



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 767

Date Filmed 1/24/79 Camera No. --- 2

Cameraman bpc

1977-5-7

MEMORANDUM

TO: Docket File

FROM: Robert Furniss

I remailed a Commission letter to Mr. Raymond J. Connelly at 79 Sterling Avenue, Jersey City, New Jersey, 07305. The letter was originally mailed to 12 Rose Avenue, Jersey City, New Jersey, 07305.

Respectfully submitted,

Robert J. Furniss

79040091758

Mr. Frank Guarini
608 Newark Ave.
Jersey City, NJ 07306

MUR 767

VIA TELEGRAM 3 November 1978 1:00 pm

79040091750
The Commission has received a complaint filed by Raymond Connelly which alleges that you have violated 2 U.S.C. §441d of the Federal Election Campaign Act, as amended.

The Commission has determined that on the basis of the information in the complaint, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission intends to close the file on this matter.

A letter and a copy of the complaint will follow.

William C. Oldaker
General Counsel
Federal Election Commission



FEDERAL ELECTION COMMISSION

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

November 3, 1978

Raymond J. Connelly
12 Rose Avenue
Jersey City, New Jersey 07305

Re: MUR 767

Dear Mr. Connelly:

The Federal Election Commission has reviewed the allegations of your complaint dated October 11 and determined that on the basis of the information provided in your complaint, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, ("The Act") has been committed.

While Mr. Guarini appears prominently in the Columbus Day advertisement, the message does not expressly advocate his election, nor does it mention his candidacy. For this reason, the advertisement does not satisfy the Act's criteria for a political communication and need not display a campaign committee or candidate authorization. See 2 U.S.C. §441d and 11 CFR §109.1(b)(2).

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me. The file reference number for this matter is MUR 767.

Sincerely,

William C. Oldaker
William C. Oldaker
General Counsel

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

November 3, 1978

Mr. Frank Guarini
608 Newark Avenue
Jersey City, New Jersey 07306

Re: MUR 767

Dear Mr. Guarini:

I am forwarding for your information the enclosed complaint which was received by the Commission.

The Commission has determined that on the basis of the information in the complaint, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission intends to close the file on this matter. A copy of the Commission's certification is enclosed for your information.

Sincerely yours,

William C. Oldaker
William C. Oldaker
General Counsel

Enclosures:

1. Complaint
2. Commission Certification

79040091761

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Frank Guarini)

MUR 767

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 2, 1978, the Commission determined by a vote of 5-0 to approve the recommendation, as set forth in the First General Counsel's Report dated November 1, 1978, to find no reason to believe that a violation of 2 U.S.C. §441d has occurred and send the letters attached to the above-named report.

Voting for this determination were Commissioners Springer, Tiernan, McGarry, Thomson, and Harris.

Attest:

11/2/78
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 11-2-78, 7:57
Circulated on 48 hour vote basis: 11-2-78, 1:00

70743391762

November 1, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 767

Please have the attached First General Counsel's Report on MUR 767 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040091763

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE

FIRST GENERAL COUNSEL'S REPORT

78 NOV 2 A7: 57

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION NOV 1 1978

MUR NO. 767
DATE COMPLAINT RECEIVED
BY OGC October 16, 1978
STAFF
MEMBER Furniss

SOURCE: Raymond J. Connelly

RESPONDENT'S NAME: Frank Guarini

RELEVANT STATUTE: 2 U.S.C. §441d

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

BACKGROUND

In a notarized complaint dated October 11, 1978, Mr. Raymond J. Connelly^{1/} charged that Mr. Frank Guarini, the Democratic candidate for Congress in New Jersey's Fourteenth District, had placed an advertisement in several newspapers which was designed to advance his candidacy and which did not include required authorization on its face "in violation of the Commission's regulations."

