local public office by either specifically naming the candidate, or identifying the candidate without using the candidate's name;

(B) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty (60) days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(C) Either alone, or in combination with one (1) or more communications identifying the candidate by the same person during the sixty (60) days before an election, has a fair market value of one thousand dollars (\$1,000) or more.

(2) "Electioneering communication" does not include:

(A) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve (12) months before becoming a candidate;

(B) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so

long as two (2) or more candidates for the same position have been invited to participate in the debate or forum;

(C) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(i) Of primary interest to the general public;

(ii) In a news medium controlled by a person whose business is that news medium; and

(iii) Not a medium controlled by a candidate or a political campaign committee;

(D) Slate cards and sample ballots;

(E) Advertising for books, films, dissertations, or similar works:

(i) Written by a candidate when the candidate entered into a contract for such publications or media at least twelve (12) months before becoming a candidate; or

(ii) Written about a candidate;

(F) Public service announcements;

(G) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political campaign committee; or

(H) An expenditure by or contribution to the authorized political campaign committee of a candidate for state or local public office.

SECTION 2. This act shall take effect January 1, 2016, the public welfare requiring it.