



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 439

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

November 3, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ronald D. Eastman, Esquire  
Cadwalader, Wickersham and Taft  
11 Dupont Circle  
Washington, D.C. 20036

Re: MUR 439 (77)

Dear Mr. Eastman,

The Federal Election Commission has decided to take no further action with regard to the 1976 Democratic Presidential Campaign Committee, Inc.'s apparent violation of 2 U.S.C. § 434(b)(9) by failing initially to report the ultimate recipients of monies derived from lump sum expenditures of \$228,800 and \$10,000 made to the Trust Company Bank of Atlanta. This decision was reached in light of the Committee's amendment of its reports to show all recipients of the above monies.

The Commission will also take no action with regard to the Committee's apparent violation of 2 U.S.C. § 434(b)(9) as to the reporting of the purposes of the above expenditures in light of the Committee's past and pending amendments of its reporting of expenditures cited as being for "GOTV".

Enclosed are copies of the General Counsel's report and the certification of the Commission's decision.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4178.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

69040090913



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

November 3, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Felice Merritt Gelman  
U.S. Labor Party  
P.O. Box 1972  
New York, New York 10001

Re: MUR 439(77)

Dear Ms. Gelman,

This letter is to inform you that the Federal Election Commission has decided to take no further action with regard to the issue raised in your complaint of August 12, 1977, concerning the apparent violation by the 1976 Democratic Presidential Campaign Committee, Inc., of 2 U.S.C. § 434(b)(9) by failing initially to report the ultimate recipients of monies derived from lump sum payments of \$228,800 and \$10,000 to the Trust Company Bank of Atlanta. This decision was reached in light of the Committee's amendment of its reports showing all of the individuals who received in excess of \$100 from the above monies.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4178.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

60040090919

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 439 (77)  
The 1976 Democratic Presidential )  
Campaign Committee, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 1, 1978, the Commission, meeting in an Executive Session at which a quorum was present, determined by a vote of 4-2 to adopt the recommendation of the General Counsel to take the following actions in MUR 439 (77):

1. Take no further action in this matter.
2. Send the letters attached to the General Counsel's Report on MUR 439 (77) dated October 3, 1978.

Commissioners Harris, McGarry, Thomson, and Tiernan voted affirmatively for the actions. Commissioners Aikens and Springer dissented.

Attest:

11/2/78

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission

6904009020



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *Mar E EMMONS*

DATE: OCTOBER 24, 1978

SUBJECT: MUR 439 - General Counsel's Report dated  
10-3-78; Signed: 10-19-78.  
Received in Office of Commission  
Secretary: 10-20-78, 1:45

The above-named document was circulated on a 48  
hour vote basis at 9:00 a.m., October 23, 1978.

Commissioner Springer submitted an objection at  
12:19, October 24, 1978, thereby placing MUR 439 on  
the Agenda for November 1, 1978.

cc: Commissioner Springer

62040090921

October 20, 1954

MEMORANDUM TO: Marge Emmons  
FROM: Eliase F. [unclear]  
SUBJECT: MUR 439

Please have the attached General Counsel's Report on MUR 439 distributed to the Commission on a 48 hour tally basis.

Thank you.

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RECEIVED  
OFFICE OF THE  
COMMISSIONER

78 OCT 20 P 1: 45

BEFORE THE FEDERAL ELECTION COMMISSION

October 3, 1978

In the Matter of )  
 )  
The 1976 Democratic Presidential ) MUR 439 (77)  
Campaign Committee, Inc. )

GENERAL COUNSEL'S REPORT

I. Summary of Allegations and Commission Action

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This matter was initiated pursuant to a complaint filed on August 22, 1977, by Felice Merritt Gelman of the U.S. Labor Party. The complaint alleged that the 1976 Democratic Presidential Campaign Committee ("the Committee") had filed inadequate reports of receipts and expenditures for the 30-day post-election period. The allegation specified that the Committee's entry of \$228,800, itemized as a lump sum expenditure made on October 27, 1976, to the Trust Company Bank of Georgia for Get-Out-The-Vote ("GOTV") purposes, failed to identify the name of each person who received over \$100 from the Committee in violation of 2 U.S.C. § 434(b)(9).

On December 8, 1977, the Commission found reason to believe that the Committee was in violation of 2 U.S.C. § 434(b)(9).

II. Evidence

Counsel for the Committee, Mr. Ronald Eastman, was notified of the Commission's finding on December 29, 1977, and was asked to provide the details of the GOTV expenditures at issue. On January 26, 1978, the Commission received a response from Mr. Eastman in which he indicated that the \$228,800 draft on the Committee's account was made payable to the Trust Company Bank of Atlanta, Georgia,

which then issued treasurer's checks and bank drafts to Committee state coordinators for GOTV expenditures. This was done "because Campaign accountants believed that state coordinators would have difficulty cashing checks simply written on the Committee's account." Mr. Eastman further indicated that the Committee had given the state coordinators explicit instructions as to the documentation requirements for such expenditures and stated that the Committee had in fact obtained receipts from the coordinators which reflected the ultimate recipients and uses of the money.

In a second letter dated February 21, 1978, Mr. Eastman stated that the Committee had concluded that its post-election report should be amended to reflect the specific GOTV expenditures made with the monies channeled through the Trust Company Bank. This amendment was received on April 10, 1978, and involved expenditures totaling \$238,800, a figure which includes the \$228,800 expenditure involved in the complaint plus a second check made payable by the Committee to the Trust Company Bank in the sum of \$10,000.<sup>1</sup> Of the original amount of \$238,800, \$44,151 was further itemized in the amendment.

On April 28, 1978, the amended report was referred to the Audit Division and the Reports Analysis Division for further review. The analyses of these divisions concerning the amended report

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<sup>1</sup> The \$10,000 lump sum payment to the Bank was reflected separately on the same report which listed the \$228,800 disbursement. It was reported as a Committee expenditure to the Trust Company Bank on October 28, 1976. Consequently, the amended report reflected details of this second sum as well as those involved in the \$228,800 payment.

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are reflected in reports to the Office of the General Counsel dated June 5, 1978, and June 28, 1978. (See Attachments A and B ).

The report from the Audit Division indicated that the total amount at issue is actually \$227,476, reflecting an adjustment of \$11,324 involving GOTV funds which have been returned to the Committee. Of this adjusted amount, \$183,173 is now reported by the Committee as unitemized expenditures. According to the Audit Division, a majority of the funds totaling \$227,476 were used "to pay election day volunteers' expenses (i.e., lunches, transportation, a nominal fee) and were generally in amounts of \$15 to \$25," thus falling outside the scope of Section 434(b)(9) requirements and into the category of unitemizable expenditures.

A subtraction of returned GOTV funds and of unitemized expenditures from the original figure of \$238,800 leaves \$44,151 in expenditures in excess of \$100 which were not adequately disclosed in the Committee's initial report. The Committee's amended report identifies the recipients of all of these expenditures.

The formal complaint did not address the reporting of purposes of expenditures. The Committee's original report gave "GOTV" as the purpose for the drafts made payable to the Trust Company Bank. In its amendment the Committee listed detailed purposes for \$34,318 out of the total of \$44,151 expenditures requiring itemization. The purposes cited for the remaining \$9,833 in expenditures itemized in the amended report appear to be inadequate.

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The purposes reported for the above \$9,833 in expenditures are "GOTV", "personal services", "professional services", and "election day services". In their reports regarding the Committee's amended report, the Audit Division and the Reports Analysis Division agreed that the uses of "GOTV" and "personal services" as purposes of expenditures are inadequate. The Audit Division initially recommended that no further action be taken with regard to this inadequate reporting; however, later, in its interim report concerning the Committee's overall activities, the Audit Division recommended that the Committee be required to amend its reports for the period October 18, 1976 - March 31, 1977, in order to disclose detailed purposes for particular categories of expenditures including those reported as being for "GOTV". In support of this recommendation the Audit Division cited the language of 2 U.S.C. § 434(b)(9); the September 29, 1976, notice to all candidates and committees concerning the reporting of purposes of expenditures; the fact that the Committee had been placed on notice by the proposed amendment to Section 104.2(b)(9) of the Commission's regulations, which was published on October 18, 1976, and prescribed on April 18, 1977, that disclosure of particulars of expenditures is required; and the fact that the Committee's reporting system possessed the capacity for detailed reporting of purposes of expenditures. The Office of General Counsel agreed with the Audit Division's recommendation in the interim audit report and on August 17, 1978, the Commission voted to require the Committee to amend its reports in cases where "GOTV" and certain other inadequate purposes had been cited. Not

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included in the required amendments are entries of the purposes "personal services", "professional services", and "election day services".

