



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2801

DATE FILMED 12/15/89 CAMERA NO. 4

CAMERAMAN AS

89040774221

DEMOCRATIC PARTY OF YORK COUNTY

ROGER C. BITZEL
CHAIRMAN

PATRICIA A. NAFTZGER
VICE-CHAIRLADY

22 West King Street
P. O. Box 408
York, PA 17405
(717) 845-2475

BRIAN K. SENFT
TREASURER

MICHAEL E. DEVENNEY
SECRETARY

December 5, 1988

Mon 2801

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Commissioners:

The Democratic Party of York County ("the Local Party") files this complaint charging violations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 431 et seq., the Presidential Election Campaign Fund Act, as amended 26 U.S.C. §§ 9001 et seq., and related regulations of the Federal Election Commission ("FEC"), 11 C.F.R. §§ 100.1 et seq., by the York County Republican Committee ("Respondents").

Respondents have violated the Act by making contributions and expenditures in connection with the publicly funded presidential campaign of George Bush and Dan Quayle by publishing newspaper advertisements which clearly advocate the election of the presidential ticket.

During early November, 1988, Respondents published in newspapers throughout York County, Pennsylvania, full-page advertisements which advocated the election of Vice President Bush to the Presidency of the United States. These advertisements contained a disclaimer which indicated that they were paid for by the York County Republican Committee. We are enclosing several tear sheets illustrating the advertisements in question. These advertisements (enclosed) were duplicated on other occasions prior to November 8, 1988 and will be forwarded as requested/required.

In addition, one of the Republican candidates for State Representative placed an ad in several county papers supporting the "Republican ticket" including "George Bush and Dan Quayle". Samples of this ad are enclosed also.

The FECA specifically prohibits candidates for president and vice president who are receiving public funds for their campaign from accepting contributions "in excess of the aggregate payments to which they will be entitled" under the federal campaign laws, 26 U.S.C. § 9012(a). Such publicly funded campaigns may not accept, with certain exceptions that are not relevant here, contributions from any source other than the Federal Treasury in the general election campaign, 26 U.S.C. § 9030(b).

Political party committees are, for the most part, subject to this same restriction. The national party committee may make certain limited coordinated party expenditures under 2 U.S.C. § 441a(d) on behalf of the presidential ticket. This expenditure limitation is available, however, only to the national party committee. Party committees, as a matter of law, may not make independent expenditures, 11 C.F.R. §§ 110.7(a)(3) and (b)(4).

RECEIVED
FEDERAL ELECTION COMMISSION

88 DEC 15 AM 10:54

93040714222

December 5, 1988

Respondents published newspaper advertisements which clearly advocate the election of the presidential ticket. Respondents are not a national party committee with authority under 2 U.S.C. § 441a(d) to make coordinated party expenditures on behalf of the presidential and vice presidential nominees. Respondents were not making exempt activity expenditures since such exempt activities may not make use of public political advertising such as newspaper advertising. The payment for the advertisements were, therefore, in violation of the federal campaign laws and constitute a prohibited expenditure to benefit the presidential campaign. Such expenditure constitutes a contribution to the publicly funded general election nominees of the party in violation of the public funding statutes.

On the basis of the foregoing, the Democratic Party of York County requests that the FEC:

1. Conduct a prompt and immediate investigation of the facts stated in this complaint;
2. Enter into prompt conciliation with Respondents to remedy the violations alleged in this complaint; and
3. Impose any and all penalties grounded in the violations alleged in this complaint.

Respectfully submitted,

Roger C. Bitzel

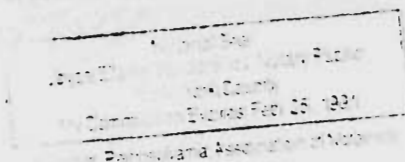
Roger C. Bitzel
Chairman

SUBSCRIBED AND SWORN TO BEFORE ME
this 8th day of December, 1988

Joyce Elaine Vandersloot
Notary Public

My Commission Expires:

February 25, 1991



DAY OF DECISION

TUESDAY — NOVEMBER 8TH — 7 A.M. TO 8 P.M. ★ VOTE

President



GEORGE BUSH

Our best chance for a better, stronger, more prosperous and peaceful America. Bush and Quayle can build on the Reagan success.

Vice President



DAN QUAYLE

U.S. Senator



JOHN HEINZ

A Leader in the U.S. Senate, Pennsylvania needs him.

Congressman, 19th District



WILLIAM F. GOODLING

Of 435 Congressmen here is the finest. We have him. Keep him.

Attorney General

Auditor General

State Treasurer

STATE SENATE
1ST DISTRICT

Part of York County
consisting of the
TOWNSHIPS of Carroll,
Coneago, East Manchester,
Fairview, Franklin,
Manchester, Monaghan,
and Scottsburg.

8 9 0 4 0 7 7 4 2 2 5

Attorney General



EDNA
PRIATE

A seasoned Prosecutor with an undiminished record. A tough Prosecutor. We need you.

Auditor General



BARBARA
HAFER

It's time for a change. Let's make it.

State Treasurer



PHIL
ENGLISH

Experienced. Intelligent. A sound choice.

STATE SENATE
1ST DISTRICT



JOHN HOPPER

Part of York County consisting of the TOWNSHIPS of Carroll, Conewago, East Manchester, Fairview, Franklin, Manchester, Monaghan, Newberry, Springettsbury, and the BOROUGHS of Dillsburg, Franklintown, Goldsboro, Lewisberry, Manchester, Mt. Wolf, North York, York Haven.

HOUSE OF REPRESENTATIVES

VOTE FOR ONE



BRUCE
SMITH
Dist. 92

Part of YORK COUNTY consisting of the TOWNSHIPS of Carroll, Conewago, East Manchester, Fairview, Hellam, Monaghan, Newberry, Springettsbury (PART, Districts 02 and 07) and Warrington and the BOROUGHS of Dillsburg, Goldsboro, Hallam, Lewisberry, Manchester, Mt. Wolf, Wellsville, Wrightsville and York Haven.



A. CARVILLE
"PECK"
FOSTER
Dist. 93

Part of YORK COUNTY consisting of the TOWNSHIPS of Codorus, Manheim, North Codorus, Shrewsbury, Springfield, West Manheim and York and the BOROUGHS of Dallastown, Glen Rock, Jacobus, Jefferson, Loganville, New Freedom, Railroad, Seven Valley, Shrewsbury, Spring Grove and Yoe.



GREG
SNYDER
Dist. 94

Part of YORK COUNTY consisting of the TOWNSHIPS of Chanceford, East Hopewell, Fawn, Hopewell, Lower Chanceford, Lower Windsor, North Hopewell, Peach Bottom, Springettsbury (PART, Districts 01, 03, 04, 05, 06 and 08) and Windsor and the BOROUGHS of Cross Roads, Delta, East Prospect, Fawn Grove, Felton, Red Lion, Stewartstown, Windsor, Winterstown and Yorkana.



SHIRLEY
SIPE
Dist. 95

Part of YORK COUNTY Consisting of the CITY OF YORK and TOWNSHIPS of Manchester and the BOROUGHS of North York and West York.



DON
DORR
Dist. 193

Part of YORK COUNTY consisting of the TOWNSHIPS of Heidelberg, Jackson, Paradise, Penn. Spring Garden and West Manchester and the BOROUGHS of Hanover and New Salem.



TED
KOLLER
199th District

Part of York County consisting of the TOWNSHIPS of Dover, Franklin and Washington, the BOROUGHS of Dover and Franklintown.

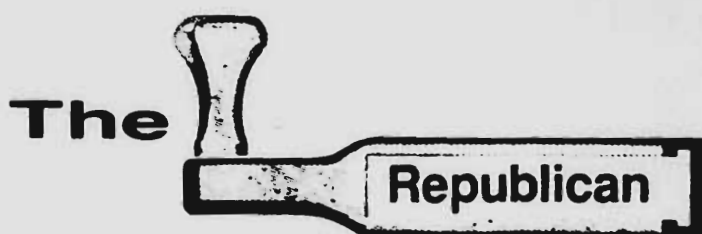
STATE REPRESENTATIVE DON DORR

urges you to

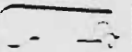
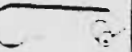
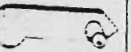
VOTE

on November 8

The Republican Message:
Peace through Strength
Less Government Interference
More Jobs



Ticket:

PRESIDENT AND VICE PRESIDENT Vote for One	UNITED STATES SENATOR Vote for One	ATTORNEY GENERAL Vote for One	AUDITOR GENERAL Vote for One	STATE TREASURER Vote for One	Representative In Congress 19th District Vote for One	Representative in The General Assembly 13th District Vote for One
 18 REPUBLICAN GEORGE SUSH DAN QUAYLE	 15 REPUBLICAN JOHN HEINZ	 REPUBLICAN ERNE PREATE	 REPUBLICAN BARBARA HAFFER	 56 REPUBLICAN PHILIP S. ENGLISH	 NR REPUBLICAN BILL GOODLING	 25 REPUBLICAN DONALD W. DORR

Thank you for your support!

PAID FOR BY THE DORR COMMITTEE

DAY OF DECISION

TUESDAY — NOVEMBER 8TH — 7 A.M. TO 8 P.M. ★ VOTE

President



GEORGE BUSH

Our best chance for a better, stronger, more prosperous and peaceful America. Bush and Quayle can build on the Reagan success.

Vice President



DAN QUAYLE

U.S. Senator



JOHN HEINZ

A Leader in the U.S. Senate. Pennsylvania needs him.

Congressman, 19th District



WILLIAM F. GOODLING

Of 135 Congressmen here is the finest. We have him. Keep him.

Attorney General



ERNE
PREATE

A seasoned Prosecutor with
an unblemished record. A
tough Prosecutor. We need
you.

Auditor General



BARBARA
HAFER

It's time for a change. Let's
make it.

State Treasurer



PHIL
ENGLISH

Experience. Integrity.
Commitment.

STATE SENATE
31ST DISTRICT



JOHN HOPPER

Part of York County
consisting of the
TOWNSHIPS of Carroll,
Coneago, East Manchester,
Fairview, Franklin,
Manchester, Monaghan,
Newberry, Springettsbury,
and the BOROUGHS of
Dillsburg, Franklintown,
Goldsboro, Lewisberry,
Manchester, Mt. Wolf, North
York, York Haven.

HOUSE OF REPRESENTATIVES

VOTE FOR ONE



BRUCE
SMITH
Dist. 92

Part of YORK COUNTY
consisting of the TOWNSHIPS
of Carroll, Coneago, East
Manchester, Fairview, Hallow,
Monaghan, Newberry,
Springettsbury (PART, Districts
02 and 07) and Warrington and
the BOROUGHS of Dillsburg,
Goldsboro, Hallow, Lewisberry,
Manchester, Mt. Wolf,
Wellsville, Wrightsville and
York Haven.



A. CARVILLE
"PECK"
FOSTER
Dist. 93

Part of YORK COUNTY
consisting of the TOWNSHIPS
of Codorus, Manheim, North
Codorus, Shrewsbury,
Springfield, West Manheim and
York and the BOROUGHS of
Dallastown, Glen Rock, Jacobus,
Jefferson, Loganville, New
Freedom, Railroad, Seven
Valley, Shrewsbury, Spring
Grove and Yoe.



