



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR 20 2000

Joseph E. Sandler, Esquire
Sandler & Reiff
6 E Street, S.E.
Washington, D.C. 20003

RE: MURs 4713 and 4970
The Democratic National Committee, and
Carol Pensky, as treasurer

Dear Mr. Sandler:

On February 6, 1998, the Federal Election Commission notified the Democratic National Committee, ("Committee") and Carol Pensky, as treasurer, of the complaint in Matter Under Review ("MUR") 4713, alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. In addition, in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission in MUR 4970 considered the issues of whether the Committee violated 2 U.S.C. § 441a(a)(2)(A); 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b); 2 U.S.C. § 434(b)(4); and 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.5(a).

On February 2, 2000, the Commission considered these matters, but was equally divided on whether the Committee violated 2 U.S.C. § 441a(a)(2)(A); 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b); and 2 U.S.C. § 434(b)(4). In addition, there was an insufficient number of votes to find reason to believe that, with respect to the television advertisements Protect, Moral, Emma, Sand, Families, Threaten, Firm, Presidents, People and Children, the Committee violated 2 U.S.C. § 441a(a)(2)(A); 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b); and 2 U.S.C. § 434(b)(4). Finally, the Commission was equally divided on whether, with respect to the advertisements Slash, Table, Challenges, Welfare, Victims, No, Stop, Proof, Facts, Supports, Photo, Background, Help, Finish, Same, Side, Dreams, Defends, Values, Another, Enough and Economy, the Committee violated 2 U.S.C. § 441a(a)(2)(A); 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b); and 2 U.S.C. § 434(b)(4).

On February 8, 2000, the Commission again considered these matters, but there was an insufficient number of votes to find reason to believe that the Committee violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.5(a).

On March 9, 2000, the Commission again considered these matters, and found, on the basis of the information in the complaint, that there is no reason to believe that the Committee violated any statute or regulation within the jurisdiction of the Federal Election Commission with respect to the allegations in MUR 4713 unrelated to the advertisements funded by the Democratic National Committee. Accordingly, the Commission closed its file in these matters.

Copies of the General Counsel's Reports are enclosed for your information. A Statement of Reasons providing a basis for the Commission's decision will follow.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Joel J. Roessner, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Kim Leslie Bright
Associate General Counsel

Enclosure
General Counsel's Reports