III. Analysis

2 U.S.C. § 434(b)(9) requires both the identification of all recipients of expenditures in excess of \$100 made by or on behalf of a committee and disclosure of the purposes to which such expenditures are put. The Commission's September 29, 1976, notice to candidates and committees stated that "particulars of expenditures over \$100 must be reported." It also explained that "(a)n advance to staff is not an expenditure but rather an intra-committee transfer. The actual use to which the advance is put must be itemized."

All of the expenditures at issue in the present matter, both those initially made by the Committee to the Trust Company Bank and those made by the Bank to the state coordinators, were made after September 29, 1976. Even though the Bank was not an advance person as such, its function as intermediary in the dispensing of funds was the same. Therefore, the Committee can be deemed to have been on notice at the time these expenditures were made that it was to report the final recipients and purposes of the expenditures made through the Bank.

As was alleged in the complaint, the Committee did fail to identify the recipients of Committee expenditures in excess of \$100. The amount of the expenditures involved in this violation now stands at \$44,151. The Committee's amended report discloses the recipients of these monies.

In addition, in light of the Commission's August 17, 1978

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decision that a listing of "GOTV" as the purpose of post-October 18, 1976, expenditures is inadequate, the Committee's original designation of the purpose of the above \$44,151 in itemizable expenditures was also insufficient. The Committee has now properly disclosed detailed purposes as to all but \$9,833 of these expenditures. And, pursuant to the Commission's decision with regard to findings contained in the interim audit report, the Committee is now in the process of amending its reports for the period of October 18, 1976 - March 31, 1977, in order to provide more detailed purposes for expenditures reported as being for "GOTV". As a result, amendments as to \$6,898 out of the above \$9,833 in expenditures involved in the present action which are still inadequately documented should be obtained in the near future.

Given the Committee's actions in amending its reports as to both the recipients and the purposes of the expenditures covered by the complaint, we recommend that no further action be taken with regard to this matter.

RECOMMENDATIONS

1. Take no further action in this matter.
2. Send the attached letters.

10/19/78  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 William C. Oldaker  
 General Counsel

0040090928



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

June 5, 1978

## MEMORANDUM

TO: GENERAL COUNSEL

THROUGH: STAFF DIRECTOR *osp.*  
AUDIT DIVISION

FROM: TOM HASELHORST *TJH*

SUBJECT: MUR 439 - 1976 Democratic Presidential Campaign Committee -  
Post Election Report

We are forwarding this report through Karyl Boozer of the Audit Division for her comments on this matter in light of the Audit Report of the Carter campaign.

The Reports Analysis Division has reviewed the amendment to the 1976 Post Election Report submitted by the 1976 Democratic Presidential Campaign Committee, Inc. (Carter) as requested by the General Counsel's office, by way of the Audit Division. The report covers the period of 10/19/76 to 11/22/76. MUR 439 concerns inadequate disclosure of "get out the vote (GOTV)" expenditures. The Committee was asked to segregate and specify the amounts spent as GOTV expenditures. The original report filed with the Commission did not list any GOTV expenditures but rather listed \$238,800 as disbursements to the Trust Company Bank/Atlanta. The amendment, filed on 4/10/78, itemizes \$44,151 of the disputed \$238,800. Almost 50% of the reported itemized amount, \$20,600, contains only the words "GOTV" or "personal services" for the purpose of the expenditures. We consider those descriptive words as inadequate for purposes of full disclosure.





# FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

June 28, 1978

## MEMORANDUM

TO: WILLIAM OLDAKER

THROUGH: ORLANDO B. POTTER  
STAFF DIRECTOR

FROM: *RC* BOB COSTA/*JZ* JOE STOLTZ/*KB* KARYL BOOZER

SUBJECT: MUR 439(77) - 1976 DEMOCRATIC PRESIDENTIAL  
CAMPAIGN COMMITTEE, INC. POST ELECTION REPORT

In response to the Commission's recommendation of May 10, 1978 concerning MUR 439(77), (Get-Out-The-Vote expenditures of \$238,800 to Trust Co. Bank in Atlanta), the Audit Division is forwarding the following comments for your consideration.

As mentioned in our memo of August 26, 1977 regarding GOTV expenditures made by the Carter general election committee, we recommended that amended reports re-classifying expenditures reported as "GOTV" to various individuals not be required of the Committee, and you concurred with our recommendation. We would also like to emphasize that although the Commission did instruct candidates and committees to report the "particulars" of campaign expenditures, by a mailed notice, the Commission has not to date formulated comprehensive guidelines dealing with proper reporting of such election day disbursements. Further, prior to notice by the Office of General Counsel concerning the above mentioned MUR, the Committee was not notified in the ordinary course of disclosure reviews that reports as filed were inadequate with a specific reference to "GOTV" reported purpose of expenditures. Such amendments re-classifying these expenditures should not be required until the Commission clarifies the interpretation of Section 104.2(b)(9) of Title 11, Code of Federal Regulations (see Commission Agenda Document #78-169 - Attachment I).

With respect to the amendments filed by the Committee itemizing \$44,151 of the disputed \$238,800, we make the following comments:



ATTACHMENT B

1) Actual amount of itemized expenditures reported per the amendment as "GOTV" or "personal services" is \$21,157.00. However, the amendment includes \$11,324.00 in GOTV funds returned reported on line 17 "Refunds and Rebates" reducing the \$238,800 to \$227,476.00. Therefore, only \$9,833.00 (4%) of the \$238,800 is actually reflected in itemized expenditures.

2) The \$227,476.00 (as adjusted) represents several treasurer's checks that were disbursed along with bank drafts to various committee state coordinators for use on election day for GOTV activities. The majority of these funds were used to pay election day volunteers' expenses (i.e., lunches, transportation, a nominal fee) and were generally in amounts of \$15 to \$25.

It should also be mentioned that \$238,800 is approximately 39% of the total itemized expenditures classified as "GOTV" on Committee reports. Presumably, the "particulars" policy would then apply to all such expenditures made subsequent to the Commission's issuance of its policy statement on this matter.

It is our opinion, that while a general reported purpose of expenditure (i.e., "personal services", "GOTV") is inadequate disclosure, without consideration of all such reported expenditures, additional amendments showing a more detailed purpose for the \$9,833.00 in expenditures, should not be required.

Attachment as stated

6904009931



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ronald D. Eastman, Esquire  
Cadwalader, Wickersham and Taft  
11 Dupont Circle  
Washington, D.C. 20036

Re: MUR 439 (77)

Dear Mr. Eastman,

The Federal Election Commission has decided to take no further action with regard to the 1976 Democratic Presidential Campaign Committee, Inc.'s apparent violation of 2 U.S.C. § 434(b)(9) by failing initially to report the ultimate recipients of monies derived from lump sum expenditures of \$228,800 and \$10,000 made to the Trust Company Bank of Atlanta. This decision was reached in light of the Committee's amendment of its reports to show all recipients of the above monies.

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Enclosed are copies of the General Counsel's report and the certification of the Commission's decision.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4178.

Sincerely,

William C. Oldaker  
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Felice Merritt Gelman  
U.S. Labor Party  
P.O. Box 1972  
New York, New York 10001

Re: MUR 439(77)

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If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4178.

