

**NEBRASKA REPUBLICAN PARTY**

**Mark Fahleson, Chairman**

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COMMISSION

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OFFICE OF GENERAL  
COUNSEL

November 24, 2009

Thomasenia Duncan, Esquire  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

MUR # 6239

Re: Thomas White and Tom White for Congress

Dear Ms. Duncan:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against Thomas White (White) and Tom White for Congress ("the Committee") for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations and, more specifically, for violation of the prohibited transfer provision set forth in 11 CFR 110.3(d).

I. Facts

Tom White for Congress is the principal campaign committee for Thomas White, a candidate for the United States House of Representatives, campaigning to represent Nebraska's 2<sup>nd</sup> Congressional District. The Committee's FEC Form 1 Statement of Organization was filed with the FEC on July 14, 2009. White's FEC Form 2 Statement of Candidacy was also filed with the FEC on July 14, 2009.

On Sept. 2, 2009, the Committee received a contribution in the amount of \$1,000 from White for Legislature. This contribution was reported on Schedule A, Line 11C, of the Committee's FEC Form 3 Report of Receipts and Disbursements filed on Oct. 15, 2009. No transfers from authorized committees appeared in Line 12 of the Detailed Summary Page of the same report.

According to the Nebraska Accountability and Disclosure Commission website, White for Legislature is the registered campaign committee for Thomas White.

II. Relevant Law

The Act and FEC regulations define contribution to include "any gift, subscription, loan, advance, or deposit or money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 USC 431(8)(A)(i), 11 CFR 100.52(a).

FEC regulations require the reporting of contributions from "all committees (including political committees and committees which do not qualify as political committees under the Act) which make contributions to the reporting committee during the reporting period." 11 CFR 104.3(a)(4)(ii). Contributions from these "other political committees" are reported on Line 11C of the FEC Form 3. *Federal Election Commission Campaign Guide for Congressional Candidates and Committees.*

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Commission regulations state that a candidate's authorized committee for one office receiving a transfer from that same candidate's authorized committee for another office must report the total transfer. 11 CFR 104.3(a)(4)(iii)(A). Transfers are reported on Line 12 of the FEC Form 3 and must be itemized on Schedule A, regardless of amount. 11 CFR 104.3(a)(4)(iii)(A) and *Federal Election Commission Campaign Guide for Congressional Candidates and Committees*.

However, the regulations state that "transfers of funds or assets from a candidate's campaign committee or account for a nonfederal election to his or her principal campaign committee or other authorized committee for a federal election are prohibited." 11 CFR 110.3(d).

III. Legal Analysis

On Sept. 2, 2009, the Committee violated FEC regulations when it accepted \$1,000 from White for Legislature. White for Legislature is White's campaign committee for a nonfederal election. The Committee is White's principal campaign committee for a federal election. Commission regulations plainly prohibit transfers between a candidate's committee for a nonfederal election to a candidate's principal campaign committee.

Moreover, the Committee attempted to disguise the illegal transfer as a contribution. The Committee reported the receipt of \$1,000 from White for Legislature on Line 11C of its FEC Form 3 instead of reporting the receipt as a transfer on Line 12.

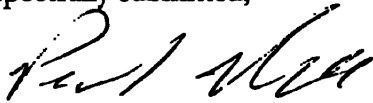
Regardless of which line the Committee used to report the receipt, acceptance of any amount of money from White for Legislature by the Committee is a transfer from White's nonfederal campaign committee to his principal campaign committee. This constitutes an illegal transfer under FEC regulations.

IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, Thomas White and Tom White for Congress have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations. Accordingly, we respectfully request that the Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

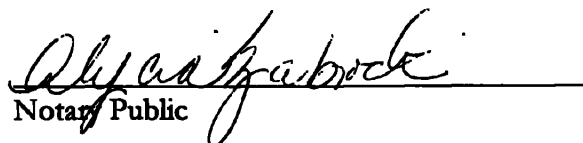
The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,



Perre S. Neilan  
Executive Director

Sworn to and subscribed before me this 23 day of Nov, 2009.



Notary Public

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