



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1775

Date Filmed 1/2/85 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

ROUTINE SLIPS; MEMO & LETTERS FROM RAB;
COMMENT SHEETS; 12 DAY REPORT; MEMO FROM
DOCKET RE: NAMES & ADDRESSES OF COMPLAINANT &
RESPONDENT; MUR ASSIGNMENT FORM.

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act; 5 U.S.C. Section 552(b):

- | | |
|--|---|
| ☐ (1) Classified Information | ☐ (6) Personal privacy |
| ☒ (2) Internal rules and practices | ☐ (7) Investigatory files |
| ☐ (3) Exempted by other statute | ☐ (8) Banking Information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☒ (5) Internal Documents | |

Signed

Stephen Levin

date

12-27-88

FEC 9-21-77

TAS
1/2/85

34040493092



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1984

Martin R. Anastasio, Treasurer
DeNardis for Congress Committee
1768 Litchfield Turnpike
Woodbridge, Connecticut 06525

Re: MUR 1775
DeNardis for Congress Committee
Martin R. Anastasio, Treasurer

Dear Mr. Anastasio:

On December 11, 1984, the Commission found reason to believe that the DeNardis for Congress Committee and you, as treasurer, had violated 11 C.F.R. § 104.14(d) in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that the error in designating contributions for the primary rather than the general election nevertheless appears to be a violation of 11 C.F.R. 104.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Stephen Levin, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,


Lee Ann Elliott
Chairman

Attachments

34040493093



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1984

Martin D. Franks
Executive Director
Democratic Congressional
Campaign Committee
400 North Capitol Street
Suite 319
Washington, DC 20001

Re: MUR 1775

Dear Mr. Franks:

The Federal Election Commission has reviewed the allegations contained in your complaint dated September 5, 1984. The Commission considered your complaint on December 11, 1984 and found reason to believe that the DeNardis for Congress Committee and Martin R. Anastasio, Treasurer, had violated 11 C.F.R. § 104.14(d) in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should further information come to your attention which you believe relates to this or any other violation of the Federal Election Campaign Act of 1971, as amended, please contact Stephen Levin, the staff member assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

34040493094

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

DeNardis for Congress Committee)
Martin D. Anastasio, Treasurer)

MUR 1775

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 11, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1775:

1. Find reason to believe that DCC and Martin Anastasio, as treasurer violated 11 C.F.R. § 104.14(d) and take no further action.
2. Approve the letters attached to the First General Counsel's Report signed December 6, 1984.
3. Close the file.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

12-12-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

12-7-84, 9:55
12-7-84, 2:00

34040493025



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Martin R. Anastasio, Treasurer
DeNardis for Congress Committee
1768 Litchfield Turnpike
Woodbridge, Connecticut 06525

Re: MUR 1775
DeNardis for Congress Committee
Martin R. Anastasio, Treasurer

Dear Mr. Anastasio:

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The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that the error in designating contributions for the primary rather than the general election nevertheless appears to be a violation of 11 C.F.R. 104.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Stephen Levin, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott
Chairman

Attachments

34040493096



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Martin D. Franks
Executive Director
Democratic Congressional
Campaign Committee
400 North Capitol Street
Suite 319
Washington, DC 20001

Re: MUR 1775

Dear Mr. Franks:

The Federal Election Commission has reviewed the allegations contained in your complaint dated September 5, 1984. The Commission considered your complaint on , 1984 and found reason to believe that the DeNardis for Congress Committee and Martin R. Anastasio, Treasurer, had violated 11 C.F.R. § 104.14(d) in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

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Should further information come to your attention which you believe relates to this or any other violation of the Federal Election Campaign Act of 1971, as amended, please contact Stephen Levin, the staff member assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cut*
DATE: December 7, 1984
SUBJECT: MUR 1775 - First General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐
Closed MUR Letters ☐

Status Sheets ☐
Advisory Opinions ☐

Other (see distribution below) ☐

34040493098

SENSITIVE

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED

84 DEC 7 A9:55

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL

BY OGC TO THE COMMISSION 12/7/84
10:00

MUR # 1775

DATE COMPLAINT RECEIVED

BY OGC: 9/06/84

DATE OF NOTIFICATION TO

RESPONDENT: 9/14/84

STAFF MEMBER: Stephen Levin

COMPLAINANT'S NAME: Democratic Congressional Campaign Committee
Martin D. Franks, Executive Director