Sincerely,

William C. Oldaker  
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

June 5, 1978

MEMORANDUM

TO: GENERAL COUNSEL

THROUGH: STAFF DIRECTOR *opst.*  
AUDIT DIVISION

FROM: TOM HASELHORST *TJH*

SUBJECT: MUR 439 - 1976 Democratic Presidential Campaign Committee -  
Post Election Report

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The Reports Analysis Division has reviewed the amendment to the 1976 Post Election Report submitted by the 1976 Democratic Presidential Campaign Committee, Inc. (Carter) as requested by the General Counsel's office, by way of the Audit Division. The report covers the period of 10/19/76 to 11/22/76. MUR 439 concerns inadequate disclosure of "get out the vote (GOTV)" expenditures. The Committee was asked to segregate and specify the amounts spent as GOTV expenditures. The original report filed with the Commission did not list any GOTV expenditures but rather listed \$238,800 as disbursements to the Trust Company Bank/Atlanta. The amendment, filed on 4/10/78, itemizes \$44,151 of the disputed \$238,800. Almost 50% of the reported itemized amount, \$20,600, contains only the words "GOTV" or "personal services" for the purpose of the expenditures. We consider those descriptive words as inadequate for purposes of full disclosure.





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

June 28, 1978

MEMORANDUM

TO: WILLIAM OLDAKER

THROUGH: ORLANDO B. POTTER *OBP.*  
STAFF DIRECTOR

FROM: *RJC* BOB COSTA/*JFL* JOE STOLTZ/*KA* KARYL BOOZER *KA*

SUBJECT: MUR 439(77) - 1976 DEMOCRATIC PRESIDENTIAL  
CAMPAIGN COMMITTEE, INC. POST ELECTION REPORT

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1) Actual amount of itemized expenditures reported per the amendment as "GOTV" or "personal services" is \$21,157.00. However, the amendment includes \$11,324.00 in GOTV funds returned reported on line 17 "Refunds and Rebates" reducing the \$238,800 to \$227,476.00. Therefore, only \$9,833.00 (4%) of the \$238,800 is actually reflected in itemized expenditures.

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It should also be mentioned that \$238,800 is approximately 39% of the total itemized expenditures classified as "GOTV" on Committee reports. Presumably, the "particulars" policy would then apply to all such expenditures made subsequent to the Commission's issuance of its policy statement on this matter.

It is our opinion, that while a general reported purpose of expenditure (i.e., "personal services", "GOTV") is inadequate disclosure, without consideration of all such reported expenditures, additional amendments showing a more detailed purpose for the \$9,833.00 in expenditures, should not be required.

Attachment as stated

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

June 2, 1978

MEMORANDUM

AGENDA ITEM

TO: THE COMMISSION

THROUGH: ORLANDO B. POTTER *OBP*

FROM: TOM HASELHORST / BOB COSTA *TH* *BC*

SUBJECT: CLARIFICATION OF "PURPOSE/PARTICULARS" FOR REPORTING OF EXPENDITURES

For Meeting of: 6-15-78

Agenda Item No: \_\_\_\_\_

Exhibit No: \_\_\_\_\_

6904009937

The Reports Analysis Division and the Audit Division have had many requests for a more precise definition of what constitutes adequate disclosure of expenditure "purpose" or "particulars" as required by 2 U.S.C. 434(b)(9) and 11 CFR 104.2(b)(9). In an effort to clarify this for candidates, committees and Commission staff, we are submitting this memo for discussion and approval. Our Divisions require answers to the following questions to clarify this issue.

1. When does an expenditure occur?

It is recommended that the Commission determine an expenditure occurs when the candidate or committee makes a payment to the ultimate payee who will provide the goods and/or services. Therefore, an expenditure does not necessarily occur when a check is written on the depository but rather when a payment is made by the committee for goods and/or services.

2. Who is the committee?

The committee is the officers, employees and non-paid volunteers authorized to act on behalf of the committee. By adopting this definition and definition #1, the Commission would be eliminating the reporting of advances to committee representatives. The committee would report the advance money only when actual expenditures were made by committee representatives.

3. Who is the ultimate payee?

The ultimate payee is the first person to whom payment is made in an arms length business transaction. In the case of payments for travel and subsistence to committee representatives in either an advance or reimbursement, the Commission has determined that the payment to the committee representative is the payment to the ultimate payee provided the payment does not exceed \$500.

Page 2  
June 2, 1978

Memorandum Re: Clarification of "Purpose/Particulars" for  
Reporting of Expenditures

4. Who is the ultimate payee when goods and services are provided by one vendor but paid through a third vendor (e.g. credit card company)?

In the case of a payment to a third party the ultimate payee is the person providing the services and not the third party vendor.

5. What constitutes adequate disclosure of the purpose/particulars of an expenditure?

An adequate purpose/particulars should include all information available to the committee at the time the report was prepared which answers the following questions:

- Who received the money?
- What was it expended for?
- Where were the goods/services provided?
- When were the goods/services provided?
- Why were the goods/services provided?

Upon adoption of the above, our Divisions will prepare a new notice to candidates and committees to include specific examples of various expenditures. This notice will be circulated to the Commission for approval. It is further recommended that this be included in any future regulation amendments pertaining to this subject.

It is recommended that this memo be approved by a tally vote. If there are any objections, we recommend the discussion of this under Routine Administrative Matters of the next Commission meeting.

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# FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

June 5, 1978

## MEMORANDUM

TO: GENERAL COUNSEL

THROUGH: STAFF DIRECTOR *osp.*  
AUDIT DIVISION

FROM: TOM HASELHORST *TH*

SUBJECT: MUR 439 - 1976 Democratic Presidential Campaign Committee -  
Post Election Report

We are forwarding this report through Karyl Boozer of the Audit Division for her comments on this matter in light of the Audit Report of the Carter campaign.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
The 1976 Democratic Presidential )  
Campaign Committee, Inc. )

MUR 439 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 10, 1978, the Commission determined by a vote of 6-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Refer the amendments submitted by the respondent to the FEC Audit Division for a thorough analysis of the itemized expenditures and accuracy of the report.
2. Defer further action in this matter until the Audit Division reviews the amendments and reports to the Office of the General Counsel.

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

Date: 5/11/78

Revised General Counsel's Report signed April 28, 1978.  
Received in Commission Secretary's Office on May 2, 1978.  
Failed to receive the four affirmative votes required by deadline on May 5,  
thereby placing it on the meeting agenda for May 10, 1978.

50040090940



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE EMMONS *mwe*  
DATE: MAY 5, 1978  
SUBJECT: REVISED GENERAL COUNSEL REPORT-1976  
DEMOCRATIC PRESIDENTIAL CAMPAIGN COMMITTEE (MUR 439 (77))

Pursuant to Paragraph VIII. of the "Expedited Procedures for Consideration of Compliance Matters" adopted at the Commission Meeting of April 27, 1978, we are informing you that the 48-hour tally vote on the above-named matter has failed to receive four affirmative votes.

As we interpret the new procedure, this matter is automatically on the agenda for the Executive Session of May 10, 1978.

690400909

May 1, 1978

MEMORANDUM TO: Marge Emons  
FROM: Elissa T. Garr  
SUBJECT: MUR 439

Please have the attached revised General Counsel's Report on MUR 439 distributed to the Commission on a 48 hour tally basis.

Thank you.

69040090942



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO: The Commission  
FROM: William C. O'Daker, *W.C. O'Daker* General Counsel  
SUBJECT: MUR 439 - Revised General Counsel's Report  
DATE: May 2, 1978

69040090911

This report is a revision of the General Counsel's Report which was circulated to the Commission on May 1, 1978. The revision concerns referring the amendments to the Audit Division rather than to Reports Analysis.



May 2, 1978

MEMORANDUM TO: Marge Emmons  
FROM: William C. Oldaker  
SUBJECT: MUR 439

Please have the General Counsel's Report on MUR 439 removed from 48 hour circulation and returned to the Office of the General Counsel for revision.

Thank you.

