

**IN THE FEDERAL ELECTIONS COMMISSION
Office of General Counsel
Federal Election Commission
899 E. Street N.W.
Washington, D. C. 20463**

RECEIVED
FEDERAL ELECTIONS
COMMISSION

2010 JUN 30 AM 9: -

OFFICE OF GENERAL
COUNSEL

**Franklin County Democratic Party
P. O. Box 19614
Columbus, Ohio 43215,**

Complainant,

Vs.

Mur No. 6286

**Our Democratic Organization
4464 Norwell Drive East
Upper Arlington, Ohio 43220,**

Respondent.

RESPONDENTS

**STATE OF OHIO
COUNTY OF FRANKLIN, SS:**

I, Jeffrey L. Bond, being first duly sworn and cautioned, hereby states as follows:

1. Our Democratic Organization is a political action committee (hereafter the "Committee"). The Committee consists of three persons, including myself as Treasurer, Sandee Riggs, Columbus, Ohio 43227 as Deputy Treasurer, and Herbert Pfeifer, Canal Winchester, Ohio 43110 as Committee Person. The Committee was filed with the Ohio Secretary of State's office on or about April 6, 2010 and was granted registration number 1453 as a PAC in accordance with all applicable laws and in compliance with the State of Ohio.

2. Complainant has wrongfully filed a complaint against the Committee based on lack of sufficient information prior to their pursuit of this action. In addition, they were disgruntled of the fact that they did not get the outcome in the May 3, 2010

10044281018

primary election of their party-endorsed candidate and has now frivolously filed this action. Exhibit A

3. It has come to the Committee's attention that a controversy exists as to whether or not we were required to file with your Commission under the Federal Election Campaign Act of 1971 as a requirement pertaining to a certain matter which we had distributed and of our Committee's constitutional rights regarding the standard of free speech (hereafter the "Mailer"). Exhibit B

4. For the reasons set forth below, the Committee requests the Commission please consider the following:

A. Regarding the amount of expenditures by this Committee as percentages or as in terms of impact, we did not meet the minimum standard or threshold of a \$1,000.00 requirement to file with this Commission, nor did we anticipate ever achieving this amount of expenditures towards a federal election.

B. The Mailer was a "suggestive voter's guide" which was circulated by the Committee through the U.S. Post Office. It was circulated to a small area within the State of Ohio in a portion Franklin County of about twenty (20) square miles and only to registered Democratic Party voters. The area in question consisted mostly of Westerville, Reynoldsburg, Bexley, Canal Winchester, and fractional parts of areas within Columbus, Franklin County, including a few townships and local incorporated districts. This area being said is also part of the Ohio State Senate Seat 3rd District (hereafter the "District") within the State of Ohio. When placed in proper perspective, the federal election of the District seat consists of 88 counties within Ohio and the Mailer was circulated by the Committee to only a fraction of Franklin County, Ohio.

C. The Mailer was merely collateral in nature and issue as to federal jurisdiction with no real substance or cause because both candidates running for the U.S. Senate Seat Ohio District in a federal election was listed on the Mailer and mailed to only

those of said election who were previously registered within the Franklin County Democratic Party. So, in this Federal District election instance, a stipulation exists in which reasonable minds could conclude that the Committee's action unilaterally canceled each other out without any conceivable impact or alteration on said federal election in question.

D. Further, a \$1,000.00 standard was not expended by the Committee as to a federal election formula or percentage of the Mailer cost being the only product produced by and all the entire financial disclosures of the Committee. See Exhibit C, being about \$7,359.32 anticipated and the Mailer, Exhibit B, presenting approximately 22 Issues which are of a different jurisdiction than of federal, one could conclude and establish a formula of amounts actually spent towards the federal election by the Committee being \$7,359.32 divided by 22 issues which would equal a \$335.00 round up. That amount does not meet the threshold of a \$1,000.00 registration requirement of the Federal Election Commission under the Federal Code.

