



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 19, 1999

Mr. Don E. Carroll
104 South Lee
Tahlequah, OK 74464

RE: MUR 4805

Dear Mr. Carroll:

On September 11, 1998, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1999.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Jennifer H. Boyt on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley", is written over a horizontal line.

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.