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OFFICE OF GENERAL  
COUNSEL

November 23, 2010

Christopher Hughey  
Acting General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

PRE-MUR # 510

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Dear Mr. Hughey:

I am writing on behalf of OneAmerica Votes, a Washington State nonprofit corporation that is exempt from federal income tax under section 501(c)(4) of the Internal Revenue Code and that is a client of this law firm. In accordance with the Commission's Notice 2007-8, Policy Regarding Self-Reporting of Campaign Finance Violations (Sua Sponte Submissions), OneAmerica Votes wishes to notify the Commission of a violation that has come to the attention of the organization.

As described in the enclosed declaration from OneAmerica Votes' Executive Director Pramila Jayapal, OneAmerica Votes operated a volunteer-staffed canvassing and phone-banking operation and made several communications by mail that expressly advocated the election or defeat of one or more federal candidates. For a number of reasons, notably the new organization's inexperience in election-related activities and a fundamental misunderstanding of the impact of the Supreme Court's decision in the *Citizens United* case, OneAmerica Votes failed to report its expenditures for such communications as required by 2 U.S.C. § 434(c). In addition, OneAmerica Votes failed to include the disclaimer required by 2 U.S.C. § 441d on printed public communications containing express advocacy.

OneAmerica Votes realized its federal election law error when the organization engaged independent counsel to conduct a review of the organization's federal and state election law compliance following questions raised about the organization's efforts related to a state ballot measure. OneAmerica Votes is cooperating with state authorities to resolve state election law issues as well.

OneAmerica Votes is a new organization, and 2010 was the first election in which it was involved. However, the organization hopes to continue its election-related efforts in future years. These inadvertent errors in its initial outing have brought home to OneAmerica Votes the need for more thorough board and staff training regarding legal compliance in this area and the need for the ongoing assistance of qualified counsel to advise the organization in this area of law. OneAmerica Votes is putting in place these efforts to prevent any future violations.

OneAmerica Votes is prepared to cooperate fully in any investigation of this matter. We request that this matter be handled on an expedited basis under the Commission's policy on self-reported violations. Because OneAmerica Votes has acted on its own initiative to bring this matter to the

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Commission's attention, and due to the limited scope of this violation, the steps already taken to prevent further violations, and the fact OneAmerica Votes violated the law as a result of the organization's confusion about the organization's obligations in the wake of recent changes to the law, we request that the Commission consider abating or reducing the amount of any fine assessed against the organization.

I look forward to the opportunity to discuss this matter with you further at your convenience.

Sincerely,

John Pomeranz

Enclosure: Declaration of Pramila Jayapal, Executive Director, OneAmerica Votes

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**DECLARATION PRAMILA JAYAPAL, EXECUTIVE DIRECTOR, ONEAMERICA VOTES**

1. My name is Pramila Jayapal.
2. I am a citizen of the United States and a resident of Washington State.
3. I am the executive director of OneAmerica Votes, a position I have held since I helped to found the organization in August, 2009.
4. From August through the election held on November 2, 2010, OneAmerica Votes engaged in various activities and made various expenditures intended to turn out voters in the election and to influence voters to support or oppose various state ballot measures, state candidates, and federal candidates.
5. OneAmerica Votes activities and expenditures that included any express advocacy of the election or defeat of any federal candidate are as follows. Rather than aggregate the expenses, the list goes into some detail, even for relatively small expenditures, in an effort to provide the most complete disclosure possible. OneAmerica Votes made the following expenditures, some of which included expenditures for express advocacy for or against non-federal candidates and ballot measures:
  - a. Expenditures of approximately \$17,590 for the production, printing, and mailing of cards that expressly advocated the reelection of U.S. Senator Patty Murray and that were distributed by direct mail and by hand during the period from October 14 through October 25, 2010. These cards included a statement that they were "paid for by" OneAmerica Votes and Washington CAN and listed the address of each of these organizations. However all costs for producing and mailing these cards were, in fact, paid by OneAmerica Votes, and Washington CAN merely permitted the use of its name on the cards. These cards did not include a disclaimer stating that they were not authorized by any candidate or committee.
  - b. Expenditures of approximately \$563 for expenses related to volunteer-staffed phone banks that were held on September 19 and October 11, 2010, and that expressly advocated the reelection of U.S. Senator Patty Murray and U.S. Congressman Rick Larsen.
  - c. An expenditure of approximately \$98 for expenses related to volunteer-staffed phone banks that was held on September 30, 2010, and that expressly advocated the reelection of U.S. Senator Patty Murray and the election of congressional candidate Suzan DelBene.
  - d. Expenditures of approximately \$6326 for expenses related to additional volunteer-staffed phone banks held between September 23 and October 30, 2010, that expressly advocated the election or reelection of one or more federal candidates and that also expressly advocated the election of a

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candidate for the Washington State legislature, the defeat of one or more statewide ballot measures, or both.

- e. Expenditures of approximately \$3974 for expenses related to volunteer-staffed canvass operations held between September 20 and October 31, 2010, that expressly advocated the election or reelection of one or more federal candidates and that also expressly advocated the election of a candidate for the Washington State legislature, the defeat of one or more statewide ballot measures, or both. The cost of these canvasses stated above includes the cost of producing literature distributed through the canvass that expressly advocated the reelection of one or more federal candidates and that also expressly advocated the election of a candidate for the Washington State legislature, the defeat of one or more statewide ballot measures, or both. This literature included the statement that it was "paid for by OneAmerica Votes" and the address of OneAmerica Votes, but did not include a statement that the literature was not authorized by any candidate or committee.
  - f. Expenditures of approximately \$302 for expenses related to mass emails directing people to websites containing endorsements of federal and state candidates and ballot measures.
  - g. Expenditures of approximately \$1506 for rental of lists used in the mail, email, and phone bank communications described above.
6. No portion of the expenditures for these communications was reported as an independent expenditure to the Commission prior to the election.
  7. Late in the day on Tuesday, November 16, 2010, I became aware of a complaint filed against OneAmerica Votes with the Washington State Public Disclosure Commission ("PDC") alleging that that OneAmerica Votes had violated applicable state election law in failing to register with the PDC and file reports related to the organization's activities and expenditures related to statewide ballot measures and candidates for state office that were on the November 2, 2010, ballot. On my instruction, OneAmerica Votes sought representation from qualified counsel to determine the validity of the complaint and to resolve the matter with the PDC.
  8. In early October 2010, prior to election and the filing of the PDC complaint against OneAmerica Votes, the outside accountant for OneAmerica Votes, acting upon instructions from OneAmerica Votes staff, sought clarification from the staff of the PDC about whether the state election activities of OneAmerica Votes created a registration or reporting requirement for OneAmerica Votes with the PDC. It did not appear at the time that OneAmerica Votes had any such obligations, but that answer may have been in error as a result of a misunderstanding by OneAmerica Votes staff of what constituted a Washington State "political committee."