

arizona
**DEMOCRATIC
P A R T Y**

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March 16, 2010

Thomasenia P. Duncan
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 6267

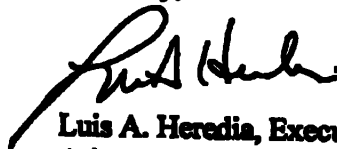
Dear Ms. Duncan:

On behalf of the Arizona Democratic Party, I am writing to bring to your attention a possible gross violation of federal campaign finance law by Jonathan Paton for Congress and its Treasurer, Jeffrey John Hill.

Attached is the compliant and three copies.

We request that the Commission promptly and aggressively investigate the clear violation of federal campaign finance regulations and seek any and all injunctive and financial penalties permitted by law.

Sincerely,



Luis A. Heredia, Executive Director
Arizona Democratic Party

RECEIVED
FEDERAL ELECTION
COMMISSION

2010 MAR 22 PM 1:09

OFFICE OF GENERAL
COUNSEL

Contributions are not tax deductible for state or federal income tax purposes.

Paid for by the Arizona Democratic Party, Rick McGuire, Treasurer
2910 North Central Avenue | Phoenix, AZ 85012

Your contribution will be used in connection with federal elections and is subject to the limitations and prohibitions of the Federal Election Campaign Act. Federal law requires us to use our best efforts to collect and report names, mailing address, occupation and name of employer of the individuals whose contributions exceed \$200 per calendar year.

Not authorized by any candidate or candidate committee.



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**BEFORE THE
FEDERAL ELECTION COMMISSION**

Luis A. Heredia
Executive Director
Arizona Democratic Party
2910 North Central Avenue
Phoenix, AZ 85012,

MUR # 6267

Complainant,

v.

Jonathan Paton

Tuscon, AZ 85710,

Respondent.

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COUNSEL

COMPLAINT

Complainant files this complaint against Jonathan Paton, for violations of the Federal Election Campaign Act and Federal Election Commission regulations, as described below.

I. BACKGROUND FACTS

Jonathan Paton is a candidate for the United States House of Representatives from the Eighth District of Arizona. Paton has not filed a Form 2 Statement of Candidacy with the Commission; however, he is listed as a candidate on the Form 1 Statement of Organization for Jonathan Paton for Congress, filed on January 26, 2010.

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Previously, Paton was a state senator; he resigned on February 22nd,¹ and is not a candidate for re-election to the state senate.

On November 23, 2009, his state senate campaign, Paton for Senate, reported an expenditure of \$2,709.00 to The Tarrance Group, for the purpose of a "Survey." A spokesperson for Paton admitted that "some of the findings may be transferable to the congressional race."² The report also contains an expenditure of \$4,857.43 to Red Sky Group on December 14, 2009, for a "Vulnerability Study & Expenses."³

II. LEGAL ARGUMENT

The Federal Election Campaign Act prohibits Paton and his state campaign from spending soft money in connection with federal elections.⁴ Moreover, Commission regulations specifically prohibit transfers of funds or assets from a candidate's non-federal election to his or her federal election.⁵

¹ See <http://azcapitoltimes.com/blog/2010/02/22/paton-to-step-down-today/>.

² http://www.azstarnet.com/news/blogs/pueblo-politics/article_916d0204-1dbb-11df-a3d2-001cc4c002e0.html.

³ See <http://www.azsos.gov/cfs/PublicReports/2010/19425BA2-D80D-498F-971D-EE94826AE6FF.pdf>, p. 28.

⁴ 2 U.S.C. § 441i(e)(1)(A).

⁵ 11 C.F.R. § 110.3(d).

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Paton is not running for re-election for state senate. The only purpose of the vulnerability study and the polling was to aid in Paton's federal campaign; thus, the expenditures were in connection with a federal election. Indeed, Paton's spokesperson admitted that the poll had relevance to the federal campaign, and refused to reveal either its contents or whether it polled voters who are not in Paton's former senate district.⁶

Even if Jonathan Paton for Congress reimburses Paton for Senate for the expenses, the state senate campaign committee will have made an illegal advance in the amount of \$7,566.43; an advance that exceeds the contribution limits is "unlawful whether or not it is repaid."⁷

III. REQUESTED ACTION

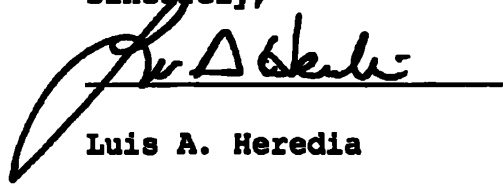
As we have shown, Respondent has violated the Federal Election Campaign Act. Accordingly, we request that the Commission investigate this matter, and that Paton be enjoined from further violations and fined the maximum amount permitted by law.

⁶ See http://www.azstarnet.com/news/blogs/pueblo-politics/article_916d0204-1dbb-11df-a3d2-001cc4c002e0.html.

⁷ Id. § 100.52(b)(1); see also FEC MUR 4935, General Counsel's Brief (Apr. 2, 2003), available at <http://egs.fictusa.com/egsdocs/MUR/0000238C.pdf> (noting that when a state campaign pays for a poll in connection with a federal election, "the fact that the payment was refunded . . . does not extinguish the violations" and noting that remedial actions only took place "after news reports about the poll were published and a complaint was filed with the Commission").

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Sincerely,

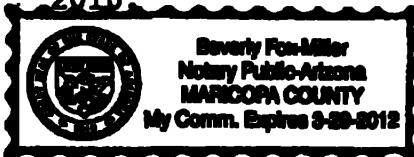


Luis A. Heredia

Executive Director

Arizona Democratic Party

SUBSCRIBED AND SWORN to before me this 16th day of March,
2010.


Notary Public

My Commission Expires:

3/29/2012