69040090944

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 439 (77)  
The 1976 Democratic )  
Presidential Campaign )  
Committee, Inc. )

GENERAL COUNSEL'S REPORT

5 0 0 4 0 9 0 9 1 1

In our March 13, 1978 status report on this matter we reported that counsel for the 1976 Democratic Presidential Campaign Committee, Inc., Mr. Ronald Eastman, had agreed to provide amendments to the Committee's 1976 thirty (30)-Day Post General Election Report by April 1, 1978. The amendments were to reflect specific "Get out the Vote" expenditures, (identifying each person to whom expenditures in excess of \$100 had been made), which had been previously reported as lump sum expenditures of \$228,800 and \$10,000 to the Trust Company Bank in Atlanta. The Commission's request for these documents had been outstanding since January, 1978.

The amendments were delivered on April 10, 1978 and were subsequently reviewed by General Counsel staff. Initial review of these amendments indicated that amounts expended from these lump sums in excess of \$100 have been itemized and reported as such, (totaling \$44,151). It is our recommendation, however, that these amendments be referred to the Audit Division for a thorough analysis of the itemized expenditures and accuracy of the report. Further action in this matter

should be deferred until the Audit Division reviews the amendments and reports to the Office of General Counsel.

4/28/78  
Date

*William C. Oldaker*  
William C. Oldaker  
General Counsel

69040090915

April 26, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Carr  
SUBJECT: MUR 439

Please have the attached General Counsel's Report on MUR 439 circulated to the Commission on a 48 hour tally sheet basis.

thank you.

69040090947



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

May 4, 1978

MEMORANDUM

TO: BILL OLDAKER

THROUGH: ORLANDO B. POTTER *OBP*

FROM: BOB COSTA *RC*

SUBJECT: MUR 439 AMENDMENT TO THE 1976 DEMOCRATIC  
PRESIDENTIAL CAMPAIGN COMMITTEE, INC.  
30 DAY POST GENERAL ELECTION REPORT

The subject amendments have been forwarded to the Reports Analysis Division for review. This will provide an analysis consistent with other reports. We have maintained a copy of the amended pages for our audit file.

cc: Tom Haselhorst

600400918



Bob Costa - Audit Division

MEMORANDUM TO: Lois Zeffa, Reports Analysis

THROUGH: Orlando B. Potter, Staff Director *OAP.*

THROUGH: William C. Oldaker, General Counsel *Bill*

FROM: Elena King

SUBJECT: MUR 439 Amendments to the 1976 Democratic Presidential Campaign Committee, Inc.  
30-Day Post General Election Report

Date: April 28, 1978

Pursuant to this investigation of this matter, the General Counsel's Office requested and received amendments the 1976 Democratic Presidential Campaign Committee 30-Day Post General Election Report. These amendments are to reflect specific "Get Out the Vote" expenditures (identifying each person to whom expenditures in excess of \$100 had been made), which had previously been reported as lump sum payments of \$228,800 and \$10,000 to the Trust Company Bank in Atlanta.

*Reports*

Initial review of these amendments indicate that a total of \$44,151 of these lump sums has now been itemized. It has been recommended that the amendments be sent to ~~Records~~ Analysis for a thorough examination of these amounts and reporting accuracy. Accordingly, a copy of the March 13, and April 26, 1978 status reports and the Committee amendments are attached. The General Counsel's Office will delay any further action in this matter until it receives a report from Reports Analysis.

Attachments

BEFORE THE FEDERAL ELECTION COMMISSION  
May , 1978

In the Matter of )  
 ) MUR 439 (77)  
The 1976 Democratic )  
Presidential Campaign )  
Committee, Inc. )

STATUS REPORT

3 2 7 1 0 0 9 3 0

In our March 13, 1978 status report on this matter we reported that counsel for the 1976 Democratic Presidential Campaign Committee, Inc., Mr. Ronald Eastman, had agreed to provide amendments to the Committee's 1976 thirty (30)-Day Post General Election Report by April 1, 1978. The amendments were to reflect specific "Get out the Vote" expenditures, (identifying each person to whom expenditures in excess of \$100 had been made), which had been previously reported as lump sum expenditures of \$228,800 and \$10,000 to the Trust Company Bank in Atlanta. The Commission's request for these documents had been outstanding since January, 1978.

The amendments were delivered on April 10, 1978 and were subsequently reviewed by General Counsel staff. Initial review of these amendments indicated that amounts expended from these lump sums in excess of \$100 have been itemized and reported as such, (totaling \$44,151). It is our recommendation, however, that these amendments be referred to Reports Analysis for a thorough analysis of the itemized expenditures and accuracy of the report. Further action in this matter

should be deferred until Reports Analysis reviews the amendments and reports to the Office of General Counsel.

\_\_\_\_\_  
Date

\_\_\_\_\_  
William C. Oldaker  
General Counsel

6004000000

Before the Federal Election Commission  
March 13, 1978

In the Matter of )  
 ) MUR 439 (77)  
The 1976 Presidential Campaign )  
Committee, Inc. )

Status Report

On December 8, 1977, the Commission found reason to believe that the 1976 Presidential Campaign Committee, Inc. (the "Committee") had violated the Act by failing to properly report an expenditure of \$228,800 to the Trust Company Bank of Atlanta, Georgia, on its 30-Day Post General Election Report. The matter had been initiated by a notarized complaint which alleged that the \$228,800 itemized expenditure to the "Trust Company Bank - Fit W/H Depos" for the purpose of "Get Out The Vote" violated 2 U.S.C. §434(b) (9) in that it did not identify each person to whom expenditures in excess of \$100 were made.

On December 28, 1977, the Committee was notified of the Commission's finding and given an opportunity to demonstrate that no action should be taken against it.

Responses from counsel for the Committee, Mr. Ronald Eastman, were received on January 26 and February 21, 1978, stating that the \$228,800 draft on the Committee's account

was made payable to the Trust Company Bank, which then wrote cashier checks for smaller amounts to state coordinators for Get Out The Vote expenditures, because campaign accountants believed that the state coordinators "would have difficulty cashing checks simply written on the Committee's accounts". Mr. Eastman went on to say that the state coordinators were given explicit instructions as to the required documentation for such Get Out The Vote expenditures and that each state coordinator did, in fact, furnish the Committee with receipts for disbursements which indicated the ultimate recipient and use of the money. Finally, Mr. Eastman indicated that the Committee conceded that its 1976 30-Day Post Election Report should be amended in order to report the specific Get Out The Vote expenditures in more detail and had initiated the process of preparing appropriate amendments. He agreed to provide the amendments by April 1, 1978.

In light of the Committee's concession that its 30-Day Post Election Report should be amended to report the specific expenditures resulting from the \$228,800 draft, we recommend postponing further action in this matter until such amendments have been received and analyzed.

DATE

William C. Oldaker  
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

April 28, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ronald D. Eastman  
Verner, Liipfert, Bernhard  
and McPherson  
Suite 1000  
1660 L Street, N.W.  
Washington, D.C. 20036

Re: MUR 439 (77)

Dear Mr. Eastman:

This letter is to acknowledge receipt of the amend-  
ments to the 1976 thirty(30)-Day Post General Election  
reports of the 1976 Democratic Presidential Campaign  
Committee, Inc. The amendments have been sent to the  
reports analysis division for review. Upon completion  
of this review you will be notified of any further  
Commission action in this matter.

Sincerely,

*W.C. Oldaker*  
William C. Oldaker  
General Counsel

MUR 439(77) EK

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED

● 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. \_\_\_\_\_  
 Show to whom, date, and address of delivery. \_\_\_\_\_  
 RESTRICTED DELIVERY  
 Show to whom and date delivered. \_\_\_\_\_  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery. \$ \_\_\_\_\_  
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
 Ronald D. Eastman  
 Suite 1000  
 1660 L St. N.W.  
 D.C. 20036

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.  
 | 943918 | |

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY  
 5-2-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS



69040090951

MEMORANDUM TO: Lois Zella, Reports Analysis  
THROUGH: Orlando B. Potter, Staff Director  
THROUGH: William C. Oldaker, General Counsel *Beil*  
FROM: Elena King  
SUBJECT: MUR 439 Amendments to the 1976 Democratic  
Presidential Campaign Committee, Inc.  
30-Day Post General Election Report  
Date: April 28, 1978

Pursuant to this investigation of this matter, the General Counsel's Office requested and received amendments the 1976 Democratic Presidential Campaign Committee 30-Day Post General Election Report. These amendments are to reflect specific "Get Out the Vote" expenditures (identifying each person to whom expenditures in excess of \$100 had been made), which had previously been reported as lump sum payments of \$223,800 and \$10,000 to the Trust Company Bank in Atlanta.

