



**Federal Election Commission
Washington, DC 20463**

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

September 9, 2005

Bridget Gallagher, Executive Director
Alaska Democratic Party
P.O. Box 231230
Anchorage, AK 99523-1230

Re: ADR 269 (MUR 5603)

Dear Ms. Gallagher:

On November 2, 2004, the Federal Election Commission ("FEC" or "Commission") received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Respondents, Gordon and Eileen Harang. In its memorandum to the Commission, dated September 1, 2005, this office stated:

The Alaska Democratic Party filed this complaint alleging that Gordon S. Harang and Eileen Harang ("Respondents") made an independent expenditure aggregating in excess of \$1000 within twenty (20) days of an election and failed to file a 24-Hour report as required by the FECA. Specifically, the complaint states that Respondents paid for an advertisement in the Alaska Daily News on Monday, October 25, 2004 with a disclaimer disclosing that Respondents paid for the ad, but it was not authorized by any candidate or candidate's committee. Respondents contend that they complied with the FECA when they filed the 24-Hour Notice on Schedule 5-E by certified mail on October 22, 2004, within twenty-four hours of contracting for the advertisement.

Although not stated by Respondents in their reply to the complaint, they also sent the Schedule 5-E via facsimile to the Commission, and it is reflected on Respondents' index of reports as having been filed on October 22, 2004. According to 2 U.S.C. § 434(a)(5), 24-Hour Notices sent by certified mail are considered filed on the date received by the Commission, but any person required to file a 24-Hour

Notice may also do so by facsimile transmission or electronic mail pursuant to 2 U.S.C. 434(d), if they are not required to file electronically. Respondents' Schedule 5-E sent via certified mail was not received within twenty-four hours of when they contracted to pay \$12,640 for the advertisement, but the Schedule 5-E that was transmitted to the Commission via facsimile device was received timely.

Accordingly, the Commission closed its file in this matter on September 8, 2005.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lynn M. Fraser
Assistant Director, ADR Office

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