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February 5, 2007

Jeff S. Jordan, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 5894

Dear Mr. Jordan:

The undersigned represents the Beaufort County Democratic Party and Allan Yard, as Treasurer ("collectively referred to as the "BCDP"). By this letter, the committee responds to a complaint filed by Randolph Bates. In his complaint, Mr. Bates alleges that the BCDP placed several ads advocating the election of federal candidates without registering as a political committee and failed to provide an appropriate disclaimer.

The committee acknowledges that it placed two advertisements that were intended as "slate advertisements" for all of its candidates. The advertisements referred to twelve non-federal candidates and only one federal candidate. Accordingly, only a small portion of the advertisement is allocable to a federal candidate.

The Federal Election Campaign Act ("the Act") requires a local party committee to register as a political committee if it makes \$1,000 in contributions or expenditures in connection with a federal election in a calendar year. 2 U.S.C. § 431(4)(C). If the committee does not reach this threshold, it may make expenditures in connection with a federal election so long as those expenditures are made from funds that are permissible under the Act. 11 C.F.R. § 102.5(b).

Contrary to Mr. Bates' assertion, the committee did not reach the \$1,000 political committee threshold. To be sure, the advertisements referenced in the complaint were the only expenditures made by the BCDP during the 2006 calendar year. The total cost for these two advertisements were \$876.00. Furthermore, the committee spend \$151.05

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to print and hand distribute the same slate card. Thus, the federal portion of these advertisements was less than \$100. Thus, the BCDP did not trigger political committee status in 2006. Furthermore, in accordance with 11 C.F.R. § 102.5(b), the BCDP had sufficient permissible funds to pay for the federal portion of this expenditure.

The advertisement properly acknowledged that it was paid for by the BCDP, the BCDP admits that the advertisement does not fully comply with the Commission's regulations that require all public communications that expressly advocate the election of a federal candidate to comply with the Commission's regulations since it did not state whether it was authorized by a federal candidate nor was the disclaimer in a printed box. 11 C.F.R. § 110.11(a)(2). The committee has been admonished by its Washington counsel that all advertising that references a federal candidate must comply with federal disclaimer requirements. Any such ads run in the future by the BCDP will comply with the Commission's disclaimer requirements in the future.

Based upon the small amounts spent on the advertisements, the Commission should use its prosecutorial discretion and dismiss the complaint. The complaint incorrectly alleges that the JCDP should have qualified as a federal committee. Although the advertisements run by the JCDP contained a disclaimer that properly identified the JCDP as the payee of the advertisement, the JCDP was unaware of the full requirements for federal disclaimers under the recently passed Bipartisan Campaign Reform Act. In the alternative, the Commission should refer this matter to its Alternative Dispute Resolution Division for disposition.

If you have any questions or concerns, please call me at (202) 479-1111.

Sincerely,



Neil Reiff  
Counsel to the Beaufort County  
Democratic Party and Allan Yard, as  
Treasurer

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 999 E Street, NW  
 Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL  
 Please use *one* form for each Respondent/Client  
 FAX (202) 219-3923

MUR # 5894  
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 ADDRESS: 6 E Street, SE  
Washington DC 20003  
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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

01/12/07 Allan Yard Treasurer  
 Date Respondent/ Client Signature Title

RESPONDENT/CLIENT Beaufort County Democratic Party  
 (Please Print)

MAILING ADDRESS: P O Box 1793  
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Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation

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