Initial review of these amendments indicate that a total of \$44,151 of these lump sums has now been itemized. It has been recommended that the amendments be sent to Records Analysis for a thorough examination of these amounts and reporting accuracy. Accordingly, a copy of the March 13, and April 26, 1978 status reports and the Committee amendments are attached. The General Counsel's Office will delay any further action in this matter until it receives a report from Reports Analysis.

Attachments

60040090955



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

March 16, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MRE by pe*

SUBJECT: MUR 439 (77) - Status Report dated 3-13-78  
Signed by General Counsel 3-14-78  
Received in Office of Commission  
Secretary 3-14-78, 5:21

The above-mentioned document was circulated to the Commissioners on a 24 hour no-objection basis at 11:30, March 15, 1978.

As of 1:30 this date, no objections were received in the Office of Commission Secretary.

However, Commissioner Staebler has pointed out a possible error in the last paragraph of the Status Report. Line 3, the sum should read \$228,800 not \$448,800.

690400933



March 14, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Carr  
SUBJECT: MUR 439

Please have the attached Status Report on MUR 439 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

69040090957

Before the Federal Election Commission

March 13, 1978

In the Matter of )  
 ) MUR 439 (77)  
The 1976 Presidential Campaign )  
Committee, Inc. )

Status Report

On December 8, 1977, the Commission found reason to believe that the 1976 Presidential Campaign Committee, Inc. (the "Committee") had violated the Act by failing to properly report an expenditure of \$228,800 to the Trust Company Bank of Atlanta, Georgia, on its 30-Day Post General Election Report. The matter had been initiated by a notarized complaint which alleged that the \$228,800 itemized expenditure to the "Trust Company Bank - Fit W/H Depos" for the purpose of "Get Out The Vote" violated 2 U.S.C. §434(b) (9) in that it did not identify each person to whom expenditures in excess of \$100 were made.

On December 28, 1977, the Committee was notified of the Commission's finding and given an opportunity to demonstrate that no action should be taken against it.

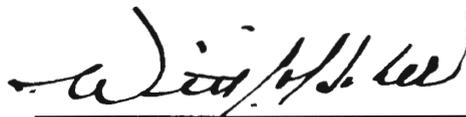
Responses from counsel for the Committee, Mr. Ronald Eastman, were received on January 26 and February 21, 1978, stating that the \$228,800 draft on the Committee's account

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was made payable to the Trust Company Bank, which then wrote cashier checks for smaller amounts to state coordinators for Get Out The Vote expenditures, because campaign accountants believed that the state coordinators "would have difficulty cashing checks simply written on the Committee's accounts". Mr. Eastman went on to say that the state coordinators were given explicit instructions as to the required documentation for such Get Out The Vote expenditures and that each state coordinator did, in fact, furnish the Committee with receipts for disbursements which indicated the ultimate recipient and use of the money. Finally, Mr. Eastman indicated that the Committee conceded that its 1976 30-Day Post Election Report should be amended in order to report the specific Get Out The Vote expenditures in more detail and had initiated the process of preparing appropriate amendments. He agreed to provide the amendments by April 1, 1978.

In light of the Committee's concession that its 30-Day Post Election Report should be amended to report the specific expenditures resulting from the \$448,800 draft, we recommend postponing further action in this matter until such amendments have been received and analyzed.

3/14/78  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
William C. Oldaker  
General Counsel

99040090050

ENC 2738  
NEN

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

JAMES M. VERNER  
EUGENE T. LIIPFERT  
BERL BERNHARD  
HARRY MCPHERSON  
RONALD B. NATALIE  
WILLIAM C. EVANS  
MICHAEL J. ROBERTS  
JOHN L. RICHARDSON  
RONALD D. EASTMAN  
MARK J. ANDREWS  
HENRY GOLDBERG  
FRITZ R. KAHN  
STUART F. PIERSON  
MICHAEL F. GOLDMAN  
HOWELL E. BEGLE, JR.

SUITE 1000  
1660 I STREET, N. W.  
WASHINGTON, D. C. 20036

CABLE ADDRESS  
VERLIP  
(202) 452-7400

JOHN A. MERRIGAN  
THOMAS E. ACEY, JR.  
JOSEPH L. MANSON, III  
ROBERT R. BRINKER  
LYNDA S. MOUNTS  
RUSSELL E. POMMER  
JEFFREY D. KOMAROW  
THOMAS J. KELLER  
BARBARA DAVIS  
ANN K. H. SIMON  
VICTOR S. ELGORT  
RICHARD L. CYS  
WILLIAM C. MCFADDEN  
MERRITT RUHLEN  
WHITNEY GILLILLAND  
OF COUNSEL

February 21, 1978

Ms. Sherrie Marshall  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

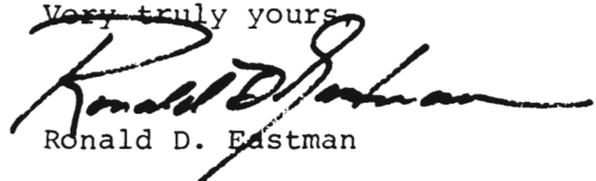
Re: MUR 437 (77)

Dear Ms. Marshall:

In my letter of January 26, 1978, the 1976 Democratic Presidential Campaign Committee, Inc. supplied certain specific information concerning the \$228,800 Get-Out-The-Vote expenditure which is the subject of the above-entitled proceeding. Specifically, I described the Committee's procedures for the disbursement and the method of securing proper documentation for specific Get-Out-The-Vote expenditures. I noted that the FEC's auditors were quite familiar with the Committee's procedures and had considerable documentation in their files showing how the money was spent.

I also noted that the Committee had asked that I, as outside counsel, review the matter thoroughly to determine what, if any, amendments to prior reports might be appropriate. Having reviewed the matter with me carefully, the Committee has concluded that its 1976 post-election report should be amended in order to report specific Get-Out-The-Vote expenditures in more detail. The Committee has initiated the process of preparing appropriate amendments as of the writing of this letter. Although I am unable to advise the Commission today of the time required for the preparation and filing of these amendments, the matter is being expedited. I hope to be able to give you an estimate of when the amendments will be filed by the first of next week.

Very truly yours,



Ronald D. Eastman

RDE/sss  
cc: Douglas Huron  
Robert Lipshutz

6004009060

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET, N W

WASHINGTON, D C. 20036

5 2 7 4 0 0 9 0 9 6

Ms. Sherrie Marshall  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463



400 2681

LAW OFFICES

VERNER, LIPFERT, BERNHARD AND MCPHERSON

SUITE 1000  
1660 L STREET, N. W.  
WASHINGTON, D. C. 20036

CABLE ADDRESS  
VERLIP  
(202) 452-7400

February 10, 1978

RECEIVED  
FEDERAL ELECTION COMMISSION

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20036

JOHN A. MERRIGAN  
THOMAS E. ACEY, JR.  
JOSEPH L. MANSON, III  
ROBERT W. BRINKER  
LYNN S. BOUNTY  
RUSSELL E. POMMER  
JEFFREY D. KOMAROW  
THOMAS J. KELLER  
BARBARA DAVIS  
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WILLIAM C. MCFADDEN

MERRITT RUHLEN  
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OF COUNSEL

JAMES M. VERNER  
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MARK J. ANDREWS  
HENRY GOLDBERG  
FRITZ H. KAHN  
STUART F. PIERSON  
MICHAEL F. GOLDMAN  
HOWELL E. BEGLE, JR.

