

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF WESTMORELAND

AFFIDAVIT

I, Jack Machek, of North Huntingdon, Westmoreland County, Pennsylvania, personally appeared before a notary public in and for the above state and county to execute the following affidavit.

This is provided in response to the FEC's request for clarification and/or more information in response to MUR# 5276, specifically the final allegation, "Due to Mr. Machek's limited personal financial resources and his unsuccessful record with political fundraising (sic), I question the source and legality of these loans."

In response to the request for clarification and/or more information, I, Jack Machek, being duly sworn according to law, do hereby depose and say as follows:

1. All loans I made to the "Friends of Jack Machek" committee were definitely and unequivocally from my personal funds, as defined by the Act.
2. All of my reports/filings with the FEC were complete, accurate, true and correct as filed, when including amendments filed, if any. In those filings, I reported all loans to the "Friends of Jack Machek" committee, and clearly indicated all loans were from my personal funds, as defined by the Act.
3. To substantiate this further, I reference the Financial Disclosure Statement that all House candidates are required to file with the Clerk of the House of Representatives, which is available. Candidates are required to list all personal assets within a range of values for each specific holding. For example, common stock in Company "XYZ" worth \$11,500 is listed and reported in the assigned range of \$1,001-\$15,000, as per the form. In my statement current as of March 31, 2000 (3/31/00), filed when I first ran for Congress in the 1999-2000 election cycle, a simple total of my assets reveal a total value of at least \$85,029 and no greater than \$575,000. This statement was accurate, true and correct as filed. The assets and values came directly from various account statements from accounts all personally, completely, and solely owned by me.
4. These personal assets were greater by a considerable amount than the amount of the loans I made to the "Friends of Jack Machek" committee. In addition, the 3/31/00 report date was after some assets were already sold and some loans already made, and thus did not even include all of my original holdings. Therefore, obviously I was able to loan the committee the amount reported.
5. Further, in response to a request from Ms. Robin Kelly, Reports Analyst, I provided a letter dated December 5, 2000, to the FEC affirmatively stating that all loans I made to the Friends of Jack Machek committee met the definition of "personal funds" as defined in the Act, and that in fact all loans made by me were from personal funds. A copy of this letter is attached.
6. I am currently an administrator employed by the Norwin School District, the second largest public school district in Westmoreland County (suburban Pittsburgh), Pennsylvania, at the district's central administration building. I have a master's degree in Public Management and Policy, and eleven years' professional work experience. It is wrong to entertain baseless insinuations that I would not be able to support my campaign.
7. Ms. Valerie M. Martin, of 5615 Essex Road, Lisle (suburban Chicago), Illinois, has no basis, evidence, or knowledge to question the source of the loans in question. She does not know me, has never met me, does not even live in the same time zone as I do, and has no personal or direct knowledge about me or my personal finances.
8. In early June, 2002, an acquaintance of mine attended a campaign event for my 2002 general election opponent, Tim Murphy, and reported to me immediately thereafter that

there was extensive talk at the event that "Machek will be having problems with the FEC, Machek will have problems with his finance reports filed with the FEC," or very similar words to that effect. Although I had never had legal problems with any of my FEC filings to that point in time, approximately two to three weeks later, I received a copy of this MUR/complaint from Illinois.

9. Given this fact pattern, I can only conclude that, in addition to being baseless, frivolous, and sarcastic, this complaint from Ms. Valerie Martin was simply politically motivated and mean-spirited. Please note that Ms. Martin is from Chicago and her complaint was notarized in San Diego, California. My congressional race was a low-profile race. No normal person, from Chicago and on vacation or visiting in San Diego, would take time out to file a complaint regarding an underdog candidate in an obscure Pennsylvania House race.

Given the time elapsed since my original response to this complaint, I would like to supplement my response by summarizing a factual narrative response to the other allegations contained in complaint MUR# 5276. I, Jack Machek, being duly sworn according to law, do hereby depose and say as follows:

1. I, Jack Machek, ran for the U.S. House in the 1998-2000 election cycle, running in the Pennsylvania primary election of April 4, 2000 (4/4/00).
2. Exclusively for the year 2000 primary, on several dates in early 2000 (on 3/14/00, 3/27/00, and 4/3/00, as reported in my contemporaneous FEC filings), I loaned my committee, the "Friends of Jack Machek" committee, a net total of \$52,265 from my personal funds, as defined by the Act.
3. These loans were all completely spent in the course of the April 2000 primary campaign, in which I was not successful.
4. No cash was left on hand after the April 2000 primary campaign, and no year 2000 funds were ever available for use in the 2002 primary campaign.
5. The "Friends of Jack Machek" committee was not closed out after the primary 2000 campaign and continued to file FEC reports, because I had loans due to be repaid to me and I hoped someday to be repaid. All "Friends of Jack Machek" committee reports filed in the second half of 2000, and all during 2001, showed the loans outstanding and due to be repaid to me, and also correctly showed no cash on hand and thus no cash available to make repayments.
6. Although over \$50,000 was loaned to and spent by the "Friends of Jack Machek" committee on the April 4, 2000 Pennsylvania primary campaign, NO ELECTRONIC FILING WAS REQUIRED because mandatory electronic filing requirements did not take effect until January 1, 2001, well AFTER the April 4, 2000 Pennsylvania primary date. At the time mandatory electronic filing began, the "Friends of Jack Machek" committee had no cash on hand.
7. All throughout year 2001, the "Friends of Jack Machek" committee continued to report the same loan amounts outstanding and due to be repaid, and no cash on hand to make repayments. These reports were correct as filed. The "Friends of Jack Machek" committee did not raise or spend any monies in year 2001, and I, Jack Machek, was not a candidate for any public office at any time during 2001.
8. As per new regulations promulgated by the FEC and published in the Federal Register, Vol. 65, No. 120, on June 21, 2000, page 38417, I quote, "In addition, please note that debt that is outstanding at the beginning of the calendar year is not included in the threshold calculation" of whether a campaign committee has exceeded the \$50,000 threshold triggering required electronic filing.
9. Therefore, coming into the year 2002, the loans outstanding and due me were not to be used in calculating whether electronic filing was required, and therefore the "Friends of Jack Machek" committee was not required to file electronically. The committee did not at that time have computer equipment or employees, had no means to file electronically, and thus continued to file paper reports since electronic filing was not yet required of it.

