FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1194

Date Filmed May 12, 1988 Camera No. --- 2

Cameraman JSC

MOR 1194

MUK 1194 - Hasan

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☐ Show to whom and date delivered..... ___ ¢
- ☐ Show to whom, date and address of delivery.... ___ ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered..... ___ ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$ ___

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Thomas Philpat
% Chas Ullery

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	61966	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐Addressee ☐Authorized agent

Chas Ullery

4. DATE OF DELIVERY — POSTMARK

APR 22 1981

5. ADDRESS (Complete only if requested)

81 APR 27 A10:21

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

☆GPO : 1979-300-450

8102241635

Mail 1194 - Haga

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☐ Show to whom and date delivered..... ¢
- ☐ Show to whom, date and address of delivery..... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered..... ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$ ____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Howard S Rich

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	[illegible]	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

[signature]

4. DATE OF DELIVERY: 4/9/81

POSTMARK: APR 9 1981 WASHINGTON

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-300-459

4-1-81

Mail 1194 - Haga

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☐ Show to whom and date delivered..... ¢
- ☐ Show to whom, date and address of delivery..... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered..... ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$ ____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Alaska Libertarian Party

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	[illegible]	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

[signature]

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-300-459

4-1-81

Mack 1174 - Hayes

PS Form 3811, Jan 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☐ Show to whom and date delivered..... ¢
- ☐ Show to whom, date and address of delivery... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered..... ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

David L Stratton

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	C-2666	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐Addressee ☐Authorized agent

Mrs David L Stratton

4. DATE OF DELIVERY — POSTMARK

FAIRBANKS, AK CITY
APR 6 1981

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

FAIRBANKS AK
APR 6 1981

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-300-468

4-6-81

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alaska Libertarian Party
1105 Cushman Street
Fairbanks, Alaska 99701

RE: MUR 1194

Dear Sir or Madam:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former section 441a(a)(1) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the MacBride Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

8103024364

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alaska Libertarian Party
1105 Cushman Street
Fairbanks, Alaska 99701

RE: MUR 1194

Dear Sir or Madam:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former section 441a(a)(1) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the MacBride Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

April 1, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Howard S. Rich, Treasurer
MacBride for President Committee
c/o Chris Hocker
2300 Wisconsin Avenue
Washington, D.C. 20007

RE: MUR 1194

Dear Mr. Rich:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former sections 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 44la(f) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523 4057.

Sincerely,

Charles N. Steele
General Counsel

8103243645

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Howard S. Rich, Treasurer
MacBride for President Committee
c/o Chris Hocker
2300 Wisconsin Avenue
Washington, D.C. 20007

RE: MUR 1194

Dear Mr. Rich:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former sections 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523 4057.

Sincerely,

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David L. Stratton, Treasurer
Alaska MacBride for President Committee
SR Box 20199
Fairbanks, Alaska 99701

RE: MUR 1194

Dear Mr. Stratton:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former sections 432(d), 441a(f), 434(a)(1)(A) and (B), and 433(a) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

8107024336447

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David L. Stratton, Treasurer
Alaska MacBride for President Committee
SR Box 20199
Fairbanks, Alaska 99701

RE: MUR 1194

Dear Mr. Stratton:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former sections 432(d), 441a(f), 434(a)(1)(A) and (B), and 433(a) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William K. MacReynolds, Treasurer
Ohio MacBride for President Committee
8625 Coral Gables Lane
Vienna, Virginia 22180

RE: MUR 1194

Dear Mr. McReynolds:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former sections 434(a)(1)(A) and (3) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

8103243649

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William K. MacReynolds, Treasurer
Ohio MacBride for President Committee
8625 Coral Gables Lane
Vienna, Virginia 22180

RE: MUR 1194

Dear Mr. McReynolds:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former sections 434(a)(1)(A) and (3) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Reed Shelley, Esquire
P. O. Box 742
Fairbanks, Alaska

RE: MUR 1194

Dear Mr. Shelley:

On March 17, 1981, the Commission determined to take no further action regarding your clients' violations of former section 441a(a)(1) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

8102043651

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Reed Shelley, Esquire
P. O. Box 742
Fairbanks, Alaska

RE: MUR 1194

Dear Mr. Shelley:

On March 17, 1981, the Commission determined to take no further action regarding your clients' violations of former section 441a(a)(1) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Philpat, Treasurer
Minnesota Committee to Elect MacBride
c/o Charles Ullery, Chairman
Libertarian Party of Minnesota
6514 Upper 35th St. North
Oakdale, Minnesota 55109

RE: MUR 1194

Dear Mr. Philpat:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former section 434(a)(1)(A) and (3) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

8103024365

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Philpat, Treasurer
Minnesota Committee to Elect MacBride
c/o Charles Ullery, Chairman
Libertarian Party of Minnesota
6514 Upper 35th St. North
Oakdale, Minnesota 55109

RE: MUR 1194

Dear Mr. Philpat:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former section 434(a)(1)(A) and (3) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Van Auld
Louisiana MacBride for President
227 Driftwood
Lafayette, Louisiana 70503

RE: MUR 1194

Dear Mr. Auld:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former section 432(c) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

8102024365

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Van Auld
Louisiana MacBride for President
227 Driftwood
Lafayette, Louisiana 70503

RE: MUR 1194

Dear Mr. Auld:

On March 17, 1981, the Commission determined to take no further action regarding your committee's violations of former section 432(c) of the Federal Election Campaign Act of 1971, as amended. This action was based in part on the compliance efforts made in the Committee's behalf by the Libertarian party, as well as the unavailability of Committee records and personnel. Accordingly, we have closed the file in this matter.

If you have any questions, please contact Frances B. Hagan at 202/523-4057.

Sincerely,

Charles N. Steele
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1194
MacBride for President Committee	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 17, 1981, the Commission decided by a vote of 6-0to take the following actions regarding MUR 1194:

1. Take no further action against the MacBride for President Committee (National) regarding the violations of 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 44la(f).

2. Take no further action against the Alaska MacBride for President Committee regarding the following violations:

   a) 2 U.S.C. former § 432(d);
   b) 2 U.S.C. former § 44la(f);
   c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
   d) 2 U.S.C. former § 433(a)

3. Take no further action against Mr. Richard Randolph regarding the violation of 2 U.S.C. former § 44la(a)(1).

4. Take no further action against Mr. Curtiss Green regarding the violation of 2 U.S.C. former § 44la(a)(1).

5. Take no further action against Mr. Jack Turenski regarding the violation of 2 U.S.C. former § 44la(a)(1).

(Continued)

6. Take no further action against the Alaska Libertarian Party Committee regarding 2 U.S.C. former § 441a(a)(1).

7. Take no further action against the California MacBride for President Committee regarding the violations of:

   a) 2 U.S.C. former § 432(c);
   b) 2 U.S.C. former § 432(d); and
   c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Take no further action against the Louisiana MacBride for President Committee regarding the violation of 2 U.S.C. former § 432(c).

9. Take no further action against the Minnesota Committee to Elect MacBride regarding the violation of 2 U.S.C. former § 432(c).

10. Take no further action against the New York Libertarians for MacBride regarding the violations of 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Take no further action against the Ohio MacBride for President Committee regarding the violation of 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Take no further action against the Pennsylvania Citizens for MacBride regarding the violation of 2 U.S.C. former § 434(a)(1)(A) and (3).

(Continued)

13. CLOSE THE FILE.

14. Send the letters as attached to the General Counsel's March 12, 1981 report.

Attest:

3/17/81
Date

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 3-12-81, 5:01
Circulated on 48 hour vote basis: 3-13-81, 2:00

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS / JODY CUSTER jc

DATE: MARCH 17, 1981

SUBJECT: COMMENTS REGARDING MUR 1194

Attached is a copy of Commissioner Tiernan's vote sheet with comments regarding MUR 1194.

ATTACHMENT:
Copy of Vote Sheet

VOTE TALLY SHEET

FEDERAL ELECTION COMMISSION 38

[illegible] STREET, N.W.
WASHINGTON, D.C. 20463

Date and Time Transmitted: FRIDAY, 3-13-81
2:00

Commissioner McGARRY, AIKENS, TIERNAN, THOMSON, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: TUESDAY, MARCH 17, 1981
2:00

MUR No. 1194 - General Counsel's Report dated 3-12-81

(✓) I approve the recommendation

( ) I object to the recommendation

COMMENTS: [illegible]

Date: 3/16/81 Signature: Robert O. Tiernan

A DEFINITE VOTE IS REQUIRED AND ALL SHEETS SIGNED AND DATED. PLEASE RETURN ONLY THE VOTE SHEETS TO THE OFFICE OF THE COMMISSION SECRETARY NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

March 12, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1194

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis. Thank you.

8107224361

BEFORE THE FEDERAL ELETION COMMISSION

In the Matter of)
) MUR 1194
MacBride for President)
Committee)

MAR 12 P5:01

GENERAL COUNSEL'S REPORT

On August 20, 1980, the Commission found reason to believe that the MacBride for President Committee violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through the actions of seven states affiliates, violated 2 U.S.C. §§ 434(a)(1)(A), (B), and (3), 433(a), and 44la(f). The Commission also found reason to believe against Mr. Richard Randolph, Mr. Curtiss Green, Mr. Jack Turenski, and the Alaska Libertarian Party Committee for apparently making excessive contributions in violation of 2 U.S.C. former § 44la(a)(1).

Notification of the Commission's findings in this case was sent to each respondent at the addresses available to us. Of the twelve respondents, two contacted as directly, three individuals wished to be represented by the same attorney, the others did not respond or could not be located. We cannot locate the treasurer of the National MacBride Committee.

Former treasurers from the Ohio and Alaska MacBride Committees stated that the necessary reports and accompanying documentation had been submitted to the National Committee for inclusion with the comprehensive report to the FEC. (See Attachments A and B) These reports are on public

record due to subsequent filing by a National Libertarian Party official.

The former Alaska MacBride treasurer states further that the bank loans to his Committee which were endorsed by individuals were repaid with party funds. He adds that "a complete card file was maintained" to account for contributor limitations. (Attachment B, p.1) However, without copies of loan agreements, the circumstances of these assertions cannot be verified.

As for the three loan guarantors, Richard Randolph, Jack Turenski and Curtiss Green, FEC auditors discovered the following:

Former Committee Chairman Richard Randolph was an endorser of two $5000 loans. His share of one loan was $1000. Of the second loan, his share was one-third the total or $1,666.67. If Mr. Randolph made no other contributions to the Committee, the second loan guarantee of $1,666.67 constituted an excessive contribution during the period the loan remained outstanding. Mr. Turenski and Mr. Green each endorsed one-third of a $5000 loan, making their excessive portion $666.67 each. (See Attachment C - response)

No documents are available to allow precise determination beyond the auditors' findings as to the extent of the three individuals' contributions. It appears from the Alaska treasurer's statement, however, that both bank loans have been repaid.

Based on the information in hand, and the unlikely availability of obtaining additional useful documents

(either loan agreements or Committee records), it is the Office of General Counsel's opinion that no greater degree of compliance would be achieved through pursuit of these five year old violations. Punitive measures against the MacBride agents who responded would prove unsatisfactory, in that such action would miss the appropriate target, the National MacBride Committee, which is ultimately liable for its agents' activities. In addition, the public disclosure responsibility for all respondents' reporting violations was substantially fulfilled by a National Libertarian Party official responding to the initial MacBride audit. It is our view of this case that a productive outcome is remote, and further expenditure of staff resources is unwarranted. Therefore, we are recommending that the Commission take no further action in the MacBride for President matters and close the file in this case.

Recommendations

1. Take no further action against the MacBride for President Committee (National) regarding the violations of 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Take no further action against the Alaska MacBride for President Committee regarding the following violations:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Take no further action against Mr. Richard Randolph regarding the violation of 2 U.S.C. former § 441a(a)(1).

4. Take no further action against Mr. Curtiss Green regarding the violation of 2 U.S.C. former § 441a(a)(1).

5. Take no further action against Mr. Jack Turenski regarding the violation of 2 U.S.C. former § 441a(a)(1).

6. Take no further action against the Alaska Libertarian Party Committee regarding 2 U.S.C. former § 441a(a)(1).

7. Take no further action against the California MacBride for President Committee regarding the violations of:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Take no further action against the Louisiana MacBride for President Committee regarding the violation of 2 U.S.C. former § 432(c).

9. Take no further action against the Minnesota Committee to Elect MacBride regarding the violation of 2 U.S.C. former § 432(c).

10. Take no further action against the New York Libertarians for MacBride regarding the violations of 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Take no further action against the Ohio MacBride for President Committee regarding the violation of 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Take no further action against the Pennsylvania Citizens for MacBride regarding the violation of 2 U.S.C. former § 434(a)(1)(A) and (3).

13. Close the file.

14. Send attached letters.

12 March 1981
Date

Charles N. Steele
General Counsel

Attachments

Sample letter to respondents
Letter from William K. MacReynolds - Attachment A
Letter from David L. Stratton - Attachment B
Letter from Robert Reed Shelley - Attachment C

William K. MacReynolds and Associates

Economic Research, Analysis, and Consultation on Antitrust, Regulation, and Public Policy

GCC#2581

September 8, 1980

Ms. Frances B. Hagan
Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

Dear MS. Hagen:

I received the letter from FEC Chairman Max L. Friedersdorf dated August 28, 1980 on September 5, 1980 regarding matter MUR 1194. As per our phone conversation, you have corrected your records to reflect that I, not Virginia B. MacReynolds, was the Treasurer of the Ohio MacBride for President Committee.

As to the violations cited in the letter and the attachments, I prepared a report covering the entire election period and submitted it to the national headquarters of the MacBride for President Committee. I learned from you that a Libertarian Party official later made a report to the FEC based upon my submission. I was not asked to sign the later report.

It is my belief that the reports filed by the Libertarian Party official accurately reflects the information supplied by me to the national MacBride Committee and covers the entire period of the Ohio MacBride campaign.

If required, I would be pleased to peruse the documents submitted to the FEC regarding the Ohio MacBride for President activities and sign an appropriate document regarding their validity.

Sincerely,

William K. MacReynolds, Ph.D.

Attachment A

8625 Coral Gables Lane, Vienna, Virginia 22180 (703) 281-7077

Hagan

FILED

80 SEP 22 P 3:28

David L. Stratton
SR Box 20199
Fairbanks, Alaska 99701

Mr. Max L. Friedersdorf, Chairman
Federal Election Commission
Washington, D.C. 20463

09-15-80

RE: M.U.R. 1194

Dear Mr. Friedersdorf:

I will respond to your findings in the order in which they appear in your notification. Keep in mind that I resigned as Treasurer shortly after the year end report for 1976 and recalling exact detail of events four years old will be somewhat difficult. Also, the staff person doing the audit failed to return our records to me and I will be burdened even futher in recalling the events without those.

#3 All expenditures made after my taking the Treasurers position were documented.

#4 No loan funds were contributed by the loan guarantors. All funds were provided by the banks and were repaid from party or Alaska Libertarian Party funds. We were informed that donations from The Alaskan Libertarian Party, registered with the APOC, were not limited to the $ 1,000.00 per year limitation.

#5 I personally filed the pre, post-election, and year end report with copies to the National Office. These reports were all filed on time.

#7 The Statement of Organization was filed late due to the original Treasurer failing to do so. As soon as I discovered the error it was corrected.

It should be noted that a complete card file was maintained in the Local Libertarian Party Office of all McBride contributors. Our reports clearly showed those making contributions in excess of $ 100.00 with the required information. Also, I spoke, via telephone, to one of the auditors explaining the circumstances surrounding the previous treasurer and problems in obtaining copies of bank statements. I was assured that if they needed additional material they would contact me. If they could not locate me they didn't try as I have lived at the same address for the last six (6) years. The bank we were dealing with at the time was not on a computer and they indicated the statements could only be reproduced at great cost and time.