Kris Anderson, Research  
Assistant  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 439 (77)

Dear Ms. Anderson:

I am writing to reiterate the request I made on the phone for an extension of ten days from the date of this letter for providing further information on behalf of the 1976 Democratic Presidential Campaign Committee, Inc. with regard to the above-referenced matter. As I wrote Ms. Sherrie Marshall on January 26, 1978, the Committee has asked that I, as outside counsel, review the matter to determine if the Campaign has fully met the Act's reporting requirements as to these disbursements and if not, what amendments to prior reports or other action may be required. Unfortunately, immediately after I wrote the letter, I was called out of town due to a family emergency and did not return until yesterday, February 9, 1978. As a consequence, I still need ten days to review this matter.

I appreciate your cooperation in this matter.

Very truly yours,

*Ronald D. Eastman*  
Ronald D. Eastman

RDE/sss

40040090963

19660106

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET N W

WASHINGTON, D C 20036

FEDERAL ELECTION COMMISSION

73 FEB 10 PM 12 14

Kris Anderson, Research Assistant  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

February 14, 1978

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *MWE*  
SUBJECT: MUR 439 (77) - Interim Status Report dated  
February 8, 1978

The above-mentioned document was circulated to the  
Commissioners on February 10, 1978 at 4:00.

The Commission accepted without objection the Interim  
Status Report on MUR 439 (77) dated February 8, 1978.

69040090955



February 18, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Carr  
SUBJECT: MUR 439

Please have the attached Interim Status Report on MUR 439 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

69040090966

Before the Federal Election Commission

February 8, 1978

In the Matter of )  
 ) MUR 439 (77)  
The 1976 Democratic Presidential )  
Campaign Committee, Inc. )

Interim Status Report

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This matter arose on the basis of a complaint noting a filing inadequacy in the 1976 Democratic Presidential Campaign Committee, Inc. ("Committee") reports of receipts and expenditures for the 30-Day Post Election period: on page 909, line 20, an expenditure of \$228,800 for "Get-Out-the-Vote" purposes was reported as having been made to the Trust Company Bank of Atlanta, Georgia. On December 8, 1977, the Commission found reason to believe that the Committee was in violation of 2 U.S.C. §434(b)(9). Mr. Ronald Eastman, the Committee's attorney, was notified of the Commission's finding on December 29, 1977, and was requested to provide the details of the \$228,800 Get-Out-the-Vote expenditure in light of the requirements of 2 U.S.C. §434(b)(9). Mr. Eastman provided a partial response to the Commission's inquiry on January 28, 1978, and requested additional time to complete his analysis of the Committee's records in Atlanta. An unsuccessful attempt was made to contact Mr. Eastman on February 7, 1978, but he was out of town.

A General Counsel's Report will be prepared for the Commission meeting of February 23, 1978, whether or not Mr. Eastman has

provided the additional information.

2/9/78

Date

William C. Oldaker

William C. Oldaker  
General Counsel

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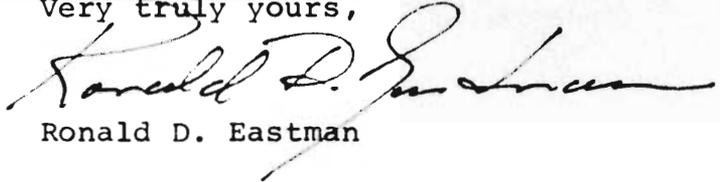
Ms. Sherrie Marshall  
January 26, 1978  
Page 2

with Campaign accountants and have much of the documentation behind the expenditures in their files.

As to the reporting question, the Committee has asked that I, as outside counsel, review the matter thoroughly to determine if the campaign has fully met the Act's reporting requirements as to Get-Out-The-Vote disbursements and, if not, what amendments to prior reports or other action might be required. I anticipate that this process will take no more than ten days, at which time the Committee will advise the Commission of the precise status of this matter.

If the Committee can provide further information, please do not hesitate to be in touch with me.

Very truly yours,



Ronald D. Eastman

CARTER  
MONDALE

# Leaders, for a change.

October 27, 1976

TO: All Persons Disbursing Money for GOTV

As part of the Carter-Mondale campaign's get out the vote effort, you are being given money to cover certain election day activities, such as payments for poll workers. Under the Federal Election Campaign Act:

1. It is illegal to use this money to pay any one person more than \$100.00 in cash. If you need to make a disbursement greater than \$100.00, you must do it by check.
2. If you are making payments directly to workers, you need only obtain a receipt from them. You have been given receipts for this purpose.
3. If you are disbursing money to "middlemen," you must have them sign a copy of this letter.
4. Return all receipts and copies of this letter to your state Carter-Mondale coordinator no later than November 1.

Thank you for your cooperation.

*Douglas B. Huron*  
 Douglas B. Huron  
 Legal Counsel  
 1976 Democratic Presidential  
 Campaign Committee, Inc.

I have read this letter and understand the legal requirements in connection with disbursing money for GOTV purposes.

(signature) *[Handwritten Signature]*

(print name) *Leonard H. Hatched*

residence address *823 G St. SE Washington, DC*

city, state, and zip *Washington, DC 20001*

amount of money received to disburse *\$ 45,200*

date *Oct 27, 1976*

*[Handwritten Signature]*

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LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET N W

WASHINGTON D C 20036

Ms. Sherrie Marshall  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

6 9 0 4 0 0 9 0 9 7 2

Hand delivered, 1/20/78  
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LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

JAMES M. VERNER  
EUGENE T. LIIPFERT  
BERL BERNHARD  
HARRY MCPHERSON  
RONALD B. NATALIE  
WILLIAM C. EVANS  
MICHAEL J. ROBERTS  
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MICHAEL F. GOLDMAN  
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SUITE 1000  
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WASHINGTON, D. C. 20036

CABLE ADDRESS  
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JEFFREY D. KOMAROW  
THOMAS J. KELLER  
BARBARA DAVIS  
ANN K. H. SIMON  
VICTOR S. ELGORT  
RICHARD L. CYS  
W. CLARK MCFADDEN  
EDWARD A. CHERRY

MERRITT RUHLER  
WHITNEY GILLILLAND  
OF COUNSEL

January 20, 1978

Ms. Sherrie Marshall  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

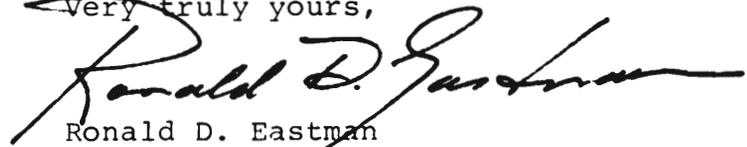
Re: MUR 439 (77)

Dear Ms. Marshall:

This is to confirm our telephone conversation in the above-entitled proceeding. As I told you, I thought I had made it clear to a Commission staff member that supplying the information you requested within 15 days would be impossible because the 1976 Democratic Presidential Campaign Committee, Inc.'s records were in Atlanta and securing the additional information would accordingly take additional time. As I told you on the telephone, Committee personnel have been unable to supply the precise documentation that we hoped to supply. I hope we will have these materials for you by the end of next week.

In the meantime, however, I am informed that the details for the \$228,000 Get-Out-the-Vote expenditure listed for October 27, 1976 were discussed in detail with Commission auditors. They may well have the documentation with regard to this item.

In any event, we will endeavor to provide additional documentation as soon as possible. If this is unsatisfactory, please call me.

Very truly yours,  
  
Ronald D. Eastman  
Counsel for the 1976 Democratic  
Presidential Campaign Committee, Inc.

50040090973

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET N W

WASHINGTON, D C. 20036

RECEIVED  
FEDERAL ELECTION  
COMMISSION

18 JAN 20 11:15

Ms. Sherrie Marshall  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

HAND DELIVER

600400907

January 11, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 439 Team #1 Marshall

Please have the attached Interim Status Report on MUR 439 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of January 18, 1978.

