



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2003 NOV 10 P 1:27

**SENSITIVE**

**MEMORANDUM**

NOV 10 2003

TO: The Commission

FROM: Lawrence H. Norton *[Signature]*  
General Counsel  
Rhonda J. Vosdinger *[Signature]*  
Associate General Counsel for Enforcement  
Mark D. Shonkwiler *[Signature]*  
Assistant General Counsel  
Brant S. Levine *[Signature]*  
Attorney  
Kathleen M. Dutt *[Signature]*  
Attorney

SUBJECT: MUR 5031

The Office of General Counsel requests that the Commission consider on a 24-hour tally basis the recommendations presented in this memorandum, which were previously presented in General Counsel's Report #4 as an alternative theory, but not voted on during the October 21, 2003 Executive Session.

**BACKGROUND**

On October 21, 2003, the Commission found probable cause to believe that Friends of Lane Evans ("the Evans Committee") and the 17<sup>th</sup> District Victory Fund ("the Victory Fund") violated numerous provisions of the Act based on the theory that they are affiliated committees.<sup>1</sup> The Commission also approved a proposed conciliation agreement under the affiliation theory

The Commission did not vote on an alternative theory presented by this Office, which was based on excessive coordinated expenditures.

<sup>1</sup> The Commission also found probable cause to believe that the Rock Island County Democratic Central Committee violated various provisions of the Act, including making excessive coordinated expenditures with the Evans Committee. The statute of limitations for these violations, which do not involve affiliation, will run in December.

**DISCUSSION**

This Office continues to believe that affiliation is the strongest legal theory in this matter. Nonetheless,

this Office proposes that the Commission also find violations based on the alternative theory of excessive coordinated expenditures.

In addition to approving the alternative findings, this Office further proposes that the Commission approve the appropriate conciliation agreement.

25041114293

## RECOMMENDATIONS

1. Based on the theory that the Evans Committee and the Victory Fund are not affiliated:
  - a. find probable cause to believe that Friends of Lane Evans and Samuel M. Gilman, as treasurer, violated 2 U.S.C. §§ 441a(f), 433, 434, and 441b;
  - b. find probable cause to believe that the 17<sup>th</sup> District Victory Fund and Linda Anderson, as treasurer, violated 2 U.S.C. §§ 433, 441a(f), 434, and 441b; and
2. Approve the appropriate conciliation agreement.

2504114294