GREG
SNYDER
Dist. 94

Part of YORK COUNTY
consisting of the TOWNSHIPS
of Chancelord, East Hopewell,
Fawn, Hopewell, Lower
Chancelord, Lower Windsor,
North Hopewell, Peach Bottom,
Springettsbury (PART, Districts
01, 03, 04, 05, 06 and 08) and
Windsor and the BOROUGHS of
Cross Roads, Delta, east
Prospect, Fawn Grove, Felton,
Red Lion, Stewartstown,
Windsor, Winterstown and
Yorkana.



SHIRLEY
SIPE
Dist. 95

Part of YORK COUNTY
Consisting of the CITY OF
YORK and TOWNSHIPS of
Manchester and the
BOROUGHS of North York and
West York.



DON
DORR
Dist. 193

Part of YORK COUNTY
consisting of the TOWNSHIPS
of Heidelberg, Jackson,
Paradise, Penn. Spring Garden
and West Manchester and the
BOROUGHS of Hanover and
New Salem.



TED
KOLLER
199th District

Part of York County consisting
of the TOWNSHIPS of Dover,
Franklin and Washington, the
BOROUGHS of Dover and
Franklintown.

STATE REPRESENTATIVE

DON DORR

urges you to

VOTE

on November 8

The Republican Message:

Peace through Strength

Less Government Interference

More Jobs

The



Ticket:

FOR ELECTORS OF PRESIDENT AND VICE PRESIDENT	UNITED STATES SENATOR	ATTORNEY GENERAL	AUDITOR GENERAL	STATE TREASURER	Representative in Congress	Representative in the General Assembly
GEORGE BUSH DAN QUAYLE	HEINE	PREATE	HAFFER	ENGLISH	GOODLING	DORR

Thank you for your support!

PAID FOR BY THE DORR COMMITTEE

890040714229



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 28, 1988

Roger C. Bitzel, Chairman
Democratic Party Of York
County
22 West King Street
PO Box 408
York, PA 17405

RE: MUR 2801

Dear Mr. Bitzel:

This letter acknowledges receipt on December 15, 1988, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Bush/Quayle '88 and J. Stanley Huckaby, as treasurer, The Dorr Committee and Steven McKonly, as treasurer, and the York County Republican Committee and Edward Reeve, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2801. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

By: *Lois G. Lerner*
Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

890407/4230



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 28, 1988

Steven McKonly, Treasurer
The Dorr Committee
126 Carlisle Street
Hanover, PA 17331

RE: MUR 2801
The Dorr Committee
and Steve McKonly, as
treasurer

Dear Mr. McKonly:

The Federal Election Commission received a complaint which alleges that The Dorr Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2801. 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 you and The Dorr Committee in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 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 authorizing such counsel to receive any notifications and other communications from the Commission.

890407/4231

If you have any questions, please contact Frania Monarski, the staff person assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner
By: Lois G. Lerner *by LGL*
Associate General Counsel

Enclosures

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

cc: Mr. Don Dorr
The Dorr Committee
126 Carlisle Street
Hanover, PA 17331

8 9 0 4 0 7 4 2 3 2



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 28, 1988

Edward Reever, Treasurer
York County Republican Committee
37 W. Market Street
York, PA 17043

RE: MUR 2801
York County Republican
Committee and Edward
Reever, as treasurer

Dear Mr. Reever:

The Federal Election Commission received a complaint which alleges that the York County Republican Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2801. 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 you and the York County Republican Committee in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 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 authorizing such counsel to receive any notifications and other communications from the Commission.

890407 / 4233

If you have any questions, please contact Franis Monarski, the staff person assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

=

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner
by [signature]

By: Lois G. Lerner
Associate General Counsel

Enclosures

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

870407 / 4234



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 28, 1988

J. Stanley Huckaby, Treasurer
Bush/Quayle '88
733 15th Street, NW
Washington, DC 20005

RE: MUR 2801
Bush/Quayle '88 and
J. Stanley Huckaby,
as treasurer

Dear Mr. Huckaby:

The Federal Election Commission received a complaint which alleges that Bush/Quayle '88 and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2801. 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 you and Bush/Quayle '88 in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 U.S.C. 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 authorizing such counsel to receive any notifications and other communications from the Commission.

89040774235

If you have any questions, please contact Frania Monarski, the staff person assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

Fris A. Lerner
by HSK

By: Lois B. Lerner
Associate General Counsel

Enclosures

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

8 7 0 4 0 7 7 4 2 3 6

89 JAN 13 AM 9:12

DORR COMMITTEE
126 Carlisle Street
Hanover, PA 17331

January 10, 1989

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Lois G. Lerner, Assoc. Gen. Counsel

Re: MUR 2801
The Dorr Committee and G. Steven McKonly, Treasurer

Dear Ms. Lerner:

Pursuant to your invitation, we are responding to the complaint of the York County Democratic Committee dated December 5, 1988, referencing the inclusion of the Presidential ticket on two ads paid for by the Dorr Committee, attached to their letter of complaint, which were apparently clipped from the York Daily Record and York Dispatch.

We were not aware of and find it difficult to believe that there is a limitation in federal law regulating the reprinting of a portion of the election ballot in a newspaper ad prior to an election. You will note that this was the extent of the reference to the presidential ticket in our ad.

Even if such advertising is regulated, a review of the statute prompted by your letter leads us to believe that this Committee's placement of the referenced ads would be exempt under the independent expenditure provisions of the statute. This Committee is not a political party committee and is not in any way affiliated with a political party committee. The referenced ads were placed without any consultation with or notification to any candidate other than Donald W. Dorr (a candidate for State Representative) or to any other candidate's committee or political party committee. The total cost of the

89 JAN 13 AM 10:02

Federal Election Commission
Page a
January 10, 1989

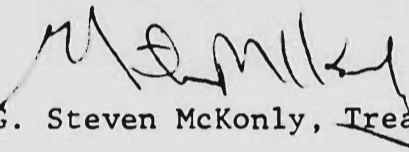
referenced ads was \$1,272.29 and photocopies of the bills checks in payment thereof are enclosed. The share attributable to the presidential ticket, at one-seventh is therefore \$181.76, well under the \$250.00 threshold for reporting.

This Committee has filed detailed reports of its contributions and expenditures with the Pennsylvania Department of State and York County Board of Elections. However, if the Commission deems it appropriate, we shall be happy to file such reports with the Commission in addition.

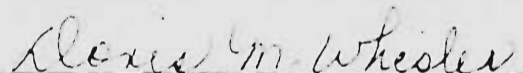
Thank you for your consideration.

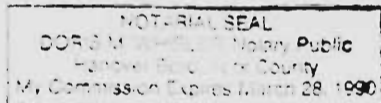
Very truly yours,

DORR COMMITTEE

By  (SEAL)
G. Steven McKonly, Treasurer

Signed, sealed and sworn
before me, a Notary Public
in and for York County, PA
this 10th day of January, 1989.


Notary Public



YORK DISPATCH

EVENING

15-17 East Philadelphia Street

YORK, PA. 17405.

Nov. 2.....1988

THE DORR COMMITTEE.....

126 CARLISLE ST. HANOVER, PA.
17331

To The Dispatch Publishing Co., Dr.

Date

Invoice

POLITICAL

DISPATCH

NOV. 4, 5, 7

3 x 10 1/2 x 3 x 7.33 =

\$692.69



DORR COMMITTEE

126 CARLISLE STREET

HANOVER, PA 17331

201

Nov 2 1988

60-610
313

PAY TO THE
ORDER OF

York Dispatch

\$692.69

Six Hundred Ninety Two and 69/100

DOLLARS

BANK OF
HANOVER

& Trust Company HANOVER, PA 17331

MEMO

Mike
Twe

0313061001 49 045 8 0201

York Daily Record

1750 Industrial Blvd., PA 17402

ADVERTISING INVOICE/STATEMENT

DOCUMENT NO.	BILLING DATE	PERIOD	TERMS OF PAYMENT
	11/07/88		

BILLED ACCOUNT
DON DORR COMMITTEE
17331-

BILLED ACCOUNT NO.	ADVERTISER/CLIENT
NAME OF ADVERTISER/CLIENT	

10 DATE	11 REFERENCE NUMBER	12 CHARGE OR CREDITS DESCRIPTION PRODUCT CODE	13 SAU DIMENSIONS	14 RATE	15	16	17	18	19	20
		BALANCE FROM PRIOR MONTH								.00
11/06/88										362.25
11/07/88										362.25
11/07/88										144.90
11/07/88										550.62

PREVIOUS BALANCE	CASH/CREDITS	24 PAST DUE	22 CURRENT NET CHARGES	25 TOTAL NET AMOUNT DUE
	550.62	550.62	579.60	28.98

29 AGREEMENT PERFORMANCE			
EXPIRATION DATE	REQUIREMENT	CURRENT MONTH	CUMULATIVE
11/07/88			

#900	DORR COMMITTEE 126 CARLISLE STREET HANOVER, PA. 17331	199
PAY TO THE ORDER OF	York Daily Record	Nov. 2 1988 80-810 313
Five Hundred Fifty and 62/100	\$ 550.62	DOLLARS
BANK OF HANOVER A Trust Company HANOVER, PA 17326		
MEMO: 0313061001 49 045 8 0199 0000056062		

	DORR COMMITTEE 126 CARLISLE STREET HANOVER, PA. 17331	207
PAY TO THE ORDER OF	York Daily Record	Dec 5 1988 80-810 313
Twenty Eight and 98/100	\$ 28.98	DOLLARS
BANK OF HANOVER A Trust Company HANOVER, PA 17326		
MEMO: 0313061001 49 045 8 0207 0000007898		

99040714240

**YORK COUNTY
REPUBLICAN COMMITTEE**

06C 1578

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 JAN 17 PM 12:44

January 13, 1989

Federal Election Commission
99 E N.W.
Washington, D.C. 20463

MUR 2801
Frania Monarski, Staff

Dear Ms Monarski:

As instructed by you, I am filing an answer to your
MUR 2801.

The facts of the complaint are true in that the York
County Republican Committee did cause the advertisements, made a part of
MUR 2801, to be printed. These advertisements in the complaint contained
our full ticket for November 1988 consisting of 12 candidates.

We had no idea that as a County Committee we could not
ask the voters of York to vote for all of our candidates by newspaper ad.

We would assign to each of the candidates 1/12 of our
total cost of \$5,304.25 or \$416.60 each candidate.

The amount expended in the Presidential and Vice Presid-
ential contest would then cost \$833.20.

It seems hard to believe that a Republican Committee in
a County could be unable to advertise the ticket of their party.

If the law does not allow this, then the Commission
should examine whether a diminutive amount should not be allowed in the
range of \$1000.00 to be expended by County Committees in advertising a
full ticket of their parties choice.

We have of course filed with the State of Pennsylvania,
and the County of York all of our receipts and expenditures for 1988.

Attest

Deborah E. Adkins
Executive Secretary

Very truly yours,
John W. Thompson
John W. Thompson
County Chairman



37 W. MARKET ST.
YORK, PA. 17401
PH: (717) 854 7276

QEC 1615

WILEY, REIN & FIELDING

59 JAN 19 PM 1:06

1776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

JAN W. BARAN
(202) 429-7330

January 18, 1989

TELECOPIER
(202) 429-7049
TELEX 248349 WYRN UR

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2801

Attn: Frania Monarski

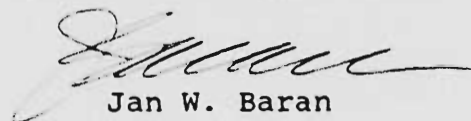
Dear Mr. Noble:

This office represents Bush-Quayle 88, Inc. and J. Stanley Huckaby, as treasurer ("Respondent"), in the above captioned matter. Enclose please find an executed Statement of Designation of Counsel which confirms our representation.