Thank you.

69040090975

January 9, 1978

Before the Federal Election Commission

In the Matter of )  
 )  
 ) MUR 439  
The 1976 Democratic Presidential )  
Campaign Committee, Inc. )

Interim Status Report

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This matter arose on the basis of a complaint noting a filing inadequacy in the 1976 Democratic Presidential Campaign Committee ("Committee") reports of receipts and expenditures for the 30-Day Post-Election Period: on page 909, line 20, an expenditure of \$228,800 for Get Out the Vote purposes was reported as having been made to the Trust Company Bank of Georgia. On December 8, 1977, the Commission found reason to believe that the Committee was in violation of 2 U.S.C. §434(b)(9). Mr. Ronald Eastman, the Committee's attorney was notified of the Commission's finding on December 29, 1977 and was requested to provide the details of the \$228,800 Get Out the Vote expenditure in light of the requirements of 2 U.S.C. §434(b)(9). His response is due on January 13, 1978.

DATE

1/11/78

William C. Oldaker  
WILLIAM C. OLDAKER  
GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

December 28, 1977

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Ronald D. Eastman  
Vernon, Liipfert, Bernhard  
and McPherson  
Suite 1000  
1660 L Street, N. W.  
Washington, D.C. 20036

Re: MUR 439 (77)

Dear Mr. Eastman:

The Federal Election Commission has received a complaint which alleges certain violations of the Federal Election Campaign Act of 1971, as amended, (the "Act"), by the 1976 Democratic Presidential Campaign Committee, Inc. We have numbered this matter MUR 439 (77). A copy of the complaint is enclosed. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §434(b) (9).

Under the Act, the Committee has an opportunity to demonstrate that no action should be taken against it. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Specifically, the Commission requests that the Committee provide details for the \$228,000 Get-Out-the-Vote expenditure listed for October 27, 1976, in light of the requirements of 2 U.S.C. §434(b) (9).

Please submit your response within 15 days after receipt of this notification. If you have any questions, please contact Ms. Sherrie Marshall, the attorney assigned to this matter, at 202/523-4039.



50040090977

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

Sincerely yours,

William Oldaker  
General Counsel

Charles N. Steele  
Associate General Counsel

Enclosures

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**MUR 433**

● **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.  
 Show to whom, date, and address of delivery.  
 RESTRICTED DELIVERY  
 Show to whom and date delivered.  
 RESTRICTED DELIVERY.  
 Show to whom, date, and address of delivery. \$  
 (CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:** *Ronald S. Eastman  
 Irving Liffert, Barbara and  
 McPherson, Suite 1000  
 1450 L St, NW, Wash, D.C. 20036*

3. **ARTICLE DESCRIPTION:**  
 REGISTERED NO. *943905* INSURED NO.  
 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
*[Signature]*

4. **DATE OF DELIVERY**  
*12/29/77*

5. **ADDRESS (Complete only if requested)**  
*1660 - P St NW*

6. **UNABLE TO DELIVER BECAUSE:**  
 CLERK'S INITIALS

POSTMARK  
 WASHINGTON, DC  
 1977  
 629



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

November 22, 1977

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS  
SUBJECT: MUR 439 (77)

*MWE*

The above-mentioned document was circulated to the Commissioners on November 21, 1977.

Commissioner Thomson has submitted an objection and Commissioner Springer has requested that MUR 439 (77) be discussed with MUR 217 (76) at the Commission Meeting of November 29, 1977.

MUR 439 (77) will appear on the Agenda for November 29, 1977.

6904009097



November 21, 1977

MEMORANDUM TO: Marge Ruzins  
FROM: Elissa T. Carr  
SUBJECT: MUR 439 (77)

Please have the attached 7 Day Report on MUR 439 (77) distributed to the Commission on a 24 hour no-objection basis.

Thank you.

69040090981

FEDERAL ELECTION COMMISSION  
325 K Street N.W.  
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION \_\_\_\_\_

MUR NO. 439  
DATE COMPLAINT RECEIVED  
BY OGC 8-22-77

ATTORNEY S. Marshall

COMPLAINANT'S NAME: Felice Merritt Gelman

RESPONDENT'S NAME: 1976 Democratic Presidential  
Campaign Committee

RELEVANT STATUTE: 2 U.S.C. §434(b)(9)  
2 U.S.C. §432(d)

INTERNAL REPORTS CHECKED: Yes. Audit papers on 1976  
Democratic Presidential Campaign Committee

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Complainant notes the following filing inadequacy in the 1976 Democratic Presidential Campaign Committee ("Committee") reports of receipts and expenditures for the 30-Day Post Election period: On page 909, line 20, an expenditure of \$228,800 for Get-Out-the-Vote purposes was reported as having been made to the Trust Company Bank of Georgia (Attachment 1). Complainant alleges that failure to report the name of each person to whom expenditures in excess of \$100 were made by the Committee is a violation of 2 U.S.C. §434(b)(9).

PRELIMINARY LEGAL ANALYSIS

Upon surface inspection of the reports made by the Committee, it appears there may be a violation of the reporting requirements of 2 U.S.C. §434(b).<sup>1</sup> Specifically, the Committee was required to report the identification of each person to whom an expenditure of more than \$100 during the calendar year was made by or on behalf of the Committee, and the amount, date, and purpose of such expenditure. 2 U.S.C. §434(b)(9).

During the general election, the Committee apparently reported all initial disbursements of campaign funds to staff members or others as expenditures. (See 2 U.S.C. §431(f) wherein the definition of expenditure includes "advance"). To clarify the reporting requirements of the Act, the Commission issued a statement on September 29, 1976, and mailed it to all political committees (Attachment 2). The statement says that "the actual use to which an advance is put must be itemized."

On October 27, 1976, the Committee reported an itemized "expenditure" of \$228,000 to the "Trust Company Bank - Fit W/H Depos" for the purpose of "Get-Out-the-Vote" (See Attach-

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<sup>1</sup> Due to the substantive relationship between the reporting requirements of 2 U.S.C. §434 and the recordkeeping requirements of §432, investigation of this matter may reveal the possibility that the Committee failed to keep the records required by §432.

9040990933

ment 1). The bank, however, was not the "person to whom [campaign] expenditures [were] made," but was rather the conduit through which the expenditures were made.

RECOMMENDATION

Find reason to believe that the 1976 Democratic Presidential Campaign Committee violated 2 U.S.C. §434(b) (9) and send the attached letter.

39910090934

ATTACHMENT 1

NAME OF CANDIDATE OR COMMITTEE IN FULL

1976 DEMOCRATIC PRESIDENTIAL CAMPAIGN COMMITTEE, INC.

FULL NAME, MAILING ADDRESS PURPOSE OF EXPENDITURE DATE - MONTH, AMOUNT OF EACH EX AND ZIP CODE DAY, YEAR PENDITURE THIS PERIOD

A G TRIMBLE CO CAMPAIGN MATERIAL 11/01/76 100.00  
 3006 JENKINS ARCADE  
 PITTSBURGH PA 15222

LA TRIBUNA DEL POPOLO NEWSPAPER SPACE 10/27/76 100.00  
 30635 DEQUINDRED RD  
 MADISON HEIGHTS MI

NEWSPAPER SPACE 10/27/76 100.00

TRIMBLES ELECTRIC CO MEETING 11/01/76 180.00  
 411 SOUTH RD  
 INDIANAPOLIS IN

CRITTON COLLEGE CENTER MEETINGS 10/29/76 100.00  
 2000 5TH AVE  
 RIVER GROVE IL 60171

TRUST CO BANK-FIT W/H DEPOS GET OUT THE VOTE 10/27/76 228,800.00  
 300 DRY SQUARE  
 PEACHTREE ST  
 ATLANTA GA

GET OUT THE VOTE 10/28/76 10,000.00

TAXES PAYABLE 11/11/76 140,233.03

PAYROLL TAXES 11/17/76 12,015.95

T-SHIRT LTD CAMPAIGN MATERIAL 10/12/76 100.00  
 3700 WENDELL DR SW





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

September 29, 1976

NOTICE TO ALL CANDIDATES AND COMMITTEES

During the course of the review of reports of contributions and expenditures, the Commission has noted that some committees and candidates are failing to fully describe the purpose of itemized expenditures, see §102.9 of the Commission's proposed regulations and 2 U.S.C. §432(d).