EVIDENCE

Complainant attached samples of the two ads in question. On October 7, 1978, the Jersey Journal printed an ad in the form of a message from Frank Guarini concerning the significance of Columbus Day. The message proclaimed Columbus as "one of the accomplished visionaries and navigators of all time," citing his achievement as a monument to this country's "Italian heritage." Guarini also praised the efforts of several named coordinators of the holiday celebration. The ad was reprinted on October 11, 1978, with minor phrasing changes. Though his picture was prominently displayed at the top of the page, Mr. Guarini was never identified as a candidate and no apparent election-related issues were mentioned. The ad did not contain any §441d notice.

^{1/} Connelly is the treasurer of Thomas E. McDonough for Congress Campaign Committee, the respondent's Independent Party opposition in the general election. Connelly was defeated by Mr. Guarini for the Democratic nomination on June 6, 1978.

2 U.S.C. §441d requires that "communications expressly advocating the election ... of a clearly identified candidate through any ... newspaper ..." shall "clearly and conspicuously" print the name of the candidate's authorized campaign committee as well as the committee's authorization for the communication. 11 CFR §109.1(b)(2) defines "expressly advocating" as "any communication containing a message advocating election or defeat, including but not limited to the name of the candidate or expressions such as "vote for," "elect," "support," "cast your ballot for" and "Smith for Congress ..."

Mr. Guarini, a candidate, is clearly identified in the ads which appeared only weeks prior to the election. Nevertheless, there is nothing in the circumstances of this case which bring the ads within §109.1(b)(2) definition of "express advocacy." In the absence of such express advocacy, the Commission has no basis to require the insertion of a §441d notice.

RECOMMENDATION

Find no reason to believe that a violation of 2 U.S.C. §441d has occurred and send the attached letters.

90400917

ATTACHMENTS:

1. Complaint with advertisement
2. Letter to Complainant
3. Letter to Respondent

5188

MUR 767

THOMAS E.
McDONOUGH
FOR U. S. CONGRESS
14th CONGRESSIONAL DISTRICT

RECEIVED
FEDERAL ELECTION
COMMISSION

12 ROSE AVENUE
JERSEY CITY, N. J. 07305
(201) 433-0538

'78 OCT 16 PM 3:46

October 11, 1978

Office of General Council
Federal Election Commission
1325 Avenue K Northwest
Washington, D. C. 20463

806983

Gentlemen:

We are 4 weeks away from the Congressional election, and the 14th New Jersey Congressional District is in the midst of a heated campaign.

There appeared this week, in several of our local newspapers, a paid advertisement by Frank Guarini, one of the candidates for the House of Representatives. I am enclosing copies of this ad from 2 newspapers.

Mr. Guarini has never before conveyed greetings for any holiday via an advertisement. This one is a blatant political ad, appealing to a particular ethnic group, which probably constitutes a majority of the voting population of the district.

It bears no "Paid For By" line, indicates no source of funds, or who is responsible for payment.

I strongly feel that this ad is in violation of the Commission's regulations, and demand a prompt investigation of this charge.

Yours very truly

Raymond J. Connelly
Campaign Manager,
THE THOMAS E. Mc DONOUGH FOR CONGRESS
CAMPAIGN COMMITTEE

LM:cc
Enclosures 2

12 days of Oct 1978

GRACE DETORE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Apr. 14, 1983



VI TO ADDRESS HISTORY CLUB

nal candidate, it will address Club of Jersey College on October 11 at has extended tation to the

college community and representatives of the administration, faculty, and secretarial and maintenance unions will join the student meeting. The college is located in the congressional area that

Guarini seeks to represent. Other organizations that will be represented are the political science club, the women's organization and the handicapped. The History Club is one of the oldest clubs at the college. Over the years,

they have been instrumental in bringing political figures like Senator Sam Erwin, vice presidential candidate Tom Eagleton, and Senator William Proxmire, in addition to local and state figures to the campus. The organization is under the direction of Professor Robert Elliot of Bayonne.