RESPONDENT'S NAME: DeNardis for Congress Committee
Martin D. Anastasio, Treasurer

RELEVANT STATUTES: 2 U.S.C. § 431(1)(B)
2 U.S.C. § 441a(a)(2)
11 C.F.R. § 100.2(e)
11 C.F.R. § 104.14(d)
11 C.F.R. § 110.1(a)(1)
11 C.F.R. § 110.2(a)(1)
Conn. Gen. Stat. § 9-416

RELEVANT ADVISORY
OPINIONS:

A.O. 1982-49

A.O. 1976-58

SUMMARY OF ALLEGATIONS

In a complaint received by the Commission on September 6, 1984, the Democratic Congressional Campaign Committee, the complainant, alleged that the DeNardis for Congress Committee (the candidate's principal campaign committee) received and accepted contributions amounting to more than \$100,000 for a primary election when, in fact, no such primary election was held because DeNardis was endorsed for the general election at his party's district convention. If such an allegation was true, then the acceptance of contributions in that situation would

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represent a violation of 2 U.S.C. § 441a(a)(2) and 11 C.F.R. § 110.1(a)(1) and § 110.2(a)(1), which permit the acceptance of contributions only "with respect to any election." The complainant argues that in such a situation, i.e., where no primary takes place consistent with state law, there should be only two, not three, elections for purposes of contribution limitations (e.g., the convention and the general election). Therefore, complainant contends that the contributions received by the respondent Committee and listed on reports filed with the Commission as being for the primary election were accepted in violation of the sections of the Act and regulations cited above and, as such, should be returned to those particular contributors, pursuant to A.O. 1982-49.

FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act (hereinafter "FECA" or the "Act") permits contributions to be made to any candidate and authorized political committee only "with respect to any election for Federal office." 2 U.S.C. § 441a(a)(2) and 11 C.F.R. § 110.1(a)(1) and § 110.2(a)(1). A political party's convention is considered an election for the purpose of contribution limitations if that convention "has the authority to select a nominee for federal office on behalf of that party." 2 U.S.C. § 431(1)(B) and 11 C.F.R. § 100.2(e). The determination as to whether or not a convention has the requisite authority is a question of state law. In Connecticut, state law invests party

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conventions with such authority. Conn. Gen Stat. § 9-416. Thus, in Connecticut, a party convention is an election for the purpose of contribution limitations. A.O. 1976-58.

Since the party convention in this case is considered to be an election, the possibility exists that there could be three separate elections in Connecticut for purposes of contribution limitations (the convention, the primary and the general election). However, in this matter, no primary election was held since DeNardis was endorsed for the general election at his party's district convention without any significant opposition. Nevertheless, on reports filed with the Commission, the DeNardis for Congress Committee ("DCC") listed contributions as being accepted for the primary election. It is on the basis of that information that the complaint in this matter was filed.

An investigation of the reports filed by DCC with the Commission and information contained in the response received from DCC indicates that no excessive contributions violations occurred in this matter. There were no instances of contributors providing DCC with contributions in excess of the maximum amount allowable for the two elections which were actually scheduled, i.e., the convention and the general election. Further, using the date of the convention (July 14, 1984) as the date of the primary election, a review of DCC's reports revealed that no excessive contributions resulted when the redesignated contributions were added to the contributions for the general election which had been given after the actual date of the primary election (September 11, 1984).

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What did occur here, however, was an initial series of reporting errors by DCC in reports of contributions filed with the Commission. Those errors resulted from the fact that in those reports DCC listed all contributions received after the date of the convention but prior to what would have been the date of the primary (had it been held) as being for the primary rather than the general election (except for those contributions which were specifically designated for the general election; those contributions were correctly reported).

After DCC received notification of the filing of this complaint, they amended their reports so that they now show all contributions received after the date of the convention (i.e., those formerly listed as being for the primary) as being contributions for the general election. DCC's initial reporting error was a violation of 11 C.F.R. § 104.14(d), which holds the treasurer of a political committee "personally responsible...for the accuracy of any information" contained in reports filed under the Act. It should also be noted, however, that DCC has acknowledged this error and has amended its reports accordingly so as to bring them into compliance with the Act.

Given the nature of the violation which occurred and the prompt efforts made to remedy it, this Office recommend that the Commission find reason to believe that DCC and Martin Anastasio, as treasurer violated 11 C.F.R. § 104.14(d) by incorrectly reporting contributions received, but take no further action. Further, it is recommended that the file be closed in this matter.

