S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
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November 20, 2000

Opinion No. 00-179

Corporate Contributions to Elections Outside of Tennessee

QUESTIONS

1. Does Tenn. Code Ann. § 2-19-132 prohibit a Tennessee corporation from contributing corporate funds to candidates seeking office outside the State of Tennessee?

2. Does Tenn. Code Ann. § 2-19-132 apply to law firms incorporated as professional corporations?

OPINIONS

1. No, Tenn. Code Ann. § 2-19-132 does not prohibit a Tennessee corporation from contributing corporate funds to candidates seeking office outside the State of Tennessee.

2. No, Tenn. Code Ann. § 2-19-132 does not apply to law firms incorporated as professional corporations under Tenn. Code Ann. §§ 48-248-101, *et seq.*

ANALYSIS

This opinion addresses two questions about the scope of Tenn. Code Ann. § 2-19-132. Under that statute:

> It is unlawful for the executive officers or other representatives of any corporation doing business within this state, to use any of the funds, moneys, or credits of the corporation for the purpose of aiding either in the election or defeat in any primary or final election, of any candidate for office, national, state, county, or municipal, or in any way contributing to the campaign fund of any political party, for any purpose whatever.

Tenn. Code Ann. § 2-19-132(a). Intentional violation of this statute is a Class C misdemeanor. Tenn. Code Ann. § 2-19-133. The first question is whether this statute prohibits a Tennessee corporation from contributing corporate funds to candidates seeking office outside the State of Tennessee. This Office has concluded in the past that this statute only precludes contributions to candidates for office within Tennessee.

Op. Tenn. Atty. Gen. 80-83 (July 25, 1980). For this reason, Tenn. Code Ann. § 2-19-132 does not prohibit a Tennessee corporation from contributing corporate funds to candidates seeking office outside the State of Tennessee.

The second question is whether Tenn. Code Ann. § 2-19-132 applies to a law firm incorporated as a professional corporation. We assume that the question refers to a law firm organized as professional limited liability company organized under Tenn. Code Ann. §§ 48-248-101, *et seq.* This Office has concluded in the past that Tenn. Code Ann. § 2-19-132 does not apply to a limited liability company created under Tenn. Code Ann. §§ 48-201-101, *et seq.* Op. Tenn. Atty. Gen. 98-053 (March 2, 1998). Since a professional limited liability company is a form of limited liability company, we think that, under the reasoning in that opinion, Tenn. Code Ann. § 2-19-132 does not apply to a professional limited liability company.

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