



# Registry of Election Finance Sworn Complaint

A registered voter of Tennessee may file a sworn complaint alleging that a statement filed regarding an election for which that voter was qualified to vote does not conform to law or to the truth or that a person has failed to file a statement required by law (T.C.A. §2-10-108 (a)).

This form should be completed in its entirety, signed and notarized and then mailed to: Registry of Election Finance, 404 James Robertson Parkway, Suite 104, Nashville, TN 37243.

Please note: any person who knowingly files a sworn complaint which is false or for the purpose of harassment is subject to civil penalties and is liable for reasonable attorney's fees incurred by a candidate who was the subject of such complaint (T.C.A. § 2-10-108 (d)).

### Complainant

Name Robert Kyle Mallory  
Address 764 Scott's Chapel  
City Cumberland City State TN Zip 37050  
Phone 931-206-8703 E-Mail Kyle.Mallory@AD1.COM

### Complaint

Please provide as much detail as possible in the description of your complaint. Please attach additional pages and any documentation as necessary.

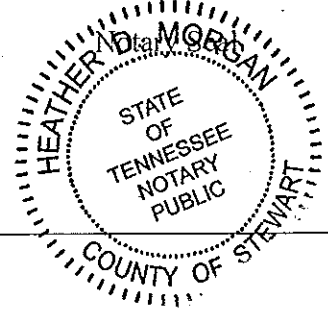
Complaint attached on

2014 AUG - 5 AM 11:13  
COUNTY OF STEWART

Signature Robert Kyle Mallory Date 8/4/14

Sworn to and Subscribed before me in the State of Tennessee Charman Stewart  
County Election Commission

This 4th Day of August 20 14  
Heather D. Morgan  
Notary Public  
2/25/2018  
Date Commission expires



STATEMENT RELATIVE TO CAMPAIGN FINANCE LAW VIOLATION COMPLAINT

As filed with the Tennessee Registry of Election Finance, Dated August 4, 2014

I believe the following to be true in violation of the Rules of the Registry of Election Finance and the laws of the Great State of Tennessee as evidenced in Tennessee Code Annotated:

In violation of TCA § 2-10-303(5), I believe Tennesseans for Fair Courts PAC (hereinafter the "PAC") is operating in coordination and consultation with the coordinated campaign of Justices Wade, Clark and Lee (hereinafter the "Justices' Campaign") thus causing these expenditures to be in-kind contributions subject to campaign finance limits, with amounts that would put each candidate in excess of limits and receiving contributions from a PAC during the blackout period.

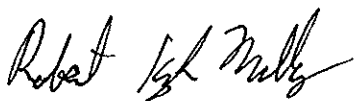
As stated in TCA § 2-10-303(5), "Expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, the candidate's political campaign committees, or their agents, shall be considered to be a contribution to such candidate." After watching both messages that each campaign is currently running on television, I believe there to be substantial coordination between the two campaigns on the messaging. Each television ad covers the same ad, often times with substantially the same verbiage. There is no way that each of these ads could be launched at basically the same time without substantial coordination between representatives of the Justices' Campaign and the PAC.

I further believe the coordination is evident through the Justices' Campaign's Facebook URL, <http://www.facebook.com/TennesseansForFairCourts>, which is the exact same name as the PAC. The Justices' Campaign formed the Facebook page in May of 2014 (see <https://www.facebook.com/TennesseansforFairCourts/info>). However, a PAC with the exact same name launched on or around June 10, 2014. The timing and naming shows a direct coordination between the two groups. The Facebook page is proved to be operated by the Justices' Campaign, as shown in a post to the page (see <https://www.facebook.com/TennesseansforFairCourts/posts/574191946024369>).

In violation of Rule 0530-1-3-.07(8), Tennesseans for Fair Courts also failed to disclose that expenditures made in excess of \$100 were either in-kind or independent, and whether the expenditures were in support of or opposing a particular candidate. Documents obtained through public records available in accordance with FCC regulations on political advertising show the purpose of the expenditures was for the "retention of Justices Wade, Lee and Clark", yet their disclosure failed to list that in violation of the Rule.

The Justices' Campaign also fails to disclose the in-kind contribution I allege they received from the PAC in violation of Rule 0530-1-3-.07(8).

Moreover, to show a pattern of flagrantly violating campaign finance laws, I believe the Justices' Campaign has violated TCA § 2-19-120 by failing to include required disclosures on campaign signs. In a Fox 61 TV interview (see <http://www.myfoxchattanooga.com/story/26161326/three-tn-supreme-court-judges-up-for-reinstatement>), Justice Sharon Lee is shown to be installing campaign signs that do not feature the required campaign financial disclosure as required by the law. It is my understanding a separate criminal complaint has been filed on this issue, as the violation is a Class C Misdemeanor.



Robert Kyle Mallory

Stewart County Election Commission Chairman

2014 AUG -5 AM 11:13  
REGISTRY OF ELECTION FINANCE

## AGREEMENT FORM FOR NON-CANDIDATE/ISSUE ADVERTISEMENTS

<b>Station and Location:</b>	<b>Date:</b>
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I, Tennesseans for Fair Courts

do hereby request station time concerning the following issue:

Retention of Justices Wade, Lee, and Clark
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Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

This broadcast time will be used by: Tennesseans for Fair Courts

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT  
"COMMUNICATES A POLITICAL MATTER OF NATIONAL IMPORTANCE."  
FOR ALL OTHER ISSUE ADS, PLEASE GO TO PAGE 3.**

Programming that "communicates a political matter of national importance" includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to "our next senator", "our person in Washington" or "the President"); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

**Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"**

Yes  No

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

[Empty box for candidate and issue information]

I represent that the payment for the above described broadcast time has been furnished by (name and address):

[Empty box for sponsor name and address]

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

[Empty box for listing executives or board members]

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT  
DOES NOT "COMMUNICATE A POLITICAL MATTER OF NATIONAL  
IMPORTANCE"**

I represent that the payment for the above described broadcast time has been furnished  
by (name and address):

Tennisfans for Fair Courts  
Treasurer - Clint Kelly  
629 east Main Street, Hendersonville, TN 37075  
615-681-0508

and you are authorized to announce the time as paid for by such person or entity  
(hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of  
directors below (or attach separately):

F. Duffin Kelly  
Clint Kelly

TO BE COMPLETED FOR ALL ISSUE ADVERTISEMENTS

THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

The Sponsor agrees to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, that may ensue from the broadcast of the above-requested advertisement(s). For the above-stated broadcast(s), the sponsor also agrees to prepare a script, transcript, or tape, which will be delivered to the station at least \_\_\_\_\_ before the time of the scheduled broadcasts.

TO BE SIGNED BY ISSUE ADVERTISER (SPONSOR)

7/22/14                      *K. B. Blak*                      512 827 3468  
Date                                      Signature                                      Contact Phone Number

TO BE SIGNED BY STATION REPRESENTATIVE

Accepted                       Accepted in Part                       Rejected  
*[Signature]*                      CASWORTH                      LSM  
Signature                                      Printed Name                                      Title