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RECOMMENDATIONS

1. Find reason to believe that DCC and Martin Anastasio, as treasurer violated 11 C.F.R. § 104.14(d) and take no further action.
2. Approve attached letters.
3. Close the file.

Charles N. Steele
General Counsel

Dec 6, 1984
Date

By:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments

Letter to Respondent
Letter to Complainant

34040493103

DeNardis

The better congressman,
...because results count.

RECEIVED AT THE FEC

6-CG#4995

P.O. Box 785, New Haven, CT 06503-0785

288-1984

September 28, 1984

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Gross:

I am writing in response to your letter notifying the DeNardis for Congress Committee of a possible technical error in reports filed with the Federal Election Commission.

A review of our files had discovered a clerical error in the designation of some contributions received by the DeNardis for Congress Committee. As soon as this error was discovered the campaign immediately took steps to correct these errors and amended the report. Such an amended report should have been received by your office.

For the sake of the individual limits on contributions imposed by the FEC, our reports use the July 14th date as a cutoff between the primary -- or convention -- election and the general election. We believe this amended report is in full accord with FEC reporting requirements and that no action against this committee is warranted.

I appreciate your notifying us of this matter and trust that this response and the amended report fulfill our compliance with FEC law.

Sincerely,



Martin R. Anastasio
Treasurer
DeNardis for Congress
Committee

10
RETURN RECEIPT
REQUESTED

REGISTERED MAIL

R 209 528 507


DeNardis

P.O. Box 785, New Haven, CT 06503-0785

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED AT THE FE

14 OCT 8 1981



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

Martin D. Franks
Executive Director
Democratic Congressional
Campaign Committee
400 North Capitol Street, N.W.
Suite 319
Washington, D.C. 20001

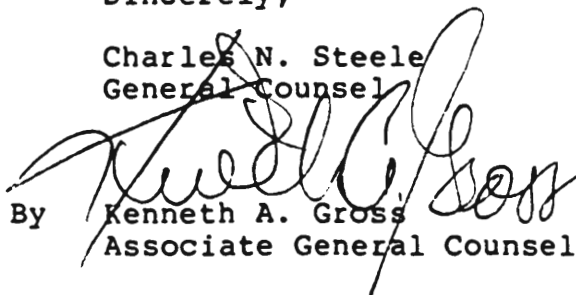
Dear Mr. Franks:

This letter is to acknowledge receipt of your complaint which we received on September 6, 1984, against Martin R. Anastasio and DeNardis for Congress Committee, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure

34040493106



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 14, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Martin R. Anastasio
Treasurer
DeNardis for Congress
Committee
1768 Litchfield Turnpike
Woodbridge, Connecticut 06525

Re: MUR 1775

Dear Mr. Anastasio:

This letter is to notify you that on September 6, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1775. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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.

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.

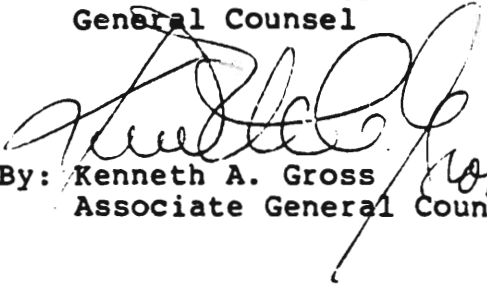
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Stephen Levin, the staff person assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Lawrence DeNardis

84340493108

MAILED DELIVERED
84 SEP 6 P12:48
GCC # 4576

September 5, 1984

MUR
1775

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Dear Mr. Steele:

On behalf of the Democratic Congressional Campaign Committee (DCCC), I want to bring to your attention a matter which appears to violate the Federal Election Campaign Act of 1971, as amended (FECA).

As you know, Connecticut is a state where there are potentially three separate elections for purposes of the FECA's contribution limitations -- a party convention, a primary and the general election. A.O. 1976-58. However, "if there is no challenge [to the candidate endorsed at the party convention] and thus no primary election, there would be two 'elections': the Convention and the general election." Id. See also A.O. 1978-30.

