



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commissioners
Staff Director
Deputy Staff Director
General Counsel

FROM: Office of the Commission Secretary *(Handwritten signature)*

DATE: August 13, 2002

SUBJECT: Statement Of Reasons for MUR 4538

Attached is a copy of the Statement Of Reasons for MUR 4538

signed by Vice Chairman Karl J. Sandstrom.

This was received in the Commission Secretary's Office on
Tuesday, August 13, 2002 at 9:29 a.m.

cc: Vincent J. Convery, Jr.
OGC Docket (5)
Information Division
Press Office
Public Disclosure

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Alabama Republican State Party) MUR 4538
and Timothy R. Baer, as treasurer, et al.)

STATEMENT OF REASONS

On September 19, 2001, the Commission voted 4-2¹ to take no further action with respect to the Alabama Republican Party and Timothy Baer, as treasurer, regarding alleged violations of 2 U.S.C. §§ 441a(a)(2)(A), 441b(a) and 441a(f) and 11 CFR 102.5; and to take no further action regarding coordination allegations with respect to Parker for Congress and Stan McDonald, as treasurer. Although the advertisements at issue did reference a clearly identified federal candidate, they did not contain express advocacy.

In light of the Commission's failure to formally supersede Advisory Opinion 1995-25, I voted not to proceed against the respondents in this MUR because of the same concerns about due process I have consistently raised in enforcement matters relating to media advertisements alleged to be coordinated between candidates and party committees. See *Statement of Reasons of Commissioner Karl J. Sandstrom in MURs 4553, 4671, 4407, 4544 and 4713* (June 21, 2000) and MUR 4994 (December 18, 2001). I once again urge the Commission to provide clarity to party committees and candidates about how the Commission intends to enforce the coordinated expenditure limits of 2 U.S.C. § 441a(d).

8/12/2002
Date

Karl J. Sandstrom
Karl J. Sandstrom, Vice Chairman

¹ The initial vote was 4-2 to find probable cause, with Chairman McDonald, Vice Chairman Mason and Commissioners Thomas and Wold voting in favor of the General Counsel's recommendation; Commissioners Sandstrom and Smith dissenting. Subsequently, Vice Chairman Mason moved to reconsider the vote, which resulted in a 4-2 vote to take no further action. Vice Chairman Mason and Commissioners Sandstrom, Smith and Wold voted in favor of the motion; Commissioners McDonald and Thomas dissented.