I have already covered the loan situation but would add that I did not indicate the Alaska Libertarian was unregistered. The loans were made to the committee on the strength of the finacial statements of the guarantors with the

Attachment

committee responsible for the repayment of the loans.

The reports in question were filed on time and copies were sent to National. No futher contact from the commission was received by me. I was no longer treasurer after the termination of the campaign.

In closing let me add that I attempted to bring together and update what I found left behind by a previous treasurer. My best efforts were all I had to offer. Many times the bank was requested to search for our prior statements but to no avail. Had I received any requests for documentation from the commission I would have attempted to fullfill them.

Sincerely yours,

David L. Stratton

DLS/rhs

10530 GCC# 2964
80 OCT 15 A 8:47

ROBERT REED SHELLEY
P.O. Box 742
Fairbanks, Alaska 99701

Frances B. Hagan, Staff Member
Federal Elections Commission
Washington, D.C. 20463

Oct. 9, .980

Ref: MUR 1194

Dear Mr. Hagan:

Mr. Richard Randolph, Mr. Jack Turinsky and Mr. Curtis Green, as respondents in the above referenced matter, have requested that I respond to the communications they have received from you regarding alleged federal election law violations.

It is the position of these three respondents that they are not in violation of federal election law in this matter. We are in the process of collecting documents so that the above referenced allegations may be more fully and accurately answered. In order to facilitate a more detailed response, I am requesting that copies of all documents or records in your possession which raise the allegations or which bear on this matter be sent to me by your office.

Upon receipt and review of those documents an answer to the allegations will be forthcoming.

Sincerely,

Robert Reed Shelley

ROBERT REED SHELLEY
Attorney-at-Law

Attachment C

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: NOVEMBER 3, 1980

SUBJECT: MUR 1194 - Interim Investigative Report #2, dated 10-31-80; Received in OCS 10-31-80, 10:33

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 2:00, October 31, 1980.

There were no objections to the Interim Investigative Report at the time of the deadline.

October 31, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1194

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

8103024367

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
MacBride for President)
Committee)

MUR 1194

80 OCT 31 A10: 33

INTERIM INVESTIGATIVE REPORT # 2

On August 20, 1980, the Commission found reason to believe that the MacBride for President Committee violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b), and, through the actions of its state affiliates, former §§ 434 (a)(1)(A), (B) and (3), 433(a), and 44la(f). The Commission also found reason to believe against Mr. Richard Randolph, Mr. Curtiss Green, Mr. Jack Turenski, and the Alaska Libertarian Party Committee for making excessive contributions in violation of 2 U.S.C. former § 44la(a)(1).

We continue to receive responses from a few of the state committees and individuals named in this case. Others must be located and their notification letters mailed again. We will report on the responses when the notification procedures are completed.

31 Oct 80
Date

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: OCTOBER 1, 1980

SUBJECT: MUR 1194 - Interim Investigative Report #1, dated 9-26-80; Received in OCS 9-29-80, 10:36

The above-named document was circulated to the Commission on a no-objection basis at 4:00, September 29, 1980.

There were no objections to the Interim Investigative Report.

September 29, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Jane Colgrove

SUBJECT: MUR 1194

Please have the attached Interim Investigative Report on MUR 1194 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

8102024675

BEFORE THE FEDERAL ELECTION COMMISSION

80 SEP 29 A10: 36

In the Matter of)
) MUR 1194
MacBride for President ('76))

INTERIM INVESTIGATIVE REPORT #1

On August 20, 1980, the Commission found reason to believe that the MacBride for President Committee violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b), and, through the actions of its state affiliates, former §§ 434(a)(1)(A), (B) and (3), 433(a), and 441a(f). The Commission also found reason to believe against Mr. Richard Randolph, Mr. Curtiss Green, Mr. Jack Turenski, and the Alaska Libertarian Party Committee for making excessive contributions in violation of 2 U.S.C. former § 441a(a)(1).

Each respondent, including the individual MacBride State committees, has been notified of the findings. Certain letters were returned to us as undeliverable, several others have been claimed, but only one response to a finding has been received. When the notification procedures are completed, we will report on the response.

26 Sept 1980
Date

Charles N. Steele
General Counsel

Note to File

Do not send letter again.

- Minnesota MacBride -

f. hagon

10/31/80

CCC# 3044

901693

1194

RECEIVED 2000 OCT 20 P 3:

Dear FEC:

We have been unable to locate Mr. Philpot. Some people believe he may have moved to the west coast 2 or 3 years ago

Sincerely,
Charles Hill, Chairman
Libertarian Party of Minnesota

RECEIVED FEC 2000 OCT 26 P 4:07

RECEIVED FEC 2000 OCT 26 P 3:39

3: 39

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Philpat, Treasurer
Minnesota Committee to Elect MacBride
6514 Upper 35th Street North
Oakdale, Minnesota 55109

RE: MUR 1194

Dear Mr. Philpat:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated former section 432(c) of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that you failed to maintain adequate contribution records for 1976.

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you do so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact France B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Chairman

Enclosure
Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Minnesota Committee to Elect MacBride

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 44la(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . " [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

Ulling
797 Lincoln Ave.
St Paul, MN 55102



Federal Election Commission
Washington, DC 20463

RECEIVED
910530 GCC#2964
80 OCT 15 A 8:47

ROBERT REED SHELLEY
P.O. Box 742
Fairbanks, Alaska 99701

Frances B. Hagan, Staff Member
Federal Elections Commission
Washington, D.C. 20463

Oct. 9, .980

Ref: MUR 1194

Dear Mr. Hagan:

Mr. Richard Randolph, Mr. Jack Turinsky and Mr. Curtis Green, as respondents in the above referenced matter, have requested that I respond to the communications they have received from you regarding alleged federal election law violations.

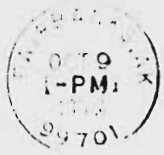
It is the position of these three respondents that they are not in violation of federal election law in this matter. We are in the process of collecting documents so that the above referenced allegations may be more fully and accurately answered. In order to facilitate a more detailed response, I am requesting that copies of all documents or records in your possession which raise the allegations or which bear on this matter be sent to me by your office.

Upon receipt and review of those documents an answer to the allegations will be forthcoming.

Sincerely,

ROBERT REED SHELLEY
Attorney-at-Law

ROBERT REED SHELLEY
P.O. Box 742
Fairbanks, AK 99707





Frances B. Hagan, Staff Member
Federal Elections Commission
Washington, D.C. 20463

MCC#2728

910220

RECEIVED

80 SEP22 P3:28

David L. Stratton
SR Box 20199
Fairbanks, Alaska 99701

Mr. Max L. Friedersdorf, Chairman
Federal Election Commission
Washington, D.C. 20463

80 SEP22 P4:45

09-15-80

RE: M.U.R. 1194

Dear Mr. Friedersdorf:

I will respond to your findings in the order in which they appear in your notification. Keep in mind that I resigned as Treasurer shortly after the year end report for 1976 and recalling exact detail of events four years old will be somewhat difficult. Also, the staff person doing the audit failed to return our records to me and I will be burdened even futher in recalling the events without those.

#3 All expenditures made after my taking the Treasurers position were documented.

#4 No loan funds were contributed by the loan guarantors. All funds were provided by the banks and were repaid from party or Alaska Libertarian Pary funds. We were informed that donations from The Alaskan Libertarian Party, registered with the APOC, were not limited to the $ 1,000.00 per year limitation.

#5 I personally filed the pre, post-election, and year end report with copies to the National Office. These reports were all filed on time.

#7 The Statement of Organization was filed late due to the original Treasurer failing to do so. As soon as I discovered the error it was corrected.

It should be noted that a complete card file was maintained in the Local Libertarian Party Office of all McBride contributors. Our reports clearly showed those making contributions in excess of $ 100.00 with the required information. Also, I spoke, via telephone, to one of the auditors explaining the circumstances surrounding the previous treasurer and problems in obtaining copies of bank statements. I was assured that if they needed additional material they would contact me. If they could not locate me they didn't try as I have lived at the same address for the last six (6) years. The bank we were dealing with at the time was not on a computer and they indicated the statements could only be reproduced at great cost and time.

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committee responsible for the repayment of the loans.

The reports in question were filed on time and copies were sent to National. No futher contact from the commission was received by me. I was no longer treasurer after the termination of the campaign.

In closing let me add that I attempted to bring together and update what I found left behind by a previous treasurer. My best efforts were all I had to offer. Many times the bank was requested to search for our prior statements but to no avail. Had I received any requests for documentation from the commission I would have attempted to fullfill them.

Sincerely yours,

David L. Stratton

DLS/rhs

Mr. Max L. Griedersdorf, Chairman
Federal Election Commission
Washington, D.C. 20463

RECEIVED
80 SEP 19 P12:28

SEP 16

William K. MacReynolds and Associates

Economic Research, Analysis, and Consultation on Antitrust, Regulation, and Public Policy

GCC#2581

September 8, 1980

Ms. Frances B. Hagan
Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

Dear MS. Hagen:

I received the letter from FEC Chairman Max L. Friedersdorf dated August 28, 1980 on September 5, 1980 regarding matter MUR 1194. As per our phone conversation, you have corrected your records to reflect that I, not Virginia B. MacReynolds, was the Treasurer of the Ohio MacBride for President Committee.

As to the violations cited in the letter and the attachments, I prepared a report covering the entire election period and submitted it to the national headquarters of the MacBride for President Committee. I learned from you that a Libertarian Party official later made a report to the FEC based upon my submission. I was not asked to sign the later report.

It is my belief that the reports filed by the Libertarian Party official accurately reflects the information supplied by me to the national MacBride Committee and covers the entire period of the Ohio MacBride campaign.

If required, I would be pleased to peruse the documents submitted to the FEC regarding the Ohio MacBride for President activities and sign an appropriate document regarding their validity.

Sincerely,

William K. MacReynolds, Ph.D.

8625 Coral Gables Lane, Vienna, Virginia 22180 (703) 281-7077

MacReynolds
and
Associates
8625 Coral Gables Lane
Vienna, Virginia 22180





Ms. Frances B. Hagan
Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

RECEIVED
80 SEP 9 AM 11:32

9-29-80

Do Not Send

again to

Calif. MacBride

Thanks -

J. Hagan

1607

FEDERAL ELECTION COMMISSION
WASHINGTON,D.C. 20463

POSTAGE AND FEES PAID

U.S.MAIL

Mr. Daniel P. Weiner, Treasurer
California MacBride for President
544 Vince Street, Apt. 1
Glendale, California 91204

MEI 44 012215N1 09/22/80

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

20

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use $300

M. L. N. A.
9/2/80 D-1554

POSTAGE AND FEES PAID

U.S.MAIL

MOVED
LEFT NO ADDRESS

Ms. Geraldine L. Morris, Treasurer
Pennsylvania Citizens for MacBride
25 West Beachwood Road
Parkside, Pennsylvania 19015

CERTIFIED
946046

Mailed 11/21 - Kyle

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☐ Show to whom and date delivered..... ¢
- ☐ Show to whom, date and address of delivery... ¢
- ☐ RESTRICTED DELIVERY
  Show to whom and date delivered..... ¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Arnold L. Mc...

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	840076	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent

4. DATE OF DELIVERY — POSTMARK

RECEIVED
SEP 2 P12:15

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

☆GPO : 1979-288-848

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Geraldine L. Morris, Treasurer
Pennsylvania Citizens for MacBride
25 West Beachwood Road
Parkside, Pennsylvania 19015

RE: MUR 1194

Dear Ms. Morris:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated former section 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"). This section of the Act requires political committees to file reports of receipts and expenditures with the Commission. Specifically, it appears that your committee failed to file monthly and pre- and post-election reports between May and November 1976 in violation of 2 U.S.C. former § 434(a)(1)(A) and (3).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Pennsylvania Citizens for MacBride

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)	$1000	
David Stratton (Cmte. Treasurer)	1000	
James Bradbury	1000	
Morris Jones	1000	
David Hymes	1000	
Total	$5000	

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)	$1666.67	
Curtiss Green	1666.67	
Jack Turenski	1666.67	
Total	$5000.00	

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Curtiss Green
327 E Fireweed
Anchoraga, Alaska

RE: MUR 1194

Dear Mr. Green:

Based on information ascertained in the normal cause of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 you made a contribution in loan form in excess of contribution limits to the Alaska MacBride for President Committee in violation of 2 U.S.C. former § 441a(a)(1). We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Mr. Curtiss Green

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

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3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

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4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

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Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

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> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

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a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

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2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

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David Hymes		1000
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2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

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The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

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Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

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2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Virginia B. MacReynolds, Treasurer
Ohio MacBride for President Committee
8625 Coral Gables Lane
Vienna, Virginia 22180

RE: MUR 1194

Dear Ms. MacReynolds:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated former section 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"). This section of the Act requires political committees to file reports of receipts and expenditures with the Commission. Specifically, it appears that your committee failed to file monthly reports from May through October, 1976 as well as pre- and post-election reports for 1976 in violation of 2 U.S.C. § 434(a)(1)(A) and (3).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

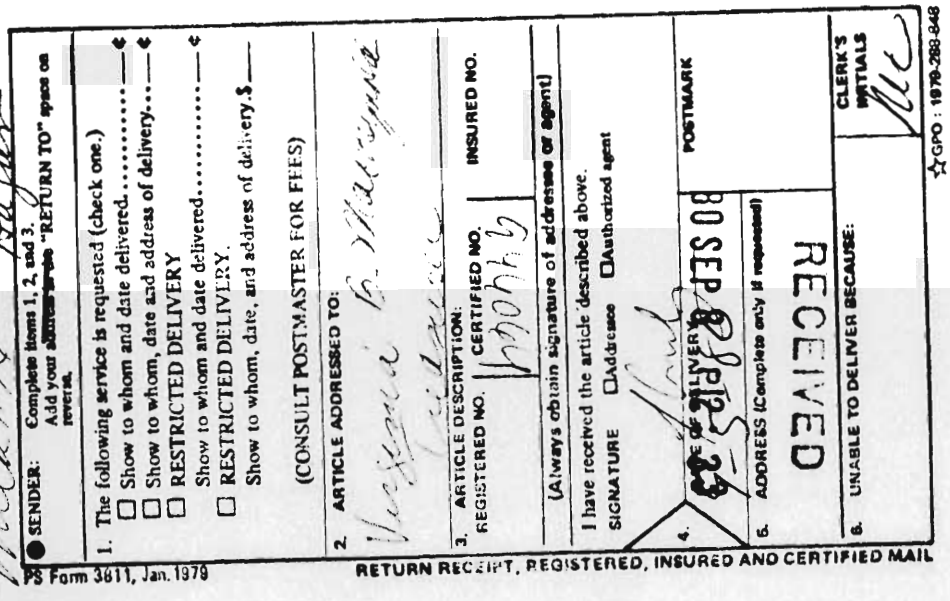
If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding



FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Ohio MacBride for President Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

> 2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Francine Youngstein, Treasurer
New York Libertarians for MacBride
201 East 66th St.
New York, N.Y. 10021

RE: MUR 1194

Dear Ms. Youngstein:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that violations of former sections 432 and 434 of the Federal Election Campaign Act of 1971, as amended ("the Act") have occurred. Specifically, it appears that your committee failed to file 1976 pre-election and year end reports in violation of 2 U.S.C. § 434(a)(1)(A) and (B), and failed to retain supporting documentation for expenditures in violation of 2 U.S.C. § 432(d).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: New York Libertarians for MacBride

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

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3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

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Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

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Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

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MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

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The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

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Alaska MacBride for President

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James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Philpat, Treasurer
Minnesota Committee to Elect MacBride
6514 Upper 35th Street North
Oakdale, Minnesota 55109

RE: MUR 1194

Dear Mr. Philpat:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated former section 432(c) of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that you failed to maintain adequate contribution records for 1976.