POOL SALES CLIMB

Sales of residential swimming pools broke all record in 1977 and 75 percent of the nation's pool builders expect 1978 sales to be better still, according to John Broderick, publisher of Swimming Pool Weekly and Swimming Pool Age. — CNS

COLUMBUS DAY

1978

On Columbus Day, we Americans of Italian birth and



AD



FEDERAL ELECTION COMMISSION

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

Mr. Frank Guarini
608 Newark Avenue
Jersey City, New Jersey 07306

Re: MUR 767

Dear Mr. Guarini:

I am forwarding for your information the enclosed complaint which was received by the Commission.

The Commission has determined that on the basis of the information in the complaint, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission intends to close the file on this matter. A copy of the Commission's certification is enclosed for your information.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures:

1. Complaint.
2. Commission Certification

79040091763



FEDERAL ELECTION COMMISSION

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

Raymond J. Connelly
12 Rose Avenue
Jersey City, New Jersey 07305

Re: MUR 767

Dear Mr. Connelly:

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While Mr. Guarini appears prominently in the Columbus Day advertisement, the message does not expressly advocate his election, nor does it mention his candidacy. For this reason, the advertisement does not satisfy the Act's criteria for a political communication and need not display a campaign committee or candidate authorization. See 2 U.S.C. §441d and 11 CFR §109.1(b)(2).

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me. The file reference number for this matter is MUR 767.

Sincerely,

William C. Oldaker
General Counsel

79740091762



FEDERAL ELECTION COMMISSION

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

October 18, 1978

Raymond J. Connelly
Campaign Manager
The Thomas E. McDonough for Congress
Campaign Committee
12 Rose Avenue
Jersey City, New Jersey 07305

Dear Mr. Connelly:

This is to acknowledge receipt of your complaint of October 11, 1978, alleging violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. 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 handling complaints.

Sincerely,

A handwritten signature in cursive script that reads "Lester N. Scall".

Lester N. Scall
Assistant General Counsel

79040091770

Description of Preliminary Procedures for
Handling of Verified Complaints Received by
the Federal Election Commission

When mail is received by the Federal Election Commission, the mailroom refers all complaints to the Enforcement Division of the Office of the General Counsel, where they are assigned a MUR (Matter Under Review) number and referred to a staff member.

As soon as feasible the Office of the General Counsel writes a preliminary report on the complaint. This report includes a summary of the complaint, a preliminary legal analysis and a recommendation for Commission action, including appropriate letters of notification to the parties named in the complaint. For example, the report may recommend a fine or civil penalty, a declaration of a violation or alternatively, if the Commission is not to take action because we have no jurisdiction or there is no reason to believe a violation of the Act has occurred. The recommendation in the report must be approved by four of the six Commissioners in order for it to become effective. The complainant is contacted when the matter is resolved.

The procedures governing subsequent actions are set forth in 2 U.S.C. Section 437g and Section III of the Commission's regulations.

9940091771

7 7 tabs resent 1 7 7 2
per Furniss
11-11-77

PS Form 3811, Apr. 1977

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). <input type="checkbox"/> Show to whom and date delivered. <input checked="" type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: Raymond J. Connelly 12 Rose Road Jersey City, N.J. 07305	
3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO. 943951	
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
4. DATE OF DELIVERY	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	CLERK'S INITIALS

MUR-767 Furniss GPO : 1977-O-234-337

FEDERAL ELECTION COMMISSION

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

771904009177

Handwritten signature



Raymond J. Connelly
12 Rose Avenue
Jersey City, New Jersey 07305

POSTAGE AND FEES PAID



Address changed
to: [unclear]
[unclear]
[unclear] U.S. [unclear]

CERTIFIED
943951



9760 # 5188

MUR 767

THOMAS E.
McDONOUGH
FOR U. S. CONGRESS
14th CONGRESSIONAL DISTRICT

RECEIVED
FEDERAL ELECTION
COMMISSION

12 ROSE AVENUE
JERSEY CITY, N. J. 07305
(201) 433-0538

'78 OCT 16 PM 3:46

October 11, 1978

Office of General Council
Federal Election Commission
1325 Avenue K Northwest
Washington, D. C. 20463

806983

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Mr. Guarini has never before conveyed greetings for any holiday via an advertisement. This one is a blatant political ad, appealing to a particular ethnic group, which probably constitutes a majority of the voting population of the district.