As required by the statute, the "particulars" of each over-\$100 expenditure must be reported. Entries such as "advance to fieldman" or "travel" are not sufficient to meet the statutory requirement. An advance to staff is not an expenditure, but rather an intra-committee transfer. The actual use to which the advance is put must be itemized. For example, if a fieldman receives a \$500 advance and spends \$250 to rent a hall; \$125 on posters; and \$125 on meals and lodging, each of those expenditures must be specifically itemized. Expenditures of \$100 or less need not be itemized, but must be aggregated and reported as unitemized expenditures. Back-up material for these expenditures should be maintained.

The Commission notes that some committees and candidates are not maintaining receipted bills or invoices as back-up for expenditures. The proposed regulations permit a canceled check and a contemporaneous memorandum to be kept instead of a receipted bill. That type of back-up may be used only if a receipted bill is not available, since a canceled check/memorandum back-up usually does not provide as much information as a bill or invoice.

If you or your treasurer have questions about these matters, please contact the Commission's auditing section at (202) 382-6023. The Commission urges you to voluntarily comply with the points in this notice.

Sincerely yours,

Vernon W. Thomson  
Chairman for the  
Federal Election Commission



60040090905

COMPLAINT TO THE FEDERAL ELECTIONS COMMISSION

Pursuant to 2 USC Section 437g(1)(a), I hereby allege that the following violation of the federal election laws was committed by the 1976 Democratic Presidential Campaign Committee:

The operating expenditures of the 1976 Democratic Presidential Campaign Committee lists on page 909, line 20 the following entry (see report 10/22-11/22):

Trust Co. Bank                      Get Out the Vote                      10/27                      \$228,800.00  
Representatives of this bank have affirmed that this money is a withdrawal from the Carter campaign account. Without further itemization, this substantial expenditure is a violation of 2 USC Section 434(b)(9) which states that the identification of each person who receives over \$100 from a campaign committee must be made in the campaign report.

This matter constitutes a serious violation of federal election laws. The Federal Elections Commission should conduct an immediate investigation to determine the extent of these violations.

Felice Merritt Gelman

Sworn before me this day of 11 August 1977

David S. Heller  
Notary

DAVID S. HELLER  
NOTARY PUBLIC - STATE OF NEW YORK  
# 31-4620050  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES 3/30/79

69040090987

BEFORE THE FEDERAL ELECTION COMMISSION

*new letter -  
12-19-77*

In the Matter of )  
1976 Democratic Presidential )  
Campaign Committee )

MUR 439 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 8, 1977, the Commission approved the recommendation of the General Counsel to find reason to believe that the 1976 Democratic Presidential Campaign Committee violated 2 U.S.C. Section 434(b)(9) in the above-captioned matter.

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

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LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

JAMES M. VERNER  
EUGENE T. LIIPFERT  
BERL BERNHARD  
HARRY C. MCPHERSON, JR.  
RONALD B. NATALIE  
WILLIAM C. EVANS  
MICHAEL J. ROBERTS  
JOHN L. RICHARDSON  
RONALD D. EASTMAN  
MARK J. ANDREWS  
HENRY GOLDBERG  
FRITZ R. KAHN  
STUART F. PIERSON

SUITE 1000  
1660 L STREET, N. W.  
WASHINGTON, D. C. 20036

CABLE ADDRESS  
VERLIP  
(202) 452-7400

MICHAEL F. GOLDMAN  
JOHN A. MERRICAN  
THOMAS E. ACEY, JR.  
JOSEPH L. MANSON, III  
HOWELL E. BEGLE, JR.  
ROBERT R. BRINKER  
LYNDA S. MOUNTS  
WILLIAM L. PHILLIPS  
RUSSELL E. POMMER  
JEFFREY D. KOMAROW  
THOMAS J. KELLER  
JEFFREY S. ROSEN  
BARBARA DAVIS  
ANN K. H. SIMON  
VICTOR S. ELGORT  
MERRITT RUHLEN  
WHITNEY GILLILLAND  
OF COUNSEL

October 13, 1977

*Handwritten notes:*  
Docket  
File  
all  
outlines  
over

Mr. William C. Oldaker  
General Counsel, Federal  
Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

Dear Mr. Oldaker:

This is to advise you that I will be representing both the Committee for Jimmy Carter, the principal campaign committee during the prenomination period, and the 1976 Democratic Presidential Campaign Committee, Inc., the principal committee during the general election, in all matters arising before the Federal Election Commission.

Would you kindly make all communications, including correspondence, with those committees through me.

Very truly yours,

*Handwritten signature of Ronald D. Eastman*  
Ronald D. Eastman

1977 OCT 14 AM 10:45

RECEIVED  
FEDERAL ELECTION  
COMMISSION

660601003

MURS 217,401,737 437,440,744 457

FEDERAL ELECTION COMMISSION  
1325 K STREET N.W.  
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



*[Handwritten signature]*  
Felice M. Gelman  
U.S. Labor Party  
P.O. Box 1972  
New York, New York 10002

In Response to Previous Letter



FEDERAL ELECTION COMMISSION  
1325 K STREET N.W.  
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



*[Handwritten signature]*  
NO OTHER  
New York, New York 10002  
P.O. Box 1972  
U.S. Labor Party  
Felice M. Gelman  
NEW YORK, N. Y. 10002



06606065

*Received Aug 23 and Aug 31*



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

Felice M. Gelman  
U.S. Labor Party  
P.O. Box 1972  
New York, New York 10002

Dear Ms. Gelman:

This is to acknowledge receipt of your six complaints of August 12, 1977, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

William C. Oldaker  
General Counsel

Charles N. Steele  
Associate General Counsel

Enclosure

69040090991



gac 1181



# U.S. Labor Party

P.O. BOX 1972 • NEW YORK, N.Y. 10001 • TELEPHONE (212) 563-8600

12 August 1977

772444

Thomas E. Harris, Chairman  
Federal Election Commission  
1325 K Street, NW  
Washington, D.C.

Dear Commissioner Harris:

Enclosed are six sworn complaints indicating areas of both the primary and presidential election campaigns of James Earl Carter which I believe merit the investigation of the Commission for illegalities.

Please confirm the receipt of these complaints and inform me of any actions you take. I understand under law the Commission has ninety days in which to take action upon a sworn complaint. I believe that more than sufficient time has passed since the November election for the glaring illegalities contained in the enclosed complaints to have been investigated. I hope to hear from you promptly.

Sincerely,

Felice Merritt Gelman

1904009992

COMPLAINT TO THE FEDERAL ELECTIONS COMMISSION

Pursuant to 2 USC Section 437g(1)(a), I hereby allege that the following violation of the federal election laws was committed by the 1976 Democratic Presidential Campaign Committee:

The operating expenditures of the 1976 Democratic Presidential Campaign Committee lists on page 909, line 20 the following entry (see report 10/22-11/22):

Trust Co. Bank                      Get Out the Vote                      10/27                      \$228,860.00  
Representatives of this bank have affirmed that this money is a withdrawal from the Carter campaign account. Without further itemization, this substantial expenditure is a violation of 2 USC Section 434(b)(9) which states that the identification of each person who receives over \$100 from a campaign committee must be made in the campaign report.

This matter constitutes a serious violation of federal election laws. The Federal Elections Commission should conduct an immediate investigation to determine the extent of these violations.

69040090903

Felice Merritt Gelman

Sworn before me this day of   //   August 1977

David S. Heller  
Notary

DAVID S. HELLER  
NOTARY PUBLIC - STATE OF NEW YORK  
# 31-4620030  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES 3/30/79



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 439

Date Filmed 1/23/79 Camera No. --- 2

Cameraman SPC