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COMMISSION
OFFICE OF GENERAL
COUNSEL

September 5, 2008

2008 SEP 10 P 1:54

Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
Washington D.C.
20463

Washington D.C.

Re: MUR 6036 – Yolo County Democratic Central Committee
MUR 6043 – Davis Democratic Club

Dear Mr. Jordan:

The complaints filed by the Yolo County Republican Chairman Mark Pruner against the Yolo County Democratic Central Committee (YCDCC) (MUR 6036) and the Davis Democratic Club (DDC) (MUR 6043) are without merit. MUR 6043 refers to MUR 6036, and makes identical assertions. This response is made on behalf of both organizations. Although the legal and factual circumstances of the two organizations differ in important respects, the basic issues at stake are the same.

The mere recitation of amounts of funds raised and spent by these organizations, without any factual showing or assertion that those funds -- or any proportion of those funds -- were contributed or expended in connection with federal elections, should result in dismissal of each of the respective complaints. Speculation and suppositions based solely on proximity in time to elections do not take the place of facts: the elections adverted to in the complaint were primarily state primary and general elections not federal elections. The small amounts of money involved and the predominantly local, small-scale character of the organizations involved suggest dismissal as the most appropriate course of action.

YCDCC and DDC are grass-roots organizations that exist primarily to facilitate and organize the activities of volunteers, many of whom are their members, to express themselves in the local political arena and to communicate with their neighbors about their enduring support for the Democratic Party and its candidates at all levels. They support headquarters, register voters, distribute locally produced literature door-to-door or occasionally by mail, socialize together, and put their names in the local newspaper to identify themselves publicly as supporting the values and candidates of the Democratic Party. When they raise money in small increments they spend it to facilitate the expression of their own members and their friends and neighbors. Their activities do not constitute contributions or expenditures as those terms are defined by FECA/BCRA in amounts that would trigger registering or reporting in Washington D.C.

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Both organizations promote volunteer political activism among Democratic partisans at the local level in Northern California. Their activity has not triggered the onerous reporting requirements of the Federal Election Campaign Act (FECA) or the Bi-Partisan Campaign Reform Act (BCRA). If the activities of either organization during 2001 through 2007 did somehow come within the purview of the FECA and/or BCRA, those statutes as applied would violate the First Amendment rights of political speech and association of their hundreds of members and adherents.

In support of these assertions we are submitting a Background Document we have prepared that sets out legal and factual matters that we hope will assist the FEC in disposing of this matter.

We are not represented by counsel at present. We are ourselves volunteers. Correspondence in this matter may continue to be addressed to each of us. Thank you for your courtesy.

Respectfully,


ROBERT BOCKWINKEL
Former Treasurer
Yolo County Democratic
Central Committee
(2001-2006)


WILLIAM JULIAN II
Treasurer
Yolo County Democratic
Central Committee
(2007 to present)


ELIZABETH WEIR
Treasurer
Davis Democratic Club

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