



**Federal Election Commission
Washington, DC 20463**

August 20, 2013

John Sawyer
Friends of John Sawyer for Supervisor 2012
1608 Deer Run
Santa Rosa, CA 95405

Re: ADR 638 (MUR 6694)

Dear Mr. Sawyer:

On November 20, 2012 the Federal Election Commission ("FEC" or "Commission") notified Friends of John Sawyer for Supervisor 2012 of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with the notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and take no further action against the Respondents Friends of John Sawyer for Supervisor 2012 and Santa Rosa City Councilman John Sawyer. In its memorandum to the Commission, dated July 17, 2013, this office stated:

Summary: 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.

Accordingly, the Commission closed its file in this matter on August 16, 2013.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondent(s) and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

If you have any questions regarding this matter please be in touch. My telephone number is 202-694-1665.

Sincerely,

Lynn M. Fraser, Director,
Alternative Dispute Resolution Office