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you do so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

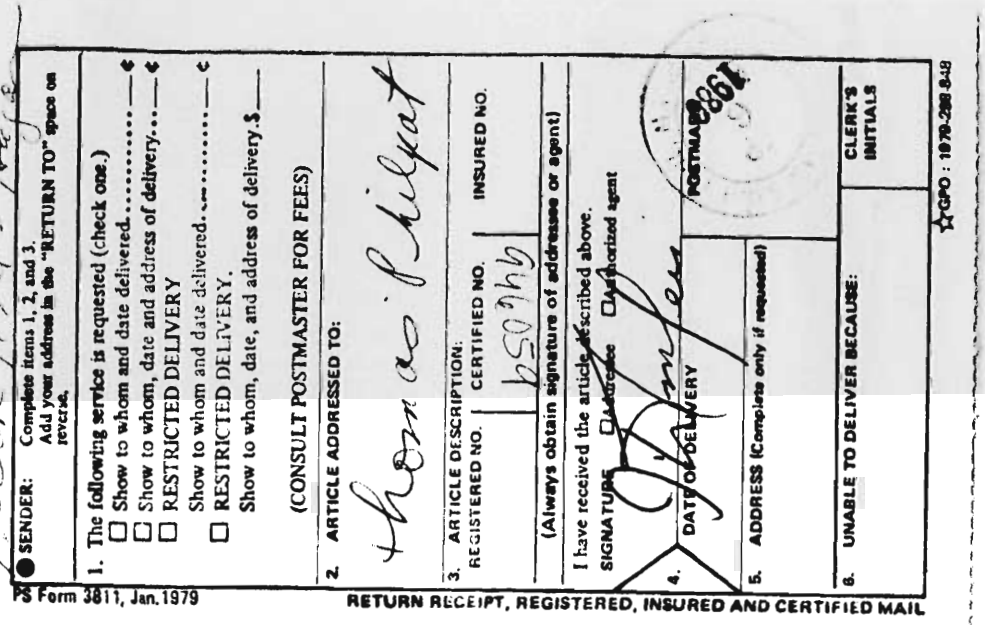
If you have any questions, please contact France B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Max L. Friedersdorf
Chairman

Enclosure
Notification of Reason to Believe Finding

cc: Chris Hocker



FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Minnesota Committee to Elect MacBride

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

0 1 0 0 1 7 4 5

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office . . ." [emphasis added]. (See 2 U.S.C. § [redacted](e))

2 U.S.C. § [redacted](f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Van Auld
Louisiana MacBride for President
227 Driftwood
Lafayette, Louisiana 70503

MUR 1194

Dear Mr. Auld:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe your committee has violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your committee violated 2 U.S.C. former § 432(d) by failing to retain adequate documentation for expenditures during the 1976 presidential election. We have numbered this matter MUR 1194.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information with demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

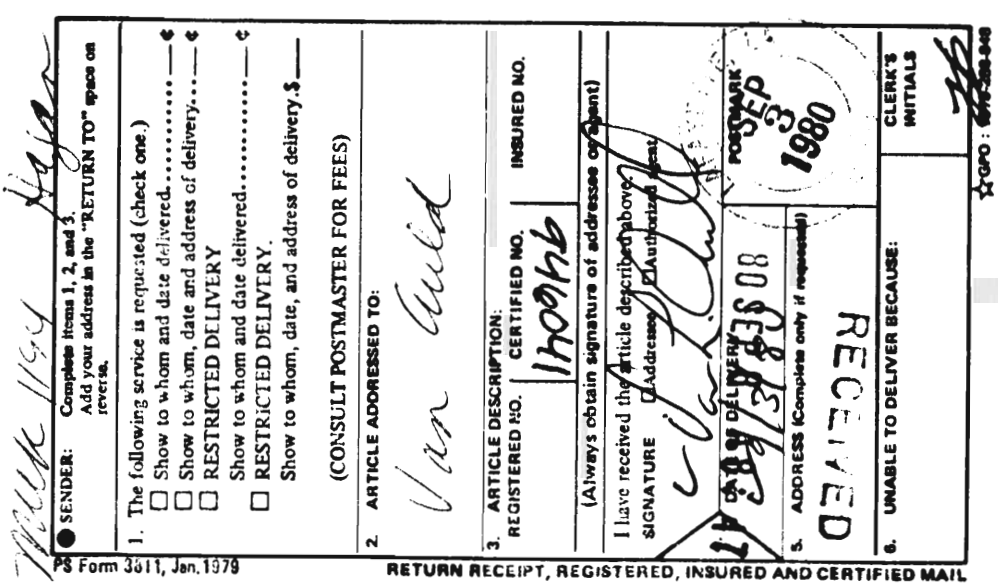
Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker



FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Louisiana MacBride for President

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

> 2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

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Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use $300

CLAIM CHECK NO.
513597

☐ HOLD

DATE

1ST NOTICE

2ND NOTICE

RETURN

Detached from
PS Form 3849-A
May 1979

POSTAGE AND FEES PAID

U.S.MAIL

CAL 11 01022101 09/02/80

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Mr. Daniel P. Weiner, Treasurer
California MacBride for President
544 Vince Street, Apt. 1
Glendale, California 91204

CERTIFIED
946048

Mark 1994 - Hagan

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
   - ☐ Show to whom and date delivered..... ¢
   - ☐ Show to whom, date and address of delivery... ¢
   - ☐ RESTRICTED DELIVERY
     Show to whom and date delivered..... ¢
   - ☐ RESTRICTED DELIVERY.
     Show to whom, date, and address of delivery.$

   (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
   Daniel P. Hagan Jr.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	830776	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent

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☆GPO : 1979-288-848

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Daniel P. Weiner, Treasurer
California MacBride for President
544 Vine Street, Apt. 1
Glendale, California 91204

RE: MUR 1194

Dear Mr. Weiner:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the following violations occurred:

a) 2 U.S.C. former §§ 434(a)(1)(A) and 434(a)(3) by failing to file disclosure reports for May, June and pre-election periods 1976.

b) 2 U.S.C. former § 432(c) by failing to maintain adequate receipts, records, and

c) 2 U.S.C. former § 432(d) by failing to retain adequate expenditure documentation.

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

7 9 4 1 0 0 2 7 9 4

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: California MacBride for President

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party otficial later filed the appropriate report.

2 U.S.C. § 437b(b)

> 2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

> 2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alaska Libertarian Party Committee
1105 Cushman Street
Fairbanks, Alaska 99701

RE: MUR 1194

Dear Sir or Madam:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your committee made an excessive contribution to the Alaska MacBride for President Committee by assuming the balance of outstanding loans totaling more than $5000. This constitutes a violation of 2 U.S.C. former § 441a(a)(1)(A). We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

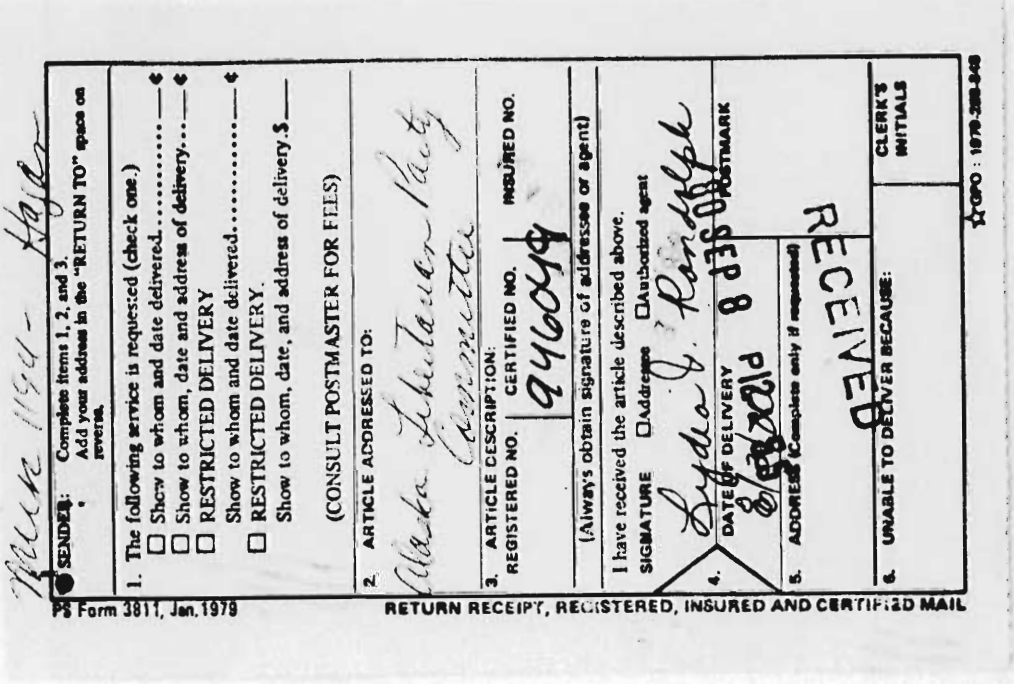
If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Max L. Friedersdorf
Chairman

Enclosure
Notification of Reason to Believe Finding

cc: Chris Hocker



FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Alaska Libertarians Party Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide **adequate** documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David L. Stratton, Treasurer
Alaska MacBride for President Committee
S.R. Box 20199,
1105 Cushman Street
Fairbanks, Alaska 99701

RE: MUR 1194

Dear Mr. Stratton:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that violations of former sections 432(d), 441a(f), 434(a)(1)(A) and (B), and 433(a) of the Federal Election Campaign Act of 1971, as amended, occurred. Specifically, it appears that your committee failed to maintain adequate documentation for expenditures in violation of 2 U.S.C. former § 432(d), accepted loans from individuals and unregistered party-related committee in excess of contribution limitations (see 2 U.S.C. former § 441a(f)), failed to file reports for the period October 18, 1976 through August 29, 1977 in violation of 2 U.S.C. former § 434(a)(1)(A) and (B), and failed to file a statement of organizations as required by 2 U.S.C. former § 433(a).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

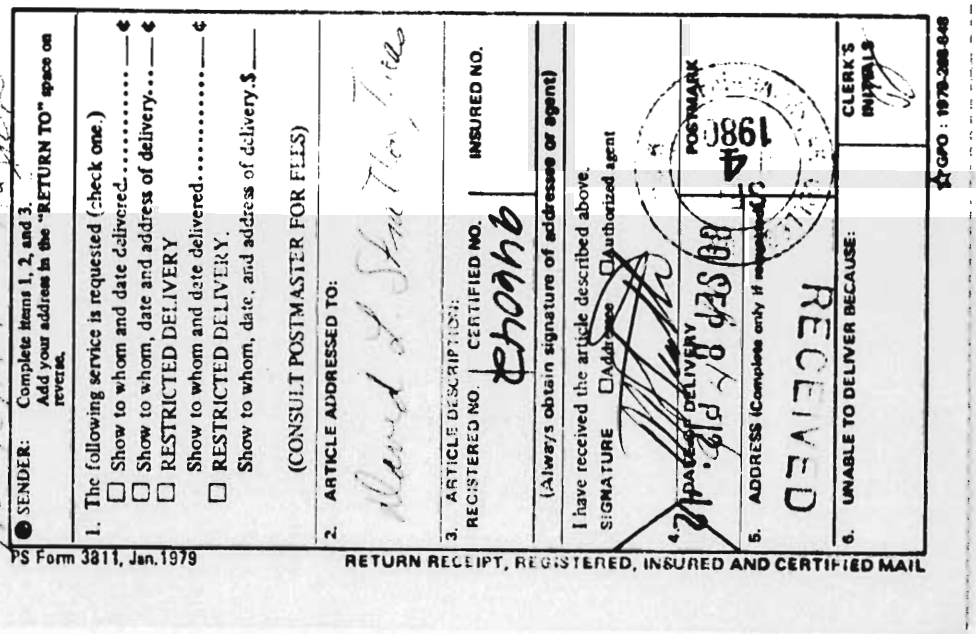
Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker



FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Alaska MacBride for President Committee

SOURCE OF MUR: I N T E R N A L L Y C E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

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Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

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a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

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2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

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The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

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2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

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David Hymes		1000
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In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Randolph, Chairman
Alaska MacBride for President Committee
Box 123
Fairbank, Alaska

RE: MUR 1194

Dear Mr. Randolph:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 you made a contribution in loan form in excess of contribution limits to the Alaska MacBride for President Committee in violation of 2 U.S.C. former § 441a(a)(1). We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

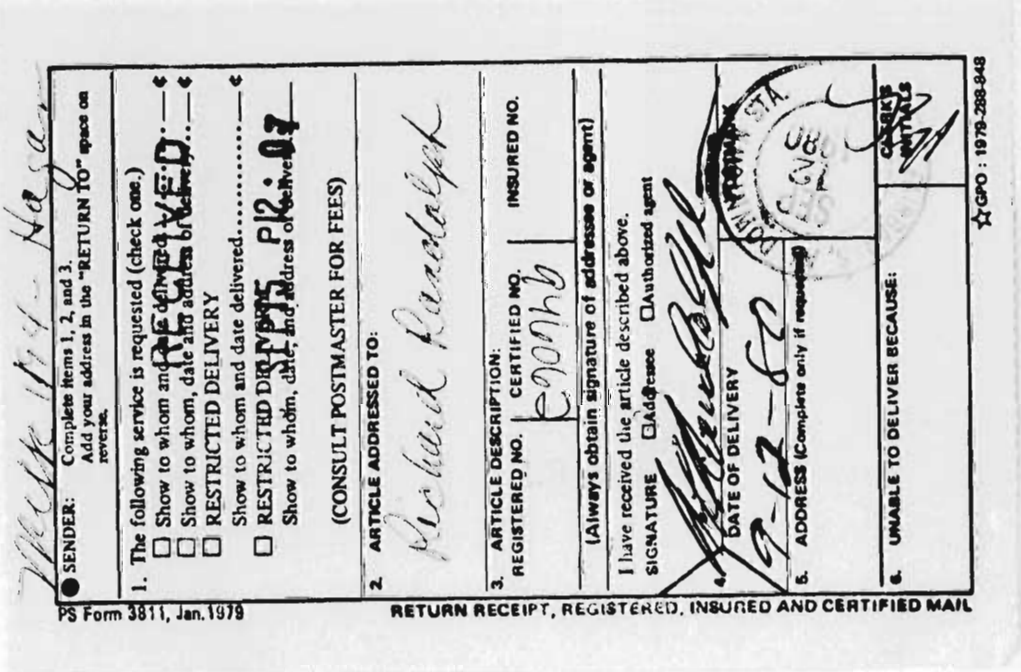
Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker



FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Mr. Richard Randolph

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

> 2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . . " [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jack Turenski
2217 Arcadia
Anchorge, Alaska

RE: MUR 1194

Dear Mr. Turenski:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 you made a contribution in loan form in excess of contribution limits to the Alaska MacPride for President Committee in violation of 2 U.S.C. former § 441a (a)(1). We have numbered this matter in MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

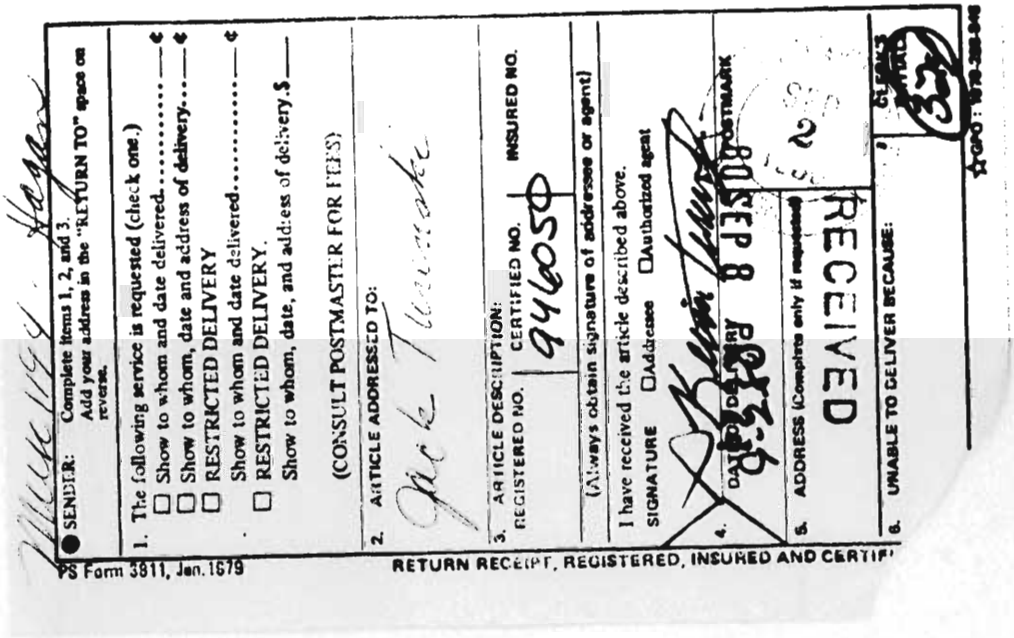
Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker



FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Mr. Jack Turenski

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

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3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

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Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

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Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

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MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

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New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

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James Bradbury		1000
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David Hymes		1000
	Total	$5000

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Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
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	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Howard S. Rich, Treasurer
MacBride for President Committee
c/o Chris Hocker
2300 Wisconsin Avenue, N.W.
Washington, D.C. 20007

RE: MUR 1194

Dear Mr. Rich:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that violations of former sections 432(c) and (d), 434(b)(2) and (4), and 437b(b) of the Federal Election Campaign Act of 1971, as amended ("the Act") occurred during the 1976 presidential campaign. Specifically, it appears that your committee violated 2 U.S.C. former § 432 (c) and (d) by failing to retain adequate records for receipts and expenditures, former § 434(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, and former § 437b(b) by failing to maintain a journal of petty cash expenses.

