



State of Tennessee

PUBLIC CHAPTER NO. 38

SENATE BILL NO. 159

By Briggs, Haile, Taylor, Powers, Gardenhire, Stevens

Substituted for: House Bill No. 184

By Whitson, Curtis Johnson, Burkhart, Miller, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 55, relative to the bureau of ethics and campaign finance.

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

SECTION 1. Tennessee Code Annotated, Section 4-55-102(a), is amended by deleting the subsection and substituting instead:

(a) The board of directors of the bureau of ethics and campaign finance shall appoint a full-time executive director who serves at the pleasure of the board of directors. The assistant director and general counsel, if any, must be employed on recommendation of the executive director with the approval of the board. All other employees of the bureau are employed by the executive director. The executive director and all other employees of the bureau shall constitute the staff of the bureau and its two (2) divisions. The board of directors of the bureau may call on the office of the state coordinator of elections for such advice, documents, or services as it may require.

SECTION 2. Tennessee Code Annotated, Section 4-55-104, is amended by designating the existing language as subsection (a) and adding the following new subsections:

(b) Uncollected civil penalties assessed by either the registry of election finance or the ethics commission shall be marked as "unable to be collected" and removed from the appropriate register of unpaid civil penalties, as provided by § 2-10-110(c) and § 3-6-206, upon a determination either by the office of the attorney general and reporter, by the executive director upon recommendation of a vendor retained for purposes of collecting such outstanding civil penalties, or by either the registry of election finance or the Tennessee ethics commission, as appropriate, that the uncollected civil penalties cannot reasonably be collected.

(c) If a civil penalty assessed against an individual or political campaign committee is marked as "unable to be collected" and removed from the appropriate register of unpaid civil penalties, an individual against whom such civil penalties were assessed remains ineligible to qualify for election as provided by § 2-10-110(c)(2), § 2-10-110(f)(2) and (3), and § 3-6-206(b), as applicable, and a political campaign committee against whom such civil penalties were assessed remains subject to the limitations of § 2-10-110(f)(2) until the outstanding civil penalty is paid.

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 55, is amended by adding the following new section:

(a) Notwithstanding a law to the contrary, both the registry of election finance and the Tennessee ethics commission may require all individuals and organizations required to file a report or statement with the registry or commission to provide a valid email address, wherever available, that may be relied upon and used as the preferred method of providing notice pursuant to all provisions of law within the jurisdiction of the registry or commission, as applicable, in accordance with § 4-55-105.

(b) Notwithstanding a law to the contrary, when an email address is not available, both the registry and the commission may utilize first-class mail to provide notice pursuant to

all provisions of law within the jurisdiction of the registry or commission, as applicable, in accordance with § 4-55-105.

(c) Notice is deemed to have been appropriately delivered and received, absent evidence to the contrary, on the fifth calendar day following the date of electronic delivery or the date of the postmark if delivered by mail, as applicable.

(d) Each filer shall ensure that the filer's designated email address, where available, and mailing address is updated and correct whenever a change to such occurs.

(e) The registry and commission shall advise persons and organizations registering with the registry or commission, on the forms provided to such registrants or by letter to existing registrants as of December 31, 2023, that the person or organization will be provided notice by email, or first-class mail if email is unavailable, at the email and mail addresses provided by the registrant. This information must be stated in bold and all caps on the registration forms and the letter developed by the registry or ethics commission and must also be published on the website of the registry and commission, respectively.

SECTION 4. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, Section 3 of this act takes effect upon becoming a law, the public welfare requiring it. This act takes effect on January 1, 2024, for all other purposes, the public welfare requiring it.

SENATE BILL NO. 159

PASSED: February 27, 2023



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of March 2023



BILL LEE, GOVERNOR