



The New Hampshire Democratic Party

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Raymond Buckley, Chair

FEDERAL ELECTION
COMMISSION
SECRETARIAT

MUR # **5966**

2008 JAN 23 January 15, 2008

Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Sir or Madam:

I am writing to bring to your attention an apparent gross violation of federal campaign finance law by the New Hampshire Republican State Committee ("NHRSC").

Based upon information and belief, the NHRSC has been providing copies of its voter file to candidates without charge. In an article published by the New Hampshire Union Leader, NHRSC Chairman Fergus Cullen "boasted that the GOP lets campaigns use its list for free..." Based upon information and belief, the voter list is provided not only to state and local candidates, but federal candidates as well.

Because of its position as the first primary state in the United States, voter file data in New Hampshire is highly coveted and has a significant fair market value. If the NHRSC has provided its lists to federal candidates, there is no indication on reports filed with the Federal Election Commission that the NHRSC has disclosed any in-kind contributions to any federal candidates for the provision of the voter file data which is in violation of 2 U.S.C. § 434(b)(4). In addition, it is believed that the fair market value of such a file far exceeds the \$5,000 contribution limit to federal candidates. Thus, the provision of the file without charge would also violate 2 U.S.C. § 441a(a)(2). A review of reports filed by the NHRSC do not disclose any provision of voter file data to any federal candidates pursuant to its coordinated expenditure authority under 2 U.S.C. § 441a(d).

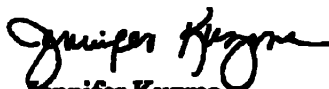
Based upon a review of the NHRSC's reports, it also appears that expenditures for voter identification, as defined by federal law at 2 U.S.C. § 431(20)(A)(ii) and 11 C.F.R. § 100.24(a)(4) were made directly from non-federal accounts. Reports filed by NHRSC with the New Hampshire Secretary of State indicate that voter identification expenses, including the purchase of voter file data, were paid for directly with non-federal funds immediately before the November 2006 elections. For example, according to these reports, the NHRSC paid \$436.50 to the New Hampshire Secretary of State on September 29, 2006, just five weeks before a federal election. Federal rules require the acquisition of voter file data within the federal election activity windows to be paid exclusively with federal funds or a combination of federal and Levin funds. Federal law strictly prohibits the payment for such activities with non-federal funds. There are several other examples of voter list purchases by the NHRSC directly from non-federal funds within the federal

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election activity windows prescribed by federal regulations. Further, I am unable to locate any payments for voter file development on either the federal or non-federal reports of the NHRSC. Thus, it is not clear whether the NHRSC is receiving undisclosed in-kind contributions in connection with the development of their voter file. It has been my experience as an Executive Director of a state party committee that the conversion of the raw data received from election authorities to a usable voter file requires the expenditure of several thousand dollars. No such expenditures are disclosed by the NHRSC. Such failure further illustrates the severe irregularities regarding the NHRSC's treatment of their voter file and voter lists.

These troubling admissions by the NHRSC's state chair, as well as the obvious failure to properly handle voter file activities constitutes a serious transgression by the NHRSC and we request that the Federal Election Commission promptly and thoroughly investigate the violations alleged in this complaint.


Sincerely,



Jennifer Kuzma
Executive Director
New Hampshire Democratic Party

Notary:

Subscribed and sworn to before me on this 15th day of January 2008



Donna M. Sovey

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