

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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June 30, 2006

BY HAND

Kimberly Hart, Esq.
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5741

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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Dear Ms. Hart:

Through this letter, I write to respond on behalf of the Charlie Melancon Campaign Committee and Jess Waguespack, in his official capacity as treasurer, to the Commission's finding of reason to believe in the above-referenced matter.

INTRODUCTION

Respondents do not dispute the basic facts of the matter as presented by the General Counsel. On their own initiative, they amended their 30-Day Post-Runoff Report to add disbursements that were mistakenly omitted from the report when originally filed. Nor do Respondents disagree with the General Counsel about the appropriateness of pre-probable cause conciliation. This is precisely the sort of matter that should be resolved simply and fairly.

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Respondents would like to engage in pre-probable cause conciliation.

DISCUSSION

A. **The Facts Show That Respondents Acted In Good Faith, And Worked Promptly To Correct An Inadvertent Error**

The Charlie Melancon Campaign Committee is the principal campaign committee of U.S. Representative Charlie Melancon, who represents Louisiana's Third Congressional District.

Representative Melancon was elected to Congress on December 3, 2004, in a runoff election held only a month before he was to take office. The election was a hotly contested race between Mr. Melancon and the son of the previous Congressman, for a seat in a narrowly divided House of Representatives. It was a focus of intense national interest.

The days preceding the runoff election involved a large amount of activity, undertaken by an expanded universe of staff and volunteers. When Mr. Melancon won the December 3 runoff, virtually all who worked on the campaign left the district, either to assist with the transition or to take other positions. The campaign had no experienced compliance personnel left. Due on January 3, 2005, just before Mr. Melancon was to take office, the 30-Day Post-Runoff Report was filed in great haste, and inadvertently omitted the bulk of the campaign's disbursements.¹ When filing the report, Respondents relied on a database that had not been updated to reflect the totality of their disbursements, and the disbursements were omitted as a result.

When Congressman Melancon took office, the campaign retained an experienced compliance specialist to prepare and file its reports, beginning with the Year-End Report due January 31, 2005. When preparing that report, the compliance specialist performed a

¹ Congressman Melancon was the only Member of Congress with a principal campaign committee that was required to file this particular report.

reconciliation and discovered that disbursements had been mistakenly omitted from the 30-Day Post-Runoff Report. She verified the disbursement data, ensured that they were accounted for in the Year-End Report, and filed an amended 30-Day Post Runoff Report along with the Year-End Report. Only twenty-eight days elapsed between the original filing of the 30-Day Post Runoff Report and the amended report.

From the foregoing, the following facts should be significant to the Commission as it reviews and conciliates this matter:

1. The omission of disbursements on the 30-Day Post-Runoff Report was a one-time mistake. The General Counsel's Report alleges no other, similar errors.
2. The omission was entirely inadvertent. It resulted from the extraordinary chaos that accompanied Congressman Melancon's transition and election. The General Counsel's Report alleges no facts to the contrary.
3. The omission occurred on a report due just after an election that had already happened, and almost two years before the next election would occur. Voters were never deprived of information that would affect their decision at the polls.
4. The omission persisted for only twenty-eight days. It did not carry over into later campaign reports.
5. Respondents corrected the omission on their own, with no prompting from the Commission. Moreover, they did so promptly, amending the 30-Day Post-Runoff Report on the day that the next report was due.

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Here, the Respondents are charged with having made one mistake on one report. They corrected that mistake promptly. They did so on their own initiative, only now to be selected for punishment in an almost unprecedented fashion. Respondents are at a loss to understand why this would be the case. Surely, to promote compliance with the Act's reporting requirements, the Commission would want to treat committees more generously when they identify and correct mistakes on their own ... not less so.

Very truly yours,



Brian G. Svoboda
Counsel to the Charlie Melancon Campaign Committee

cc: Chairman Toner
Vice Chairman Lenhard
Commissioner Mason
Commissioner von Spakofsky
Commissioner Walther
Commissioner Weintraub
Lawrence Norton, Esq.

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