The DCCC strongly supports the re-election campaign of Bruce Morrison, the highly respected Congressman from Connecticut's Third Congressional District. The DCCC already has made a convention contribution of \$5,000 to Congressman Morrison's authorized re-election committee. We would like to contribute another \$5,000 to Congressman Morrison relative to a primary election, but we have been advised that since Congressman Morrison's endorsement has not been challenged and he will not have to be running in a party primary, it would violate the FECA to make such a contribution. See e.g., A.O. 1982-49; A.O. 1978-30.

Thus the DCCC noted with surprise the reports filed by the principal campaign committee of Lawrence DeNardis, its Treasurer and Mr. DeNardis, the Republican candidate challenging Congressman Morrison. DeNardis was endorsed at his party's convention, and his endorsement has not been challenged, and he also will not

Democratic Congressional Campaign Committee
Tony Coelho, CA, *Chairman*
Suite 319, 400 North Capitol Street
Washington, D. C. 20001
(202) 789-2920

Authorized and paid for by the Democratic Congressional Campaign Committee

RECEIVED
GENERAL COUNSEL
84 SEP 6 P 2:00

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Charles Steele, Esquire
September 5, 1984
Page two

be running in a party primary on September 11, 1984. Yet his reports dated April 12 and July 13, 1984 as amended by revised reports dated August 1, 1984 (all four of which are on file with the Commission), show that his principal campaign committee has received and accepted contributions totaling over \$100,000 for the primary election.

DeNardis' acceptance of contributions relative to a non-existent election in which he will not run appears to be an obvious evasion of the FECA's contribution limitations. If so, he should be required to return those primary election contributions to the appropriate donors. See A.O. 1982-49. See generally, A.O. 1980-122.

On the other hand, if the Commission now takes the view that contributions may be made to a candidate for a primary election in which he or she is not running, the DCCC would appreciate the immediate notice of such a reversal of the Commission's prior view of the law. To permit us to contribute \$5,000 more to Congressman Morrison for the September 11 primary, a prompt reply is essential.

Very truly yours,

Martin D. Franks

MARTIN D. FRANKS
Executive Director

Sworn to and subscribed before me, a Notary Public
in and for the District of Columbia.

Jennifer H. Smolka
Notary Public 9/5/84

My Commission Expires:

My Commission Expires September 30, 1988

34740423110

HAND DELIVERED
84 SEP 6 P12:48
GCC #4576

September 5, 1984

MUR
1775

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Dear Mr. Steele:

On behalf of the Democratic Congressional Campaign Committee (DCCC), I want to bring to your attention a matter which appears to violate the Federal Election Campaign Act of 1971, as amended (FECA).

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(202) 769-2920

Authorized and paid for by the Democratic Congressional Campaign Committee

Charles Steele, Esquire
September 5, 1984
Page two

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Very truly yours,

Martin D. Franks
MARTIN D. FRANKS
Executive Director

Sworn to and subscribed before me, a Notary Public
in and for the District of Columbia.

Jennifer H. Smolka
Notary Public 9/5/84

My Commission Expires:

My Commission Expires September 30, 1988

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RECEIVED AT THE FIC
HAND DELIVERED
84 SEP 6 PM 2:00
GCC # 4576

September 5, 1984

MUR
1775

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

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Democratic Congressional Campaign Committee
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Suite 319, 400 North Capitol Street
Washington, D.C. 20001
(202) 789-2920

Authorized and paid for by the Democratic Congressional Campaign Committee

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 6 PM 2:00

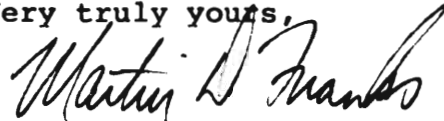
Charles Steele, Esquire
September 5, 1984
Page two

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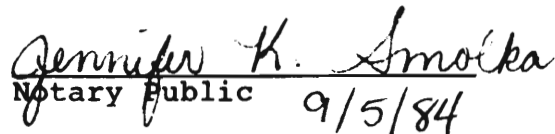
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Very truly yours,



MARTIN D. FRANKS
Executive Director

Sworn to and subscribed before me, a Notary Public
in and for the District of Columbia.


Notary Public 9/5/84

My Commission Expires:

My Commission Expires September 30, 1988

84040493114

RECEIVED AT THE FEC

84 SEP 6 12:48

Hand deliver

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Democratic Congressional Campaign Committee
Suite 319, 400 North Capitol Street
Washington, D.C. 20001

84040493116



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1775

Date Filmed 1/2/85 Camera No. --- 2

Cameraman AS