

Highlights of T. C. A. § 2-19-120
Commonly Referred to as the “Disclaimer Law”

- A. What does the Disclaimer Law require?
1. T.C.A. § 2-19-120 requires that a “disclaimer,” i.e., a statement, which identifies who paid for a communication and whether the communication is authorized by the candidate, appear and be presented in a clear and conspicuous manner within a communication expressly advocating the election or defeat of a clearly identified candidate, or soliciting contributions.
 2. The disclaimer does not have to appear on the front face of the communication, unless the communication only contains a front face, for example, billboards.
 3. The specifics of the information required in the disclaimer can be found at T.C.A. § 2-19-120(a)(1), (2), (3) and (4).
- B. To whom does it apply? Candidates
1. Definition of Candidate – T. C. A. § 2-10-102(3) provides that "Candidate" means an individual who has made a formal announcement of candidacy or who is qualified under the law of this state to seek nomination for election or elections to public office, or has received contributions or made expenditures except for incidental expenditures to determine if one shall be a candidate, or has given consent for a campaign committee to receive contributions or make expenditures with a view to bringing about the individual's nomination for election or election to state public office.
- C. When does the statute apply? Whenever any person:
1. Makes an expenditure to finance a communication which expressly advocates the election or defeat of a clearly identified candidate, or
 2. Solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing or any other form of general public political advertising.
 3. Exceptions:
 - a. The requirements of this section do not apply to bumper stickers, pins, buttons, pens, novelties, and similar small items upon which the disclaimer cannot be conveniently printed.
 - b. The requirements of this section do not apply to communications regarding questions on the ballot.
- D. What is the penalty for its violation? Class C misdemeanor
- E. Who enforces the statute? The District Attorney General