It bears no "Paid For By" line, indicates no source of funds, or who is responsible for payment.

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Yours very truly

Raymond J. Connelly
Campaign Manager,
THE THOMAS E. MC DONOUGH FOR CONGRESS
CAMPAIGN COMMITTEE

RJC:cc
Enclosures 2

12 days of Oct 1978

GRACE ESTATE
NOTARY PUBLIC IN NEW JERSEY
My Commission Expires Apr. 14, 1983

COLUMBUS DAY

1978

On this Columbus Day, we Americans of Italian birth and ancestry give thanks to Almighty God, for the blessing he has bestowed on our great land, and for giving us the strength, the will, and the determination to make this nation even greater, so that America may always be a beacon light for free people everywhere.



Today we join together to honor one of the accomplished visionaries and navigators of all time...Christopher Columbus. We share a common pride in our Italian heritage and the boundless contribution our culture has made to the world.

A special tribute to Michael Borsese, General Parade Chairman, George Imperatore, Grand Marshal, and all those diligently working to make Hudson County's tribute to the Master Mariner an outstanding success.

Frank Guarini

10

THE JERSEY JOURNAL, SATURDAY, OCTOBER 7, 1978



This AD

GUARINI TO ADDRESS HISTORY CLUB

Professional candidate Frank Guarini will address the History Club of Jersey State College on Friday, October 11 at 7:30 p.m. The club has extended an invitation to the

college community and representatives of the administration, faculty, and secretarial and maintenance unions will join the student meeting.

The college is located in the congressional area that

Guarini seeks to represent.

Other organizations that will be represented are the political science club, the women's organization and the handicapped.

The History Club is one of the oldest clubs at the college. Over the years,

they have been instrumental in bringing political figures like Senator Sam Erwin, vice presidential candidate Tom Eagleton, and Senator William Proxmire, in addition to local and state figures to the campus. The organization is under the direction of Professor Robert Elliot of Bayonne.

POOL SALES CLIMB

Sales of residential swimming pools broke all record in 1977 and 75 percent of the nation's pool builders expect 1978 sales to be better still, according to John Broderick, publisher of *Swimming Pool Weekly and Swimming Pool Age*. — CNS

