



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

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SENSITIVE

MEMORANDUM

March 3, 2010

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director *AP*

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Lynn M. Fraser *LMF*
Director, ADR Office

SUBJECT: ADR 536 Tom White For Congress
Recommendation to Dismiss¹

The Office of General Counsel (OGC) referred MUR 6239, and the ADR Office designated the matter as ADR 536. We have included a summary and discussion of the matter for your information. Copies of the complaint and response, as well as the EPS report, are in the voting ballots folder.

Summary and Analysis of Case: This matter should be dismissed as the amount of the contribution is relatively small and Respondents refunded the contribution prior to the Commission receiving the complaint. The Complainant, the Nebraska Republican Party, alleges that Tom White For Congress and Tom Monteith, Treasurer (Respondents or the Committee) accepted a \$1,000 contribution from White for Legislature on September 2, 2009, and that this contribution violates 11 C.F.R. § 110.3(d). White for Legislature is Tom White's campaign committee for a nonfederal election. The complaint further alleges that Respondents attempted to hide the illegal contribution because the transaction was reported on line 11C rather than on line 12 of the detailed summary page of the Committee's 2009 October Quarterly Report.

Respondents contend that the Committee, to preclude any inference of non-compliance with the Federal Election Campaign Act, as amended (FECA), refunded the \$1,000 contribution to White For Legislature on November 23, 2009, prior to the complaint being received by the Commission. Respondents further contend that this was their first federal campaign and mistakenly believed they could accept up to \$1,000 from a nonfederal political organization

¹ The Office of General Counsel concurs in the description of this matter.

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without triggering political committee status for the donor. In addition, Respondents argue that Complainant's allegation that the contribution should have been disclosed on line 12 of the detailed summary page is incorrect, in that line 12 is for the disclosure of transfers from other *authorized* committees. Respondents contend that White For Legislature was not a political committee authorized by a candidate under 11 C.F.R. § 102.13 of the FECA.

RECOMMENDATION:

- 1. Dismiss ADR 536 (MUR 6239), and close the file.**
- 2. Approve the appropriate letters.**

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