In addition, the Committee is liable for the actions of its state affiliates, and in this capacity is found to be in violation of 2 U.S.C. former §§ 433(a), 434(a)(1)(A), (B) and (3), and 441a(f).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan the staff member assigned to this matter at 202/523-4057.

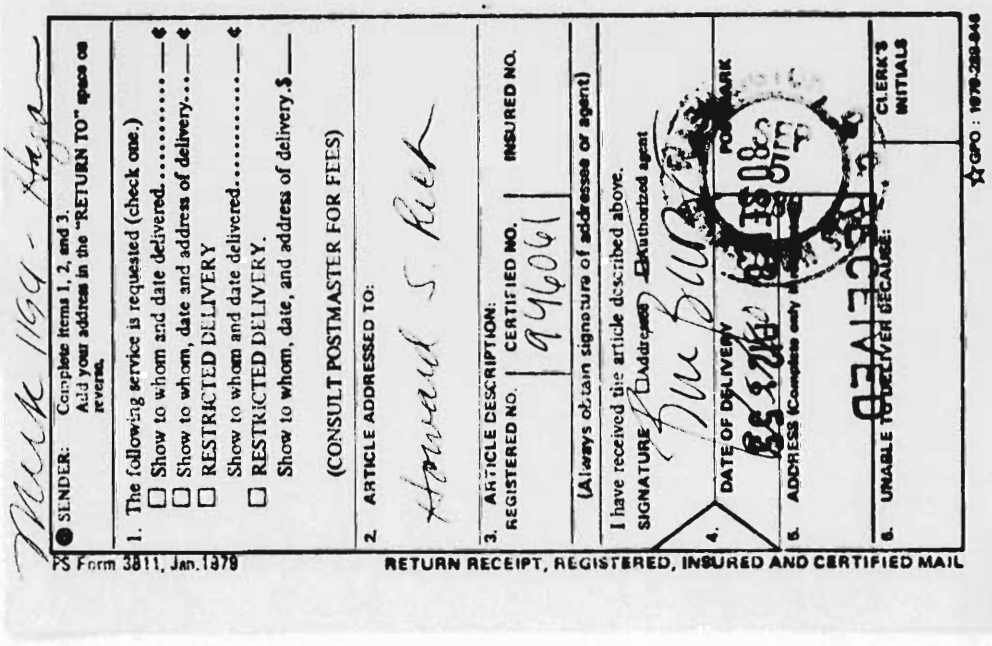
Sincerely,

Max L. Friedersdorf
Chairman

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker



FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 28, 1980

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: MacBride for President Committee - National

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

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The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of	)	
	)	MUR 1194
MacBride for President Committee, et al.	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary for the Federal Election Commission, do hereby certify that on August 20, 1980, the Commission decided by a vote of 6-0 to take the following actions regarding the above-captioned matter:

1. Find reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 44la(f).

2. Find reason to believe that the Alaska MacBride for President Committee violated:

   a) 2 U.S.C. former § 432(d);
   b) 2 U.S.C. former § 44la(f)
   c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
   d) 2 U.S.C. former § 433(a)

3. Find reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 44la(a)(1).

4. Find reason to believe that Mr. Curtiss Green violated 2 U.S.C. former §44la(a)(1).

5. Find reason to believe that Mr. Jack Turenski violated 2 U.S.C. former §44la(a)(1).

6. Find reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former §44la(a)(1).

(continued)

7. Find reason to believe that the California Mac Bride for President Committee violated:

   a) 2 U.S.C. former §432(c);
   b) 2 U.S.C. former §432(d); and
   c) 2 U.S.C. former §434(a)(1)(A) and (3)

8. Find reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former §432(d).

9. Find reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former §432(c).

10. Find reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§432(d) and 434(a)(1)(A) and (B).

11. Find reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former §434(a)(1)(A) and (3).

12. Find reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former §434(a)(1)(A) and (3).

Attest:

8/22/80
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

August 15, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1194

Please have the attached First GC Report distributed to the Commission on a 48 hour tally basis. Thank you.

8 1 0 2 4 3 4 2 5

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION 8 15 80

MUR NO. 1194
STAFF MEMBER
Frances Hagan

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS NAMES: MacBride for President Committee - National
Alaska MacBride for President Committee
California MacBride for President
Louisiana MacBride for President
Minnesota Committee to Elect MacBride
New York Libertarians for MacBride
Ohio MacBride for President Committee
Pennsylvania Citizens for MacBride
Mr. Richard Randolph
Mr. Curtiss Green
Mr. Jack Turenski
Alaska Libertarians Party Committee

RELEVANT STATUTE: 1/
2 U.S.C. § 432(c)
2 U.S.C. § 432(d)
2 U.S.C. § 437b(b)
2 U.S.C. § 433(a)
2 U.S.C. § 434(b)(2), (4)
2 U.S.C. § 434(a)(1)(A) and (B)
2 U.S.C. § 434(a)(3)
2 U.S.C. § 441a(a)(1)(A) and (f)

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GENERATION OF MATTER

This matter was initiated upon instruction by the Commission as a result of the audits conducted concerning the MacBride for President Committees.

SUMMARY OF ALLEGATIONS

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 434(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

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FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

> 2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

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Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

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> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

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2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . " [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)	$1000	
David Stratton (Cmte. Treasurer)	1000	
James Bradbury	1000	
Morris Jones	1000	
David Hymes	1000	
Total	$5000	

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)	$1666.67	
Curtiss Green	1666.67	
Jack Turenski	1666.67	
Total	$5000.00	

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

> 2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

> 2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Recommendation

1. Find reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Find reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Find reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Find reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Find reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Find reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Find reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Find reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Find reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Find reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Find reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Find reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

Attachments
Audit Referral
Letters (12) and Notifications (12) to respondents

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

3:37 P

March 7, 1980

MEMORANDUM

TO: THE COMMISSIONERS

THROUGH: ORLANDO B. POTTER
STAFF DIRECTOR

FROM: BOB COSTA

SUBJECT: FINAL AUDIT REPORT -
ROGER LEA MACBRIDE, THE MACBRIDE FOR PRESIDENT COMMITTEE AND ALL AUTHORIZED COMMITTEES OF ROGER LEA MACBRIDE

Attached is the final audit report of Roger Lea MacBride, the MacBride for President Committee and all authorized committees of Roger Lea MacBride and the legal analysis. The recommendation of the Office of General Counsel has been included in Part I.D. of the report.

This report is being circulated to the Commission for a tally vote. Upon notice of Commission approval, the report will be held for public release pending the notification of receipt.

Attachment

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Received 3/6/80 RJC

March 3, 1980

MEMORANDUM TO: Robert Costa

THROUGH: Orlando B. Potter OBP
Staff Director

FROM: Charles N. Steele
General Counsel

SUBJECT: MacBride for President Committee

We have reviewed the final report of the Audit Division regarding Roger Lea MacBride, the MacBride for President Committee ("the MacBride Committee") and all authorized state committees. Based on the information in this report, we offer the following comments.

The audit covered the period July 1, 1975, through March 31, 1977. The National Committee and five of the seven state affiliates have violations which were not corrected despite extensive efforts by the auditors and interested Libertarian Party officials. These violations include inadequate recordkeeping for contributions and expenditures, making it difficult to judge the accuracy of reported figures. In addition, one state committee received an individual contribution in the form of a bank loan which exceeded contribution limits. (See attached report)

The Act states that the treasurer of a political committee is responsible for the committee's recordkeeping (See 2 U.S.C. § 432(c) and (d)). In this case, however, the auditors turned to candidate MacBride's sponsoring party committee when they were unable to contact any MacBride Committee officials. The National Libertarian Party officials assumed responsibility for compliance in this matter when their own attempts to reach the MacBride Committee failed. Their efforts achieved a certain degree of compliance, particularly in the area of disclosure, which would otherwise have remained unresolved. They filed reports and registration statements and supplied adequate itemization of contributions and transfers-in.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

REPORT OF THE AUDIT DIVISION ON ROGER LEA MACBRIDE THE MACBRIDE FOR PRESIDENT COMMITTEE AND ALL AUTHORIZED COMMITTEES OF ROGER LEA MACBRIDE

I. Background

A. Overview

This report is based upon an audit of the campaign of Mr. Roger Lea MacBride, the MacBride for President Committee, and 14 authorized state committees. The audit was undertaken by the Audit Division of the Federal Election Commission in accordance with the Commission's audit policy to determine whether there has been compliance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The audit was conducted pursuant to Section 438(a)(8) of Title 2 of the United States Code, which directs the Commission to make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of the Act.

Roger Lea MacBride, the National Libertarian Party's candidate for President in 1976, filed a Statement of a Candidate with the Federal Election Commission on October 8, 1975, designating the MacBride for President Committee ("the Committee") as his principal campaign committee. The Committee filed a Statement of Organization with the Commission on October 22, 1975. The Committee maintained its headquarters in Washington, D.C.

The audit covered the period July 1, 1975 through March 31, 1977. During that period the Candidate reported expenditures from personal funds of $266,276.48, which included $155,000.00 in loans to the principal campaign committee. The Committee and authorized state committees reported a combined beginning cash total of $0.00, total receipts (net of inter-committee transfers) of $429,791.31, total expenditures (net of inter-committee transfers) of $430,138.50, and total ending cash of $239.60. 1/

1/ The discrepancy between receipts, expenditures and closing cash is a result of the various committees' failure to file continuous reports. As such, certain receipt and expenditure activity appears to not have been reported, a matter to be more fully addressed in the body of this report.

While the recordkeeping inadequacies exist, we maintain our opinion that in this case, no further compliance would be accomplished through additional Commission action. The MacBride Committees disbanded three years ago; their records apparently were dispersed with various officers who cannot be located. Furthermore, the ongoing National Liberation Party Committee, which has fully cooperated with the Audit staff in this matter, is supporting a different candidate for President in 1980.

In recommending that the audit be released, we would suggest that language be added to the Discussion section of the Final Report concerning the MacBride Committee's lack of compliance.

This audit report is based on documents and working papers supporting each of its factual statements. They form part of the record upon which the Commission based its decisions on the matters in this report and were available to Commissioners and appropriate staff for review.

B. Key Personnel

The principal officers of the principal campaign committee and all authorized state committees during the period of the audit are listed on Attachment I.

C. Scope

The audit included such tests as verification of total reported receipts and expenditures and individual transactions; review of required supporting documentation; analysis of Committee debts and obligations; and, such other audit procedures as deemed necessary under the circumstances.

D. Discussion and Recommendation

The Audit staff was unable to contact the Treasurer or any other official of the MacBride for President Committee to present the findings and recommendations of the Interim Audit Report and discuss the lack of compliance by this Committee with the Act. The responses to our recommendations noted in this report have been prepared by an official of the National Libertarian Party on behalf of the Committee. In addition, this official attempted to contact the treasurers of the various State committees mentioned in this report to obtain compliance with the recommendations of the Interim Audit Report.

In light of the inability to contact officials of the MacBride For President Committee, it is the recommendation of the Audit staff that the attempts to respond to the findings and recommendations of the Interim Audit Report, by officials of the National Libertarian Party be considered adequate and that no further action be taken on the matters noted in this report.

II. Description of Findings

A. Retention of Contribution Records

Section 432(c) of Title 2 of the United States Code provides that it shall be the duty of the treasurer of a political committee to keep a detailed and exact account of (1) all contributions made to or for such committee; and (2) the identification of every person making a contribution in excess of $50.00, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include (the person's) occupation, and principal place of business (if any).

Further, Section 102.9(e) of Title 11, Code of Federal Regulations, provides in part, that the treasurer use his or her best efforts to obtain this required information, and shall keep a complete record of their efforts to do so.

Committee reports show that the Committee received approximately $39,927 in contributions from October 1, through December 31, 1976. The Committee itemized approximately $16,993 of these receipts, but failed to keep a detailed account of $23,234.40, or 58.19% of total receipts for that period. With the exception of bank statements showing deposits to the account, there were no contribution records available to allow verification of reported receipt totals.

The Chairman of the Committee stated that the former bookkeeper-secretary might have taken a portion of the Committee's financial records upon leaving her position with the Committee, and that the Committee has been unable to regain possession of the records. The Committee provided no evidence of efforts to obtain these records as of the conclusion of the audit. Therefore, we concluded that the Committee did not retain a detailed and exact account of all contributions as is required.

In response to a recommendation by the Audit staff that the Committee obtain the missing contributor records, a letter was submitted on October 31, 1979, which reiterated the Chairman's original statement that the records may have been taken by a former employee of the Committee. Further, this letter stated that the whereabouts of this employee are unknown.

B. Itemization of Contributions

Section 434(b)(2) of Title 2, United States Code, provides in part, that each report shall disclose the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate ... within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution.

Committee records show the receipt of approximately 161 contributions, totalling $35,179.86, which require itemization on disclosure reports. We found that 38, or 24%, were not itemized as required. These totalled $5,944.35, or 17% of the total dollar amount requiring itemization. In addition, the Committee failed to disclose the occupation for 36, or 22%, of the contributors shown and the principal place of business for 46, or 29% of the contributors shown.

The Committee chairman offered no specific explanation for the absence of this information from Committee reports. In our opinion, the deficiencies noted above were due to the absence of a system for aggregating contributions.

In response to a recommendation by the Audit staff, schedules itemizing the 38 contributions previously unitemized were filed on October 31, 1979, and November 16, 1979. In addition, the occupations of 6 of the contributor's were provided. A letter was submitted stating that information was unavailable regarding the occupations of the remaining 30 contributors and the principal places of business for the 46 contributors lacking this information.

