

Comment on AOR 2012-34

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COMMISSION

October 19, 2012

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Shawn Woodhead Werth  
Secretary and Clerk  
Federal Election Commission  
999 E Street, NW  
Washington DC 20463

OFFICE OF GENERAL  
COUNSEL

Re: Comment on AOR 2012-34: Freedom PAC and Friends of Mike H

Dear Secretary Werth and Commissioners of the FEC,

As a concerned citizen, I would like to voice my opinion in the AO 2012-34 request by Freedom PAC and Friends of Mike H.

Independent-expenditure only committees (Super PACs) and authorized candidate committees remain separate throughout the election process. If, after a candidacy is terminated, an authorized campaign committee shows that they have donated to the Super PAC, then it creates the possibility for thought, even though it may be extremely unlikely that it happened, that coordination may have occurred between the two organizations. As you know, Super PACs are not permitted in any way to coordinate with any candidate for election. The donation of funds to a Super PAC after the election may show potential coordination between these two organizations.

There are plenty of other avenues through which to disburse the funds. The funds may be disbursed to another candidate that the former candidate now supports, they may be distributed to a charity, etc. There should be no reason to distribute funds from an authorized candidate committee to a Super PAC, even upon conclusion of the candidacy.

A candidate's donation to a Super PAC should come out of personal funds, and not out of the funds of an authorized candidate committee that once was his. This is extremely important, as the funds of an authorized committee represent the funds that a candidate uses to run for election. The candidate's personal funds represent his free speech as an American citizen pursuant to the US Supreme Court's decision in *Citizens United v. FEC*, and are protected under the first amendment. Thus, the donation of funds by an authorized committee seems to be unauthorized communication between the two organizations.

I strongly urge you to disapprove of Freedom PAC and Friends of Mike H's request.

Sincerely,

  
Joseph G. Donahue