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Federal Election Commission
Washington, DC 20463

MEMORANDUM

July 17, 2013

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TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Lynn M. Fraser *LMF/KR*
Director, ADR Office

BY: Krista J. Roche *KJR*
Assistant Director, ADR Office

SUBJECT: ADR 638 Friends of John Sawyer for Supervisor 2012 and Santa Rosa City Councilman John Sawyer, Resubmission of Recommendation to Dismiss

The Office of General Counsel (OGC) referred MUR 6694 on June 4, 2013, and the ADR Office designated the matter as ADR 638. The ADR Office recommends the Commission dismiss the matter as the record reflects that the relevant independent expenditure report was filed and that Respondents were not required to file as a political committee. We include a summary and discussion of the matter for your information.

Summary and Analysis of Case: Complainant, Kara Mills, alleges that Friends of John Sawyer for Supervisor 2012 and Santa Rosa City Councilman John Sawyer (Respondents) did not register as a political committee with the Federal Election Commission (Commission or FEC), nor file independent expenditure reports with the Commission after engaging in independent campaign activity. The complaint specifically alleges that Respondent engaged in independent campaign activity by sending a mass mailing to advocate the election of three federal candidates in October 2012.

Respondents acknowledge that on October 31, 2012 they sent the residents of the Sonoma County 1st Supervisorial District in California a mail piece. The piece, which supported the John Sawyer for Supervisor campaign, called for voters to "join us, vote for" and listed federal candidates President Barack Obama, U.S. Senator Dianne Feinstein, and Congressman Mike Thompson. Respondents contend they believed they fully complied with the FECA, as well as state and local laws by filing the FEC Form 5.

While the complaint alleges that this mail piece was not reported, FEC records indicate that the relevant independent expenditure report was filed. The FEC Form 5 was electronically filed with the Commission on November 5, 2012.

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As the complaint alleges, the Respondent campaign committee did not register as a political committee with the FEC after making this independent expenditure. However, because the major purpose of the Respondent campaign committee was not federal campaign activity, the committee was not required to register with the FEC as a political committee. A "political committee" is defined as any committee, club, association or other group of persons that receives contributions or makes expenditures aggregating in excess of \$1,000 per calendar year, according to 2 U.S.C. § 431(4)(A). An organization will not be considered a "political committee" unless its "major purpose is Federal campaign activity (i.e., the nomination or election of a Federal Candidate)." *Political Committee Status Supplemental E&J*, 72 FR 5595, 5597 (Feb. 7, 2007). See *Buckley v. Valeo*, 424 U.S. 1, 79 (1976); *FEC v. Massachusetts Citizens for Life, Inc. (MCFL)*, 479 U.S. 238, 262 (1986). It appears from the available information concerning its expenditure history and mission, that this committee's major purpose was not the nomination or election of federal candidates. This committee's major purpose appears to be the election of John Sawyer to the position of county supervisor, and reports filed with the FEC reflect that the independent expenditure that is the subject of this complaint is the only federal expenditure made by the committee. Therefore, this committee would not have been required to register and report with the Commission as a political committee.

RECOMMENDATION:

- 1. Dismiss ADR 638 (MUR 6694), and close the file.**
- 2. Approve the appropriate letters.**