C. Itemization of Transfers from Political Committees

Section 434(b)(4) of Title 2 of the United States Code provides that the Committee shall disclose the name and address of each political committee or candidate from which the reporting committee or candidate received, ... any transfer of funds together with the amounts and dates of all transfers.

Committee records show the receipt of 50 transfers from political committees totaling $4,838.91. We determined that 42, or 84% of those transfers, totalling $2,070.81, were not itemized on disclosure reports filed by the Committee. The Committee chairman stated that this error was due to a misunderstanding of the requirements of this section of the Act.

In response to a recommendation by the Audit staff, schedules itemizing all of the transfers previously unitemized were filed on October 31, 1979.

D. Retention of Supporting Documentation for Expenditures

Section 432(d) of Title 2 of the United States Code provides in part, that it shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of expenditures to the same person during a calendar year exceeds $100.

In addition, Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may keep a cancelled check and a bill, invoice, or other contemporaneous memorandum, stating the particulars of the transaction.

The Committee made at least 359 expenditures, totalling $298,395.23, which require retention of supporting documentation. The Audit staff reviewed 290 expenditures in excess of $100, totalling $253,646.93, for supporting documentation. We determined that the Committee failed to maintain a receipted bill, invoice or acceptable contemporaneous memorandum for 160 (55.2%) expenditures which total $124,021.79 (48.9% of total dollar value sampled). However, the Committee did maintain a cancelled check as partial documentation for 156 of those.

During the course of the audit, the Committee Chairman stated that a search of the Committee's records would be undertaken in an attempt to locate further supporting documentation. However, the Audit staff did not receive the required documentation from the Committee Chairman, or evidence of efforts to obtain such information.

In response to a recommendation by the Audit staff that the Committee obtain the missing documentation, a letter was submitted on October 31, 1979, stating that the missing documentation appears to be irretrievably lost, despite a rather extensive search for such documentation.

E. Petty Cash Journal

Section 102.10 of Title 11, Code of Federal Regulations, provides that if a political committee maintains a petty cash fund, it shall be the treasurer's duty to maintain a written journal of all disbursements, including the particulars of each disbursement from the fund.

The Committee wrote 11 checks to "cash", totalling $1,050.00, to replenish its petty cash fund. However, the Committee failed to maintain a journal or any other record of disbursements from this fund. The Committee chairman did not provide an explanation for the absence of such a record.

In response to a recommendation by the Audit staff that the Committee present documentation for these expenditures, a letter was submitted on October 31, 1979, stating that no record of disbursements from the petty cash fund could be located.

APPENDIX-A

ALASKA MACBRIDE FOR PRESIDENT COMMITTEE

A. Retention of Supporting Documentation

Section 432(d) of Title 2 of the United States Code, requires a treasurer to obtain and keep a receipted bill, stating the particulars, for each expenditure made by a committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may retain the cancelled check and a bill, invoice or other contemporaneous memorandum, containing the particulars of the transaction.

The Committee made 31 expenditures each of which was in excess of or aggregated in excess of $100, totaling $18,976.97. The Committee did not maintain a receipted bill or cancelled check with a bill, invoice or contemporaneous memorandum for 20 or 65% of those expenditures, totaling $14,683.62, or 77% of total dollar value requiring support. The Audit staff was unable to contact the treasurer for comments concerning this matter.

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing documentation. A copy of this letter was submitted to the Audit staff on November 1, 1979. To date, however, no response has been received from the Treasurer.

B. Acceptance of Contributions in Excess of the Limits

Section 441a(a)(1) of Title 2 of the United States Code provides that "no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Committee reported the receipt of two (2) bank loans of $5,000 each from the First National Bank of Fairbanks and the Alaska National Bank. According to the treasurer, these loans were made in the name of an individual. The Committee has not provided copies of the loan agreements as requested by the Audit staff; therefore, we were unable to confirm the maker of these loans.

During the course of the audit, the Treasurer also explained that the unpaid balance of approximately $5,763.00 had been assumed by the Alaska Libertarian Party Committee, an unregistered committee that is not affiliated with the National Libertarian Party Committee.

The Audit staff initially concluded that the Committee had accepted contributions in excess of the limits from both an individual and the Alaska Libertarian Party Committee.

As mentioned in Finding A, a letter requesting copies of the loan agreements was sent to the Treasurer in response to our recommendation. No response has been received to date.

C. Filing of Disclosure Reports

Section 434(a)(1)(A) of Title 2, United States Code, requires the treasurer of a political committee supporting a candidate for election to file pre- and post-election reports. Section 434(a)(1)(B) requires the filing of a year-end report, which shall be complete as of the close of the calendar year.

According to Committee bank statements, the Committee commenced activity on August 6, 1976. Subsequently, the Committee filed reports for the periods August 1 through September 30, 1976 and October 1 through October 18, 1976, disclosing total receipts of $11,889.53, total expenditures of $10,665.98, and cash-on-hand at October 18, 1976 of $1,223.55. A termination report, with no coverage dates, was filed on August 29, 1977, disclosing a beginning cash balance of $44.81 and a closing balance of $0.00. The Committee failed to file the required post-election and year-end reports, although bank records provided by the Committee show total receipts and expenditures for the period October 1, 1976 through January 7, 1977 of $8,461.44 and $8,648.52, respectively.

In response to a recommendation by the Audit staff, a 30 day post-election report for 1976, a year-end report for 1976, and a termination report for 1977 were filed on November 16, 1979.

D. Filing of Statement of Organization

Section 433(a) of Title 2, United States Code, requires each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 to file with the Commission a statement of organization, within 10 days after it has information which causes the committee to anticipate it will receive contributions and make expenditures in excess of $1,000.

The Committee opened a bank account on August 6, 1976 and bank statements show that their activity exceeded $1,000 by September 29, 1976. The Committee did not file a statement of organization at the time it began operations and to date has not done so.

In response to a recommendation by the Audit staff, a statement of organization was filed for the Committee on October 31, 1979.

APPENDIX-B

CALIFORNIA MACBRIDE FOR PRESIDENT

A. Filing of Disclosure Reports

Section 434(a)(3) of Title 2 of the United States Code, and the "Commission's Notice to Presidential Candidates and Presidential Candidate Committees" of January 19, 1976, requires that presidential candidates and their authorized committees file monthly reports in an election year. 1/ Section 434(a)(1)(C) requires a committee to file a report in a non-election year in any calendar quarter in which the candidate and authorized committees received contributions or made expenditures, or both, the total of which taken together, exceed $5,000. In addition, Section 432(e)(2) requires the treasurer of any authorized committee, other than the candidate's principal campaign committee, to file the required reports with the candidate's principal campaign committee.

The Committee filed a Statement of Organization on April 19, 1976. They also filed reports with the Commission or the principal campaign committee disclosing activity for the periods June 1 through August 31, September 1 through September 30, and October 19 through December 31, 1976. They did not file the required May 10, June 10, and 10 Day Pre-Election Reports. The Audit staff determined from Committee records that total receipts for these periods were at least $4,838.00 and total expenditures were at least $2,819.00.

Subsequent to fieldwork, the Committee filed reports covering the period January 1, 1977 through November 4, 1977, but did not file reports covering the period April 1, 1976 to May 31, and October 1 to November 22, 1976.

The treasurer explained that he filed reports, covering the entire existence of the Committee, with the principal campaign committee, and was unaware that certain of these reports had not been filed with the Commission. However, the Chairman of the principal campaign committee stated that all information and reports received from this Committee were filed with the Commission.

1/ The first monthly report was due on February 10, 1976.

In response to a recommendation by the Audit staff, reports covering the periods April 1, 1976 through May 31, 1976 and October 1, 1976 through November 22, 1976 were filed on November 16, 1979.

B. Retention of Contribution Records

Section 104.12(b)(1) of Title 11, Code of Federal Regulations, requires the committee filing reports to maintain records with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which shall provide in sufficient detail the necessary information and date from which the filed reports and statements may be verified, explained, clarified, and checked for accuracy and completeness.

Committee bank statements show total receipts of $68,504.68 for the period April 13, 1976 through March 31, 1977. Contribution records presented for inspection are for periods covering parts of July and September through December of 1976. These records, which consist of copies of contribution checks, solicitation cards, and other miscellaneous records, total $15,520.72. The materials presented did not contain ledgers, journals, contribution checks, or other information in support of the remaining $52,983.96. The records retained do not include support for any of the 37 contributions from individuals, totaling $14,189.00, and 17 loans from individuals, totaling $10,400.00, itemized on disclosure reports.

Consequently, we were unable to verify the accuracy of Committee disclosure reports or determine whether contributions included in the $28,394.96, were reported as required.

During the course of the audit, the Committee treasurer explained that, in error, some of the records might not have been sent as requested, and that he would attempt to locate those and any other records and would produce them for our inspection. The Audit staff, to date, has not received any further communication from Committee officials concerning this matter. Therefore, we conclude that the Committee did not maintain adequate contribution records as required by the Act.

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing records. A copy of this letter was submitted to the Audit staff on November 1, 1979. The Treasurer's response was that all required documents had already been submitted to the Commission and that no other information was available.

C. Preservation of Supporting Documentation for Expenditures

Section 432(d) of Title 2 of the United States Code, requires the treasurer of a political committee to obtain and keep a receipted bill stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may keep a cancelled check and a bill, invoice or other contemporaneous memorandum, stating the particulars of the expenditure.

The Committee made 258 expenditures, totalling $49,191.45, which require retention of supporting documentation. Committee records contained cancelled checks in support of each expenditure made; however, 210, or 81.4%, of these expenditures, totalling $39,679.48 (80.6% of total dollar value requiring support) were not supported with a receipted bill, or other bill, invoice or contemporaneous memorandum as required.

The Committee treasurer did not provide an explanation as to why the Committee failed to maintain adequate required documentation.

As previously mentioned in Finding B, a letter requesting the missing documentation was sent to the Treasurer in response to our recommendation. Again, the Treasurer stated that all required documents had already been submitted to the Commission and that no other information was available.

APPENDIX-C

LOUISIANA MACBRIDE FOR PRESIDENT

A. Retention of Supporting Documentation

Section 432(d) of Title 2 of the United States Code, requires a treasurer to obtain and keep a receipted bill, stating the particulars, for each expenditure made by a committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may retain the cancelled check, showing payment, and the bill, invoice or other contemporaneous memorandum of the transaction containing the particulars of the expenditure.

The Committee made seven (7) expenditures totalling $1,092.78, which require supporting documentation. The Committee failed to maintain adequate documentation for four (4), or 57%, of the items totalling $802.04, or 73% of the dollar amount requiring documentation. We have not been able to reach Committee officials to obtain their explanation.

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing documentation. A copy of this letter was submitted to the Audit staff on November 1, 1979. To date, no response has been received from the Treasurer. However, the Chairman stated that, to the best of his knowledge and understanding, all required documents had already been submitted to the Commission and that no other information was available.

APPENDIX-D

MINNESOTA COMMITTEE TO ELECT MACBRIDE

A. Retention of Contribution Records

Section 432(c) of Title 2, United States Code, provides that it shall be the duty of the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee and the identification of every person making a contribution in excess of $50.00, and the date and amount thereof and if a person's contributions aggregate more than $100 for the calendar year, the account shall include occupation, and principal place of business (if any).

Bank statements presented by the Committee show total receipts of $2,763.88 for the calendar year. Although requested several times by the Audit staff, the Committee failed to produce any records of contributions other than bank statements. The Committee treasurer stated that these records would be sent, but at the conclusion of fieldwork, no further records had been received by the staff.

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing records. A copy of this letter was submitted to the Audit staff on November 1, 1979. To date no response has been received from the Treasurer.

APPENDIX-E
NEW YORK LIBERTARIANS FOR MACBRIDE

A. Filing of Disclosure Reports

Section 434(a)(1)(A) of Title 2, United States Code, requires each treasurer of a political committee supporting a candidate for election to file pre- and post-election reports. Section 434(a)(1)(B) requires the filing of a year-end report, which shall be complete as of the close of the calendar year.

The Committee failed to file the required pre-election and year-end reports. The Committee did file a 30-day post-election report covering the period October 19 through November 22, 1976, disclosing an ending cash balance of $412.52 and outstanding debts and obligations of $850.00. The next report filed was for the first quarter of 1977, which disclosed an opening cash balance of $127.94.

In response to a recommendation by the Audit staff, a year-end 1976 report was filed on October 31, 1979 and a pre-election 1976 report was filed on November 16, 1979.

B. Retention of Supporting Documentation for Expenditures

Section 432(d) of Title 2, United States Code, requires the treasurer of a political committee to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of expenditures to the same person during a calendar year exceeds $100. In addition, Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may keep a cancelled check with a bill, invoice or other contemporaneous memorandum, stating the particulars of the transaction.

The Committee made 15 expenditures, totaling $2,549.42, which require retention of supporting documentation. The Committee failed to maintain sufficient documentation for nine (9) or 60% of these expenditures, totaling $1,782.00 (70% of total dollar value requiring support).

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing documentation. A copy of this letter was submitted to the Audit staff on November 1, 1979. The Treasurer was unable to provide any additional information.

APPENDIX-F

OHIO MACBRIDE FOR PRESIDENT COMMITTEE

A. Filing of Disclosure Reports

Section 434(a)(3) of Title 2 of the United States Code and the "Commission's Notice to Presidential Candidates and Presidential Candidate Committees" of January 19, 1976, require that presidential candidates and their authorized committees file monthly reports in an election year. 1/ In addition, Section 434(a)(1)(C) requires a committee to file a report in a non-election year in any calendar quarter in which the candidate and authorized committees received contributions or made expenditures, or both, the total of which taken together, exceed $5,000.

The Committee filed a Statement of Organization on April 19, 1976. The only reports filed were received on December 2, 1977, covering the period November 23 through December 31, 1976 and the first two quarters of 1977. The Committee failed to file May 10, June 10, July 10, August 10, September 10, October 10, pre-election, and post-election reports for 1976. 1/ Committee records show that approximately $4,000 was received and $3,800 expended from April 19 through November 22, 1976.

Pursuant to a recommendation by the Audit staff, a report covering the period April 1, 1976 through November 22, 1976 was filed on November 16, 1979.

1/ The first monthly report was due on February 10, 1976.

APPENDIX-G

PENNSYLVANIA CITIZENS FOR MACBRIDE

A. Filing of Disclosure Reports

Section 434(a)(3) of Title 2, United States Code, and the "Commission's Notice to Presidential Candidates and Presidential Candidate Committees" of January 19, 1976, require that presidential candidates and their authorized committees file monthly reports of receipts and expenditures in an election year. 1/ In addition, Section 434(a)(1)(C) requires a committee to file reports in a non-election year for any calendar quarters in which the candidate and authorized committees received contributions or made expenditures, or both, the total of which taken together, exceed $5,000.

The Committee filed a Statement of Organization on May 26, 1976. Subsequently, the treasurer filed a FEC Form 3a postcard for the period April 1, 1976 through June 30, 1976 and the summary page from a FEC Form 6 for the period April through November, 1976; this disclosed the receipt and expenditure of $1,045. The Committee failed to file the required monthly and pre- and post-election reports for the period May through November, 1976. 1/

In response to a recommendation by the Audit staff, a report covering the period April 1, 1976 through November 22, 1976 was filed on November 16, 1979.

1/ The first monthly report was due on February 10, 1976.

