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Conflict of Interest Disclosure Statements

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Reference Number: CTAS-881

Each candidate for public office is required to file a disclosure statement regarding possible conflicts of interest. Items to be listed in this report include the following:

1. The major source or sources of private income of more than one thousand dollars (\$1,000), including, but not limited to, offices, directorships, and salaried employments of the person making disclosure, the spouse, or minor children residing with such person, but no dollar amounts need be stated. However, the disclosure of any client list or customer list is not required;
2. Any investment which the person making disclosure, that person's spouse, or minor children residing with that person has in any corporation or other business organization in excess of ten thousand dollars (\$10,000) or five percent (5%) of the total capital; however, it shall not be necessary to state specific dollar amounts or percentages of such investments;
3. Any person, firm, or organization for whom compensated lobbying is done by any associate of the person making disclosure, that person's spouse, or minor children residing with the person making disclosure, or any firm in which the person making disclosure or they hold any interest, complete to include the terms of any such employment and the measure or measures to be supported or opposed;
4. In general terms by areas of the client's interest, the entities to which professional services, such as those of an attorney, accountant, or architect, are furnished by the person making disclosure or that person's spouse;
5. By any member of the general assembly, the amount and source, by name, or any: (A) Contributions from private sources for use in defraying the expenses necessarily related to the adequate performance of that member's legislative duties; (B) Travel expenses, including any expenses incidental to such travel, paid on behalf of the member by a person with an interest in a public policy of this state if the travel was for the purpose of informing or advising the member with respect to the public policy. Travel expenses do not include expenses for travel, if such expenses are paid for or reimbursed by a governmental entity or an established and recognized organization of elected or appointed state government officials, staff of state government officials, or both officials and staff, or any other established and recognized organization that is an umbrella organization for such officials, staff, or both officials and staff;
6. Any retainer fee which the person making the disclosure receives from any person, firm, or organization who is in the practice of promoting or opposing, influencing or attempting to influence, directly or indirectly, the passage or defeat of any legislation before the general assembly, the legislative committees, or the members to such entities;
7. Any adjudication of bankruptcy or discharge received in any United States district court within five (5) years of the date of the disclosure;
8. Any loan or combination of loans of more than one thousand dollars (\$1,000) from the same source made in the previous calendar year to the person making disclosure or to the spouse or minor children unless: (A) The loan is from an immediate family member (spouse, parent, sibling or child); (B) The loan is from a financial institution whose deposits are insured by an entity of the federal government, or such loan is made in accordance with existing law and is made in the ordinary course of business. A loan is made in the ordinary course of business if the lender is in the business of making loans, and the loan bears the usual and customary interest rate of the lender for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule; (C) The loan is secured by a recorded security interest in collateral, bears the usual and customary interest rate of the lender for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule; (D) The loan is from a partnership in which the legislator has at least ten percent (10%) partnership interest; or (E) The loan is from a corporation in which more than fifty percent (50%) of the outstanding voting shares are owned by the person making disclosure or by a member of such person's immediate family; and

9. Such additional information as the person making disclosure might desire. T.C.A. § 8-50-502.

Prior to October 1, 2006, candidates in local elections filed their conflict of interest statement with the county election commission in the county of the candidate's residence, while state election candidates filed with the Registry of Election Finance. However, all such statements are now to be filed with the newly formed State Ethics Commission. T.C.A. § 8-50-501. Statements must be filed within 30 days after the qualifying deadline for the desired office. The disclosure must be written on the form prescribed by the Tennessee ethics commission and must be signed by one attesting witness. The statement becomes a public record after it is filed. T.C.A. § 8-50-501. As with improper financial disclosure, failure to report possible conflicts of interest can result in civil penalties. T.C.A. §§ 8-50-505, 2-10-110. Candidates running for reelection to the same office or position they currently hold are not required to file a conflict of interest statement as long as they are in compliance with T.C.A. §§ 8-50-503 and 8-50-504 (filing of amended disclosure statements).

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