COLUMBUS DAY 1978

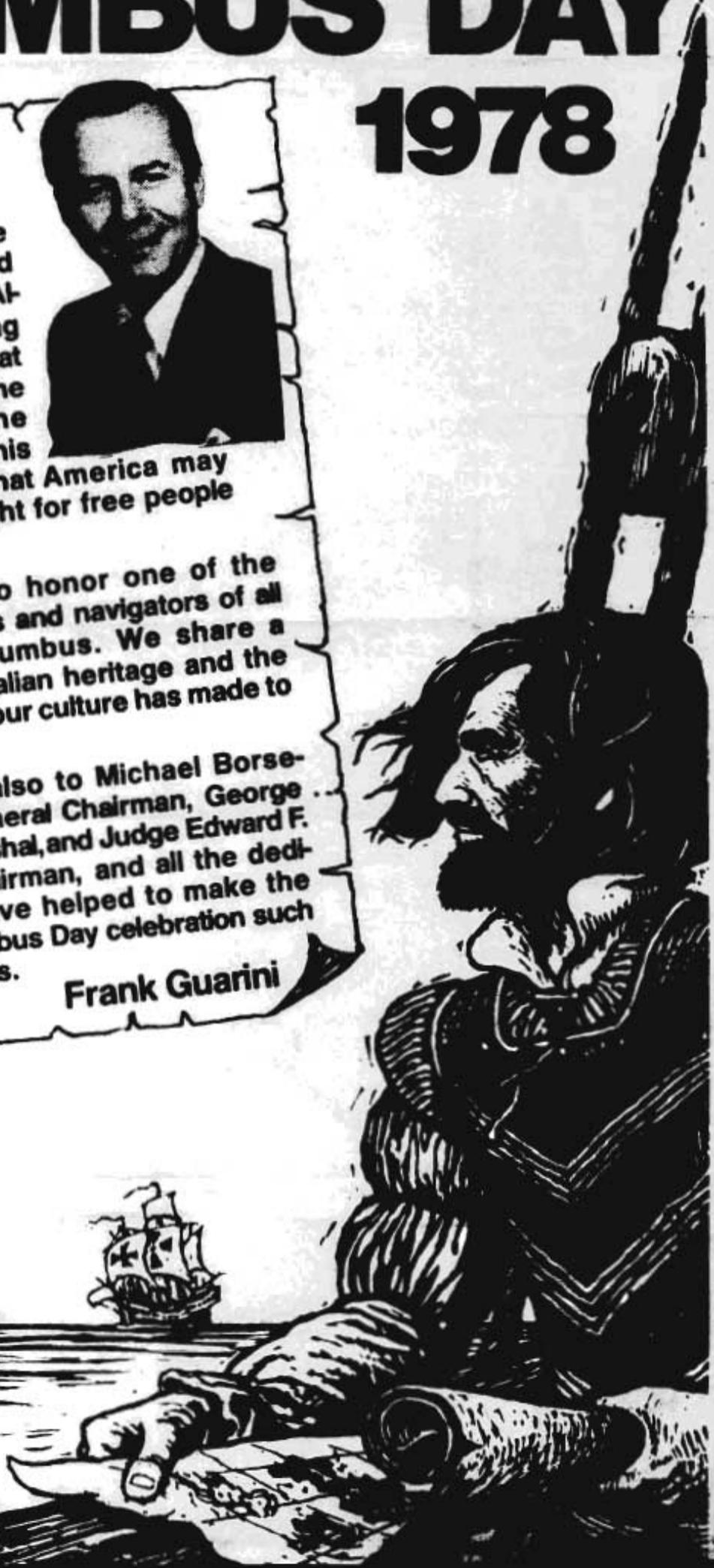


On Columbus Day, we Americans of Italian birth and ancestry gave thanks to Almighty God, for the blessing he has bestowed on our great land, and for giving us the strength, the will, and the determination to make this nation even greater, so that America may always be a beacon light for free people everywhere.

We join together to honor one of the accomplished visionaries and navigators of all time... Christopher Columbus. We share a common pride in our Italian heritage and the boundless contribution our culture has made to the world.

A special tribute also to Michael Borse-so, Hudson County General Chairman, George Imperatore, Grand Marshal, and Judge Edward F. Zampella, Parade Chairman, and all the dedicated people who have helped to make the Hudson County Columbus Day celebration such an outstanding success.

Frank Guarini



THOMAS E.

McDONOUGH 77

FOR U. S. CONGRESS

14th CONGRESSIONAL DISTRICT

12 ROSE AVENUE JERSEY CITY, N. J. 07305

CERTIFIED

No. 367252

MAIL

OFFICE OF GENERAL COUNCIL
FEDERAL ELECTION COMMISSION
1325 AVENUE K NORTHWEST
WASHINGTON, D. C. 20463

**RETURN RECEIPT
REQUESTED**

**SPECIAL
DELIVERY**

RECEIVED
FEDERAL ELECTION COMMISSION
JAN 10 1968
340





FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 767

Date Filmed 1/24/79 Camera No. --- 2

Cameraman bpc

79040391778