

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance, for the State of Tennessee, met Tuesday, September 15, 1999, at 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending were the following board members: Samella Junior-Spence (Chairperson), Karen Dunavant, George Harding, Alan Hubbard, Libby Tarpay and Michael McCroskey.

The minutes of the July 13, 1999 meeting were approved on motion by Harding seconded by Hubbard.

Request for reconsideration:

In the Matter of Republican National State Elections Committee, Case No. 99-40 Assistant Director Rawlins explained to the board that a request for reconsideration was submitted to the Registry, however, a sworn statement has never been filed.

On motion by Harding, seconded by Dunavant, the board voted unanimously to deny the reconsideration and leave the previous penalty of \$5000 standing.

Cases Subject to approval for civil penalty order:

99-41 - Harrell Cater for his failure a post general report. Class two (2) civil penalty, maximum civil penalty \$10,000.

A motion made by Harding, seconded by Dunavant, to assess Mr. Carter a \$500 civil penalty was amended by McCroskey, seconded by Tarpay to assess a \$2500 civil penalty. The amended motion failed by a vote of 3 to 3 with Dunavant, McCroskey, and Tarpay voting in favor, and Harding, Hubbard, and Junior-Spence voting against amendment. The original motion of \$500 was then passed unanimously by the board.

Show cause hearings:

American General Finance, Inc., PAC, for their failure to file a second quarter report. Class (2) civil penalty, Maximum \$10,000 civil penalty.

On motion by Harding, seconded by Dunavant, the board voted unanimously to issue a show cause in this matter.

Campaign for a New American Century, for their failure to file a corrected 4th quarter report. Class (2) civil penalty, Maximum \$10,000 civil penalty.

On motion by McCroskey, seconded by Hubbard, the board voted unanimously to issue a show cause in this matter.

Campaign for a New American Century, for their
Request for reconsideration:

99-14 – Wade Farmer, for failure to file a 1998 pre-general campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000.

The board voted to assess a \$5000 civil penalty against Mr. Farmer at its March 1999 meeting. Mr. Farmer sent a letter to the Registry asking for a reconsideration of this matter, however he has failed to file a sworn statement or appear before the board.

On motion by Dunavant, seconded by Duckett, the board voted unanimously to let the original civil penalty assessment stand.

99-27 - Wade Farmer, for failure to file a 1998 post-general campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000.

The board voted to assess a \$1000 civil penalty against Mr. Farmer at its May 1999 meeting. Mr. Farmer sent a letter to the Registry asking for a reconsideration of this matter, however he has failed to file a sworn statement or appear before the board.

On motion by Dunavant, seconded by Duckett, the board voted unanimously to let the original civil penalty assessment stand.

Approval of civil penalty orders:

99-34 – Rep. Joe Towns, Jr., for failure to timely file a 1998 post-general campaign disclosure report. Class two (2), maximum penalty \$10,000.

Rep. Towns' case was continued from the June meeting. In response to a June 9 letter from Director Williams, Rep. Towns filed a corrected post-general report and a sworn statement with the Registry. The sworn statement explained that Rep. Towns had trouble obtaining his bank records.

McCroskey made a motion to assess \$1,000 in civil penalties, seconded by Hubbard. Harding then amended McCroskey's motion to assess Rep. Towns \$100, seconded by Duckett. Harding's amendment failed by a vote of 2 to 4 with Dunavant, Hubbard, McCroskey and Tarpy voting "no" and Junior-Spence abstaining. The original motion assessing a \$1,000 civil penalty passed with a vote of 5 to 2, with Duckett and Harding voting "no".

99-35 – Rep. Joe Towns, Jr., for failure to file a corrected statement of interests. Class (2), maximum penalty \$10,000.

Rep. Towns' case was continued from the June 1999 meeting. Director Williams sent him a letter advising him what he needed to do to correct his statement of interests. In response to the Executive Director's letter, Rep. Towns filed his corrected statement of interests.

Harding's motion to take no action failed for lack of a second. McCroskey made a motion to assess \$25 in civil penalties, seconded by Hubbard. McCroskey's motion to assess \$25 in civil penalties passed with a vote of 5 members for and Duckett and Harding abstaining.

99-36 – Dickson County Young Democrats, for failure to timely file a first quarter campaign financial disclosure report. Class one (1), maximum civil penalty \$525.

The Dickson County Young Democrats filed a sworn statement with the Registry explaining that the Treasurer was unable to pick up his mail during the last few weeks of session. Additionally, it was also stated that the Dickson County Young Democrats were closing their PAC.

On motion by Hubbard, seconded by Duckett, the board voted unanimously to take no further action.

99-38 - Marshall County Republican Party, for failure to timely file a first quarter campaign financial disclosure report. Class one (1), maximum civil penalty \$275.

McCroskey made a motion to assess \$275 in civil penalties, seconded by Tarpy. McCroskey's motion was amended by Hubbard, seconded by Harding, and passed unanimously to assess \$50 in civil penalties.

99-40 - Republican National State Elections Committee, for failure to file a new appointment of treasurer for a political action committee. Class two (2), maximum civil penalty \$10,000.

A motion by Harding to assess civil penalties of \$10,000 died for lack of a second. McCroskey made a motion to assess \$1500 in civil penalties, seconded by Tarpy. On motion by Duckett, to amend McCroskey's motion, to assess \$5,000, seconded by Harding, the board voted unanimously to assess \$5000 in civil penalties.

99-39 - Sullivan County Democratic Women, for failure to file a first quarter Campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000.

McCroskey made a motion to assess \$25 civil penalty, seconded by Tarpy. Harding made a motion, to amend McCroskey's motion, to take no action, seconded by Duckett. The amendment failed by a vote of 2 to 4, with Dunavant, Hubbard, McCroskey and Tarpy voting "no". McCroskey's original motion to assess \$25 passed by a vote of 4 to 2 with Duckett and Harding voting "no".

99-37 - Tennesseans for Good Government, for failure to timely file a first quarter campaign financial disclosure report. Class one (1), maximum civil penalty of \$400.

On motion by McCroskey, seconded by Tarpay the board voted unanimously to assess a \$400 civil penalty.

Issuance of show cause notices:

Harrell C. Carter, for failure to file a post general report. Mr. Carter was a candidate for state senate out of Jackson, Tennessee. Class (2), maximum civil penalty \$10,000.

On motion by Harding, seconded by Tarpay, the board voted unanimously to issue a show cause in this matter.

Anderson County Republican Party, for failure to timely file a first quarter campaign financial disclosure report.

On motion by McCroskey, seconded by Tarpay, the board voted unanimously to take no further action.

Budget report:

Assistant Director Rawlins presented a budget report for the month of June 1999. Rawlins also provided the members a list of individuals and organizations who paid civil penalties during June.

Assistant Director Rawlins additionally provided the board with a list sent over by the Attorney General's office, of cases they wish to close due to various circumstances. On motion by Hubbard, seconded by Tarpay, the board voted unanimously to put this matter on the agenda for the Registry's next regularly scheduled meeting.

Executive Director's report:

No issues were presented to the board under this item.

Other Business:

Junior-Spence requested a special working meeting on protocol and procedures of the Registry, in particular as to how the Registry assesses civil penalties. She asked that this matter be taken up under "Other Business" on the agenda.

Due to the fact that several board members will not be able to attend the August meeting and minimal activity in regards to cases, on motion by Harding, seconded by Tarp, the board voted unanimously not to meet in August. The next meeting was set for September 14, 1999.