

1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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5 Respondents: Chris Hackett for Congress and Carol Sides, MUR: 5994
6 in her official capacity as treasurer
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8 **I. INTRODUCTION**

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10 This matter was generated by a complaint filed with the Federal Election
11 Commission by Dee Ann Watts, treasurer for Meuser for Congress. The complaint
12 alleges that Chris Hackett for Congress failed to send a complete copy of the initial
13 24-Hour Notice of Expenditure from Candidate's Personal Funds (FEC Form 10) to
14 his opponent in the primary, Meuser for Congress, within 24 hours of making
15 expenditures from the Candidate's personal funds that exceeded the threshold amount
16 as specified in 11 C.F.R. § 400.21(b). Chris Hackett for Congress disputes these
17 allegations, providing e-mail documentation showing that they sent a completed form,
18 not only to the Commission, but also to Meuser for Congress and the Republican
19 National Committee, within 24 hours of making the expenditures.

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21 **II. DISCUSSION**
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23 On Sunday, March 16, 2008, Chris Hackett for Congress reported expenditures of
24 the candidate's personal funds in the amounts of \$90,000 and \$250,000. These
25 expenditures, along with Chris Hackett's previous personal funds expenditures of
26 \$252,300, pushed the amount over the statutory threshold limit. Further expenditures
27 in the amounts of \$150,000 and \$50,000 were accurately and timely reported to all
28 the parties involved. As required by 2 U.S.C. § 441a-1(b), the Chris Hackett
29 campaign filled out FEC Form 10 and successfully sent it to the Commission. Eight

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1 minutes later they attempted to send the same document, via e-mail, to both the
2 opposition candidate in the primary, Dan Meuser, and the Republican Party.

3 However, this transmission was, apparently, not successful. It arrived in the inbox of
4 Dee Ann Watts, treasurer of the Meuser committee, blank and devoid of information.

5 On June 26, 2008, the Supreme Court ruled that the Millionaires' Amendment,
6 provisions of the Federal Election Campaign Act of 1971, as amended, that governed
7 certain self-financed candidacies for Congress, is unconstitutional. *Davis v. FEC*,
8 554 U.S. ___, No. 07-320 (June 26, 2008). In light of *Davis*, and since there are no
9 other allegations contained in the complaint, we dismiss the complaint and close the
10 file.

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