A response to this complaint is currently due on January 19, 1989. In order to fully confer with Respondent and to obtain whatever information and documentation which may prove necessary, I respectfully request a twenty day extension of time to and including February 8, 1989 within which to respond.

Your favorable consideration of this request will be appreciated.

Sincerely,


Jan W. Baran

Enclosure

JWB/CAL:co

3 2 0 4 0 7 7 4 2 4 2

59 JAN 19 PM 2:33

STATEMENT OF DESIGNATION OF COUNSEL

ESTIMATED
DESIGN

29 JUN 19 PM 1:06

MUR 2801

NAME OF COUNSEL: Jan W. Baran

ADDRESS: Wiley, Rein & Fielding

1776 K Street, N.W.

Washington, D.C. 20006

TELEPHONE: (202) 429-7330

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

1/13/89
Date

Stan Huckaby
Signature

RESPONDENT'S NAME: Stan Huckaby

ADDRESS: 733 15th Street, N.W.

Washington, D.C. 20005

HOME PHONE: _____

BUSINESS PHONE: (202) 842-8800

890407/3243



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 25, 1989

Jan W. Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2801
Bush/Quayle '88 and -
J. Stanley Huckaby, as
treasurer

Dear Mr. Baran:

This is in response to your letter dated January 18, 1989, which we received on January 19, 1989, requesting an extension of 20 days until February 8, 1989 to respond to MUR 2801. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on February 8, 1989.

If you have any questions, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

30040774244

06C1780

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

JAN W. BARAN
(202) 429-7330

February 8, 1989

TELECOPIER
(202) 429-7049
TELEX 248349 WYRN UR

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attn: Frania Monarski

Re: MUR 2801

Dear Mr. Noble:

This response is submitted on behalf of Bush-Quayle 88, Inc., and J. Stanley Huckaby, as Treasurer ("Respondents"), in reply to a complaint filed by the Democratic Party of York County, and designated Matter Under Review ("MUR") 2801. For the reasons set forth herein, the Federal Election Commission should find no reason to believe that Respondents violated any provisions of the Presidential Election Campaign Fund Act ("the Fund Act").

The Complaint

The Complaint in this matter, which names the York County Republican Committee as respondents, concerns several newspaper "advertisements which advocated the election of Vice President Bush to the Presidency of the United States.

06 FEB - 9 11 55

890407 / 245

Lawrence M. Noble, Esquire
February 8, 1989
Page 2

These advertisements contained a disclaimer which indicated that they were paid for by the York County Republican Committee." Complaint at p. 1. Complainant alleges that the York County Republican Committee was prohibited from making such an expenditure and that such expenditures constitute a contribution to Bush-Quayle 88, Inc. ("the Campaign" or "the Committee").

Response

The Fund Act

Section 9003(b)(2) of the Fund Act requires the candidates of a major party to certify that "no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees. . ." As candidates, then Vice President Bush and Senator Quayle made this certification and received public funds for the general election campaign. Further, both candidates organized their one authorized campaign committee, Bush-Quayle 88, to ensure that the Campaign strictly adhered to the limits of this certification.

The Bush-Quayle Campaign in Pennsylvania

The Campaign had an Executive Director for its Pennsylvania effort, John Denny, who was "responsible for developing and implementing the Pennsylvania strategy for the

Lawrence M. Noble, Esquire
February 8, 1989
Page 3

8 9 0 4 0 7 7 4 2 4 7
Campaign." Affidavit of John Denny in MUR 2801 (hereinafter "Denny Aff.") at ¶¶ 1, 2. When local county parties sought advice with regard to the parameters of activity that they could undertake on behalf of Bush-Quayle 88, the Pennsylvania Executive Director and his staff "made it clear to the County Chairmen that the counties could not run any newspaper or radio advertisements on behalf of George Bush." Id. at ¶ 4.

Unauthorized Activity by Others

The activity apparently undertaken by the York County Republican Committee and by a local Congressional Candidate in Pennsylvania was "not done on behalf of Bush-Quayle 88 nor coordinated with the Campaign," as Mr. Denny's Affidavit states. Id. at ¶ 8. The York County Republican Committee was not part of the organizational structure of the Bush-Quayle Campaign, and, as noted above, the counties had been advised not to undertake any newspaper advertisements on behalf of George Bush. Id. at ¶ 4. As a result, "any funds expended by the York County Republican Committee were not expended with the authorization, or at the direction, request, suggestion, or consultation of Bush-Quayle 88." Id. at ¶ 8.

These newspaper advertisements were, therefore, not activity authorized by or known to Bush-Quayle 88. Indeed, no one connected with the Campaign, including the

Lawrence M. Noble, Esquire
February 8, 1989
Page 4

Pennsylvania Executive Director and his field representative responsible for central Pennsylvania, which includes York County, had seen the newspaper advertisements at issue in this matter or knew anything about them until the Campaign received a copy of this complaint from the Federal Election Commission. Id. at ¶¶ 6, 7.

Inasmuch as these advertisements were unknown to the Campaign, the expenditures at issue in this matter were obviously "not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate." 11 C.F.R. § 109.1(a). Thus, Bush-Quayle 88 did not accept any contributions to defray qualified campaign expenses, just as Vice President Bush and Senator Quayle certified that they and their authorized committee would not under 26 U.S.C. § 9003(b).

3 0 0 4 0 7 / 0 2 4 8

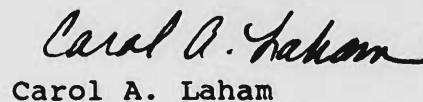
Lawrence M. Noble, Esquire
February 8, 1989
Page 5

Accordingly, the Commission should find no reason to believe that Bush-Quayle 88, Inc. and J. Stanley Huckaby, as Treasurer, violated the Fund Act.

Sincerely,


Jan W. Baran


Trevor Potter


Carol A. Laham

Counsel for Bush-Quayle 88,
Inc. and J. Stanley Huckaby, as
Treasurer

cc: J. Stanley Huckaby
JWB/CAL:co

890407 / 1249

BEFORE THE FEDERAL ELECTION COMMISSION

City of Pittsburgh)
)
County of Allegheny) MUR 2801

AFFIDAVIT OF JOHN DENNY

JOHN DENNY, being first duly sworn, deposes and says:

1. I am John Denny. I served as Executive Director of the Pennsylvania Bush-Quayle 88 Campaign, the general election campaign committee ("Campaign" or "Committee") of Vice President George Bush and Senator Dan Quayle.

2. As Executive Director of the Pennsylvania Bush-Quayle 88 Campaign, I was responsible for developing and implementing the Pennsylvania strategy for the campaign as well as directing the budget for our State.

3. In addition, as Executive Director of the Pennsylvania Campaign, I had contact on somewhat of a regular basis with the County GOP Chairmen in Pennsylvania with regard to the parameters of permissible activity that the counties could undertake on behalf of the Campaign.

4. I, or one of my field representatives, made it clear to the County Chairmen that the counties could not run any newspaper or radio advertisements on behalf of George Bush.

5. I am familiar with the allegations contained in the complaint of Matter Under Review 2801 that the York County Republican Committee made expenditures for newspaper

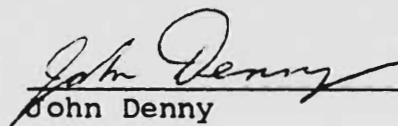
9
9
0
0
4
0
7
/

advertisements which constituted a contribution to the Bush-Quayle 88 campaign.

6. I had not seen the newspaper advertisements which are the subject of this MUR until I received a copy of this complaint from the Campaign.

7. In addition, I have conferred with Dennis Lynch, the central field representative (which covers York County) for Bush-Quayle 88 in Pennsylvania regarding these advertisements. He too knew nothing about these newspaper advertisements until I contacted him upon my receipt of this complaint.

8. Any activity undertaken by the York County Republican Committee with regard to the expenditures at issue in this matter was not done on behalf of Bush-Quayle 88 nor coordinated with the Campaign. Further, any funds expended by the York County Republican Committee were not expended with the authorization, or at the direction, request, suggestion, or consultation of Bush-Quayle 88.


John Denny

Signed and sworn to before me
this ____ day of February, 1989.

Notary Public

My Commission expires: _____

89 APR 12 PM 4:33

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE
EXECUTIVE SESSION

MUR 2801
DATE COMPLAINT RECEIVED MAY 02 1989
BY OGC: 12/15/88
DATE OF NOTIFICATION TO
RESPONDENTS: 12/28/88
STAFF MEMBER: Frania Monarski

COMPLAINANT: Democratic Party of York County

RESPONDENTS: York County Republican Committee and
Edward Reeve, as treasurer

The Dorr Committee and
Steven McKonly, as treasurer

Bush/Quayle '88 and
J. Stanley Huckaby, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 431
2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 441a(a)
2 U.S.C. § 441a(d)
2 U.S.C. § 441a(f)
2 U.S.C. § 441d(a)
26 U.S.C. § 9003(b)
11 C.F.R. § 106.1
11 C.F.R. § 110.7

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On December 15, 1988, the Democratic Party of York County (the "Complainant") submitted a complaint to the Commission alleging that the York County Republican Committee (the "York County Republicans") and Edward Reeve, as treasurer, violated the Federal Election Campaign Act of 1971, as amended (the "Act") by making unauthorized coordinated party expenditures on behalf of George Bush and Dan Quayle, the Republican Presidential and

890407/4252

Vice Presidential nominees. The Complainant contends that, during early November 1988, the York County Republicans placed full page advertisements in newspapers throughout York County, Pennsylvania, advocating the election of Bush and Quayle. These advertisements included a disclaimer indicating that they were paid for by the York County Republicans.

The Complainant further alleges the Dorr Committee, the principal campaign committee of Don Dorr, a Republican candidate for State Representative, and Steven McKonly, as treasurer, violated the Act by making expenditures in support of the Bush/Quayle campaign. The Complainant asserts that the Dorr Committee also placed advertisements in several York County newspapers supporting the "Republican Ticket" including George Bush and Dan Quayle. The advertisements indicated that they were paid for by the Dorr Committee.

Finally, the Complainant contends that Bush/Quayle '88 and J. Stanley Huckaby, as treasurer, violated the Presidential Election Campaign Act (the "Fund Act") by accepting these advertisements as in-kind contributions from the York County Republicans and the Dorr Committee.

On January 17, 1989, the York County Republicans and Edward Reeve, as treasurer, submitted a response to the complaint indicating that the Committee spent a total of \$5,304.25 on the advertisements in question. The Dorr Committee and Steven McKonly, as treasurer, filed a response with the Commission on January 13, 1989, noting that the advertisements referred to in the complaint cost \$1,272.29. On February 9, 1989, Bush/Quayle

990407/4253

'88 and J. Stanley Huckaby, as treasurer, submitted a response through counsel, denying the allegations in the complaint.

II. FACTUAL AND LEGAL ANALYSIS

A. The York County Republican Committee

8 9 0 4 0 7 / 4 2 5 4
The Act defines a political committee as any committee which receives contributions or makes expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The term also includes any local committee of a political party which makes payments exempted from the definition of contribution or expenditure aggregating in excess of \$5,000 during a calendar year or makes contributions or expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4)(C). All committees must file a Statement of Organization within ten days after qualifying as a political committee. 2 U.S.C. § 433(a). Moreover, the Act requires the treasurer of a political committee to file reports of the receipts and disbursements made by the committee in a calendar year. 2 U.S.C. § 434.

The Act defines contributions and expenditures as anything of value including a gift, loan or advance made by any person for the purpose of influencing a federal election. 2 U.S.C. § 431(8)(A) and 2 U.S.C. § 431(9)(A). Expenditures made by any person in cooperation, consultation with, or concert with, or at the request or suggestion of a candidate or his or her authorized committee are considered in-kind contributions under the Act. 2 U.S.C. § 441a(a)(7)(B)(i). Multicandidate political committees may make up to \$5,000 in contributions to any candidate for federal office or his or her authorized political committee.

2 U.S.C. § 441a(a)(2)(A).

890407 / 4255
The Act provides that a national committee may make certain limited coordinated party expenditures in connection with the general election campaign for any candidate for President who is affiliated with that party. 2 U.S.C. § 441a(d)(2). The Act does not include a similar provision for state or local party committees to make expenditures on behalf of a Presidential candidate. See 2 U.S.C. § 441a(d). Commission Regulations indicate, however, that a national party committee may make such expenditures through a designated agent, including state and subordinate party committees. 11 C.F.R. § 110.7(a)(4). Party committees, however, may not make independent expenditures in connection with the general election campaign of a Presidential candidate. 11 C.F.R. § 110.7(a)(5).

The Act and Regulations exclude certain types of disbursements made by state party committees on behalf of their Presidential candidates from the definitions of contributions and expenditures. See, e.g., 2 U.S.C. § 431(8)(B)(v); 2 U.S.C. § 431(9)(B)(iv) (payment by state committee of costs incurred with respect to printed slate card or sample ballot); 2 U.S.C. § 431(8)(B)(x); 2 U.S.C. § 431(9)(B)(viii) (payment by state committee of campaign materials distributed by volunteers); 2 U.S.C. § 431(8)(B)(xii); 2 U.S.C. § 431(9)(B)(ix) (payment of voter registration and get out the vote costs made by state party committee on behalf of Presidential nominee). Disbursements for newspaper advertising and other similar type of general public advertising, however, do not qualify for these exemptions. Id.

The Act further provides that no political committee shall knowingly make any expenditure in violation of 2 U.S.C. § 441a, and that no officer or employee of a political committee shall knowingly make an expenditure on behalf of a candidate in violation of any limitation imposed on contributions and expenditures under Section 441a. 2 U.S.C. § 441a(f).

Under the Presidential Election Campaign Fund Act (the "Fund Act"), a Presidential candidate may elect to receive public financing of his or her general election campaign. See generally 2 U.S.C. § 9001 et seq., 11 C.F.R. § 9001.1 et seq. In order to be eligible to receive public funds, the candidate must limit his or her spending to the amount of the federal grant and may not accept private contributions to defray qualified campaign expenses. 2 U.S.C. § 9003(b). Bush/Quayle '88 agreed not to accept such contributions.

The Act further requires that whenever any person, which includes a party committee (see 2 U.S.C. § 431(11)), makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting, newspaper or any type of general public political advertising, the communication, if paid for and authorized by the candidate, an authorized political committee of the candidate or agents of the candidate, must clearly state that it was paid for by such authorized committee. 2 U.S.C. § 441d(a)(1). If the communication is paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, it must clearly state

9 0 0 4 0 7 / 4 2 5 6

that the communication was paid for by such other persons and authorized by such authorized political committee. 2 U.S.C. § 441d(a)(2). Moreover, if the communication is not authorized by the candidate, an authorized political committee of the candidate or agents of the candidate, it must clearly state the name of the person who paid for the communication and indicate that it was not authorized by the candidate or the candidate's committee. 2 U.S.C. § 441d(a)(3).

8 9 0 4 0 7 / 4 2 5 7
The York County Republicans submitted a response to the Commission indicating that it did not have authorization from the Republican National Committee (the "RNC") to make coordinated party expenditures on behalf of the Bush/Quayle campaign.¹ Moreover, because these expenditures involve newspaper advertisements, they do not fall within the contribution or expenditure exemptions under the Act. See 2 U.S.C. § 431(8)(B)(v); 2 U.S.C. § 431(9)(B)(iv); 2 U.S.C. § 431(8)(B)(x); 2 U.S.C. § 431(9)(B)(viii); 2 U.S.C. § 431(8)(B)(xii); 2 U.S.C. § 431(9)(B)(ix). Furthermore, state party committees cannot make independent expenditures on behalf of their candidates. 11 C.F.R. § 110.7(a)(5). Therefore, the York County Republicans made an expenditure on behalf of Bush/Quayle for which it had no statutory authority or no authorization from the RNC in violation of 2 U.S.C. § 441a(f).

The York County Republicans stated that the advertisements in question cost \$5,304.25. Commission Regulations provide that

1. In its response, Bush/Quayle '88 stated that the advertisements in question were not made "on behalf of Bush/Quayle '88 nor coordinated with the Campaign." Bush/Quayle Response at 3.

expenditures made on behalf of more than one federal candidate shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived. 11 C.F.R. § 104.10. Photographs of fourteen candidates appeared in the advertisements. One fourteenth of the total cost attributable to each candidate is \$378.88.² Therefore, the York County Republicans spent \$757.76 on behalf of the Republican Presidential and Vice Presidential candidates. Moreover, two other federal candidates, John Heinz for Senate and William F. Goodling for Congress, also appeared in the advertisements. The complaint does not allege that the York County Republicans made unauthorized expenditures on behalf of these federal candidates. Moreover, there is no evidence in the response to indicate that the York County Republicans attributed a portion of the costs of the advertisements from which Heinz and Goodling derived a benefit as contributions to the candidates or as coordinated party expenditures made as the agent of the RNC. The York County Republicans, therefore, spent a total of \$1,515.52 on behalf of four federal candidates, Bush, Quayle, Heinz and Goodling, through the advertisements in question, thereby triggering the registering and reporting requirements of the Act. See 2 U.S.C. §§ 433 and 434. Accordingly, this Office recommends that the Commission find reason to believe that the York County

2. This Office notes that the York County Republicans, in their response, calculated the amount attributable to each candidate as one-twelfth of the total cost, however, fourteen Republican candidates appeared in the advertisements. Therefore, this Office calculated the amount attributable to each candidate as one-fourteenth of the total cost.

Republican Party and Edward Reever, as treasurer, violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee, and 2 U.S.C. § 441a(f) by making an unauthorized expenditure on behalf of the Bush/Quayle campaign.

Moreover, the advertisements in question indicated that they were political advertisements paid for by the York County Republican Committee. The advertisements, however, did not show whether or not they were authorized by the Republican Presidential and Vice Presidential candidates, Bush/Quayle '88, or the other federal candidates. Therefore, this Office recommends that the Commission find reason to believe that the York County Republican Committee and Edward Reever, as treasurer, violated 2 U.S.C. § 441d(a) by failing to include the appropriate disclaimer on the advertisements.

Pursuant to 26 U.S.C. § 9003(b), Bush/Quayle '88 agreed not to accept private contributions to defray qualified campaign expenses. Bush/Quayle '88 and J. Stanley Huckaby, as treasurer, submitted a response to the Commission, through counsel, stating that the advertisements made by the York County Republicans were not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of the candidates or Bush/Quayle '88. In an attached document³ supporting the response, John Denny, the Executive Director of the Pennsylvania Bush/Quayle '88 campaign, stated that he "made it clear to the County Chairmen that the counties could not run

3. This Office notes that the document was submitted as an affidavit of John Denny by Bush/Quayle '88, however, it was not sworn to before a Notary Public.

any newspaper or radio advertisements on behalf of George Bush." In addition, Denny notes that he had no knowledge of the newspaper advertisements in question until he received a copy of the complaint. Furthermore, Denny states that the expenditures made to the York County Republicans were not made with the authorization, or at the direction, request, suggestion or consultation of Bush/Quayle '88. See Attachment 1 at 11-12. Therefore, based on the foregoing analysis, this Office recommends that the Commission find no reason to believe that Bush/Quayle '88 and J. Stanley Huckaby, as treasurer, accepted a contribution from the York County Republicans in violation of 26 U.S.C. § 9003(b).

B. The Dorr Committee

The Act provides that a person may make up to \$1,000 in contributions to any candidate for federal office, or his or her authorized committee. 2 U.S.C. § 441a(a)(1)(A). Pursuant to this section, the term "person" includes a committee, association or any other organization or group of persons. 2 U.S.C. § 431(11). The term contribution does not include the payment by a candidate, for the nomination or election to any public office, including State or local office, or the authorized committee of a candidate, of the costs of campaign materials which include information on or reference to any other candidate and which are used in connection with volunteer activities including pins, bumper stickers, handbills, brochures, posters and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public

political advertising. 2 U.S.C. § 431(8)(A)(xi).

3 9 0 9 0 7 / 2 6 1
The Act defines an independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or prior consent of, or consultation with or at the request or suggestion of a candidate, or any agent or authorized committee of the candidate. 2 U.S.C. § 431(17). For purposes of this section, the term "person" includes a partnership, committee, association, or any organization or group of persons. 11 C.F.R. § 109.1(b)(1). Commission Regulations indicate that the phrase "expressly advocating" refers to a communication which includes, but is not limited to, expressions such as "vote for", "elect" and "support". 11 C.F.R. § 109.1(b)(2). Furthermore, the Regulations provide that "clearly identified candidate" means that the name or photograph of the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference. 11 C.F.R. § 109.1(b)(3). Moreover, the Act requires that every person, other than a political committee⁴, who makes independent expenditures aggregating in excess of \$250 during a calendar year must file a statement with the Commission reporting the independent expenditures. 2 U.S.C. § 434(c).

The Dorr Committee, in its response, indicated that it placed advertisements in two York County newspapers which stated "State

4. The Act defines a political committee as any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or makes expenditures aggregating in excess of \$1,000 during a calendar year. The Dorr Committee does not appear to qualify as a political committee pursuant to the Act.

Representative Don Dorr urges you to vote the Republican ticket". Attachment 1 at 2. The advertisements included a portion of the election ballot with the names of the Presidential and Vice Presidential candidates George Bush and Dan Quayle. Moreover, in its response, the Dorr Committee noted that it did not consult with or notify any candidate (other than Don Dorr) or any candidate's committee or political party committee. Therefore, the advertisements appear to meet the definition of independent expenditures under the Act.

3 0 0 4 0 7 / 4 2 6 2
The total cost of the advertisements was \$1,272.29. The Dorr Committee allocated one-seventh of the cost of the advertisement, \$181.76, to the Presidential ticket. As in the York County Republicans advertisements, two other federal candidates, Heinz and Goodling, also appear in the Dorr Committee advertisements. Therefore, the Dorr Committee spent a total of \$545.28 on behalf of federal candidates in these advertisements and were thereby required to report the advertisements as independent expenditures pursuant to 2 U.S.C. § 434(c).⁵ Accordingly, this Office recommends that the Commission find reason to believe that the Dorr Committee and Steven McKonly, as treasurer, violated 2 U.S.C. § 434(c) by failing to report their independent expenditures.

The advertisements in question indicated that they were paid for by the Dorr Committee. The advertisements, however, did not

5. This reporting requirement arises when all independent expenditures by a person aggregate in excess of \$250 during a calendar year. See 11 C.F.R. § 109.2(a)(2) and FEC Form 5.

show whether or not they were authorized by the Republican Presidential or Vice Presidential candidates, Bush/Quayle '88, or the other federal candidates. Therefore, this Office also recommends that the Commission find reason to believe that the Dorr Committee and Steven McKonly, as treasurer, violated 2 U.S.C. § 441d(a) by failing to include the appropriate disclaimer on the advertisements.

Moreover, based on the above circumstances, this Office recommends that the Commission find no reason to believe that Bush/Quayle '88 and J. Stanley Huckaby, as treasurer, violated 26 U.S.C. § 9003(b) by accepting in-kind contributions from the Dorr Committee, and close the file as it pertains to them.

III. RECOMMENDATIONS

1. Find reason to believe that the York County Republican Committee and Edward Reeve, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(f) and 441d(a).

2. Find no reason to believe that Bush/Quayle '88 and J. Stanley Huckaby, as treasurer, violated 2 U.S.C. § 9003(b), and close the file as it pertains to these respondents.

3. Find reason to believe that the Dorr Committee and Steven McKonly, as treasurer, violated 2 U.S.C. §§ 434(c) and 441d(a).

3 0 0 4 0 7 1 4 2 6 3

4. Approve the proposed letters (3) and Factual and Legal Analyses (2).

Lawrence M. Noble
General Counsel

April 12, 1989
Date

BY: George F. Riskel
Acting Associate General Counsel

Attachments

1. Responses
2. Proposed letters (3) and Factual and Legal Analyses (2)

890407 / 4264



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *SM*
COMMISSION SECRETARY

DATE: APRIL 17, 1989

SUBJECT: OBJECTIONS TO MUR 2801 - First G. C. Report
Signed April 12, 1989

The above-captioned document was circulated to the
Commission on Thursday, April 13, 1989 at 11:00 a.m..

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

Commissioner Aikens	<u>X</u>
Commissioner Elliott	<u></u>
Commissioner Josefiak	<u></u>
Commissioner McDonald	<u></u>
Commissioner McGarry	<u></u>
Commissioner Thomas	<u>x</u>

This matter will be placed on the meeting agenda
for May 2, 1989.

Please notify us who will represent your Division before the
Commission on this matter.

870407/4255

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
York County Republican Committee)
and Edward Reeve, as treasurer)
The Dorr Committee and) MUR 2801
Steven McKonly, as treasurer)
Bush/Quayle '88 and)
J. Stanley Huckaby, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of May 2,
1989, do hereby certify that the Commission decided by a
vote of 5-0 to take the following actions in MUR 2801:

1. Find reason to believe that the York
County Republican Committee and Edward
Reeve, as treasurer, violated 2 U.S.C.
§§ 433, 434, 441a(f) and 441d(a).
2. Find no reason to believe that Bush/
Quayle '88 and J. Stanley Huckaby, as
treasurer, violated 26 U.S.C. § 9003(b)
and close the file as it pertains to
these respondents.
3. Find reason to believe that the Dorr
Committee and Steven McKonly, as treasurer,
violated 2 U.S.C. §§ 434(c) and 441d(a).

(continued)

330407 / 4266

4. Approve the Factual and Legal Analyses recommended in the General Counsel's report dated April 12, 1989, subject to modification as agreed during the meeting discussion.
5. Approve the proposed letters recommended in the General Counsel's report dated April 12, 1989.

Commissioners Elliott, Josefiak, McDonald, McGarry,
and Thomas voted affirmatively for the decision;
Commissioner Aikens was not present at the time of the vote.

Attest:

May 3, 1989
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

8 9 0 4 0 7 1 4 2 8 7



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 9, 1989

Edward Reeve, Treasurer
York County Republican Committee
37 W. Market Street
York, PA 17401

RE: MUR 2801
York County Republican
Committee and
Edward Reeve, as
treasurer

Dear Mr. Reeve:

On December 28, 1988, the Federal Election Commission notified the York County Republican Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on May 2, 1989, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(f), and 441d(a), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

8 9 0 4 0 7 7 4 2 3 8

Edward Reeve
Page 2

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

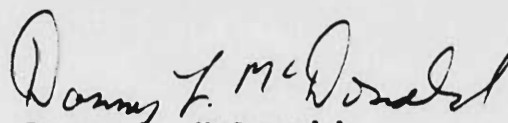
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 authorizing such counsel to receive any notifications and other communications from the Commission.

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 Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Danny L. McDonald
Chairman

Enclosures
Designation of Counsel Form
Factual & Legal Analysis

37040774269



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 9, 1989

Steven McKonly, Treasurer
Dorr Committee
126 Carlisle Street
Hanover, PA 17331

RE: MUR 2801
Dorr Committee and
Steven McKonly, as
treasurer

Dear Mr. McKonly:

On December 28, 1988, the Federal Election Commission notified the Dorr Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on May 2, 1989, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. §§ 434(c) and 441d(a), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information. Moreover, enclosed is a FEC Form 5 to be used to file the required report pursuant to 2 U.S.C. § 434(c) noting the independent expenditures made by the Committee.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

970407/4270

Steven McKonly
Page 2

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 authorizing such counsel to receive any notifications and other communications from the Commission.

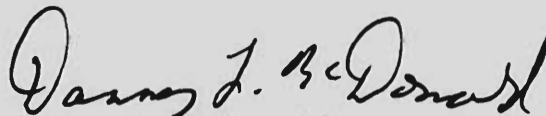
This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

8 0 0 4 0 7 7 4 2 7 1

Steven McKonly
Page 3

If you have any questions, please contact Frania Monarski,
the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Danny L. McDonald
Chairman

Enclosures
FEC Form 5
Designation of Counsel Form
Factual & Legal Analysis

890407 / 4272



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 9, 1989

Jan W. Baran
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2801
Bush/Quayle '88 and
J. Stanley Huckaby, as
treasurer

Dear Mr. Baran:

On December 28, 1989, the Federal Election Commission notified your clients, Bush/Quayle '88 and J. Stanley Huckaby, as treasurer, of a complaint alleging violations of certain sections of Chapters 95 and 96 of Title 26, United States Code.

On May 2, 1989, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe Bush/Quayle '88 and J. Stanley Huckaby, as treasurer, violated 26 U.S.C. § 9003(b). Accordingly, the Commission closed its file in this matter as it pertains to Bush/Quayle '88 and J. Stanley Huckaby, as treasurer.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

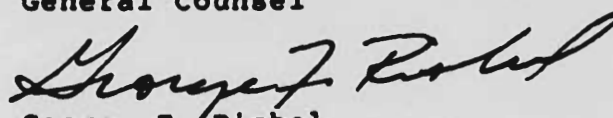
890407/4273

Jan Baran
Page 2

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Lawrence M. Noble
General Counsel



BY: George F. Rishel
Acting Associate General Counsel

890407/4274

OGC 2897

YORK COUNTY REPUBLICAN COMMITTEE

May 24, 1989

Federal Election Commission
99 E N.W.
Washington, D.C. 20463

MUR 2801
Frania Monarski, Staff

89 MAY 30 PM 1:52

Dear Ms. Monarski:

Following our telephone conversation of May 24th we request conciliation of this matter.

We call attention to the Heinz - Goodling inclusion in your Factual and Legal analysis report sent to us.

We are the agents for Heinz and Goodling our disclaimer was listed at the bottom of the advertisement in question. We are the duly elected Republican Committee of York County. As such we would of necessity be their agents. They had no other in York County.

We fail to see any further disclaimer needed in the case of these two candidates who were duly nominated as our candidates.

Very truly yours,

John W. Thompson
John W. Thompson
County Chairman

Attest

Deborah E. Wobben
Executive Secretary

89 MAY 30 AM 10:44



37 W. MARKET ST.
YORK, PA 17401
PH: (717) 854 7276

06C 2886

89 MAY 30 AM 9:01

DORR COMMITTEE
126 Carlisle Street
Hanover, PA 17331

May 26, 1989

Federal Election Commission
Washington, D. C. 20463

Attention: Frania Monorski

Re: MUR 2801
Dorr Committee and Steven McKonly, Treasurer

Pursuant to your letter of May 9, 1989, we wish to demonstrate that no action should be taken against the Committee and the Treasurer.

As indicated in our January 10, 1989 letter, we simply reprinted a portion of the election ballot in our newspaper advertising on behalf of Donald W. Dorr, candidate for State Representative. This public service should not be limited by Federal law and we believe that claims of such regulation violate the spirit of the Federal Election Law.

The advertising placed by our Committee was reported to public officials in two places. To require additional reporting is a redundancy serving no public purpose. The record of those reporting are and have been readily available to the Federal Election Commission. To require a third reporting would be simply to add red tape and clerical requirement with no useful public purpose served, a result we do not believe to have been intended by the Congress in the passage of the law.

Pursuant to Ms. Monarski's instructions, we have filled in item 7 of FEC Form 5 (enclosed) with reports of expenditures made for all of the ads placed by our Committee containing the names of candidates for Federal office. We attach photocopies of the ad in question. It was placed in three newspapers, The York Daily Record, The York Dispatch, and the Hanover Evening Sun. The per column inch charge paid in each and the amount of space devoted to the Federal candidates with a calculation of the expenditure that could be related to these is as follows:

	\$ Per Col. inch.	inches for Fed. Cand.	Cols. for Fed. Cand.	times used	total cost
Evening Sun	\$6.82(avg)	2	1.06	3	43.38
Daily Record	\$9.20(avg)	2	1.06	2	39.00
Dispatch	\$7.33	2	1.06	3	46.62
TOTAL COST ATTRIBUTABLE TO FEDERAL CANDIDATES					\$129.00

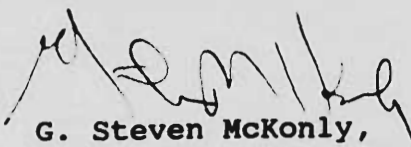
99040774270

As you can see from the above calculations, our cost of advertising attributable to the Federal candidates was \$129.00, well below the \$250.00 limit. This is all of our advertising naming Federal candidates, including ads not complained about by the complainant. We would have used the ad without the particular ballot positions occupied by the Federal candidates had we known that anyone would have considered it an ad for the Federal candidates when their ballot slot is reprinted. In any event, the Federal law \$250.00 figure is not reached by our advertising.

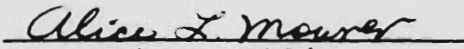
We request pre-probable cause conciliation in the event the above does not satisfy the concerns of the Commission.

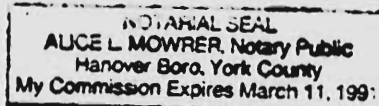
Very truly yours,

DORR COMMITTEE

By  (Seal)
G. Steven McKonly,
Treasurer - 1988 Campaign

Sworn and subscribed to
before me this 26th day
of May, 1989.


Notary Public



800407 / 4277

**REPORT OF INDEPENDENT EXPENDITURES
AND CONTRIBUTIONS RECEIVED**
(To Be Filled by a Person Other Than a Political Committee)

(See Instructions on Reverse Side)

FED

060363

1. (a) Name DORR COMMITTEE		(e) Occupation N/A
(b) Address 126 Carlisle Street		2. Identification Number N/A
(c) City, State and ZIP Code Hanover, PA 17331		3. Is this Report an Amendment? ☐ YES ☒ NO
(d) Name of Employer N/A		

4. TYPE OF REPORT (check appropriate boxes):

- (a) ☐ April 15 Quarterly Report ☐ Twelfth Day Report preceding _____ election on _____ in the State of _____
- ☐ July 15 Quarterly Report
- ☐ October 15 Quarterly Report ☒ Thirtieth Day Report following the General Election on **11-8-88** in the State of _____
- ☐ January 31 Year End Report
- ☐ July 31 Mid Year Report

5. This Report covers the period — FROM: **10-27-88** THROUGH: **12-8-88**

6. CONTRIBUTION(S) RECEIVED				
Full Name, Mailing Address and ZIP Code of Contributor	Name of Employer	Occupation	Date (Month, Day, Year)	Amount

7. EXPENDITURE(S) MADE						
Full Name, Mailing Address and ZIP Code of Payee	Purpose of Expenditure	Date (Month, Day, Year)	Amount	Check One		Name and Office Sought (District, State) of Federal Candidate
				Support	Oppose	
York Daily Record 1750 Ind. Hiway, York, PA17402	newsp. ad	11/6 & 11/7	\$ 39.00	(1) x		Pres, V.P., Sen., Cong.
York Dispatch 15 E. Phila. St., York, PA17401	newsp. ad	11/4, 5 & 7	\$ 46.62	(2) x		Pres, V.P., Sen., Cong.
Evening Sun 17331 135 Balto St., Hanover, PA	newsp. ad	11/4, 5 & 7	\$ 43.38	(3) x		Pres, V.P., Sen., Cong.
(1) Amount is for Federal Candidates.		Total bill was \$579.60				
(2) Amount is for Federal Candidates.		Total bill was \$692.69				
(3) Amount is for Federal Candidates.		Total bill was \$874.33				

8. Total Contributions. \$ _____

9. Total Expenditures. \$ **129.00**

Under penalty of perjury I certify that the independent expenditures reported herein were not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or agent or authorized committee of such candidate. Furthermore, these expenditures did not involve the financing of, the dissemination, distribution or republication, in whole or in part, of any campaign materials prepared by the candidate or an agent or authorized committee of the candidate.

Subscribed and sworn to before me this 26th day of May, 1989

My Commission Expires: _____

SIGNATURE Date

NOTARY SEAL
DORR COMMITTEE, Notary Public
Hanover, York County
My Commission Expires March 28, 1990

(Notary Public)

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. 437g.

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4868
316 3120

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from such committee.

89 JUL -7 AM 9:57

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
York County Republican Committee)
and Edward Reever, as)
treasurer)
Dorr Committee and Steven)
McKonly, as treasurer)

MUR 2801

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On December 15, 1988, the Democratic Party of York County (the "Complainant") submitted a complaint to the Commission alleging that the York County Republican Committee (the "York County Republicans") and Edward Reever, as treasurer, violated the Federal Election Campaign of 1971, as amended (the "Act"). The Complainant further alleged that the Dorr Committee, the principal campaign committee of Don Dorr, a Republican candidate for State Representative, and Steven McKonly, as treasurer, also violated the Act.

On May 2, 1989, the Commission found reason to believe that the York County Republican Committee and Edward Reever, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(f) and 441d(a). On that same date, the Commission also found reason to believe that the Dorr Committee and Steven McKonly, as treasurer, violated 2 U.S.C. §§ 434(c) and 441d(a).

On May 30, 1989, the York County Republicans submitted a letter to the Commission requesting pre-probable cause conciliation. On that same date, the Dorr Committee also filed a response to the Commission's findings and requested

890407 / 4279

pre-probable cause conciliation.

II. ANALYSIS

A. The York County Republican Committee

890407/4280
The Act defines a political committee as any committee which receives contributions or makes expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The term also includes any local committee of a political party which makes payments exempted from the definition of contribution or expenditure aggregating in excess of \$5,000 during a calendar year or makes contributions or expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4)(C). All committees must file a Statement of Organization within ten days after qualifying as a political committee. 2 U.S.C. § 433(a). Moreover, the Act requires the treasurer of a political committee to file reports of the receipts and disbursements made by the committee in a calendar year. 2 U.S.C. § 434.

The Act defines contributions and expenditures as anything of value including a gift, loan or advance made by any person for the purpose of influencing a federal election. 2 U.S.C. § 431(8)(A) and 2 U.S.C. § 431(9)(A). Expenditures made by any person in cooperation, consultation with, or concert with, or at the request or suggestion of a candidate or his or her authorized committee are considered in-kind contributions under the Act. 2 U.S.C. § 441a(a)(7)(B)(i). Multicandidate political committees may make up to \$5,000 in contributions to any candidate for federal office or his or her authorized political committee. 2 U.S.C. § 441a(a)(2)(A).

8 3 0 4 0 7 / 4 2 9 1

The Act provides that a national committee may make certain limited coordinated party expenditures in connection with the general election campaign for any candidate for President who is affiliated with that party. 2 U.S.C. § 441a(d)(2). The Act does not include a similar provision for state or local party committees to make expenditures on behalf of a Presidential candidate. See 2 U.S.C. § 441a(d). Commission Regulations indicate, however, that a national party committee may make such expenditures through a designated agent, including state and subordinate party committees. 11 C.F.R. § 110.7(a)(4). Party committees, however, may not make independent expenditures in connection with the general election campaign of a Presidential candidate. 11 C.F.R. § 110.7(a)(5).

The Act and Regulations exclude certain types of disbursements made by state party committees on behalf of their Presidential candidates from the definitions of contributions and expenditures. See, e.g., 2 U.S.C. § 431(8)(B)(v); 2 U.S.C. § 431(9)(B)(iv) (payment by state committee of costs incurred with respect to printed slate card or sample ballot); 2 U.S.C. § 431(8)(B)(x); 2 U.S.C. § 431(9)(B)(viii) (payment by state committee of campaign materials distributed by volunteers); 2 U.S.C. § 431(8)(B)(xii); 2 U.S.C. § 431(9)(B)(ix) (payment of voter registration and get out the vote costs made by state party committee on behalf of Presidential nominee). Disbursements for newspaper advertising and other similar type of general public advertising, however, do not qualify for these exemptions. Id. The Act further provides that no political committee shall

knowingly make any expenditure in violation of 2 U.S.C. § 441a, and that no officer or employee of a political committee shall knowingly make an expenditure on behalf of a candidate in violation of any limitation imposed on contributions and expenditures under Section 441a. 2 U.S.C. § 441a(f).

3 0 0 4 0 7 7 4 2 9 2
The Act further requires that whenever any person, which includes a party committee (see 2 U.S.C. § 431(11)), makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting, newspaper or any type of general public political advertising, the communication, if paid for and authorized by the candidate, an authorized political committee of the candidate or agents of the candidate, must clearly state that it was paid for by such authorized committee. 2 U.S.C. § 441d(a)(1). If the communication is paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, it must clearly state that the communication was paid for by such other persons and authorized by such authorized political committee. 2 U.S.C. § 441d(a)(2). Moreover, if the communication is not authorized by the candidate, an authorized political committee of the candidate or agents of the candidate, it must clearly state the name of the person who paid for the communication and indicate that it was not authorized by the candidate or the candidate's committee. 2 U.S.C. § 441d(a)(3).

The York County Republicans placed advertisements in newspapers promoting the full Republican ticket for the November

1988 election. The York County Republicans did not have authorization from the Republican National Committee (the "RNC") to make coordinated party expenditures on behalf of the Bush/Quayle campaign. Moreover, because these expenditures involve newspaper advertisements, they do not fall within the contribution or expenditure exemptions under the Act. See 2 U.S.C. § 431(8)(B)(v); 2 U.S.C. § 431(9)(B)(iv); 2 U.S.C. § 431(8)(B)(x); 2 U.S.C. § 431(9)(B)(viii); 2 U.S.C. § 431(8)(B)(xii); 2 U.S.C. § 431(9)(B)(ix). Furthermore, state party committees cannot make independent expenditures on behalf of their candidates. 11 C.F.R. § 110.7(a)(5). Therefore, the York County Republicans made an expenditure on behalf of Bush/Quayle for which it had no statutory authority or no authorization from the RNC in violation of 2 U.S.C. § 441a(f).

The York County Republicans stated that the advertisements in question cost \$5,304.25. Commission Regulations provide that expenditures made on behalf of more than one federal candidate shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived. 11 C.F.R. § 104.10. Photographs of fourteen candidates appeared in the advertisements, including the Republican Presidential and Vice Presidential candidates. The Act provides that contributions made to or expenditures made on behalf of the Vice Presidential candidate shall be considered to be made on behalf of the Presidential candidate. 2 U.S.C. §§ 441a(a)(7)(C) and 441a(b)(2)(A). Therefore, the cost attributable to the Presidential and Vice Presidential ticket is one thirteenth of

the total cost or \$408.02. Moreover, two other federal candidates, John Heinz for Senate and William F. Goodling for Congress, also appeared in the advertisements. The York County Republicans state that they are the agents of Heinz and Goodling in York County. They do not, however, provide any evidence or documentation to support that statement. The York County Republicans, therefore, spent a total of \$1,224.06 on behalf of four federal candidates, Bush, Quayle, Heinz and Goodling, through the advertisements in question, thereby triggering the registering and reporting requirements of the Act. See 2 U.S.C. §§ 433 and 434.

Moreover, the advertisements in question indicated that they were political advertisements paid for by the York County Republican Committee. The advertisements, however, did not show whether or not they were authorized by the Republican Presidential and Vice Presidential candidates, Bush/Quayle '88, or the other federal candidates. Therefore, the York County Republicans failed to include the complete disclaimer on their advertisements in violation of 2 U.S.C. § 441d(a). Because no further investigation is necessary regarding the issues related to the York County Republicans, this Office recommends that the Commission enter into pre-probable cause conciliation with the York County Republican Committee and Edward Reeve, as treasurer, prior to a finding of probable cause to believe.

B. The Dorr Committee

The Act provides that a person may make up to \$1,000 in contributions to any candidate for federal office, or his or her

authorized committee. 2 U.S.C. § 441a(a)(1)(A). Pursuant to this section, the term "person" includes a committee, association or any other organization or group of persons. 2 U.S.C. § 431(11). The term contribution does not include the payment by a candidate, for the nomination or election to any public office, including State or local office, or the authorized committee of a candidate, of the costs of campaign materials which include information on or reference to any other candidate and which are used in connection with volunteer activities including pins, bumper stickers, handbills, brochures, posters and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public political advertising. 2 U.S.C. § 431(8)(A)(xi).

The Act defines an independent expenditure as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or prior consent of, or consultation with or at the request or suggestion of a candidate, or any agent or authorized committee of the candidate. 2 U.S.C. § 431(17). For purposes of this section, the term "person" includes a partnership, committee, association, or any organization or group of persons. 11 C.F.R. § 109.1(b)(1). Commission Regulations indicate that the phrase "expressly advocating" refers to a communication which includes, but is not limited to, expressions such as "vote for", "elect" and "support". 11 C.F.R. § 109.1(b)(2). Furthermore, the Regulations provide that "clearly identified candidate" means that the name or photograph of the candidate appears or the

identity of the candidate is otherwise apparent by unambiguous reference. 11 C.F.R. § 109.1(b)(3). Moreover, the Act requires that every person, other than a political committee¹, who makes independent expenditures aggregating in excess of \$250 during a calendar year must file a statement with the Commission reporting the independent expenditures. 2 U.S.C. § 434(c).

8 0 0 4 0 7 / 3 2 8 6
The Dorr Committee placed advertisements in three York County newspapers which stated "State Representative Don Dorr urges you to vote the Republican ticket". The advertisements included a portion of the election ballot with the names of the Presidential and Vice Presidential candidates, George Bush and Dan Quayle. The Dorr Committee noted that it did not consult with or notify any candidate (other than Don Dorr) or any candidate's committee or political party committee. Therefore, the advertisements appear to meet the definition of independent expenditures under the Act.

