

**SENSITIVE**

JUN 28 2007

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

MUR 5816 )  
MONTANANS FOR LINDEEN )

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

Office are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 5816 as a low-rated matter. In this case, the complainant, Charles Denowh, the Executive Director of the Montana Republican Party, alleged that Montanans for Lindeen ("Committee") solicited funds from corporations in violation of the Federal Election Campaign Act ("Act"). Specifically, the Committee's website promoted a document labeled "Host a House Party for Monica." The document stated that "Under Federal Election law, Montanans for Lindeen may accept contributions of up to \$2,100 for the primary and general elections from individuals, businesses, corporations, and small contributor committees." Thus, the complainant alleges that the Committee violated the Act by soliciting funds from entities that were not subject to the limitations, prohibitions, and reporting requirements of the Act.

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1 The Committee responded by noting that the kit used on its website was an edited  
2 version of a kit used by a Committee staff member from a previous campaign job for a non-  
3 federal candidate in Oregon. The Committee acknowledged that it inadvertently failed to  
4 omit the language from the kit alluding to contributions from businesses and corporations.  
5 After learning of the oversight, the Committee immediately pulled down and corrected the  
6 document. The Committee claims that the document was only accessed six times prior to the  
7 press reports concerning the error. Furthermore, the Committee states that in the event  
8 someone attempted to contribute through the internet, the donation page of its website  
9 contained all the required click-through procedures and disclaimers required by the  
10 Commission. Additionally, the Committee avers that it did not receive any corporate  
11 contributions.

12 In light of the de minimis nature of the allegations and the fact that there appears to  
13 have been no corporate contributions received by the Committee in response to the internet  
14 document, and in furtherance of the Commission's priorities and resources, relative to other  
15 matters pending on the Enforcement docket, the Office of General Counsel believes that the  
16 Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler*  
17 *v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office recommends that the Committee  
18 be admonished.

19 **RECOMMENDATION**

20 The Office of General Counsel recommends that the Commission dismiss MUR 5816  
21 and admonish Montanans for Lindeen and Paul Ringling, as Treasurer, close the file effective  
22 two weeks from the date of the Commission vote, and approve the appropriate letters.

Closing the case as of this date will allow CELA and General Law and Advice the necessary  
time to prepare the closing letters and the case file for the public record.

ce/27/07  
Date

Thomaseia P. Duncan  
General Counsel

BY:

Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

Attachment:  
Narrative in MUR 5816

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4 **MUR 5816**

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6 **Complainant:** Charles Denowh, Executive Director of the  
7 Montana Republican Party  
8

9 **Respondents:** Montanans for Lindeen and  
10 Paul Ringling, as Treasurer  
11

12  
13 **Allegations:** The complainant alleged that Montanans for Lindeen ("Committee")  
14 solicited funds from corporations in violation of 2 U.S.C. § 441i(e)(1). Specifically, on  
15 the Committee's website it promoted a document labeled "Host a House Party for  
16 Monica." The document stated that "Under Federal Election law, Montanans for Lindeen  
17 may accept contributions of up to \$2,100 for the primary and general elections from  
18 individuals, businesses, corporations, and small contributor committees." Thus, the  
19 complainant alleges that the Committee violated 441i by soliciting funds from entities  
20 that were not subject to the limitations, prohibitions, and reporting requirements of the  
21 Federal Election Campaign Act.  
22

23 **Response:** The Committee responded by noting that the kit used on its website was an  
24 edited version of a kit used by a Committee staff member from a previous campaign job  
25 for a candidate for non-federal office in Oregon. The Committee acknowledged that it  
26 inadvertently failed to omit the language from the kit alluding to contributions from  
27 businesses and corporations. After learning of the oversight the Committee immediately  
28 pulled down and corrected the document. The Committee claims that the document was  
29 only accessed six times prior to the press reports concerning the error. Furthermore, the  
30 Committee states that in the event a party attempted to contribute through the internet, the  
31 donation page of its website contained all the required click-through procedures and  
32 disclaimers required by the Commission in Advisory Opinion 1995-9. Additionally, the  
33 Committee avers that it did not receive any corporate contributions.  
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35 **General Counsel's Note:** In light of the fact that the Committee admits to inadvertently  
36 permitting the solicitation for corporate contributions through a document on its website,  
37 this Office recommends that the Committee be admonished.  
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39 **Date complaint filed:** September 18, 2006  
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41 **Response filed:** November 3, 2006

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