



From: Stephanie O'Hara, MTAS Legal Consultant
Date: October 4, 2022
Re: Use of official municipal seal in election campaign

You asked whether a candidate for municipal office may use the municipality's official corporate seal in the candidate's election campaign. The answer is "no" without authorization. The use of a municipal corporate seal is prohibited under statute unless specifically authorized. Tennessee Code Annotated § 6-54-137(a) provides that a municipality has "the exclusive right to use":

- (1) The full corporate name of the municipality as stated in the municipality's charter or as otherwise officially adopted by the municipality; and
- (2) **Any seal**, insignia, flag, coat of arms, emblem, sign, logo or other visual image that has been formally adopted by the municipality.

Tennessee Code Annotated § 6-54-137(d) allows the mayor to "authorize, in writing, contributors, suppliers of goods and services, or other third parties to use the name of the municipality as described in subdivision (a)(1) or a visual image as described in subdivision (a)(2)." Tennessee Code Annotated § 6-54-137(f) authorizes elected officials to use the name or visual image in "performance of such official's duties," but an initial campaign or a re-election campaign would not be an official duty. None of these subsections authorize a candidate to use the municipal seal without mayoral authorization.

If the use of the seal is "for the purpose of trade or commerce, to induce the sale of any goods or services, or to promote any public exhibition, performance, competition or similar activity" or "tend[s] to cause confusion or mistake, to deceive, or to falsely suggest a connection with or endorsement by the municipality," Tennessee Code Annotated § 6-54-137(b) authorizes the municipality to file a civil action seeking an injunction.

I have attached the full statute for review. Please let me know if you have any questions. As always, I suggest that the city attorney's review and advice be sought on this issue prior to the city proceeding.