E. On the Mailer attached as Exhibit B, the type set was of several different matrix points being anywhere from 5.5 matrix points to 11 matrix points that appear predominantly. In the Federal Election of said Mailer two different matrix points were used only, both candidates running opposite of each other within the election had the same 8 point matrix and the office post of the Ohio U.S. Senate District seat being of 6 point matrix. Please note: other local candidates being listed were in 11 point matrix. This Federal Election in question is one of the 22 entire issues of the said Mailer. A better and more accurate way to calculate the Mailer is the ever present industrial standards of newspaper advertising rates by lineage. There are approximately 200 lines per side of the Mailer with about 400 total lines. Of the lineage, about 8 lines were used in the federal election issue from about 400 total lines available. Reasonable minds could conclude that a formula of the amount the Committee utilized in total expense or value towards a federal election is 8 lines divided by 400 which equal 2% x \$7,359.32 total expenditures by the Committee equaling \$147.20 spent towards a federal election issue by the Committee.

5. The Committee requests that the Federal Election Commission grant a motion to dismiss Case No. MUR 6286 based upon the following reasons:

A. The facts and exhibits of the case presented by the complainant clearly demonstrate a lack of understanding of the cause and merit, which now creates a new controversy in and of it, that being a failure to state a claim which may be granted by the Commission.

B. The facts and exhibits presented by the Committee give clear and convincing evidence as to a filing with the Commission that was not required at this time.

C. The filing by the complainant to the Commission on this case is malicious in nature. Regarding Exhibit A, the complainant was merely trying to harass, embarrass and politically score points for implied wrongdoing of the Committee in order to provide aid in the election of their endorsed candidate which now presents facts and evidence for which are incomprehensibly irreputable.

D. Several methods to calculate the amount actually expended towards the said singular federal election are well below the threshold of \$1,000 which would require registration.

E. It is the Committee's constitutional right of free speech to have a voice in a federal election and without filing if less than a \$1,000.00 amount was expended in a federal jurisdiction election.

F. In the singular federal election issue in question, both names of the candidates for the federal election of the U.S. Ohio Senate Seat were listed, unilaterally cancelling each other out as to any advantage. Circulation of the Mailer was only to known registered Franklin County, Ohio Democratic Party residences in the District.

10044281022

Reasonable minds could conclude that the federal election was not altered and the outcome was not changed by these actions.

For the above reasons and facts, the Committee and myself pray that the Federal Election Commission grant a dismissal of the above case.

Our Democratic Organization

By: 
Jeffrey L. Bond

Its: Treasurer

Sworn to before me and subscribed in my presence this 25th day of June, 2010.


Notary Public



JOSHUA A. WELLS
Notary Public, State of Ohio
My Commission Expires
July 20, 2013



DON'T BE FOOLED BY FAKE DEMOCRATIC SAMPLE BALLOTS

CLICK HERE FOR A LIST OF ENDORSED DEMOCRATS

FRANKLIN COUNTY DEMOCRATIC PARTY CONDEMNS MISLEADING CAMPAIGN LITERATURE, FILES ELECTIONS COMMISSION COMPLAINT

Columbus, OH - April 29, 2010 - Today, the Franklin County Democratic Party condemned a fake sample ballot mailed to Democratic voters in Ohio's 3rd Senate District on behalf of primary candidate Mark Pfeifer, and filed a complaint with the Ohio Elections Commission and Federal Elections Commission.

The intent of the literature is to mislead voters into believing that Pfeifer is the Democratic Party endorsed candidate, when in fact, the Franklin County Democratic Party endorsed Exeter City Council Member Ben Kessler on March 9 of this year.

"I am incredibly disappointed that Mr. Pfeifer's supporters believe that the way to win a primary is through misleading fellow Democratic voters," said William Anthony Jr., Chair of the Franklin County Democratic Party. "However, I know that our voters are smart enough to figure out which is the Official Democratic Party Sample Ballot and will elect Ben Kessler on May 4. The Franklin County Democratic Party endorsed Ben Kessler after a thorough screening process that determined he was the most qualified and our strongest candidate to win this seat in November."

The literature is entitled "A guide for voting in the Democratic Primary," with Mark Pfeifer listed as the candidate to vote for in the 3rd State Senate District. The return address lists "Our Democratic Organization" at a local P.O. box as the sponsor of the piece. The piece also includes federal candidates for office which would be a violation of FEC regulations if it wasn't paid for by federal campaign money.

"It is our hope that the Elections Commission will reprimand Mr. Pfeifer and his friends for this shameful behavior, and voters will see that this is a desperate attempt to achieve victory without merit," remarked Anthony.

Chris Redfern, Chair of the Ohio Democratic Party, also has endorsed Ben Kessler in this race.

