

Jesse L. Jackson, Jr.
2nd District, Illinois



November 6, 2007

MEMBER OF CONGRESS

The Federal Election Commission
The Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

AOR 2007-34

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OFFICE OF GENERAL
COUNSEL

To the Federal Election Commission:

I write to submit an advisory opinion request about whether I am permitted under federal election law to be featured in billboard and radio advertisements endorsing a non-federal candidate for a countywide office in Cook County, Illinois. The advertisements will be paid for by the non-federal candidate, using non-federal funds.

While I also am standing for election during the February 5th Democratic Primary in Illinois, the advertisements will not be designed to promote or to support my congressional candidacy. In fact, I have no opponent in the upcoming primary. The billboards instead will publicize and refer to only the election of the non-federal candidate, beside whom I will be pictured standing in the ad (see enclosures).

Earlier this year, the Commission considered a very similar instance in a matter previously under review (MUR). In MUR 5718, a complaint alleged that my appearance in a radio and billboard advertisement for a non-federal candidate, using non-federal funds, violated federal election law.

In the case, the Commission found that the radio advertisement was "not an electioneering communication because it satisfied an exemption for endorsements of state and local candidates that do not promote, support, attack or oppose a Federal candidate." In addition, the Commission dismissed the allegation that both the radio and billboard advertisements were improperly coordinated on the grounds that "neither ad mentioned Jackson's candidacy for Federal office and both would satisfy new regulations that exempt certain endorsements of state candidates from the coordination rules."

Considering the Commission's conclusion in MUR 5718, I believe that I am permitted to be featured in both billboard and radio advertisements for a non-federal candidate in Illinois. However, I want to make certain that my understanding and interpretation of the law is correct and accurate before agreeing to participate in the advertisements. I hope that the Commission will provide an expedited review of this matter as the Illinois Primary will be held earlier and campaigns are active and in process.

If you have any questions or need additional information about my inquiry, please contact me at my campaign office at 773-731-0000. I thank you in advance for your attention and consideration in this matter and I look forward to receiving your reply.

Sincerely,

Jesse L. Jackson, Jr.
Member of Congress

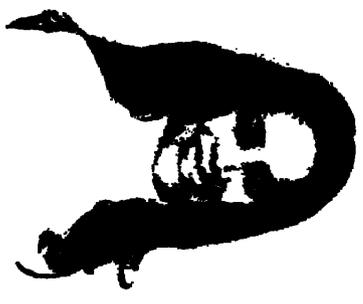
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Justice has no color.

LARRY SUFFREDIN
FOR STATE'S ATTORNEY
Vote February 5th



Because justice has no color.

LARRY SUFFREDIN
FOR STATE'S ATTORNEY
Vote February 5th



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2007 NOV 13 A 11: 40

For Immediate Release
February 13, 2007

Contact: **Bob Biersack**
Kelly Huff
George Smaragdis
Michelle Ryan

FEC COMPLETES ACTION ON SIX ENFORCEMENT CASES

WASHINGTON -- The Federal Election Commission recently completed action on six matters previously under review (MURs). The Commission found no reason to believe that violations of the law occurred in three matters, and exercised its prosecutorial discretion and dismissed three complaints.

In MUR 5774, the Commission found no reason to believe that Club for Growth State Action Committee or the Christian Coalition of Colorado made prohibited in-kind contributions of coordinated communications to Doug Lamborn for Congress, or that Doug Lamborn for Congress violated the Federal Election Campaign Act ("FECA" or "the Act") by knowingly accepting prohibited in-kind contributions from these organizations. The complaint alleged that Doug Lamborn for Congress obtained the addresses of absentee voters and shared them with the Club for Growth State Action Committee and the Christian Coalition of Colorado, who in turn used the addresses to send mailers critical of Mr. Lamborn's opponents. The Commission concluded that the allegations were sufficiently rebutted and that there was no basis to investigate the alleged coordination.

In MUR 5736, the Commission found no reason to believe that Friends for Mike McGavick and Michael McGavick violated the FECA by accepting prohibited in-kind contributions from the Safeco Corporation or converting the contributions to personal use. The complaint alleged that payments from Safeco to Mr. McGavick (formerly the CEO of Safeco) constituted prohibited corporate contributions to his campaign, and that Mr. McGavick then converted those contributions to personal use. The Commission concluded that these payments were ordinary employment-related compensation made irrespective of Mr. McGavick's candidacy.

