

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Non-Filer/Seth Morgan )

MUR 366 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 10, 1977, the Commission determined by a vote of 6-0 that there was probable cause to believe that a violation of 2 U.S.C. §434(a)(1) had been committed and to institute a civil action for relief in the above-captioned matter.

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

7704001531

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Non-Filer/Seth Morgan ) MUR 365 (77)  
)

GENERAL COUNSEL'S REPORT

I. Allegations

Seth Morgan as a candidate for the U.S. House of Representatives in the 1st District of New York has failed to file the 10 day pre-election report required by 2 U.S.C. §434(a)(1).

II. Evidence

Mr. Morgan's name appeared on the New York general election ballot as the Conservative Party's candidate for the U.S. House of Representatives in the 1st District. The candidate's name appears in the index from the Clerk of the House of Representatives. A principal campaign committee was designated by Mr. Morgan; but has not registered.

A prior notice was received by Mr. Morgan October 13, 1976 informing him of his filing requirements as a federal candidate and the dates of reports due in the near future.

Mr. Morgan failed to file the 10 day pre-election report due October 23, 1976. The candidate was sent a reason to believe letter for non-filers October 25, 1976 and a reasonable cause to believe letter for non-filers October 27,

77040051531

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

1976. These letters were received by Mr. Morgan November 8, 1976.

The Commission received no response from Mr. Morgan, His name was published by the Commission on a non-filers list October 30, 1976. Mr. Morgan was defeated in the general election receiving 10,269 votes in comparison to the winner receiving 129,779. The candidate's latest report, the October 10 quarterly report, reveals \$147.87 total expenditures year to date.

A follow up letter from the General Counsel was received by Mr. Morgan informing him of his name publication and the General Counsel's intention to recommend to the Commission that civil penalties be sought.

### III. Analysis

The candidate has failed to file the 10 day pre-election report. The Commission has repeatedly notified Mr. Morgan of his failure to file the report. The candidate has not responded to these efforts by the Commission to correct or prevent a violation.

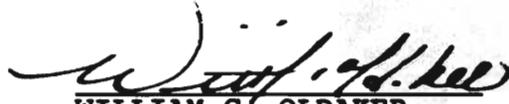
The reasonable cause to believe letter advised Mr. Morgan that the Commission was ready to conciliate the case; but the candidate has not utilized his statutory right to the informal methods of conference, conciliation, and persuasion.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

7704001535

IV. Recommendation

It is recommended that the Commission find probable cause to believe a violation has been committed 2 U.S.C. §434(a)(1).

  
WILLIAM C. OLDAKER  
GENERAL COUNSEL

DATE: 2/2/77

77040061536

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
 Show to whom and date delivered..... 15¢  
 Show to whom, date, & address of delivery.. 35¢  
 RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢  
 RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 WA 12915-K7286-00007  
 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
 Seth C. Morgan  
 Pauline Morgan

4. DATE OF DELIVERY POSTMARK  
 OCT 13 1976

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1975-O-568-047

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
 Show to whom and date delivered..... 15¢  
 Show to whom, date, & address of delivery.. 35¢  
 RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢  
 RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 WA 12915-HB300-00013  
 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
 D.C. Morgan

4. DATE OF DELIVERY POSTMARK  
 Nov. 5-76

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1975-O-568-047

MORGAN - RTB - cand.

PS Form 3811, Jan. 1975

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
 Show to whom and date delivered..... 15¢  
 Show to whom, date, & address of delivery.. 35¢  
 RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢  
 RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 WA 12915-RB300-00015  
 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
 D.C. Morgan

4. DATE OF DELIVERY POSTMARK  
 Nov. 8-76

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1975-O-568-047

MORGAN cand.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

77041061533

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

27

● **SENDER:** Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

**1. The following service is requested (check one).**

Show to whom and date delivered..... 15¢

Show to whom, date, & address of delivery.. 35¢

**RESTRICTED DELIVERY.**  
Show to whom and date delivered..... 65¢

**RESTRICTED DELIVERY.**  
Show to whom, date, and address of delivery 85¢

---

**2. ARTICLE ADDRESSED TO:**

---

**3. ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	432058	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*R. E. Morgan*

---

**4.**

DATE OF DELIVERY	POSTMARK
Nov-8-76	

---

**5. ADDRESS (Complete only if requested)**

P.O. Box 84 Mansfield, N.J. 08949

---

**6. UNABLE TO DELIVER BECAUSE:**

	CLERK'S INITIALS

☆ GOP: 1976-O-203-456

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

October 30, 1976

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Seth C. Morgan  
'76 Morgan for Congress Committee  
Box 1776  
Manorville, New York 11949

Dear Mr. Morgan:

On October 30, 1976, your name was released for publication in a list of persons who had failed to meet the filing requirements of the Federal Election Campaign Act of 1971, as amended. I have enclosed a copy of the publication.

As of this date, we have not received your report. If we do not hear from you within five (5) days, we are prepared to recommend to the Commission that we be allowed to seek appropriate civil penalties.

Please direct any response to 202/382-6462.

Sincerely,

John G. Murphy, Jr.  
General Counsel

Enclosure

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

77040051530

77040031541

FILED

NOV 20 1970

3. 2000

2. 1000

2. 2000000 #2, 50

1. 1000000

- 1000000
- 2000000
- 3000000
- 4000000

- 1000000
- 2000000

NOV 20 1970

NOV 20 1970

This period

Cost

1000000

1000000

1000000

2000000

2000000

2000000

3000000

3000000

3000000

4000000

4000000

4000000

NOV 20 1970

5000000

5000000

5000000

6000000

6000000

6000000

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL