

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance for the State of Tennessee met Tuesday, October 8, 1996, at 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending were: Gail Vaughn Ashworth, Howard Bond, George Harding, Alan Hubbard, and Herman Reviere.

The minutes of the September 10th meeting were approved on motion by Harding, seconded by Reviere.

Board member Jamye Williams will be honored at the YWCA Academy for Women of Achievement Awards Banquet on October 22. On motion by Reviere, seconded by Harding the board voted for the Registry to pay for three members of the staff to attend the banquet.

Request for Waiver of County Penalty Assessment:

Fountain City Republican Club, for failure to timely file a quarterly campaign financial disclosure report with the Knox County Election Commission. Assessed a \$150 class one (1) civil penalty by Knox County. The committee submitted a sworn statement for the board's consideration of its request for a waiver of the assessment. Motion by Harding, not to grant waiver, failed for lack of a second. Motion by Hubbard, seconded by Bond, the board voted unanimously by roll call vote to assess a \$50 class one (1) civil penalty.

Reconsideration Hearing:

96-30 - **Gary Gordon**, for the failure to file a statement of interests. Assessed a class two (2) civil penalty of \$1,000. Mr. Gordon personally appeared before the board and stated that after he qualified as a candidate for state representative in the 15th district, he was hired for a consulting position in the State of Mississippi. He was required to spend the majority of his time out-of-state and, therefore, did not have time to run for office. He did not receive any contributions or expend any monies on his campaign. Mr. Gordon stated that he just failed to file the statement of interests. He timely filed his pre-primary and post-primary financial campaign disclosure reports.

On motion by Harding, seconded by Hubbard, the board voted unanimously to reconsider this case. On motion by Harding, seconded by Hubbard, to assess a \$5.00 civil penalty; after discussion the motion was withdrawn. On motion by Reviere, seconded by Hubbard, the board voted unanimously by roll call vote to assess a \$25 class two (2) civil penalty.

Show Cause Hearings:

96-39 - **Bill Nolan**, for failure to timely file a 1996 mid-year lobbying activities report. Maximum civil penalty \$525. Mr. Nolan submitted a sworn statement for the board's consideration and also attended the board meeting. Mr. Nolan stated that he mailed the report on August 15 (the postmark on the envelope is August 15), but the letter did not reach the Registry office until sixteen days later. Motion by Reviere, seconded by Bond, the board voted unanimously by roll call vote to assess a \$125 civil penalty.

96-41 - **Donald Yahola**, for failure to timely file a 1996 pre-primary campaign financial disclosure report. Mr. Yahola submitted a statement for the board's consideration. Mr. Yahola has filed his report and reported that he did not receive any contributions or expend any monies for his campaign. Motion by Harding, seconded by Reviere, the board unanimously by roll call vote to take no action.

96-38 - **Sam Thomas Burnett**, for failure to timely file a 1996 mid-year lobbying activities report. Maximum civil penalty \$50. Mr. Burnett submitted a sworn statement for the board's consideration. Motion by Harding, seconded by Hubbard the board unanimously by roll call vote to take no action.

96-34 - **Brotherhood of Locomotive Engineers Legislative League**, for failure to timely file a 1996 second quarter campaign financial disclosure report. Class two (2) , maximum penalty \$10,000. The committee did not respond to the board's show cause notice, nor has the report been filed. Motion by Reviere, seconded by Harding, the board voted unanimously by roll call vote to assess a \$250 class two (2) civil penalty.

96-32 - **Cocke County Democratic Party**, for failure to file a 1996 second quarter campaign financial disclosure report. Class two (2), maximum penalty \$10,000. The committee did not respond to the board's show cause notice, nor has the report been filed. Motion by Harding, seconded by Hubbard, to send notice to the PAC that the Registry is closing the PAC unless notified otherwise by the committee. Motion amended by Reviere, seconded by Hubbard, the board voted by a 4 to 1 roll call vote to assess a \$250 class two (2) civil penalty and close the PAC, with Harding voting "no".