In MUR 5718, the Commission found no reason to believe that Citizens for Giannoulis violated the Act by financing electioneering communications with non-federal funds or that Barack Obama received in-kind contributions in the form of coordinated expenditures. The complaint alleged that a radio advertisement in which Senator Obama and Congressman Jesse Jackson, Jr., endorsed Mr. Giannoulis, and a billboard advertisement in which Congressman Jackson endorsed Mr. Giannoulis, constituted electioneering communications and coordinated communications that were financed with non-Federal funds. The Commission concluded that the radio advertisement did not qualify as an electioneering communication and was not a coordinated communication with respect to Senator Obama. The Commission exercised its prosecutorial discretion and dismissed the coordination allegation against Congressman Jackson on the grounds that a regulation enacted four months after the airing of the radio advertisement exempts the complained-of activity from the coordination regulations.

In MURs 5700 and 5707, the Commission exercised its prosecutorial discretion and dismissed complaints against Phillip Meskin, Veteran's Party of America, Veterans Post Newspaper, National Heritage Foundation, Veterans Public Awareness Foundation and Disabled American Veterans Chapter 9. The Commission found that many of the allegations involved an internal dispute that did not implicate the FECA, and that the FECA-related allegations were unsubstantiated. Furthermore, the Federal financial activity of the Veteran's Party of America was de minimis during the period at issue.

In MUR 5738, the Commission exercised its prosecutorial discretion and dismissed the complaint against Charles A. Gonzalez, the Charles A. Gonzalez Congressional Campaign, West San Antonio Chamber of

Commerce, Tom Frost, III, Hearst Newspaper Partnership, LP, and Intercontinental Hotels Group Resources, Inc. The complaint centered around a dinner reception hosted by Congressman Gonzalez on behalf of the West San Antonio Chamber of Commerce and a related newspaper advertisement. The Commission determined that the allegations were speculative and/or specifically refuted.

This release contains only disposition information.

1. MUR 5774

RESPONDENTS: (a) Doug Lamborn for Congress, Kathleen A. Rockefeller, treasurer

(b) Club for Growth State Action (CFGSA)

(c) Christian Coalition of Colorado (Christian Coalition)

COMPLAINANT: Robert Gardner

SUBJECT: Prohibited in-kind contributions in the form of coordinated communications.

DISPOSITION: (a-c) No reason to believe*

[re: prohibited in-kind contributions]

The complaint alleged that Doug Lamborn for Congress made coordinated communications with CFGSA and the Christian Coalition by obtaining the names and addresses of absentee voters from the El Paso County Clerk's Office and providing them to the aforementioned groups. CFGSA and the Christian Coalition allegedly used the addresses to send mailers criticizing two of Mr. Lamborn's primary election opponents. The Lamborn Committee asserted that it had not engaged in any coordination with CFGSA or the Christian Coalition and that the addresses were available from a variety of public sources. CFGSA asserted that it had purchased the absentee voter list from a commercial list vender, and CFGSA and the Christian Coalition both denied any coordination with Doug Lamborn for Congress. The Commission found no reason to believe any of the respondents violated the Act.

**DOCUMENTS
ON PUBLIC
RECORD:**

Documents from this matter are available from the

Commission's web site at <http://www.fec.gov> by entering

5774 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

2/3. MUR 5700 &
5707

RESPONDENTS: (a) Phillip G. Meskin [5700 & 5707]

(b) Veteran's Party of America, Susan J. White, treasurer [MURS 5700 & 5707]

(c) Veterans Post Newspaper [5700 & 5707]

(d) National Heritage Foundation [5700 & 5707]

(e) Veterans Public Awareness Foundation [5700 & 5707]

(f) Disabled American Veterans Chapter 9 [5707]

COMPLAINANT: Terry Richards [5700]; Robert C. Thompson [5707]

SUBJECT: Failure to File Disclosure Reports; unlawful use of funds; unlawful misrepresentation; illegal payments.

DISPOSITION: (a-f) Dismiss the matter.

The complaints alleged that Phillip Meskin failed to file disclosure reports in 2005 for the Veteran's Party of America (VPA) and misused VPA's website, party conference and other resources to benefit other organizations. The Commission determined that the accusations were unsupported by information provided by complainants and that most of the issues presented do not implicate the Act. The VPA's Federal financial activity during the period at issue included only \$1,017 in receipts, and \$40 in expenditures. The Commission exercised its prosecutorial discretion and dismissed the complaints.**

**DOCUMENTS
ON PUBLIC
RECORD:**

Documents from this matter are available from the

Commission's web site at <http://www.fec.gov> by entering

5700 or 5707 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

4. MUR 5738

RESPONDENTS: (a) Charles A. Gonzalez Congressional Campaign, Irene S. Baldrige, treasurer

(b) Charles A. Gonzalez

(c) West San Antonio Chamber of Commerce

(d) Tom Frost, III

(e) Hearst Newspaper Partnership, LP (aka San Antonio Express-News

(f) Intercontinental Hotels Group Resources, Inc.

