



Federal Election Commission
Washington, DC 20463

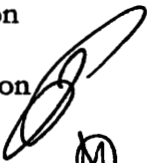
RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARY


OCT 31 10 30


SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon 
Staff Director

FROM: Allan D. Silberman 
Director, ADR Office

BY: Lynn M. Fraser 
Assistant Director, ADR Office

SUBJECT: Recommendation to Close the File on ADR 138

DATE: October 30, 2003

In accordance with the revisions to the ADR program procedures approved by the Commission on March 3, 2003, ADR 138/MUR 5249 is attached for the Commission's review. The case was forwarded to the ADR Office (ADRO) by OGC on September 12, 2003 to review and determine its appropriateness for ADR processing. Following the new ADR procedures referenced above, this matter will be closed by ADRO if the Commission approves the recommendation in this memorandum. The Office of General Counsel (OGC) concurs in the description of this matter, and also concurs that it will not be returned to OGC for further action.

ADR 138/MUR 5249: Complainants allege that Respondents Friends of Nancy Kaszak and Sharon Eiseman, Treasurer coordinated advertising with Respondents Emily's List, Ellen Malcolm, Treasurer and Illinois Women Vote! that expressly advocated the defeat of Rahm Emanuel. Complainants further allege that the advertising resulted in an excessive contribution to the Friends of Nancy Kaszak from Emily's List.

Respondents Friends of Nancy Kaszak and Sharon Eiseman, Treasurer contend that the campaign committee did not coordinate any advertisements with Emily's List and had no knowledge of the advertisements until they aired on television stations in Chicago. Friends also contend that Respondents Emily's List raised funds for Friends, and that all contributions were reported.

Respondents Emily's List and Ellen Malcolm, Treasurer contend that the relevant ads were advocating on issues of trade and job creation. They further argued that the ads contained no express advocacy and there was no in-kind contribution because there was no coordination. In addition, Emily's List explains that Illinois Women Vote! is one of their projects, not a political committee.

3-19-025-2287

Attached for the Commission's review is the ADR *Case Analysis Report* (CAR) on **ADR 138**, along with copies of the EPS Rating and ADR Rating reports.

Recommendation: We recommend that **ADR 138/MUR 5249** be closed and the appropriate letters sent.

3.19.025.2288