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10. In February 2002, mandatory congressional redistricting unexpectedly resulted in my residence being located in a newly drawn, open seat congressional district, and at the eleventh hour, in March 2002, I became a candidate in the May 2002 Pennsylvania primary election.
 11. In the entire campaign leading to the May 21, 2002 primary election, the "Friends of Jack Machek" committee did not raise or spend \$50,000. The committee also did not expect to raise or spend \$50,000 for the primary election, and was proven correct. Therefore, the "Friends of Jack Machek" committee was still not required to file reports electronically.
 12. All amounts that the "Friends of Jack Machek" committee reported as loans made, or loans outstanding, were from my personal funds, and cash on hand reported was correct and accurate as contemporaneously filed. Since sizeable loans from me, Jack Machek, of \$52,265 were still outstanding from the 2000 election cycle, this resulted in large figures being reported for loans outstanding, even though only a small amount of cash was on hand and available in the 2002 primary campaign. Subtracting \$52,265 from the total of loans outstanding yielded the correct amount of funds available in the 2002 primary election. The "Friends of Jack Machek" committee's filed reports were not misleading in any way leading up to the 2002 primary election; rather they were proper and correct.
 13. I, Jack Machek, won the 3-way contested primary election on May 21, 2002. As a result of winning the primary, as of May 22, 2002, the "Friends of Jack Machek" committee now expected to raise and/or spend \$50,000 in the November 2000 to November 2002 election cycle, and the committee immediately began to file all subsequent reports electronically. At the time the committee first began to file electronically, the committee still had not raised or spent \$50,000 in the 2000-2002 election cycle. The committee correctly understood that it was now required to file electronically, because the committee now expected to raise and spend over \$50,000 in the election cycle.
 14. The "Friends of Jack Machek" committee fully complied with all electronic filing requirements, and in point of fact and law, the committee was not required to file electronically up to and including the date that I, Jack Machek, won the 2002 primary election on May 21, 2002.
 15. The "Friends of Jack Machek" committee has electronically filed every report since May 22, 2002, up to and including the recent year end 2003 report, as required.
 16. I am not a candidate for any public office in 2004. The deadline to file nominating petitions to gain ballot access has passed in Pennsylvania as of February 18, 2004, and I did not file and am not a candidate for any public office.
 17. The factual allegations, narrative assertions, and legal conclusions alleged in complaint MUR# 5276 are wholly and completely factually in error. The complainant is either is either confused, mistaken, or deliberately misstating the facts. The complainant repeatedly tries to add loans outstanding from the previous 2000 election cycle, which were continuously reported in 2000 and 2001 filings, to the amounts available in the primary 2002, which is incorrect. Those funds were spent in 2000, and the cash on hand and loans reported by the "Friends of Jack Machek" committee in the 2002 election cycle were correct, and the committee fully complied with electronic filing requirements.
 18. I, Jack Machek, and the "Friends of Jack Machek" committee have committed NO violations of campaign finance laws or reporting requirements (the Act).
 19. In early June, 2002, an acquaintance of mine attended a campaign event for my 2002 general election opponent, Tim Murphy, and reported to me immediately thereafter that there was extensive talk at the event that "Machek will be having problems with the FEC, Machek will have problems with his finance reports filed with the FEC," or very similar words to that effect. Although I had never had legal problems with any of my FEC filings to that point in time, approximately two to three weeks later, I received a copy of this MUR/complaint from Illinois.
 20. Given this fact pattern, I can only conclude that, in addition to being baseless, frivolous, and sarcastic, this complaint from Ms. Valerie Martin was simply politically motivated and mean-spirited. Please note that Ms. Martin is from Chicago and her complaint was notarized in San Diego, California. My congressional race was a low-profile race. No

normal person, from Chicago and on vacation or visiting in San Diego, would take time out to file a complaint regarding an underdog candidate in an obscure Pennsylvania House race.

21. Frivolous, politically motivated complaints like this one abuse the spirit of our laws providing for public disclosure of campaign finances. The expense and frustration for respondents, when bogus complaints are taken all too seriously, will certainly have a chilling effect that will discourage good people from becoming candidates for federal office.

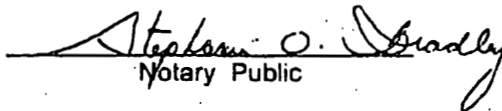
For all the reasons set forth above, I believe that the complaint MUR# 5276 is wholly without merit, and I respectfully request that the Commission affirmatively state that I, Jack Machek, and the "Friends of Jack Machek" committee have not committed any violations of campaign finance laws or reporting requirements (the Act), and further respectfully request that this case be dismissed forthwith.



Jack Machek

Sworn to and subscribed before me

This 27TH day of FEBRUARY, 2004.


Notary Public