ATTACHMENT I - MACBRIDE
JULY 1, 1975 to MARCH 31, 1977

NAME OF COMMITTEE/CANDIDATE PARTY AFFILIATION-LIBERTARIAN	PRINCIPAL OFFICERS
* Minnesota Committee to Elect MacBride	Thomas Philpat, Treasurer Jo Ann Philpat, Chairman
* New Jersey Citizens for MacBride	Jane T. Rehmke, Treasurer Calvin C. Beatty, Chairman
* New York Libertarians for MacBride	Francine Youngstein, Treasurer John C. Hathaway, Chairman
* Ohio MacBride for President Committee	Virginia B. MacReynolds, Treasurer William K. MacReynolds, Chairman
* Pennsylvania Citizens for MacBride	Geraldine L. Morris, Treasurer Frank W. Bubb III, Chairman
* Utah Citizens for MacBride for President	Pamela Chapman, Treasurer Kathy Trotter, Chairman
* Wisconsin MacBride for President Committee	Thomas L. Hytry, Treasurer Dennis M. Satola, Chairman

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* Audit of Committee produced immaterial or no findings.

ATTACHMENT I - MACBRIDE
JULY 1, 1975 to MARCH 31, 1977

NAME OF COMMITTEE/CANDIDATE PARTY AFFILIATION-LIBERTARIAN	PRINCIPAL OFFICERS
* Roger Lea MacBride	Candidate
* MacBride for President (Principal Campaign Committee)	Howard S. Rich, Treasurer Robert H. Meir, Chairman
***Alaska MacBride for President	Richard Randolph, Chairman David L. Stratton, Treasurer Joanne Cook, Treasurer
* California MacBride for President	Daniel P. Weiner, Treasurer Ray Cunningham, Chairman
** MacBride for President Committee of Colorado	Stephen M. Melvin, Treasurer David Nolan, Chairman
** Illinois Citizens for MacBride	Richard W. Suter, Treasurer Donald Parrish, Jr., Chairman
** Iowa MacBride for President Committee	Dale H. Roewe, Treasurer

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* Audit of Candidate/Committee produced immaterial or no findings.

** Committee not audited.

*** This Committee failed to file a Statement of Organization. See Finding D, Appendix "A" for discussion.

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Curtiss Green
327 E Fireweed
Anchoraga, Alaska

RE: MUR 1194

Dear Mr. Green:

Based on information ascertained in the normal cause of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 you made a contribution in loan form in excess of contribution limits to the Alaska MacBride for President Committee in violation of 2 U.S.C. former § 441a(a)(1). We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Mr. Curtiss Green

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 44la(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alaska Libertarian Party Committee
1105 Cushman Street
Fairbanks, Alaska 99701

RE: MUR 1194

Dear Sir or Madam:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your committee made an excessive contribution to the Alaska MacBride for President Committee by assuming the balance of outstanding loans totaling more than $5000. This constitutes a violation of 2 U.S.C. former § 441a(a)(1)(A). We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure
Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Alaska Libertarians Party Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

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3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

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4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

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The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

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Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

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> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

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2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

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The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jack Turenski
2217 Arcadia
Anchorge, Alaska

RE: MUR 1194

Dear Mr. Turenski:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 you made a contribution in loan form in excess of contribution limits to the Alaska MacPride for President Committee in violation of 2 U.S.C. former § 441a (a)(1). We have numbered this matter in MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Mr. Jack Turenski

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contributi n records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks	1/5 each
Richard Randolph (Cmte. Chairman)	$1000
David Stratton (Cmte. Treasurer)	1000
James Bradbury	1000
Morris Jones	1000
David Hymes	1000
Total	$5000

Alaska National Bank	1/3 each
Richard Randolph (Cmte Chairman)	$1666.67
Curtiss Green	1666.67
Jack Turenski	1666.67
Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David L. Stratton, Treasurer
Alaska MacBride for President Committee
S.R. Box 20199,
1105 Cushman Street
Fairbanks, Alaska 99701

RE: MUR 1194

Dear Mr. Stratton:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that violations of former sections 432(d), 441a(f), 434(a)(1)(A) and (B), and 433(a) of the Federal Election Campaign Act of 1971, as amended, occurred. Specifically, it appears that your committee failed to maintain adequate documentation for expenditures in violation of 2 U.S.C. former § 432(d), accepted loans from individuals and unregistered party-related committee in excess of contribution limitations (see 2 U.S.C. former § 441a(f)), failed to file reports for the period October 18, 1976 through August 29, 1977 in violation of 2 U.S.C. former § 434(a)(1)(A) and (B), and failed to file a statement of organizations as required by 2 U.S.C. former § 433(a).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Alaska MacBride for President Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 44la(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Geraldine L. Morris, Treasurer
Pennsylvania Citizens for MacBride
25 West Beachwood Road
Parkside, Pennsylvania 19015

RE: MUR 1194

Dear Ms. Morris:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated former section 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"). This section of the Act requires political committees to file reports of receipts and expenditures with the Commission. Specifically, it appears that your committee failed to file monthly and pre- and post-election reports between May and November 1976 in violation of 2 U.S.C. former § 434(a)(1)(A) and (3).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Pennsylvania Citizens for MacBride

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Randolph, Chairman
Alaska MacBride for President Committee
Box 123
Fairbank, Alaska

RE: MUR 1194

Dear Mr. Randolph:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that in 1976 you made a contribution in loan form in excess of contribution limits to the Alaska MacBride for President Committee in violation of 2 U.S.C. former § 441a(a)(1). We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Mr. Richard Randolph

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

> 2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three individuals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Howard S. Rich, Treasurer
MacBride for President Committee

RE: MUR 1194

Dear Mr. Rich:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that violations of former sections 432(c) and (d), 434(b)(2) and (4), and 437b(b) of the Federal Election Campaign Act of 1971, as amended ("the Act") occurred during the 1976 presidential campaign. Specifically, it appears that your committee violated 2 U.S.C. former § 432 (c) and (d) by failing to retain adequate records for receipts and expenditures, former § 434(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, and former § 437b(b) by failing to maintain a journal of petty cash expenses.

In addition, the Committee is liable for the actions of its state affiliates, and in this capacity is found to be in violation of 2 U.S.C. former §§ 433(a), 434(a)(1)(A), (B) and (3), and 441a(f).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: MacBride for President Committee - National

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

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The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

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The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

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The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three individuals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Philpat, Treasurer
Minnesota Committee to Elect MacBride
6514 Upper 35th Street North
Oakdale, Minnesota 55109

RE: MUR 1194

Dear Mr. Philpat:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated former section 432(c) of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that you failed to maintain adequate contribution records for 1976.

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you do so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact France B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure
Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Minnesota Committee to Elect MacBride

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 44la(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

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Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

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Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

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> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

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2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

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The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

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The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Van Auld
Louisiana MacBride for President
227 Driftwood
Lafayette, Louisiana 70503

MUR 1194

Dear Mr. Auld:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe your committee has violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your committee violated 2 U.S.C. former § 432(d) by failing to retain adequate documentation for expenditures during the 1976 presidential election. We have numbered this matter MUR 1194.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any information with demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

0 1 0 2 1 0 3 7

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Louisiana MacBride for President

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS 1/

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

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The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

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b) 2 U.S.C. former § 441a(f);
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5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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Ms. Francine Youngstein, Treasurer
New York Libertarians for MacBride
201 East 66th St.
New York, N.Y. 10021

CERTIFIED

9-10-80

08-S1-1

MUK 1194 - Hagan

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

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- ☐ Show to whom, date and address of delivery.... ¢
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2. ARTICLE ADDRESSED TO:

Francine Youngstein, Treasurer

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946060	

(Always obtain signature of addressee or agent)

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Francine Youngstein, Treasurer
New York Libertarians for MacBride
201 East 66th St.
New York, N.Y. 10021

RE: MUR 1194

Dear Ms. Youngstein:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that violations of former sections 432 and 434 of the Federal Election Campaign Act of 1971, as amended ("the Act") have occurred. Specifically, it appears that your committee failed to file 1976 pre-election and year end reports in violation of 2 U.S.C. § 434(a)(1)(A) and (B), and failed to retain supporting documentation for expenditures in violation of 2 U.S.C. § 432(d).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

3 1 0 2 1 0 4 0

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: New York Libertarians for MacBride

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contribution records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

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The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 of 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . " [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

> 2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

> 2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Daniel P. Weiner, Treasurer
California MacBride for President
544 Vine Street, Apt. 1
Glendale, California 91204

RE: MUR 1194

Dear Mr. Weiner:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the following violations occurred:

a) 2 U.S.C. former §§ 434(a)(1)(A) and 434(a)(3) by failing to file disclosure reports for May, June and pre-election periods 1976.

b) 2 U.S.C. former § 432(c) by failing to maintain adequate receipts, records, and

c) 2 U.S.C. former § 432(d) by failing to retain adequate expenditure documentation.

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: California MacBride for President

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

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FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

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The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

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Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

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a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

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The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

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2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

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MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

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2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

8 1 0 2 4 1 2 9 6 6

Based on the foregoing analysis the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Virginia B. MacReynolds, Treasurer
Ohio MacBride for President Committee
8625 Coral Gables Lane
Vienna, Virginia 22180

RE: MUR 1194

Dear Ms. MacReynolds:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that your committee has violated former section 434 of the Federal Election Campaign Act of 1971, as amended ("the Act"). This section of the Act requires political committees to file reports of receipts and expenditures with the Commission. Specifically, it appears that your committee failed to file monthly reports from May through October, 1976 as well as pre- and post-election reports for 1976 in violation of 2 U.S.C. § 434(a)(1)(A) and (3).

We have numbered this matter MUR 1194. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at 202/523-4057.

Sincerely,

Enclosure

Notification of Reason to Believe Finding

cc: Chris Hocker

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 1194

STAFF MEMBER(S) & TEL. NO.

Frances Hagan

202/523-4057

RESPONDENT: Ohio MacBride for President Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND AND SUMMARY OF ALLLEGATIONS[1/]

1. The MacBride for President Committee [National] violated 2 U.S.C. § 432(c) by failing to retain adequate contributor records, § 432(d) by failing to retain expenditure documentation, § 432(b)(2) and (4) by failing to itemize contributors and transfers-in on reports, § 437b(b) by failing to maintain a journal of petty cash expenses and, through the actions of its State affiliates, § 433(a), § 434(a)(1)(A), (B) and (3), and § 441a(f).

1/ Applicable statute for the 1976 presidential election is taken from the Federal Election Campaign Act Amendments of 1976 and accompanying 11 Code of Federal Regulations effective April 13, 1977.

2. The California and Minnesota MacBride for President Committee state affiliates violated 2 U.S.C. § 432(c) by failing to retain adequate contributi n records for audit.

3. The following MacBride for President state affiliates violated 2 U.S.C. § 432(d) by failing to retain adequate documentation for expenditures:

Alaska	Louisiana
California	New York

4. The Alaska MacBride for President Committee violated 2 U.S.C. § 441a(f) through receipt of an excessive contribution. Three individuals and the Alaska Libertarian Party Committee violated 2 U.S.C. § 441a(a)(1) by making contributions in loan form in excess of limitations to the Alaska MacBride Committee.

5. The Alaska and New York affiliates violated 2 U.S.C. § 434(a)(1)(A) and (B) for failure to file the required post-election and year end report for 1976.

6. The California, Ohio, and Pennsylvania affiliates violated 2 U.S.C. §§ 434(a)(1)(A) and 434(a)(3) for failure to file required pre- or post-election reports and monthly reports.

7. The Alaska affiliate violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 432(c)(1) and (2)

2 U.S.C. § 432(c)(1) and (2) requires "the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee; the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include occupation and the principal place of business."

MacBride for President Committee (National)

The audit revealed contributions of $39,927 received between October 1 and December 31, 1976. The Committee failed to keep a detailed account of $23,234.40 or 58.19% of total receipts for the period. Bank statements showing deposits provided the only contribution record other than $16,993 in itemizations on reports. While the treasurer stated that the former bookkeeper may have taken some financial records, no efforts to obtain the documents were evident.

California MacBride for President

Auditors found bank statements for the period April 13, 1976, through March 31, 1977, which show Committee receipts of $68,504.68. Of this amount, $15,520.72 is supported by copies of contributor checks, solicitation cards, etc. Individual itemized contributions and loans total $24,589, but are not supported by the available records. As a result, no statement can be made as to the accuracy of disclosure reports. The treasurer stated at the time of the audit that he would try to locate additional records to mail to the audit site at MacBride headquarters in Washington, D.C. However, no other records were received.

Minnesota Committee to Elect MacBride

Committee bank statements for 1976 show receipts of $2,763.88 for which no supporting records were available. The Committee treasurer had agreed to provide them.

2 U.S.C. § 434(b)(2) and (4)

> 2 U.S.C. § 434(b)(2) requires disclosure of "the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for [a political] committee or candidate . . . within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution." 2 U.S.C. § 434(b)(4) requires disclosure of the "name and address of each political committee . . . from which the reporting committee received . . . any transfer of funds, together with the amounts and dates of all transfers."

MacBride for President Committee (National)

a. The Committee failed to itemize 38 of at least 161 contributions or 24% of the total known items requiring itemization. These contributions total $5,944.35 or 17% of the total known dollar amount of $35,179.86 requiring itemization. Of the contributors itemized, 36 or 22% lacked occupation and 46 or 29% lacked principal place of business information. The Committee chairman did not explain the absence of itemized contributors, but the audit indicated that the Committee lacked a system for aggregating contributions.

b. The Committee failed to itemize 42 of 50 transfers-in (84% of total transfers) totaling $2,070.81. The Libertarian Party chairman has since filed amended reports itemizing all contributors and transfers-in. He included 6 additional contributor occupations.

2 U.S.C. § 432(d)

2 U.S.C. § 432(d) requires in part that the Committee treasurer "obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount," and for any expenditure in a lesser amount if the aggregate amount exceeds $100 to the same person during a calendar year.

MacBride for President (National)

The Committee failed to provide documentation for 160 of 290 expenditures sampled from at least 359 made. The undocumented sampling totals $124,021.79 and represents 55.2% of sampled items and 48.9% of the total dollar value sampled (290 sample expenditures = $253,646.93). Canceled checks were available for 156 of the inadequately documented items. The Committee chairman agreed to search for missing documents, but produced no evidence of a search.

Alaska MacBride for President

The Committee failed to provide documentation for 20 of 31 expenditures or for 65% of the items requiring documentation. These 20 items total $14,683.62 or 77% of the total dollar amount of $18,976.97 requiring documentation. Auditors could not locate the treasurer for information regarding this matter.

California MacBride for President

The Committee did not provide adequate documentation for 210 or 258 expenditures or 81.4% of the items requiring documentation. These 210 expenditures total $39,679.48 or 80.6% of the total dollar amount of $49,191.45 requiring documentation. Only the canceled checks were available. The treasurer offered no explanation for the recordkeeping deficiency.

Louisiana MacBride for President

The Committee did not provide adequate documentation for four of seven expenditures or 57% of the items requiring documentation. These four expenditures total $802.04 or 73% of $1,092.78 requiring documentation. Auditors could not reach the Committee officials regarding this matter.

New York Libertarians for MacBride

The Committee failed to provide adequate documentation for nine of 15 expenditures or 60% of the items requiring documentation. These nine expenditures total $1,782 or 70% of the total dollar amount of $2,549.42 requiring documentation.

2 U.S.C. 441a(a)(1)(A) and (f)

2 U.S.C. § 441a(a)(1)(A) states that "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Act defines a contribution as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the . . . election of any person to Federal office. . . ." [emphasis added]. (See 2 U.S.C. § 431(e))

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of this section."

