



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

September 8, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

DeeAnn Watts, Treasurer  
Meuser for Congress  
73 North Memorial Hwy.  
Shavertown, PA 18708

RE: MUR 5994

Dear Ms. Watts:

This is in reference to the complaint and supplemental information you filed with the Federal Election Commission on April 14 and April 17, 2008, respectively, concerning Chris Hackett for Congress. On June 26, 2008, the Supreme Court issued its decision in *Davis v. FEC*, 128 S. Ct. 2759 (2008), and found Sections 319(a) and 319(b) of the Bipartisan Campaign Reform Act of 2002 – the so-called “Millionaires’ Amendment” – unconstitutional because they violated the First Amendment to the U.S. Constitution. Therefore, the Commission voted to dismiss this matter and close the file on July 29, 2008. The Factual and Legal Analyses explaining the Commission's decision are enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).


The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

28044210728

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Thomasenia P. Duncan  
General Counsel

BY:   
Sidney Roche  
Assistant General Counsel

Enclosure  
Factual and Legal Analyses (2)

28044210729

1 **FEDERAL ELECTION COMMISSION**

2  
3 **FACTUAL AND LEGAL ANALYSIS**

4  
5 Respondents: Chris Hackett for Congress and Carol Sides, MUR: 5994  
6 in her official capacity as treasurer  
7

8 **I. INTRODUCTION**  
9

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.

20  
21 **II. DISCUSSION**  
22

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

28044210730

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*,  
8 128 S. Ct. 2759 (2008). In light of *Davis*, and since there are no other allegations  
9 contained in the complaint, we dismiss the complaint and close the file.

28044210731

1 **FEDERAL ELECTION COMMISSION**

2  
3 **FACTUAL AND LEGAL ANALYSIS**

4  
5 Respondents: Chris Hackett

MUR: 5994

6  
7  
8 **I. INTRODUCTION**

9  
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.

20  
21 **II. DISCUSSION**

22  
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

28044210732

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*,  
8 128 S. Ct. 2759 (2008). In light of *Davis*, and since there are no other allegations  
9 contained in the complaint, we dismiss the complaint and close the file.