



www.KrikorianForCongress.com

September 21, 2009

Federal Election Commission
999 E. Street, N.W.
Washington, DC 20463

RE: MUR 6211

Dear Ms. Collins

In response to MUR 6211 dated September 3, 2009 I submit the following sworn response.

At no time did I, candidate David Krikorian, nor the campaign direct the Armenian National Committee of America or the Armenian Weekly to solicit funds on behalf of candidate David Krikorian. Additionally it appears from our review and understanding of Federal Election Campaign Laws that the activities undertaken by these organizations do not constitute either "contributions" or "expenditures."

It is our position that this activity falls within specific exemptions as set forth in Section 431 of the Federal Election Campaign Laws.

Section 431(8)(A) defines a contribution as:

(8) (A) The term "contribution" includes—

- (i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or
- (ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

Section 431 (9) (A) defines an expenditure as:

(9) (A) The term "expenditure" includes—

- (i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and
- (ii) a written contract, promise, or agreement to make an expenditure.

Section 431(9)(B) also provides a list of specific activities that are exempt from this definition:

(B) The term "expenditure" does not include—

- (i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;
- (iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to

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subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed \$2,000 for any election, be reported to the Commission in accordance with section 434(a)(4)(A)(i) of this title, and in accordance with section 434(a)(4)(A)(ii) of this title with respect to any general election;

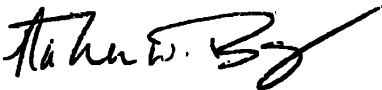
In regards to the news story: the facilities are not "owned or controlled by any political party, political committee, or candidate" and therefore would fall within the exemption as defined in the code. In regards to the email communication: the Armenian National Committee of America was not "organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office." Additionally while the campaign is not aware of the actual costs of distributing this correspondence, one can safely assume that distributing an email would be a *de minimis expense* and not cross the \$2,000 threshold as established in the code.

Finally in response to the allegation that these correspondences did not include the required disclosures as defined in the Federal Election Campaign Laws: all solicited contributions utilized the ACT Blue web site (see attachment). ACT Blue is a tool that numerous federal candidate campaigns across the country use to solicit and receive contributions; it is a tool that clearly provides all disclosures as required by the law.


It is my position and the position of both the candidate and the campaign that this complaint filed by Phil Greenburg and the Schmidt for Congress Committee is frivolous in nature and was filed for the express purposes of harassment. This complaint is warrantless and a simple review of the Federal Election Campaign Laws clearly show that this activity fell within exemptions established within the code. Our campaign did not direct this action and no contributions or expenditures were made by these groups directly to our campaign. We ask that this matter be immediately dismissed and ask that the Commission takes any necessary steps required to assure that continued unwarranted harassment and the filing of frivolous complaints towards us by the Schmidt for Congress Committee will cease and desist.

Thank you for your assistance with this matter.

Sincerely,



Nathan Bailey
Treasurer Krikorian for Congress
Enclosure: ACT Blue solicitation web page

 9/21/09

Notarized by

Bruce A. Johnson, Notary
My Commission Expires Nov. 2, 2013

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