96-35 - **Republican National State Elections Committee**, for failure to file a 1996 second quarter campaign financial disclosure report. Class two (2), maximum penalty \$10,000. The committee did not respond to the board's show cause notice, and the report has not been filed. Motion by Harding, to assess a \$10,000 penalty. Motion amended by Hubbard, seconded by Bond, the board voted by a 4 to 1 roll call vote to assess a \$250 class two (2) civil penalty, with Harding voting "no".

96-33 - **Shelby Progressive Community**, for failure to timely file a 1996 second quarter campaign financial disclosure report. Class two (2), maximum penalty \$10,000. The committee did not respond to the board's show cause notice, and the report has not been filed. Motion by Reviere, seconded by Hubbard, the board voted unanimously by roll call vote to assess a \$250 civil penalty.

96-31 - **Tennessee Conservative Union Victory Fund**, for failure to timely file a 1996 second quarter campaign financial disclosure report. Class two (2), maximum penalty \$10,000. The committee submitted a letter stating that the PAC was closed on June 24, 1996, but a report covering the period April 1 - June 24 has not been filed. Motion by Reviere, seconded by Harding, the board voted unanimously by roll call vote to assess a \$10,000 civil penalty.

96-36 - **Patrick Carter**, for failure to file a pre-primary campaign financial disclosure report as a candidate for state representative, district 85, in the August 1 Primary. Class two (2), maximum civil penalty, \$10,000. Mr. Carter did not respond to the show cause hearing notice. Motion by Reviere, seconded by Hubbard, the board voted unanimously by roll call vote to assess a \$250 class two (2) civil penalty.

96-42 - **Regina Drake**, for failure to file a pre-primary campaign financial disclosure report as a candidate for state representative, district 86, in the August 1 Primary. Ms. Drake did not respond to the show cause hearing notice, and her report has not been filed. Class two (2), maximum civil penalty \$10,000. Motion by Reviere, seconded by Harding, the board voted unanimously by roll call vote to assess a \$250 class two (2) civil penalty.

96-37 - **LaShundra Holmes**, for failure to timely file a pre-primary campaign financial disclosure report as an independent candidate for state representative, district 91, in the November 5, General Election. Class one (1), maximum civil penalty \$175. Ms. Holmes did not respond to the show cause hearing notice. Motion by Reviere, to assess a \$50 civil penalty, failed, no second. Motion by Harding, seconded by Bond, the board voted unanimously by roll call to take no action.

96-40 - **Clifford Lewis**, for failure to timely file a pre-primary campaign disclosure report as a candidate for state representative, district 86, in the August 1 Primary. Class one (1), maximum civil penalty \$225. Mr. Lewis did not respond to the show cause hearing notice. The campaign financial disclosure report has been filed. Motion by Harding, to assess no penalty, withdrawn. Motion by Hubbard, seconded by Bond, the board voted unanimously by roll call vote to assess a \$50 class one (1) civil penalty.

96-43 - **Gregory Stokes**, for failure to file a pre-primary campaign disclosure report as a candidate for state representative, district 86, in the August 1 Primary. Class two (2), maximum civil penalty \$10,000. Mr. Stokes did not respond to the show cause hearing notice, and his report has not been filed. Motion by Reviere, seconded by Hubbard, the board voted unanimously by roll call vote to assess a \$250 class two (2) civil penalty.

96-44 - **Brian Clay**, for failure to file a statement of interests report as a candidate for state representative, district 88, in the August 1 Primary. Class two (2), maximum civil penalty \$10,000. Mr. Clay did not respond to the show cause hearing notice, and the report has not been filed. Motion by Hubbard, seconded Reviere, the board voted unanimously by roll call vote to assess a \$250 class (2) civil penalty.

