

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance for the State of Tennessee met Monday, February 9, 1998, at 1614 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Attending were: Alan Hubbard, Karen Dunavant, George Harding and Samella Junior-Spence.

The minutes of the January 12, 1998 meeting were approved on motion by Harding and seconded by Junior-Spence.

Reconsiderations:

97-45 Century Telephone Enterprises PAC, for failure to file 1997 third quarter campaign financial disclosure report. Class two (2), maximum civil penalty \$10,000. On motion by Harding, seconded by Junior-Spence, the board voted to delay reconsider of this case until a properly signed and notarized sworn statement is submitted by Century Telephone Enterprises, PAC.

Issuance of Show Cause Notices:

ITASE Local 46 PAC, for failure to timely file 4th quarter campaign financial disclosure report. Class one (1) maximum civil penalty \$100. On motion by Harding, seconded by Junior-Spence, the board voted to take no action.

Madison Co. Democratic Executive Committee, for failure to timely file 4th quarter campaign financial disclosure report. Class one (1) maximum civil penalty \$100. On motion by Harding, seconded by Junior-Spence, the board voted to take no action.

Rutherford County Victory 98, for failure to timely file 4th quarter campaign financial disclosure report. Class one (1) maximum civil penalty \$100. On motion by Harding, seconded by Junior-Spence, the board voted to take no action.

D.R.I.V.E., for failure to timely file 4th quarter campaign financial disclosure report. Class one (1) maximum civil penalty \$100. On motion by Junior-Spence, seconded by Harding, the board voted to take no action.

TN Wine and Spirits Retailers Good Government Fund, for failure to timely file 4th quarter campaign financial disclosure report. Class one (1) maximum civil penalty \$100. On motion by Dunavant, seconded by Junior-Spence, the board voted to take no action.

Tennesseans for Good Government, for failure to timely file 4th quarter campaign financial disclosure report. Class one (1) maximum civil penalty \$100. On motion by Harding, seconded by Junior-Spence, the board voted to issue a show cause notice.

Bretran Thompson, for failure to file 1997 supplemental annual campaign disclosure report. Class two (2) maximum civil penalty \$10,000.00. On motion by Harding, seconded by Junior Spence, the board voted to issue a show cause notice.

Consideration of Sworn Complaints:

Director Williams had forwarded to the board members a copy of the Tennessee Republican Party's January 26 response to the sworn complaint filed against it by the Tennessee Democratic Party. Williams recommended to the Registry that it delay any further action in this matter, pending issuance of an Attorney General's opinion addressing the questions presented in the complaint. On motion by Harding, seconded by Junior-Spence, the board voted to defer action until the opinion that has been requested is obtained.

The board requested that the director communicate to both parties as to the reason why additional action by the Registry is being delayed at this time.

Budget Report:

Drew Rawlins, Financial Disclosure Auditor, presented the budget statistics through December 31, 1997. On motion by Harding, seconded by Junior-Spence, the board voted to approve the budget as presented.

A January listing of penalty payments received by the Registry was distributed to the board members. Director Williams informed the board that the Attorney General's office has been doing a better job of collecting penalties than in the past.

Executive Director's Report:

Director Williams distributed copies of Attorney General Opinion No. 98-016. In that opinion, General Walkup has determined that T.C.A. §2-10-302(c), which places a limit on the amount of monies that a candidate may personally contribute to his/her own campaign, is unconstitutional. On motion by Harding, seconded by Junior-Spence, the board voted not to enforce T.C.A. §2-10-302(c) based upon the Attorney General's opinion.

The board directed Williams to notify Leo Bearman, Jr., a Memphis attorney who had inquired by letter as to the board's intention to enforce T.C.A. §2-10-302(c), of the board's decision. Additionally, she was instructed to notify all the local county election commissions of the board's position, as well as any other interested persons.

Director Williams disseminated copies of an opinion request that she submitted to the Attorney General on January 27. This request relates to when an officeholder must file a new appointment of treasurer statement after an election year is completed and to which election/election year contributions may be attributed under several scenarios. Williams reported to the board members that the questions posed in the request have been raised by disclosures in supplemental annual reports presently being filed by candidates with the Registry.

Director Williams informed the board that a final order of summary judgment has been issued in Davidson County Chancery Court against the Tennessee Conservative Union Campaign Committee, Tennessee Conservative Union Victory Fund, Tennessee Conservative Union Campaign Fund, Lloyd C. Daugherty, and John M. Davies. The Attorney General office will inform the Registry of what future actions they will take on behalf of the Registry when the order becomes final on February 12.

Other Business:

Williams reported to the members that it has been discovered that a \$250 assessment order that the board had voted to issue on December 12, 1994 to Debra Harris Dugard for failing to file a 1994 supplemental annual campaign finance report has never been issued or cannot be located. On motion by Harding, seconded by Junior-Spence, the board instructed staff to take the necessary steps to complete this case.

The final draft of the Annual Report without the statistical information was distributed to the board members. Director Williams noted that the statistics are still unavailable at this time, because 1997 disclosure reports are still being filed. The board voted to sign off on the report and instructed staff to add the statistics when available. Upon completion of the report, it will be provided to the Governor and the two speakers.

Phil Scoggins with Common Cause announced to the board that Common Cause has asked Senator Doug Henry to request an Attorney General's opinion on requiring personal information and identification from anyone inspecting a candidate's file. He noted that there are three bills now in the legislature relating to this issue and the placing of candidate information on the Internet.

The next regularly scheduled board meeting will be Monday, March 9, 1998 at 10:30 a.m.