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Opinion No. 02-049

Multicandidate Political Campaign Committee as "Individual" under Tenn. Code Ann. § 2-10-310

QUESTION

Tenn. Code Ann. § 2-10-310(a) was recently amended by 2002 Tenn. Pub. Acts Ch. 470. Under (a)(2) of the amended statute, a legislator who is a candidate for a local public office is permitted to solicit and accept contributions for that campaign under certain specified conditions. Under subdivision (ii), "[s]olicitations and acceptance of contributions for such purposes may only be made from *individuals* residing" in the county where the member is a candidate for local public office. Does the statute still prohibit a member of the legislature from soliciting and accepting contributions from multicandidate political campaign committees for a local election during the periods specified in the statute?

OPINION

Yes.

ANALYSIS

This opinion concerns an interpretation of Tenn. Code Ann. § 2-10-310(a) as recently amended by 2002 Tenn. Pub. Acts Ch. 470. Section 1 of Chapter 470 deleted subsection (a) of the statute and substituted a new subsection, which provides in relevant part:

> (a)(1) *Except as provided in subdivisions (2) and (3)*, 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.

> (2) During such period a member of the General Assembly who is a candidate for a local public office shall be permitted to conduct fundraising events and solicit or accept contributions for such campaign for local public office *only under the following conditions:*
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> (i) Such fundraising events may be held only in the county in which such member is a candidate for local public office;
>
> (ii) Solicitations and acceptance of contributions for such purposes may *only be made from individuals residing in such county;*

(Emphasis added). The question is whether the statute still prohibits a member of the legislature from soliciting and accepting contributions from multicandidate political campaign committees for a local election during the period specified in the statute.

Exceptions to a general statute are strictly construed. *Anderson Fish & Oyster Co. v. Olds*, 197 Tenn. 604, 277 S.W.2d 344 (1955). The statute does not define the term "individual." But the definitions set forth in Tenn. Code Ann. § 2-10-102 clearly distinguish between a "multicandidate political campaign committee" and an individual. Under the statute, "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). "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;
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> (B) Any *corporation or other organization* making expenditures, except as provided in subdivision (3), 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) (emphasis added). The term "person" means "an individual, partnership, committee, association, corporation, labor organization *or* any other organization or group of persons[.]" Tenn. Code Ann. § 2-10-102(9)(A). Under Tenn. Code Ann. § 2-10-310(a)(2)(ii), therefore, the term "individuals" residing in the county where the legislator is running for office does not include a multicandidate political campaign committee. The statute still prohibits a legislator from soliciting or accepting contributions

for a campaign for local office from a multicandidate political campaign committee during the period specified in the statute.

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