



**PENNSYLVANIA
DEMOCRATS**
FEDERAL ELECTION
COMMISSION
SECRETARIAT

RECORDED
FEDERAL ELECTION
COMMISSION

2012 OCT -2 PM 2: 56

2012 OCT -1 PM 12: 38

Jim Burn
Chair
Penny Gerber
Vice-Chair
Ann M. Bursis
Treasurer

OFFICE OF GENERAL
SENSITIVE COUNSEL

September 28, 2012

Anthony Herman, Esq.
General Counsel - Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 6652

13190293157

Dear Mr. Herman:

On behalf of the Pennsylvania Democratic Party I am writing to bring to your attention what we believe is a deliberate violation of federal campaign finance law by the Rothfus for Congress and Tom Smith for Senate campaigns. Both of these campaigns, Keith Rothfus for Congress (PA - 12) and Tom Smith for Senate, Inc. are the principal committees for these Republican nominees in this fall's general election. A search of Federal Election Commission records does not indicate that either committee has created a joint fundraising committee for the purpose of undertaking any joint fundraising.

Attached to the letter (Exhibit A) is an invitation sent out collectively by Rothfus for Congress and Tom Smith for Senate for a joint fundraising event to be held on October 2nd 2012 in Greensburg, Pennsylvania. This invitation solicits donors to allocate "as they see fit" a suggested contribution of \$500 for the general election of these two candidates. The invitation does not make clear how contributions to the event are to be allocated, that donor's contributions will be subject to reallocation if they are maxed out to one committee or the other, nor does it explain that donors are permitted to earmark their contribution to one committee or the other as required by 11 C.F.R. § 102.17(c)(2).

Federal Election Commission regulations require that such events be organized as a joint fundraising event in accordance with Commission regulations at 11 C.F.R. § 102.17. These regulations ensure that joint events provide proper notice to donors as to the allocation of contributions, inform the general public that a joint event is being undertaken, and that fundraising expenses are properly allocated amongst its participants. In recent MUR 5780, the Commission held that a candidate for United States Senate and a party committee violated Commission regulations for failing to establish a joint fundraising committee for a joint event that was held at the same time and same place, and violated the Commission's donor notice requirements found in 11 C.F.R. § 102.17(c)(2).

We request that the Commission promptly and aggressively investigate this clear violation of federal campaign finance regulations and seek any and all injunctive and financial penalties permitted by law and that the committees be required to pay civil penalties similar to those levied by the Commission in MUR 5780.

Sincerely,

A. Montgomery
Aubrey Montgomery
Finance Director - The Pennsylvania Democratic Party

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
JOHN D. LIBERT, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 7, 2014

SWORN TO AND SUBSCRIBED before me this 28 day of September, 2012 Notary

[Signature]

Paid for and Authorized by The Pennsylvania Democratic Party.