Issuance of Show Cause Notices:

Michael Tharps, for failure to timely file a pre-primary campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. The campaign financial disclosure report was timely filed with the Shelby County Election Commission, but was not filed timely with the Registry. Motion by Hubbard, seconded by Bond, the board voted not to issue a show cause notice.

Nathan Brooks, for failure to file a pre-general campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. Motion by Harding, seconded by Hubbard, the board voted to issue a show cause notice.

Rep. John DeBerry, for failure to timely file a corrected a pre-primary campaign financial disclosure report. Class one (1), maximum civil penalty \$150. Motion by Hubbard, seconded by Harding, the board voted not to issue a show cause notice.

Michael Stewart, for failure to timely file a post-primary campaign financial disclosure report. Class one (1), maximum civil penalty \$50. Motion by Hubbard, seconded by Harding, the board voted not to issue a show cause notice.

Mimi Phillips, for failure to timely file a pre-election campaign financial disclosure report. Case was forwarded to the Registry by the Shelby County Election Commission. Class two (2), maximum civil penalty \$10,000. Motion by Reviere, seconded by Harding, the board voted to issue a show cause notice.

Jesse Neely, for failure to file a pre-election campaign financial disclosure report. Case was forwarded to the Registry by the Shelby County Election Commission. Class two (2), maximum civil penalty \$10,000. Motion by Harding, seconded by Hubbard, the board voted to issue a show cause notice.

Sonnye Dixon, for accepting a contribution in excess of the contribution dollar limitations. Maximum penalty \$10,000 or 115% of all excess contributions accepted. Motion by Harding, seconded by Reviere, the board voted to issue a show cause notice.

Clarence Dodds, for accepting a contribution in excess of the contribution dollar limitations. Maximum penalty \$10,000 or 115% of all excess contributions accepted. Motion by Reviere, seconded by Bond, the board voted to issue a show cause notice.

Budget Report:

Drew Rawlins presented the budget statistics for the month of August, and reported that the budget is on schedule as far as expenses are concerned for the 1996-97 fiscal year. Motion by Harding, seconded by Hubbard, the board voted to accept the August budget as presented.

Motion by Reviere, seconded by Hubbard, the board voted for the office to obtain a post office box downstairs in the Parkway Towers Building.

The board discussed the necessity of making candidate financial information available to the public on computer disk and if so, how much to charge. After a discussion by the board, the floor was opened for comments from the audience, which included members of the press and a representative of Common Cause. Motion by Reviere, seconded by Hubbard, the board voted unanimously to make the information available on computer disk at the cost of \$10.00 (disk and labor) plus a fee of \$1.00 per candidate, in order to cover the notification expense to each candidate as required by statute.

The board recommended that the staff make a request to Finance & Administration to have money paid for computer disks containing candidate information added to our budget. An amendment will be filed to request the addition of \$5,000 to our 1996-97 budget for that purpose and to also add that amount to our 1997-98 budget.

The Campaign Contribution Limits Rules have been signed by the Attorney General. The rules will be sent to the Secretary of State to be published in the Tennessee Administrative Register to give affected parties an opportunity to request a public hearing on those rules.

The Lobbying Rules have been signed by the Attorney General. The rules will be sent to the Secretary of State to be published in the Tennessee Administrative Register and will become effective in 75 days. Before the rules become effective, they will be reviewed by the Government Operations Committees of both houses.

Executive Director's Report:

The following report was presented to the board concerning the filing of 1996 post-primary campaign disclosure reports by candidates:

Number of candidates required to file post-primary reports	297
Late notice letters mailed	45
Number of reports not filed as of 10/8/96	27
Number of reports returned for corrections	49

The COGEL conference will be held December 8-11 in Philadelphia, and two members of the staff plus one board member will be attending. Therefore, the board meeting for December will be the third Tuesday, December 17, and will begin at 9:00 a.m.

The next Registry meeting will be held November 12, 1996, beginning at 10:30 a.m. The meeting was adjourned.