8 0 0 4 0 7 / 3 2 8 6
In its response to the complaint, the Dorr Committee stated that the total cost of the advertisements was \$1,272.29. It allocated one-seventh of the total cost of the advertisement, \$181.76, to the Presidential ticket. As in the York County Republicans advertisements, two other federal candidates, Heinz and Goodling, also appeared in the advertisements. Therefore, in the First General Counsel's Report, this Office calculated that

1. The Act defines a political committee as any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or makes expenditures aggregating in excess of \$1,000 during a calendar year. The Dorr Committee does not appear to qualify as a political committee pursuant to the Act.

the Dorr Committee spent a total of \$545.28 on behalf of federal candidates in these advertisements.

In response to the Commission's reason to believe finding, the Dorr Committee provided the following information concerning the allocation of the costs of the advertisements:

	\$ Per Col.(inches)	inches (for Fed. Cand.)	columns	times used	total cost
Evening Sun	\$6.82(avg.)	2	1.06	3	\$43.38
Daily Record	\$9.20(avg.)	2	1.06	2	\$39.00
Dispatch	\$7.33	2	1.06	3	\$46.62
Total Cost Attributable to Federal Candidates:					\$129.00

According to these calculations of the Dorr Committee, the total cost attributable to federal candidates was \$129.00. This latter allocation appears to be based on only the amount of space in the advertisements actually devoted to the names and the offices sought by the federal candidates while the former allocation was based on dividing the total cost of the advertisements by the number of candidates included in the advertisements.

Commission Regulations provide that expenditures, including independent expenditures, made on behalf of more than one federal candidate shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived. 11 C.F.R. § 106.1(a). Although Commission Regulations do not specify any particular allocation method, this Office believes that an allocation of approximately 10% of the total cost of \$1,272.29 does not reflect the benefit reasonably

970407/4237

expected to be derived by the federal candidates through the advertisements. See Attachment 3 at 3.

The advertisements in question indicated that they were paid for by the Dorr Committee. The advertisements, however, did not show whether or not they were authorized by the Republican Presidential or Vice Presidential candidates, Bush/Quayle '88 or the other federal candidates.

Therefore, based on all the circumstances relating to the Dorr Committee's advertisements, this Office recommends that the Commission reject the Dorr Committee's request to take no further action and, instead, enter into pre-probable cause conciliation with the Dorr Committee and Steven McKonly, as treasurer, prior to a finding of probable cause to believe.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

390407 / 8288

9 9 0 4 0 7 / 4 2 3 9

IV. RECOMMENDATIONS

1. Reject the request of the Dorr Committee and Steven McKonly, as treasurer, to take no further action with respect to them.

2. Enter into conciliation with the York County Republican Committee and Edward Reeve, as treasurer, prior to a finding of probable cause to believe.

3. Enter into conciliation with the Dorr Committee and Steven McKonly, as treasurer.

4. Approve the attached proposed conciliation agreements (2) and letters (2).

Lawrence M. Noble
General Counsel

7/6/88
Date

BY:

LGL
Lois G. Lerner
Associate General Counsel

Attachments

1. Requests for conciliation
2. Form 5
3. Newspaper advertisements of the York County Republican Committee and the Dorr Committee
4. Proposed Conciliation Agreements (2) and letters (2)

Staff assigned: Frania Monarski

83040774290

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
York County Republican Committee)
and Edward Reeve, as) MUR 2801
treasurer)
Dorr Committee and Steven)
McKonly, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 11, 1989, the Commission decided by a vote of 5-1 to take the following actions in MUR 2801:

1. Reject the request of the Dorr Committee and Steven McKonly, as treasurer, to take no further action with respect to them.
2. Enter into conciliation with the York County Republican Committee and Edward Reeve, as treasurer, prior to a finding of probable cause to believe.
3. Enter into conciliation with the Dorr Committee and Steven McKonly, as treasurer.
4. Approve the proposed conciliation agreements (2) and letters (2) as recommended in the General Counsel's Report dated July 6, 1989.

Commissioners Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision; Commissioner Aikens dissented.

Attest:

7-11-89

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 14, 1989

Edward Reeve, Treasurer
York County Republican Committee
37 W. Market Street
York, PA 17401

RE: MUR 2801
York County Republican
Committee and Edward
Reeve, as treasurer

Dear Mr. Reeve:

On May 2, 1989, the Federal Election Commission found reason to believe that the York County Republican Committee and you, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(f) and 441d(a). At your request, on July 11, 1989, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

890407/4292

Edward Reeve
Page 2

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Franja Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

370407 / 4293



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 14, 1989

Steven McKonly, Treasurer
Dorr Committee
126 Carlisle Street
Hanover, PA 17331

RE: MUR 2801
Dorr Committee and Steven
McKonly, as treasurer

Dear Mr. McKonly:

On May 2, 1989, the Federal Election Commission found reason to believe that the Dorr Committee and you, as treasurer, violated 2 U.S.C. §§ 434(c) and 441d(a). On May 30, 1989, you submitted a response to the Commission's reason to believe finding and requested that the Commission take no further action with regard to the Dorr Committee and you, as treasurer, in this matter or in the alternative, enter into pre-probable cause conciliation.

The Commission has determined to decline your request to take no further action. On July 11, 1989, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

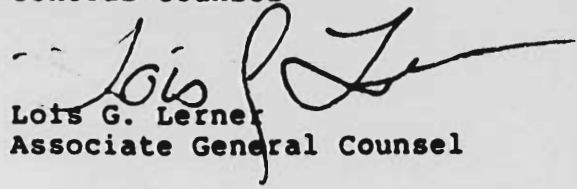
390407 / 4294

Steven McKonly
Page 2

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

890407/4295

89 AUG 16 AM 9:17

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
) MUR 2801
Dorr Committee and Steven)
McKonly, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Steven McKonly, the treasurer of the Dorr Committee (the "Committee"), the principal campaign committee of Don Dorr, a Republican candidate for State Representative in Pennsylvania.

870407/4296

39040714297

II. RECOMMENDATIONS

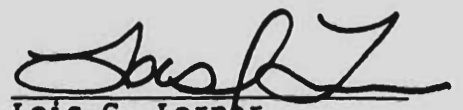
1. Accept the attached conciliation agreement with the Dorr Committee and Steven McKonly, as treasurer.
2. Close the file as to the Dorr Committee and Steven McKonly, as treasurer.

3. Approve the attached letter.

Lawrence M. Noble
General Counsel

Date 8/15/89

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Letter to Respondent

Staff Assigned: Frania Monarski

890407 / 4298

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dorr Committee and Steven) MUR 2801
McKonly, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 18, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2801:

1. Accept the conciliation agreement with the Dorr Committee and Steven McKonly, as treasurer, as recommended in the General Counsel's Report dated August 15, 1989.
2. Close the file as to the Dorr Committee and Steven McKonly, as treasurer.
3. Approve the letter as recommended in the General Counsel's Report dated August 15, 1989.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

8-18-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:
Circulated to the Commission:
Deadline for vote:

Tues., August 15, 1989 9:17 a.m.
Wed., August 16, 1989 11:00 a.m.
Fri., August 18, 1989 11:00 a.m.

870407/9299



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

August 24, 1989

Steven McKonly, Treasurer
Dorr Committee
126 Carlisle Street
Hanover, PA 17331

RE: MUR 2801
Dorr Committee and Steven
McKonly, as treasurer

Dear Mr. McKonly:

On August 18, 1989, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. §§ 434(c) and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to the Dorr Committee and you, as treasurer. This matter will become a part of the public record within 30 days after it has been closed with respect to all other respondents involved. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

Steven McKonly
Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Berner
Associate General Counsel

Enclosure
Conciliation Agreement

820407 / 4301

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2801
Dorr Committee and Steven)
McKonly, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Roger C. Bitzel, Chairman of the Democratic Party of York County. The Federal Election Commission ("Commission") found reason to believe that the Dorr Committee and Steven McKonly, as treasurer ("Respondents"), violated 2 U.S.C. §§ 434(c) and 441d(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Dorr Committee is the principal campaign committee of Don Dorr, a Republican candidate for State Representative in Pennsylvania.

2. Steven McKonly is the treasurer of the Dorr

930407/4372

Committee.

3. Pursuant to 2 U.S.C. § 431(17), an independent expenditure is an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or prior consent of, or consultation with or at the request or suggestion of a candidate, or any agent or authorized committee of a candidate. For purposes of this section, the term "person" includes a partnership, committee, association, or any organization or group of persons. 11 C.F.R. § 109.1(b)(1).

4. Pursuant to 2 U.S.C. § 434(c), every person who makes independent expenditures on behalf of federal candidates aggregating in excess of \$250 during a calendar year must file a statement with the Commission reporting the independent expenditures.

5. Pursuant to 11 C.F.R. § 106.1(a), independent expenditures, made on behalf of more than one federal candidate shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived.

6. Pursuant to 2 U.S.C. § 441d(a), when any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, newspaper or any other type of general public political advertising, such communication must clearly state who paid for the communication and whether or not it was authorized by the candidate or his or

her authorized committee.

7. Respondents prepared and paid for newspaper advertisements which included a portion of the election ballot in support of eight Republican candidates in the 1988 election including George Bush, Dan Quayle, John Heinz and William Goodling, who were candidates for federal office. The total cost of the advertisements was \$2,146.62. Pursuant to 2 U.S.C. §§ 441a(a)(7)(C) and 441a(b)(2)(A), contributions made to or expenditures made on behalf of the Vice Presidential candidate shall be considered to be made on behalf of the Presidential candidate. Pursuant to 11 C.F.R. §106.1(a), allocation of the \$2,146.62 spent on the newspaper advertisements to the federal candidates on a pro-rata basis exceeded \$250. Moreover, the newspaper advertisements did not indicate whether or not they were authorized by any candidate or authorized committee.

V. Respondents failed to report independent expenditures aggregating in excess of \$250 until May 26, 1989. Respondents also failed to include the appropriate disclaimer on the newspaper advertisements made in support of the republican Presidential and Vice Presidential candidates.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two hundred and fifty dollars (\$250), pursuant to 2 U.S.C. § 437g(a)(5)(A). Respondents will file an amended FEC Form 5 to accurately reflect the independent expenditures made on behalf of federal

9 0 0 9 0 7 / 4 3 0 4

candidates.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and

9 0 0 4 0 7 / 4 3 0 5

no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

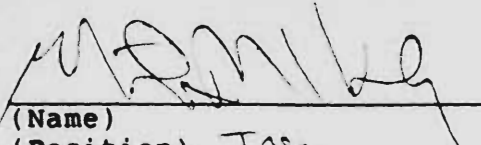
Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

8-23-89
Date

FOR THE RESPONDENTS:


(Name)
(Position) Treas.

