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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of

CELA

MUR 6210

TOM WHITE

TOM WHITE FOR CONGRESS

AND THOMAS J. MONTEITH,

AS TREASURER

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY
SYSTEM

GENERAL COUNSEL'S REPORT

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

are forwarded to the Commission with a recommendation for dismissal, or in certain cases where the complaint does not provide sufficient facts upon which a violation of the Federal Election Campaign Act of 1971, as amended, may have occurred, a no reason to believe finding is recommended. The Office of General Counsel scored MUR 6210 as a low-rated matter.

In this matter, the complainant, Perre S. Neilan, Executive Director of the Nebraska Republican Party, alleges that Tom White and Tom White for Congress and Thomas J. Monteith, in his official capacity as treasurer (collectively "the Committee")¹ has improperly used the name "Tom White for Congress" and is involved in other activities in violation of the Commission's regulations concerning exploratory committees. According to the complainant, the Committee is only an exploratory committee, but its website and candidate Tom White's activities indicate that he "has decided to become a candidate and is no longer testing the waters" and, therefore, is "advocating his candidacy."

¹ Tom White is a candidate for Nebraska's Second Congressional District for 2010.

1 In response, the Committee asserts that Tom White filed a statement of candidacy
2 and the Committee filed a Statement of Organization on July 14, 2009, three weeks before
3 the complaint was signed, which designated Tom White as a candidate for Congress and the
4 Committee as his official campaign committee. Commission filings attached to the
5 response confirm that these documents were filed before the complaint was signed,
6 although they were postmarked on July 14, but not actually received by the Commission
7 until July 20, 2009.

8 It appears that Tom White and the Committee were properly registered with the
9 Commission well before the complaint was signed and filed with the Commission. In fact,
10 the Committee was registered with the Commission at the time the complainant captured
11 certain screen shots of the Committee's website, as evidenced by the date reflected on the
12 attachments to the complaint. Thus, the Office of General Counsel recommends that the
13 Commission find no reason to believe that Tom White and Tom White for Congress and
14 Thomas J. Monteith, in his official capacity as treasurer, violated the Act.

15 **RECOMMENDATIONS**

- 16
17 1. Find no reason to believe that Tom White and Tom White for Congress and
18 Thomas J. Monteith, in his official capacity as treasurer, violated the Federal
19 Election Campaign Act of 1971, as amended.
20
21 2. Close the file, and approve the appropriate letters.
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23

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Thomasenia P. Duncan
General Counsel

3/3/10
Date

BY:

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