

HOUSE BILL 3663

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 2,  
Chapter 10, Part 1, relative to campaign finance.

WHEREAS, the United States Supreme Court conferred personhood upon corporations in its ruling on the 2010 case Citizens United v. Federal Election Commission, effectively allowing unlimited corporate money from Political Action Committees and so-called "super PACs" to influence political campaigns; and

WHEREAS, the American people have soundly rejected this ruling, as evidenced by a January 2012 New York Times/CBS poll in which 67 percent of those polled favored limiting outside spending on political campaigns, including majorities of Democrats, Republicans and independents; and

WHEREAS, the effects of such unlimited spending are being seen in the 2012 Republican presidential primary race, in which one couple has donated \$10 million to a super PAC supporting former House Speaker Newt Gingrich, and a super PAC supporting former Massachusetts Governor Mitt Romney has spent more than \$11.1 million on contests in Iowa, New Hampshire and South Carolina; and

WHEREAS, the lines between candidates and outside spending groups are often blurred, as in the case of U.S. Senate Majority Leader Harry Reid, who in June 2011 solicited donations for a Democratic super PAC that can accept unlimited amounts of funds from donors; and

WHEREAS, the constraints of the use of PAC contributions on a state level are practically nonexistent, as detailed by a January 2012 Knoxville News Sentinel column in which the executive director of the Tennessee Bureau of Ethics and Campaign Finance was quoted as

saying that a PAC could “finance a trip to Tahiti for a meeting of members of the board,” along with various other outside payments to lawmakers and their families; and

WHEREAS, such expenditures would not be allowed under restrictions set forth for donations and expenditures related to a candidate’s individual campaign account, meaning PACs and super PACs will likely only grow in influence due to their lack of constraints; and

WHEREAS, the citizens of Tennessee have no current recourse on the federal or state level regarding limitations or disclosure of such expenditures, despite the clear will of the American people to restrict the ever-growing amounts of money inherent within our political process; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 2-10-102(4), is amended by deleting the period (.) after the language "constituent services" and substituting instead the following language:

"or for the purpose of defraying any legal expenses an officeholder or candidate incurred in connection with an election or campaign."

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

2-10-133. No multicandidate political campaign committee shall use any funds for any other purpose than a contribution or expenditure as defined by this part.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.