Alaska MacBride for President

The auditors discovered two bank loans of $5000 each, which the Committee treasurer stated were made in the name of the Committee chairman. If the Chairman, Mr. Richard Randolph, did indeed place his name on the loans, the funds could be construed as a personal contribution of $10,000. In addition, the treasurer provided names of the loan endorsers as follows:

First National Bank of Fairbanks		1/5 each
Richard Randolph (Cmte. Chairman)		$1000
David Stratton (Cmte. Treasurer)		1000
James Bradbury		1000
Morris Jones		1000
David Hymes		1000
	Total	$5000

Alaska National Bank		1/3 each
Richard Randolph (Cmte Chairman)		$1666.67
Curtiss Green		1666.67
Jack Turenski		1666.67
	Total	$5000.00

It appears that the guarantors of more than $1000 each on the Alaska National Bank loan have contributed in excess of limitations. Those guaranteeing $1000 each on the First National loan may have exceeded limits if they made other direct contributions to the Committee. Auditors were unable to accurately determine the status of these individuals based on the Committee's incomplete contributor records. Without copies of the loan agreements, it was impossible to verify the circumstances surrounding the loans.

In addition, the treasurer stated that the loans' unpaid balance of $5,763 was assumed by the Alaska Libertarian Party Committee. According to the treasurer, this was an unregistered committee which was not a state affiliate of the National Libertarian Party. The local party committee has since paid membership dues to the National Committee. Therefore, it appears that at least three indivduals and the Alaska Libertarian Party Committee made excessive contributions.

2 U.S.C. § 434(a)(1)(A) and (B); § 434(a)(3)

2 U.S.C. § 434(a)(1)(A) requires the treasurer of a political committee supporting a candidate for election to Federal office to file pre- and post-election reports.

2 U.S.C. § 434(a)(1)(B) requires that disclosure reports be filed at the end of the year.

Alaska MacBride for President

The Committee failed to file post-election and year end reports for 1976. The Alaska Committee did not respond to this matter. Following the audit, a National Libertarian Party official submitted these reports and included a termination report for 1977.

New York Libertarians for MacBride

The Committee failed to file pre-election and year end reports for 1976. The auditors were unable to discuss this matter with the Alaska Committee officials. Following the audit, a National Libertarian Party official filed the required reports.

2 U.S.C. § 434(a)(3) states that in the case of a Presidential candidate committee, "the Commission may waive the reporting dates set forth ... and require instead that such candidate or political committee file reports not less frequently than monthly.

California MacBride for President

The Committee failed to file 1976 monthly reports due May 10, June 10 and the pre-election report. The Committee did submit the required report for 1977. Later, a Libertarian Party official filed reports for 1976.

Ohio MacBride for President

The Committee failed to file 1976 monthly reports due for May, June, July, August, September, and October, and failed to file pre- and post-election reports for 1976. The Libertarian Party official later submitted a report covering the period.

Pennsylvania Citizens for MacBride

The Committee showed receipts and expenditures of $1,045 in a report covering April through November 1976. The Committee failed to file the required monthly, pre- and post-election reports for the period. A Libertarian Party official later filed the appropriate report.

2 U.S.C. § 437b(b)

2 U.S.C. § 437b(b) states that "A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 . . ."

MacBride for President Committee (National)

The Committee wrote 11 checks to "cash" apparently to replenish the petty cash fund. The auditors found no journal, however, to verify the expenses totaling $1,050. The Committee chairman offered no explanation.

2 U.S.C. § 433(a)

2 U.S.C. § 433(a) states that "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file . . . a statement of organization, within 10 days . . . after it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1000.

Alaska MacBride for President

The Committee failed to file a statement of organization although their financial activity exceeded $1000 on September 29, 1976, within 2 months after opening a bank depository. The Libertarian Party official later filed the statement on behalf of the MacBride Committee.

The actions stated herein constitute violations of the Act. We are, therefore, recommending that the Commission find reason to believe that violations occurred in each case as specified. Furthermore, as the seven state affiliates acted as agents of the National MacBride Committee in this presidential campaign, the National Committee is liable for their actions. The National Libertarian Party's compliance steps in this matter helped in some measure to correct the public record, but the National Party Committee's efforts do not relieve the MacBride Committee of its responsibilities under the Act. Thus, we recommend a finding of reason to believe against the MacBride Committee.

Based on the foregoing analysis the Federal Election Commission has found:

1. Reason to believe that the MacBride for President Committee [National] violated 2 U.S.C. former §§ 432(c) and (d), 434(b)(2) and (4), 437b(b) and, through its affiliates, 434(a)(1)(A), (B) and (3), 433(a), and 441a(f).

2. Reason to believe that the Alaska MacBride for President Committee violated:

a) 2 U.S.C. former § 432(d);
b) 2 U.S.C. former § 441a(f);
c) 2 U.S.C. former § 434(a)(1)(A) and (B); and
d) 2 U.S.C. former § 433(a)

3. Reason to believe that Mr. Richard Randolph violated 2 U.S.C. former § 441a(a)(1).

4. Reason to believe that Mr. Curtiss Green violated 2 U.S.C. former § 441a(a)(1).

5. Reason to believe that Mr. Jack Turenski violated 2 U.S.C. former § 441a(a)(1).

6. Reason to believe that the Alaska Libertarian Party Committee violated 2 U.S.C. former § 441a(a)(1).

7. Reason to believe that the California MacBride for President Committee violated:

a) 2 U.S.C. former § 432(c);
b) 2 U.S.C. former § 432(d); and
c) 2 U.S.C. former § 434(a)(1)(A) and (3)

8. Reason to believe that the Louisiana MacBride for President Committee violated 2 U.S.C. former § 432(d).

9. Reason to believe that the Minnesota Committee to Elect MacBride violated 2 U.S.C. former § 432(c).

10. Reason to believe that the New York Libertarians for MacBride violated 2 U.S.C. former §§ 432(d) and 434(a)(1)(A) and (B).

11. Reason to believe that the Ohio MacBride for President Committee violated 2 U.S.C. former § 434(a)(1)(A) and (3).

12. Reason to believe that the Pennsylvania Citizens for MacBride violated 2 U.S.C. former § 434(a)(1)(A) and (3).

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR 11 P 3: 37

March 7, 1980

MEMORANDUM

TO: THE COMMISSIONERS

THROUGH: ORLANDO B. POTTER
STAFF DIRECTOR

FROM: BOB COSTA

SUBJECT: FINAL AUDIT REPORT -
ROGER LEA MACBRIDE, THE MACBRIDE FOR PRESIDENT COMMITTEE AND ALL AUTHORIZED COMMITTEES OF ROGER LEA MACBRIDE

Attached is the final audit report of Roger Lea MacBride, the MacBride for President Committee and all authorized committees of Roger Lea MacBride and the legal analysis. The recommendation of the Office of General Counsel has been included in Part I.D. of the report.

This report is being circulated to the Commission for a tally vote. Upon notice of Commission approval, the report will be held for public release pending the notification of receipt.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Received 3/6/80 RJC

March 3, 1980

MEMORANDUM TO: Robert Costa

THROUGH: Orlando B. Potter OBP
Staff Director

FROM: Charles N. Steele CNS
General Counsel

SUBJECT: MacBride for President Committee

We have reviewed the final report of the Audit Division regarding Roger Lea MacBride, the MacBride for President Committee ("the MacBride Committee") and all authorized state committees. Based on the information in this report, we offer the following comments.

The audit covered the period July 1, 1975, through March 31, 1977. The National Committee and five of the seven state affiliates have violations which were not corrected despite extensive efforts by the auditors and interested Libertarian Party officials. These violations include inadequate recordkeeping for contributions and expenditures, making it difficult to judge the accuracy of reported figures. In addition, one state committee received an individual contribution in the form of a bank loan which exceeded contribution limits. (See attached report)

The Act states that the treasurer of a political committee is responsible for the committee's recordkeeping (See 2 U.S.C. § 432(c) and (d)). In this case, however, the auditors turned to candidate MacBride's sponsoring party committee when they were unable to contact any MacBride Committee officials. The National Libertarian Party officials assumed responsibility for compliance in this matter when their own attempts to reach the MacBride Committee failed. Their efforts achieved a certain degree of compliance, particularly in the area of disclosure, which would otherwise have remained unresolved. They filed reports and registration statements and supplied adequate itemization of contributions and transfers-in.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

REPORT OF THE AUDIT DIVISION ON ROGER LEA MACBRIDE THE MACBRIDE FOR PRESIDENT COMMITTEE AND ALL AUTHORIZED COMMITTEES OF ROGER LEA MACBRIDE

I. Background

A. Overview

This report is based upon an audit of the campaign of Mr. Roger Lea MacBride, the MacBride for President Committee, and 14 authorized state committees. The audit was undertaken by the Audit Division of the Federal Election Commission in accordance with the Commission's audit policy to determine whether there has been compliance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The audit was conducted pursuant to Section 438(a)(8) of Title 2 of the United States Code, which directs the Commission to make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of the Act.

Roger Lea MacBride, the National Libertarian Party's candidate for President in 1976, filed a Statement of a Candidate with the Federal Election Commission on October 8, 1975, designating the MacBride for President Committee ("the Committee") as his principal campaign committee. The Committee filed a Statement of Organization with the Commission on October 22, 1975. The Committee maintained its headquarters in Washington, D.C.

The audit covered the period July 1, 1975 through March 31, 1977. During that period the Candidate reported expenditures from personal funds of $266,276.48, which included $155,000.00 in loans to the principal campaign committee. The Committee and authorized state committees reported a combined beginning cash total of $0.00, total receipts (net of inter-committee transfers) of $429,791.31, total expenditures (net of inter-committee transfers) of $430,138.50, and total ending cash of $239.60. 1/

1/ The discrepancy between receipts, expenditures and closing cash is a result of the various committees' failure to file continuous reports. As such, certain receipt and expenditure activity appears to not have been reported, a matter to be more fully addressed in the body of this report.

While the recordkeeping inadequacies exist, we maintain our opinion that in this case, no further compliance would be accomplished through additional Commission action. The MacBride Committees disbanded three years ago; their records apparently were dispersed with various officers who cannot be located. Furthermore, the ongoing National Liberation Party Committee, which has fully cooperated with the Audit staff in this matter, is supporting a different candidate for President in 1980.

In recommending that the audit be released, we would suggest that language be added to the Discussion section of the Final Report concerning the MacBride Committee's lack of compliance.

This audit report is based on documents and working papers supporting each of its factual statements. They form part of the record upon which the Commission based its decisions on the matters in this report and were available to Commissioners and appropriate staff for review.

B. Key Personnel

The principal officers of the principal campaign committee and all authorized state committees during the period of the audit are listed on Attachment I.

C. Scope

The audit included such tests as verification of total reported receipts and expenditures and individual transactions; review of required supporting documentation; analysis of Committee debts and obligations; and, such other audit procedures as deemed necessary under the circumstances.

D. Discussion and Recommendation

The Audit staff was unable to contact the Treasurer or any other official of the MacBride for President Committee to present the findings and recommendations of the Interim Audit Report and discuss the lack of compliance by this Committee with the Act. The responses to our recommendations noted in this report have been prepared by an official of the National Libertarian Party on behalf of the Committee. In addition, this official attempted to contact the treasurers of the various State committees mentioned in this report to obtain compliance with the recommendations of the Interim Audit Report.

In light of the inability to contact officials of the MacBride For President Committee, it is the recommendation of the Audit staff that the attempts to respond to the findings and recommendations of the Interim Audit Report, by officials of the National Libertarian Party be considered adequate and that no further action be taken on the matters noted in this report.

II. Description of Findings

A. Retention of Contribution Records

Section 432(c) of Title 2 of the United States Code provides that it shall be the duty of the treasurer of a political committee to keep a detailed and exact account of (1) all contributions made to or for such committee; and (2) the identification of every person making a contribution in excess of $50.00, and the date and amount thereof and, if a person's contributions aggregate more than $100, the account shall include (the person's) occupation, and principal place of business (if any).

Further, Section 102.9(e) of Title 11, Code of Federal Regulations, provides in part, that the treasurer use his or her best efforts to obtain this required information, and shall keep a complete record of their efforts to do so.

Committee reports show that the Committee received approximately $39,927 in contributions from October 1, through December 31, 1976. The Committee itemized approximately $16,993 of these receipts, but failed to keep a detailed account of $23,234.40, or 58.19% of total receipts for that period. With the exception of bank statements showing deposits to the account, there were no contribution records available to allow verification of reported receipt totals.

The Chairman of the Committee stated that the former bookkeeper-secretary might have taken a portion of the Committee's financial records upon leaving her position with the Committee, and that the Committee has been unable to regain possession of the records. The Committee provided no evidence of efforts to obtain these records as of the conclusion of the audit. Therefore, we concluded that the Committee did not retain a detailed and exact account of all contributions as is required.

In response to a recommendation by the Audit staff that the Committee obtain the missing contributor records, a letter was submitted on October 31, 1979, which reiterated the Chairman's original statement that the records may have been taken by a former employee of the Committee. Further, this letter stated that the whereabouts of this employee are unknown.

B. Itemization of Contributions

Section 434(b)(2) of Title 2, United States Code, provides in part, that each report shall disclose the full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate ... within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contribution.

Committee records show the receipt of approximately 161 contributions, totalling $35,179.86, which require itemization on disclosure reports. We found that 38, or 24%, were not itemized as required. These totalled $5,944.35, or 17% of the total dollar amount requiring itemization. In addition, the Committee failed to disclose the occupation for 36, or 22%, of the contributors shown and the principal place of business for 46, or 29% of the contributors shown.

The Committee chairman offered no specific explanation for the absence of this information from Committee reports. In our opinion, the deficiencies noted above were due to the absence of a system for aggregating contributions.

In response to a recommendation by the Audit staff, schedules itemizing the 38 contributions previously unitemized were filed on October 31, 1979, and November 16, 1979. In addition, the occupations of 6 of the contributor's were provided. A letter was submitted stating that information was unavailable regarding the occupations of the remaining 30 contributors and the principal places of business for the 46 contributors lacking this information.

C. Itemization of Transfers from Political Committees

Section 434(b)(4) of Title 2 of the United States Code provides that the Committee shall disclose the name and address of each political committee or candidate from which the reporting committee or candidate received, ... any transfer of funds together with the amounts and dates of all transfers.

Committee records show the receipt of 50 transfers from political committees totaling $4,838.91. We determined that 42, or 84% of those transfers, totalling $2,070.81, were not itemized on disclosure reports filed by the Committee. The Committee chairman stated that this error was due to a misunderstanding of the requirements of this section of the Act.

In response to a recommendation by the Audit staff, schedules itemizing all of the transfers previously unitemized were filed on October 31, 1979.

D. Retention of Supporting Documentation for Expenditures

Section 432(d) of Title 2 of the United States Code provides in part, that it shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of expenditures to the same person during a calendar year exceeds $100.

In addition, Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may keep a cancelled check and a bill, invoice, or other contemporaneous memorandum, stating the particulars of the transaction.

The Committee made at least 359 expenditures, totalling $298,395.23, which require retention of supporting documentation. The Audit staff reviewed 290 expenditures in excess of $100, totalling $253,646.93, for supporting documentation. We determined that the Committee failed to maintain a receipted bill, invoice or acceptable contemporaneous memorandum for 160 (55.2%) expenditures which total $124,021.79 (48.9% of total dollar value sampled). However, the Committee did maintain a cancelled check as partial documentation for 156 of those.

During the course of the audit, the Committee Chairman stated that a search of the Committee's records would be undertaken in an attempt to locate further supporting documentation. However, the Audit staff did not receive the required documentation from the Committee Chairman, or evidence of efforts to obtain such information.

In response to a recommendation by the Audit staff that the Committee obtain the missing documentation, a letter was submitted on October 31, 1979, stating that the missing documentation appears to be irretrievably lost, despite a rather extensive search for such documentation.

E. Petty Cash Journal

Section 102.10 of Title 11, Code of Federal Regulations, provides that if a political committee maintains a petty cash fund, it shall be the treasurer's duty to maintain a written journal of all disbursements, including the particulars of each disbursement from the fund.