COMPLAINANT: Michael Idrogo

SUBJECT: Prohibited in-kind contribution; corporate contribution; disclaimer.

DISPOSITION: (a-f) Dismiss the matter.

The complainant alleged that the respondents made prohibited in-kind contributions to the Charles A. Gonzalez Congressional Campaign when the West San Antonio Chamber of Commerce sponsored a dinner reception at the Holiday Inn Riverwalk and ran an advertisement to promote the event in the San Antonio Express-News. The Committee refuted the claims that there was evidence of coordination. The Commission exercised its prosecutorial discretion and dismissed the complaints.**

**DOCUMENTS
ON PUBLIC
RECORD:**

Documents from this matter are available from the

Commission's web site at <http://www.fec.gov> by entering

5738 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

5. MUR 5736

RESPONDENTS: (a) Friends for Mike McGavick, Robert A. Ratliffe, treasurer

(b) Michael McGavick

(c) Safeco Corporation

COMPLAINANT: Washington State Democratic Central Committee

SUBJECT: Prohibited corporate contributions and personal use of campaign funds.

DISPOSITION: (a-c) No reason to believe

[re: prohibited corporate contributions and personal use of campaign funds]

Michael McGavick is the former CEO of Safeco Corporation and was a Senate candidate in Washington in the 2006 general election. The complaint alleged that payments made by Safeco to Mr. McGavick after altering his terms of employment constituted prohibited in-kind contributions to Friends for Mike McGavick. The complaint also alleged that Mr. McGavick violated FECA by converting the contributions to personal use. Respondents claimed that payments made to Mr. McGavick were made irrespective of his candidacy and, therefore, were not contributions. The Commission concluded that these payments were ordinary employment-related compensation made irrespective of Mr. McGavick's candidacy and found no reason to believe that any of the respondents violated the Act.

**DOCUMENTS
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Documents from this matter are available from the

Commission's web site at <http://www.fec.gov> by entering

5736 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

6. MUR 5718

RESPONDENTS: (a) Citizens for Giannoulis, Demetris Giannoulis, treasurer
(b) Alexander Giannoulis
(c) Jesse L. Jackson, Jr.
(d) Barack Obama

COMPLAINANT: Illinois Republican Party

SUBJECT: Impermissible funds used to make electioneering communications; in-kind contributions in the form of coordinated communications.

DISPOSITION: (a,b) No reason to believe

[re: impermissible funds used to make electioneering communications.]

(a-c) Dismiss the matter.

[re: contribution in the form of coordinated communications.]

(d) No reason to believe

[re: contribution in the form of coordinated communications.]

Representative Jesse L. Jackson, Jr., and Senator Barack Obama were featured in a radio advertisement endorsing Alexander Giannoulis, a non-federal candidate for Illinois State Treasurer. The ad was paid for by Citizens for Giannoulis, using non-federal funds. The complaint alleged that the respondents violated the electioneering communications provisions of the Act by spending non-federal funds to finance the radio advertisement. The Commission found that the advertisement was not an electioneering communication because it satisfied an exemption for endorsements of state and local candidates that do not promote, support, attack or oppose a Federal candidate.

In addition to the radio advertisement, Rep. Jackson was featured in a billboard ad endorsing Giannoulis. The complaint alleged that both the radio and billboard advertisements were improperly coordinated. The Commission found no reason to believe that Senator Obama accepted excessive or prohibited contributions since the ads did not satisfy any of the content

standards of the coordination regulation. The Commission dismissed coordination allegations made against Rep. Jackson as a matter of prosecutorial discretion on the grounds that neither mentioned Jackson's candidacy for Federal office and both would satisfy new regulations that exempt certain endorsements of state candidates from the coordination rules.

**DOCUMENTS
ON PUBLIC
RECORD**

Documents from this matter are available from the

Commission's web site at <http://www.fec.gov> by entering

5718 under case numbers in the Enforcement Query System. They are also available in the FEC's Public Records Office at 999 E St. NW in Washington.

***There are four administrative stages to the FEC enforcement process:**

- | | |
|---------------------------------------|----------------------------------|
| 1. Receipt of proper complaint | 3. "Probable cause" stage |
| 2. "Reason to believe" stage | 4. Conciliation stage |

It requires the votes of at least four of the six Commissioners to take any action. The FEC can close a case at any point after reviewing a complaint. If a violation is found and conciliation cannot be reached, then the FEC can institute a civil court action against a respondent.

****The Enforcement Priority System (EPS) rates all incoming cases against objective criteria to determine whether they warrant use of the Commission's limited resources.**

Cases dismissed under EPS fall into two categories: low rated and stale cases. Low rated cases are those that do not warrant use of the Commission's resources to pursue because of their lower significance relative to other pending matters.

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