



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 19, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Kobyluk
PO Box 582
Spencer, OK 73084

RE: MUR 4805

Dear Mr. Kobyluk:

On September 3, 1998, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1999. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4805
DON CARROLL

Jerry Kobyluk, Senate candidate from Oklahoma, alleges in his complaint that he was the only Democratic Senate candidate in the September 1998 Primary election to have registered and filed reports with the FEC. Mr. Kobyluk came in third in the Primary election with 21% of the vote, in a field of four candidates. The second place finisher, Jacquelyn Morrow Lewis, died prior to the election. However, under Oklahoma law, she was placed on the runoff ballot list with the Primary winner, Don Carroll. Mr. Carroll lost the 1998 General election with 31% of the vote to Don Nickles 66%.

Mr. Carroll responds that, as of October, he had not raised or spent \$5,000, and was not required to file with the FEC. The two other Primary candidates did not respond. Mr. Carroll subsequently filed a Statement of Organization on November 7, 1998, a Twelve Day Pre-General Report on 10/22/98, disclosing \$6,324 in receipts, and later filed a 30 Post-General and a Termination Report.

This matter is less significant relative to other matters pending before the Commission.