7-28-89
Date

890407/9306

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

1. (a) NAME OF COMMITTEE IN FULL ☐ (Check if name is changed)
York County Republican Committee

2. DATE
October 17 1987 AM 10:37

(b) Number and Street Address ☐ (Check if address is changed)
37 West Market Street

3. FEC IDENTIFICATION NUMBER

(c) City, State and ZIP Code
York, PA. 17401

4. IS THIS STATEMENT AN AMENDMENT?
☐ YES ☐ NO

5. TYPE OF COMMITTEE (Check one)

- ☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☒ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|-------------------|-----------------------------|---------------|----------------|
| | | | |
- ☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- ☐ (d) This committee is a _____ County _____ committee of the _____ Republican _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- ☐ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

Type of Connected Organization

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
John W. Thompson	37 W. Market St.	Chairman

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
Edward H. Reeve	37 W. Market St.	Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Commonwealth National Bank	York Main Continental Square York, PA. 174

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER SIGNATURE OF TREASURER DATE

Edward H. Reeve *Edward H. Reeve* Oct 17 1987

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:
Federal Election Commission
Toll-free 800-424-9530
Local 202-376-3120

FEC FORM 1
(revised 4/87)

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 OCT 19 AM 10:37

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) York County Republican Committee		2. FEC IDENTIFICATION NUMBER
ADDRESS (number and street) ☐ Check if different than previously reported 37 West Market Street		
CITY, STATE and ZIP CODE York, PA. 17401		
		3. ☒ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-election Year Only)

☐ Termination Report

☒ POST - GENERAL REPORT

(b) Is this Report an Amendment? ☐ YES ☐ NO

Monthly Report Due On:

☐ February 20	☐ June 20	☐ October 20
☐ March 20	☐ July 20	☐ November 20
☐ April 20	☐ August 20	☐ December 20
☐ May 20	☐ September 20	☐ January 31

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>1/1/88</u> through <u>12/31/88</u>		
6. (a) Cash on Hand January 1, 19 <u>88</u>		\$
(b) Cash on Hand at Beginning of Reporting Period	\$ 2314.98	
(c) Total Receipts (from Line 18)	\$ 38621.82	\$
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 40936.80	\$
7. Total Disbursements (from Line 28)	\$ 35490.99	\$
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 5445.81	\$
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$	
I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.		
Type or Print Name of Treasurer		
Signature of Treasurer		Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

--	--	--	--	--	--	--	--	--

FEC FORM 3X
(revised 4/87)

390407/4508

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s)
for each category of the
Detailed Summary Page

PAGE 1 OF 1
FOR LINE NUMBER

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

York County Republican Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
York Dispatch 15 E. Phila St. York, PA. 17401	Newspaper Ads Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Oct. 26/88	2,836.70
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
York Daily Record 1891 Loucks Rd. York, PA. 17403	Newspaper Ads Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Oct. 25/88	2,467.55
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

5,304.25

930407/304

89 NOV -6 AM 11:59

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
York County Republican Committee) MUR 2801
and Edward H. Reeve, as)
treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Edward H. Reeve, the treasurer of the York County Republican Committee (the "Committee").

The attached agreement contains no changes from the agreement approved by the Commission on September 19, 1989. Moreover, the Committee has submitted a check for \$400, the amount of the civil penalty, a Statement of Organization and a 1988 Post-General Report,¹ pursuant to the conciliation agreement. Accordingly, this Office recommends that the Commission accept the attached conciliation agreement with the York County Republican Committee and Edward H. Reeve, as treasurer, and close the file in this matter.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the York County Republican Committee and Edward H. Reeve, as treasurer.

1. This Office has forwarded the Statement of Organization and the 1988 Post-General Report on to the Reports Analysis Division for review. Although the Committee failed to indicate that the 1988 Post-General Report is also the Termination Report for the Committee, staff from this Office has contacted the Committee and the Committee will be sending in a copy of the report with the appropriate indication.

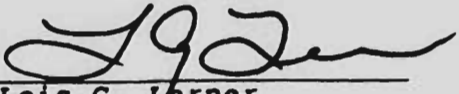
330407/4310

2. Close the file.
3. Approve the attached letters.

Lawrence M. Noble
General Counsel

11-3-89
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to the York County Republican Committee
4. Letter to the Dorr Committee
5. Letter to Complainant

Staff Assigned: Frania Monarski

80040774311

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
York County Republican Committee) MUR 2801
and Edward H. Reeve, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session on
November 14, 1989, do hereby certify that the Commission
decided by a vote of 6-0 to take the following actions
in MUR 2801:

1. Accept the conciliation agreement with the
York County Republican Committee and
Edward H. Reeve, as treasurer, as recommended
in the General Counsel's report dated
November 3, 1989.
2. Close the file.
3. Approve the letters attached to the General
Counsel's report dated November 3, 1989.

Commissioners Aikens, Elliott, Josefiak, McDonald,
McGarry, and Thomas voted affirmatively for the decision.

Attest:

Nov. 14, 1989
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

90040774312



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

November 20, 1989

Steven McKonly, Treasurer
Dorr Committee
126 Carlisle Street
Hanover, PA 17331

RE: MUR 2801
Dorr Committee and Steven
McKonly, as treasurer

Dear Mr. McKonly:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "Lois G. Lerner", is written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

800407/4313



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

November 20, 1989

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Roger C. Bitzel, Chairman
Democratic Party of York County
22 West King Street
P.O. Box 408
York, PA 17405

RE: MUR 2801

Dear Mr. Bitzel:

This is in reference to the complaint you filed with the Federal Election Commission on December 15, 1989, concerning the York County Republican Committee and Edward H. Reeve, as treasurer, and the Dorr Committee and Steven McKonly, as treasurer.

The Commission found that there was reason to believe the York County Republican Committee and Edward Reeve, as treasurer, violated 2 U.S.C. §§ 433, 434, 441a(f) and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. The Commission also found reason to believe that the Dorr Committee and Steven McKonly, as treasurer, violated 2 U.S.C. §§ 434(c) and 441d(a). On August 18, 1989, a conciliation agreement signed by the Dorr Committee was accepted by the Commission. On November 14, 1989, a conciliation agreement by the York County Republican Committee was accepted by the Commission. Accordingly, the Commission closed the file in this matter on November 17, 1989. Copies of these agreements are enclosed for your information.

39040774314

Roger C. Bitzel
Page 2

If you have any questions, please contact Frania Monarski,
the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

L. G. Lerner (for)

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Conciliation Agreement

33040774315



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 20, 1989

Edward H. Reeve, Treasurer
York County Republican Committee
37 W. Market Street
York, PA 17401

RE: MUR 2801
York County Republican
Committee and Edward
H. Reeve, as treasurer

Dear Mr. Reeve:

On November 14, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. §§ 433, 434, 441a(f) and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to the York County Republican Committee and you, as treasurer. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

8 7 0 4 0 7 7 4 3 1 6

Edward H. Reeve
Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "L. Lerner", followed by the initials "(LEK)" in parentheses.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

890407 / 4317

89 OCT 19 AM 10:37

OGC 4296

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
York County Republican Committee) MUR 2801
and Edward Reeve, as)
treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Roger C. Bitzel, Chairman of the Democratic Party of York County. The Federal Election Commission ("Commission") found reason to believe that the York County Republican Committee and Edward Reeve, as treasurer ("Respondents"), violated 2 U.S.C. §§ 433, 434, 441a(f) and 441d(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The York County Republican Committee is a local party committee.

2. Edward Reeve is the treasurer of the York County Republican Committee.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 OCT 19 PM 1:07

8
1
3
/ 4
3
/ 4
0
7
0
4
0
0
8

3. Pursuant to 2 U.S.C. § 431(4)(C), the definition of political committee includes any local committee of a political party which makes payments exempted from the definition of contribution or expenditure aggregating in excess of \$5,000 during a calendar year or makes contributions or expenditures in excess \$1,000 during a calendar year. All political committees must file a Statement of Organization within ten days after qualifying as a political committee. 2 U.S.C. § 433(a). Moreover, pursuant to 2 U.S.C. § 434, the treasurer of a political committee must file reports of the receipts and disbursements made by the committee in a calendar year.

4. Pursuant to 2 U.S.C. § 441a(d)(2), a national party committee may make certain limited coordinated party expenditures in connection with the general election campaign for any candidate for President who is affiliated with that party. The Act does not include a similar provision for state or local party committees to make expenditures on behalf of a Presidential candidate. Pursuant to 11 C.F.R. § 110.7(a)(4), a national party committee may make such expenditures through a designated agent, including state and subordinate party committees.

5. The Act excludes payment of costs incurred with respect to printed slate cards and sample ballots, payment of campaign materials distributed by volunteers and payment of voter registration and get out the vote costs made by state party committees on behalf of their Presidential candidates from the definitions of contributions and expenditures. See 2 U.S.C. §§ 431(8)(B)(v) and 431(9)(B)(iv); 2 U.S.C. §§ 431(8)(B)(x) and

990407 / 4319

431(9)(B)(viii); and 2 U.S.C. §§ 431(8)(B)(xii) and 431(9)(B)(ix). Disbursements for newspaper advertising and other similar type of general public political advertising, however, do not qualify for these exemptions.

6. Pursuant to 2 U.S.C. § 441a(f), no political committee shall knowingly make any expenditure in violation of 2 U.S.C. § 441a and no officer or employee of a political committee shall knowingly make an expenditure on behalf of a candidate in violation of any limitation imposed on contributions and expenditures under 2 U.S.C. § 441a.

7. Pursuant to 2 U.S.C. § 441d(a), when any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, newspaper or any other type of general public political advertising, such communication must clearly state who paid for the communication and whether or not it was authorized by the candidate or his or her authorized committee.

8. Respondents prepared and paid for newspaper advertisements in support of the Republican candidates in the 1988 election including George Bush, Dan Quayle, John Heinz and William Goodling. The cost of the advertisements attributable to federal candidates was \$1,224.06. Respondents did not have statutory authority or authorization from the Republican National Committee to make expenditures on behalf of the Presidential and vice Presidential candidates. Moreover, the newspaper advertisements did not indicate whether or not they were

80040714320

authorized by any candidate or authorized committee.

V. Respondents failed to register with the Commission and submit reports of their activity on behalf of federal candidates in violation of 2 U.S.C. §§ 433 and 434. Respondents also made expenditures on behalf of the Republican Presidential and Vice Presidential candidates for which they had no statutory authority or authorization from the Republican National Committee in violation of 2 U.S.C. § 441a(f). Finally, Respondents failed to include the appropriate disclaimer on the newspaper advertisements made in support of the Republican Presidential and Vice Presidential candidates in violation of 2 U.S.C. § 441d(a).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of four hundred dollars (\$400), pursuant to 2 U.S.C. § 437g(a)(5)(A). Respondents will file a 1988 Post-General Report to reflect the allocation of the expenditures for newspaper advertisements on behalf of federal candidates. Moreover, Respondents will report the source of the funds used to pay for the advertisements pursuant to 11 C.F.R. § 104.12.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date

that all parties hereto executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

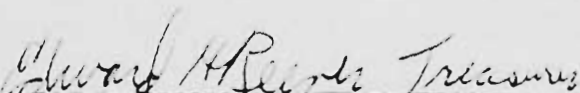
Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

11-17-89
Date

FOR THE RESPONDENTS:


(Name)
(Position)

Oct 17, 1989
Date

990407 / 932



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2801

DATE FILMED 12/15/89 CAMERA NO. 4

CAMERAMAN AS

89040774323



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2801.

20040300002

GCCA 4936

89 DEC 14 AM 11:17

CLOSED

Attention: Frania Monarski

89 DEC 21 PM 12:14

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

9104030003

Very truly yours,

BY

Ronald W. Dorr

alm

26C 4687
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

DORR COMMITTEE
126 Carlisle Street
Hanover, PA 17331

09 NOV 29 AM 13:45

November 27, 1989

Federal Election Commission
Washington, D. C. 20463

Attention: Frania Monarski

Re: MUR 2801
Dorr Committee

Dear Ms. Monarski:

Enclosed, pursuant to our telephone conversation is
my check for \$250.00 to pay the fee in the case of the Dorr
Committee filing.

Thank you for your courtesy.

Very truly yours,

DORR COMMITTEE

BY 

alm

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
09 NOV 30 PM 1:43

90040300004