



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Tennessee Democratic Party and Carol V.) MUR 7877
Abney in her official capacity as treasurer)
)
)

STATEMENT OF REASONS OF COMMISSIONER ELLEN L. WEINTRAUB

In this matter, the Tennessee Democratic Party, a state committee of the Democratic Party, violated the Federal Election Campaign Act of 1971 (the “Act”), as amended, and Commission regulations by misreporting over three million dollars in activity. Specifically, the Committee failed to report total receipts and disbursements, itemize receipts received from joint fundraising transfers, and maintain monthly payroll logs.¹ I have written multiple statements about my concerns about the 2016 joint fundraising committees.² Unfortunately, a number of the state party committees involved made significant reporting errors.³

I did not approve the conciliation agreement in this case because these extensive violations merited a higher penalty. The negotiated agreement requires the Tennessee Democratic Party to pay a civil penalty of \$103,000 for the \$3,677,981 in misreported activity.⁴ Civil penalties are based on the type of and amount in violation.⁵ Even taking into account the compliance measures undertaken by the committee and the educational requirement agreed to by the Committee, the penalty in this matter deviates from and is below what the Commission would normally seek or accept.

For these reasons, I did not support the proposed pre-probable cause conciliation agreement with an inappropriately low penalty.⁶ Fair, proportionate, and consistent penalties are a hallmark of a credible enforcement program that supports the Commission’s commitment to public disclosure.

¹ See generally TDP Agreement ¶ IV.

² Statement of Reasons of Comm’r Ellen L. Weintraub, MURs 7556 & 7601 (Kansas Democratic Party), [Statement of Reasons, MUR 7556 \(fec.gov\)](#); MURs 7304 & 7331 (Hillary Victory Fund, *et. al.*), MUR 7339 (Trump Victory, *et. al.*), https://eqs.fec.gov/eqsdocsMUR/7304_1.pdf.

³ See, e.g., Settlement Agreement in ADR 912 (North Dakota Republican Party), dated July 1, 2020; Settlement Agreement in ADR 913 (Mississippi Democratic Party), dated Sept. 6, 2019.

⁴ TDP Agreement ¶ IV, VI. There is \$1,277,400 in activity that violated two separate provisions of the law that is only counted once in this final amount in violation. Additionally, I supported a reason to believe finding that TDP failed to report \$166,450 in excessive contributions. That finding did not ultimately garner four votes. See Certification in MUR 7877, dated February 10, 2021.

⁵ See 52 U.S.C. § 30109(a)(5)-(6).

⁶ See Certification in MUR 7877, dated July 27, 2021. Chair Broussard, Vice Chair Dickerson, and Commissioners Cooksey and Trainor approved the pre-probable cause conciliation agreement. Commissioner Walther and I dissented.

MUR 7877 (Tennessee Democratic Party)
Statement of Commissioner Ellen L. Weintraub

Inconsistent and inappropriately low penalties such as the one in this matter amount to little more than the cost of doing business.

August 27, 2021
Date


Ellen L. Weintraub
Ellen L. Weintraub
Commissioner