The Committee wrote 11 checks to "cash", totalling $1,050.00, to replenish its petty cash fund. However, the Committee failed to maintain a journal or any other record of disbursements from this fund. The Committee chairman did not provide an explanation for the absence of such a record.

In response to a recommendation by the Audit staff that the Committee present documentation for these expenditures, a letter was submitted on October 31, 1979, stating that no record of disbursements from the petty cash fund could be located.

APPENDIX-A

ALASKA MACBRIDE FOR PRESIDENT COMMITTEE

A. Retention of Supporting Documentation

Section 432(d) of Title 2 of the United States Code, requires a treasurer to obtain and keep a receipted bill, stating the particulars, for each expenditure made by a committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may retain the cancelled check and a bill, invoice or other contemporaneous memorandum, containing the particulars of the transaction.

The Committee made 31 expenditures each of which was in excess of or aggregated in excess of $100, totaling $18,976.97. The Committee did not maintain a receipted bill or cancelled check with a bill, invoice or contemporaneous memorandum for 20 or 65% of those expenditures, totaling $14,683.62, or 77% of total dollar value requiring support. The Audit staff was unable to contact the treasurer for comments concerning this matter.

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing documentation. A copy of this letter was submitted to the Audit staff on November 1, 1979. To date, however, no response has been received from the Treasurer.

B. Acceptance of Contributions in Excess of the Limits

Section 441a(a)(1) of Title 2 of the United States Code provides that "no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000."

The Committee reported the receipt of two (2) bank loans of $5,000 each from the First National Bank of Fairbanks and the Alaska National Bank. According to the treasurer, these loans were made in the name of an individual. The Committee has not provided copies of the loan agreements as requested by the Audit staff; therefore, we were unable to confirm the maker of these loans.

During the course of the audit, the Treasurer also explained that the unpaid balance of approximately $5,763.00 had been assumed by the Alaska Libertarian Party Committee, an unregistered committee that is not affiliated with the National Libertarian Party Committee.

The Audit staff initially concluded that the Committee had accepted contributions in excess of the limits from both an individual and the Alaska Libertarian Party Committee.

As mentioned in Finding A, a letter requesting copies of the loan agreements was sent to the Treasurer in response to our recommendation. No response has been received to date.

C. Filing of Disclosure Reports

Section 434(a)(1)(A) of Title 2, United States Code, requires the treasurer of a political committee supporting a candidate for election to file pre- and post-election reports. Section 434(a)(1)(B) requires the filing of a year-end report, which shall be complete as of the close of the calendar year.

According to Committee bank statements, the Committee commenced activity on August 6, 1976. Subsequently, the Committee filed reports for the periods August 1 through September 30, 1976 and October 1 through October 18, 1976, disclosing total receipts of $11,889.53, total expenditures of $10,665.98, and cash-on-hand at October 18, 1976 of $1,223.55. A termination report, with no coverage dates, was filed on August 29, 1977, disclosing a beginning cash balance of $44.81 and a closing balance of $0.00. The Committee failed to file the required post-election and year-end reports, although bank records provided by the Committee show total receipts and expenditures for the period October 1, 1976 through January 7, 1977 of $8,461.44 and $8,648.52, respectively.

In response to a recommendation by the Audit staff, a 30 day post-election report for 1976, a year-end report for 1976, and a termination report for 1977 were filed on November 16, 1979.

D. Filing of Statement of Organization

Section 433(a) of Title 2, United States Code, requires each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 to file with the Commission a statement of organization, within 10 days after it has information which causes the committee to anticipate it will receive contributions and make expenditures in excess of $1,000.

The Committee opened a bank account on August 6, 1976 and bank statements show that their activity exceeded $1,000 by September 29, 1976. The Committee did not file a statement of organization at the time it began operations and to date has not done so.

In response to a recommendation by the Audit staff, a statement of organization was filed for the Committee on October 31, 1979.

APPENDIX-B

CALIFORNIA MACBRIDE FOR PRESIDENT

A. Filing of Disclosure Reports

Section 434(a)(3) of Title 2 of the United States Code, and the "Commission's Notice to Presidential Candidates and Presidential Candidate Committees" of January 19, 1976, requires that presidential candidates and their authorized committees file monthly reports in an election year. 1/ Section 434(a)(1)(C) requires a committee to file a report in a non-election year in any calendar quarter in which the candidate and authorized committees received contributions or made expenditures, or both, the total of which taken together, exceed $5,000. In addition, Section 432(e)(2) requires the treasurer of any authorized committee, other than the candidate's principal campaign committee, to file the required reports with the candidate's principal campaign committee.

The Committee filed a Statement of Organization on April 19, 1976. They also filed reports with the Commission or the principal campaign committee disclosing activity for the periods June 1 through August 31, September 1 through September 30, and October 19 through December 31, 1976. They did not file the required May 10, June 10, and 10 Day Pre-Election Reports. The Audit staff determined from Committee records that total receipts for these periods were at least $4,838.00 and total expenditures were at least $2,819.00.

Subsequent to fieldwork, the Committee filed reports covering the period January 1, 1977 through November 4, 1977, but did not file reports covering the period April 1, 1976 to May 31, and October 1 to November 22, 1976.

The treasurer explained that he filed reports, covering the entire existence of the Committee, with the principal campaign committee, and was unaware that certain of these reports had not been filed with the Commission. However, the Chairman of the principal campaign committee stated that all information and reports received from this Committee were filed with the Commission.

1/ The first monthly report was due on February 10, 1976.

In response to a recommendation by the Audit staff, reports covering the periods April 1, 1976 through May 31, 1976 and October 1, 1976 through November 22, 1976 were filed on November 16, 1979.

B. Retention of Contribution Records

Section 104.12(b)(1) of Title 11, Code of Federal Regulations, requires the committee filing reports to maintain records with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which shall provide in sufficient detail the necessary information and date from which the filed reports and statements may be verified, explained, clarified, and checked for accuracy and completeness.

Committee bank statements show total receipts of $68,504.68 for the period April 13, 1976 through March 31, 1977. Contribution records presented for inspection are for periods covering parts of July and September through December of 1976. These records, which consist of copies of contribution checks, solicitation cards, and other miscellaneous records, total $15,520.72. The materials presented did not contain ledgers, journals, contribution checks, or other information in support of the remaining $52,983.96. The records retained do not include support for any of the 37 contributions from individuals, totaling $14,189.00, and 17 loans from individuals, totaling $10,400.00, itemized on disclosure reports.

Consequently, we were unable to verify the accuracy of Committee disclosure reports or determine whether contributions included in the $28,394.96, were reported as required.

During the course of the audit, the Committee treasurer explained that, in error, some of the records might not have been sent as requested, and that he would attempt to locate those and any other records and would produce them for our inspection. The Audit staff, to date, has not received any further communication from Committee officials concerning this matter. Therefore, we conclude that the Committee did not maintain adequate contribution records as required by the Act.

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing records. A copy of this letter was submitted to the Audit staff on November 1, 1979. The Treasurer's response was that all required documents had already been submitted to the Commission and that no other information was available.

C. Preservation of Supporting Documentation for Expenditures

Section 432(d) of Title 2 of the United States Code, requires the treasurer of a political committee to obtain and keep a receipted bill stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may keep a cancelled check and a bill, invoice or other contemporaneous memorandum, stating the particulars of the expenditure.

The Committee made 258 expenditures, totalling $49,191.45, which require retention of supporting documentation. Committee records contained cancelled checks in support of each expenditure made; however, 210, or 81.4%, of these expenditures, totalling $39,679.48 (80.6% of total dollar value requiring support) were not supported with a receipted bill, or other bill, invoice or contemporaneous memorandum as required.

The Committee treasurer did not provide an explanation as to why the Committee failed to maintain adequate required documentation.

As previously mentioned in Finding B, a letter requesting the missing documentation was sent to the Treasurer in response to our recommendation. Again, the Treasurer stated that all required documents had already been submitted to the Commission and that no other information was available.

APPENDIX-C

LOUISIANA MACBRIDE FOR PRESIDENT

A. Retention of Supporting Documentation

Section 432(d) of Title 2 of the United States Code, requires a treasurer to obtain and keep a receipted bill, stating the particulars, for each expenditure made by a committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100.

Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may retain the cancelled check, showing payment, and the bill, invoice or other contemporaneous memorandum of the transaction containing the particulars of the expenditure.

The Committee made seven (7) expenditures totalling $1,092.78, which require supporting documentation. The Committee failed to maintain adequate documentation for four (4), or 57%, of the items totalling $802.04, or 73% of the dollar amount requiring documentation. We have not been able to reach Committee officials to obtain their explanation.

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing documentation. A copy of this letter was submitted to the Audit staff on November 1, 1979. To date, no response has been received from the Treasurer. However, the Chairman stated that, to the best of his knowledge and understanding, all required documents had already been submitted to the Commission and that no other information was available.

APPENDIX-D

MINNESOTA COMMITTEE TO ELECT MACBRIDE

A. Retention of Contribution Records

Section 432(c) of Title 2, United States Code, provides that it shall be the duty of the treasurer of a political committee to keep a detailed and exact account of all contributions made to or for such committee and the identification of every person making a contribution in excess of $50.00, and the date and amount thereof and if a person's contributions aggregate more than $100 for the calendar year, the account shall include occupation, and principal place of business (if any).

Bank statements presented by the Committee show total receipts of $2,763.88 for the calendar year. Although requested several times by the Audit staff, the Committee failed to produce any records of contributions other than bank statements. The Committee treasurer stated that these records would be sent, but at the conclusion of fieldwork, no further records had been received by the staff.

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing records. A copy of this letter was submitted to the Audit staff on November 1, 1979. To date no response has been received from the Treasurer.

APPENDIX-E
NEW YORK LIBERTARIANS FOR MACBRIDE

A. Filing of Disclosure Reports

Section 434(a)(1)(A) of Title 2, United States Code, requires each treasurer of a political committee supporting a candidate for election to file pre- and post-election reports. Section 434(a)(1)(B) requires the filing of a year-end report, which shall be complete as of the close of the calendar year.

The Committee failed to file the required pre-election and year-end reports. The Committee did file a 30-day post-election report covering the period October 19 through November 22, 1976, disclosing an ending cash balance of $412.52 and outstanding debts and obligations of $850.00. The next report filed was for the first quarter of 1977, which disclosed an opening cash balance of $127.94.

In response to a recommendation by the Audit staff, a year-end 1976 report was filed on October 31, 1979 and a pre-election 1976 report was filed on November 16, 1979.

B. Retention of Supporting Documentation for Expenditures

Section 432(d) of Title 2, United States Code, requires the treasurer of a political committee to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of expenditures to the same person during a calendar year exceeds $100. In addition, Section 102.9(c)(4) of Title 11, Code of Federal Regulations, provides that when a receipted bill is not available, the treasurer may keep a cancelled check with a bill, invoice or other contemporaneous memorandum, stating the particulars of the transaction.

The Committee made 15 expenditures, totaling $2,549.42, which require retention of supporting documentation. The Committee failed to maintain sufficient documentation for nine (9) or 60% of these expenditures, totaling $1,782.00 (70% of total dollar value requiring support).

In response to a recommendation by the Audit staff, a letter was sent to the Treasurer requesting the missing documentation. A copy of this letter was submitted to the Audit staff on November 1, 1979. The Treasurer was unable to provide any additional information.

APPENDIX-F

OHIO MACBRIDE FOR PRESIDENT COMMITTEE

A. Filing of Disclosure Reports

Section 434(a)(3) of Title 2 of the United States Code and the "Commission's Notice to Presidential Candidates and Presidential Candidate Committees" of January 19, 1976, require that presidential candidates and their authorized committees file monthly reports in an election year. 1/ In addition, Section 434(a)(1)(C) requires a committee to file a report in a non-election year in any calendar quarter in which the candidate and authorized committees received contributions or made expenditures, or both, the total of which taken together, exceed $5,000.

The Committee filed a Statement of Organization on April 19, 1976. The only reports filed were received on December 2, 1977, covering the period November 23 through December 31, 1976 and the first two quarters of 1977. The Committee failed to file May 10, June 10, July 10, August 10, September 10, October 10, pre-election, and post-election reports for 1976. 1/ Committee records show that approximately $4,000 was received and $3,800 expended from April 19 through November 22, 1976.

Pursuant to a recommendation by the Audit staff, a report covering the period April 1, 1976 through November 22, 1976 was filed on November 16, 1979.

1/ The first monthly report was due on February 10, 1976.

APPENDIX-G

PENNSYLVANIA CITIZENS FOR MACBRIDE

A. Filing of Disclosure Reports

Section 434(a)(3) of Title 2, United States Code, and the "Commission's Notice to Presidential Candidates and Presidential Candidate Committees" of January 19, 1976, require that presidential candidates and their authorized committees file monthly reports of receipts and expenditures in an election year. 1/ In addition, Section 434(a)(1)(C) requires a committee to file reports in a non-election year for any calendar quarters in which the candidate and authorized committees received contributions or made expenditures, or both, the total of which taken together, exceed $5,000.

The Committee filed a Statement of Organization on May 26, 1976. Subsequently, the treasurer filed a FEC Form 3a postcard for the period April 1, 1976 through June 30, 1976 and the summary page from a FEC Form 6 for the period April through November, 1976; this disclosed the receipt and expenditure of $1,045. The Committee failed to file the required monthly and pre- and post-election reports for the period May through November, 1976. 1/

In response to a recommendation by the Audit staff, a report covering the period April 1, 1976 through November 22, 1976 was filed on November 16, 1979.

1/ The first monthly report was due on February 10, 1976.

ATTACHMENT I - MACBRIDE
JULY 1, 1975 to MARCH 31, 1977

NAME OF COMMITTEE/CANDIDATE PARTY AFFILIATION-LIBERTARIAN	PRINCIPAL OFFICERS
* Roger Lea MacBride	Candidate
* MacBride for President (Principal Campaign Committee)	Howard S. Rich, Treasurer Robert H. Meir, Chairman
***Alaska MacBride for President	Richard Randolph, Chairman David L. Stratton, Treasurer Joanne Cook, Treasurer
* California MacBride for President	Daniel P. Weiner, Treasurer Ray Cunningham, Chairman
** MacBride for President Committee of Colorado	Stephen M. Melvin, Treasurer David Nolan, Chairman
** Illinois Citizens for MacBride	Richard W. Suter, Treasurer Donald Parrish, Jr., Chairman
** Iowa MacBride for President Committee	Dale H. Roewe, Treasurer

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* Audit of Candidate/Committee produced immaterial or no findings.

** Committee not audited.

*** This Committee failed to file a Statement of Organization. See Finding D, Appendix "A" for discussion.

ATTACHMENT I - MACBRIDE
JULY 1, 1975 to MARCH 31, 1977

NAME OF COMMITTEE/CANDIDATE PARTY AFFILIATION-LIBERTARIAN	PRINCIPAL OFFICERS
* Minnesota Committee to Elect MacBride	Thomas Philpat, Treasurer Jo Ann Philpat, Chairman
* New Jersey Citizens for MacBride	Jane T. Rehmke, Treasurer Calvin C. Beatty, Chairman
* New York Libertarians for MacBride	Francine Youngstein, Treasurer John C. Hathaway, Chairman
* Ohio MacBride for President Committee	Virginia B. MacReynolds, Treasurer William K. MacReynolds, Chairman
* Pennsylvania Citizens for MacBride	Geraldine L. Morris, Treasurer Frank W. Bubb III, Chairman
* Utah Citizens for MacBride for President	Pamela Chapman, Treasurer Kathy Trotter, Chairman
* Wisconsin MacBride for President Committee	Thomas L. Hytry, Treasurer Dennis M. Satola, Chairman

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* Audit of Committee produced immaterial or no findings.

FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1194

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