Ohio's 3rd Senate District encompasses much of northern, eastern, and southeastern Franklin

County, including either part or all of the following communities: Worthington, Minerva Park, Westerville, Plain Township, New Albany, Jefferson Township, Gahanna, Reynoldsburg, Whitehall, Bexley, Groveport, Madison Township, Euro Township, Canal Winchester, and Obetz, as well as parts of Columbus adjacent to these communities.

[fcdp.org](http://www.fcdp.org)

10044281024

EXHIBIT B

A guide for voting in the Democratic Primary

Your State Candidates

- ✓ Ted Strickland
for Governor
- ✓ Yvette McGee Brown
for Lt. Gov.
- ✓ Richard Cordray
for Attorney General
- ✓ Kevin L. Boyce
for Treasurer
- ✓ Maryellen O'Shaughnessy
for Secretary of State
- ✓ David Pepper
for Auditor
- ✓ Jennifer Brunner
- ✓ Lee Fisher
for U.S. Senate (vote for one)
- ✓ Eric Brown
for Chief Justice of Supreme Court
- ✓ Mary Jane Trapp
for Supreme Court
- ✓ Mary Jo Kilroy
for Representative to Congress - 15th
- ✓ Paula Brooks
for Representative to Congress - 12th
- ✓ Bill Connor, Olivia Freeman, James J. Barton
for Representative to Congress - 7th (vote for one)

Your Local Candidates

- ✓ Mark Pfeifer
for State Senate - 3rd
- ✓ Marian Harris
for State Representative - 19th
- ✓ Nancy Garland
for State Representative - 20th
- ✓ David Robinson
for State Representative - 21st
- ✓ Terry J. Brown
for Auditor
- ✓ Marilyn Brown
for Commissioner
- ✓ for Common Pleas (vote for all)
unopposed
- ✓ for Court of Appeals (vote for both)
unopposed

BALLOT ISSUES

1. Proposed Constitutional Amendment To Extend the Ohio Third Frontier Program by authorizing the issuance of additional general obligation bond to promote economic growth ____ Yes or ____ No
2. Proposed Constitutional Amendment Change the location of the Columbus Casino Facility authorized by previous Statewide Vote from the Arena District to the site of the former General Motors/Daiford Corp. on West Broad area ____ Yes or ____ No

Your State Candidates

- ✓ Ted Strickland
for Governor
- ✓ Yvette McGee Brown
for Lt. Gov.
- ✓ Richard Cordray
for Attorney General
- ✓ Kevin L. Boyce
for Treasurer
- ✓ Maryellen O'Shaughnessy
for Secretary of State
- ✓ David Pepper
for Auditor
- ✓ Jennifer Brunner
- ✓ Lee Fisher
for U.S. Senate (vote for one)
- ✓ Eric Brown
for Chief Justice of Supreme Court
- ✓ Mary Jane Trapp
for Supreme Court
- ✓ Mary Jo Kilroy
for Representative to Congress - 15th
- ✓ Paula Brooks
for Representative to Congress - 12th
- ✓ Bill Connor, Olivia Freeman, James J. Barton
for Representative to Congress - 7th (vote for one)

Your Local Candidates

- ✓ Mark Pfeifer
for State Senate - 3rd
- ✓ Marian Harris
for State Representative - 19th
- ✓ Nancy Garland
for State Representative - 20th
- ✓ David Robinson
for State Representative - 21st
- ✓ Terry J. Brown
for Auditor
- ✓ Marilyn Brown
for Commissioner
- ✓ for Common Pleas (vote for all)
unopposed
- ✓ for Court of Appeals (vote for both)
unopposed

BALLOT ISSUES

1. Proposed Constitutional Amendment To Extend the Ohio Third Frontier Program by authorizing the issuance of additional general obligation bond to promote economic growth ____ Yes or ____ No
2. Proposed Constitutional Amendment Change the location of the Columbus Casino Facility authorized by previous Statewide Vote from the Arena District to the site of the former General Motors/Daiford Corp. on West Broad area ____ Yes or ____ No

A guide for voting in the Democratic Primary

10044281025

10044281026

Presort Standard
U.S. Postage
PAID
Columbus, OH
Permit #6766

Tuesday, May 4th

Don't miss the candidates for Vice President
and President who will appear on your
ballot on Tuesday.

Thank you

*Your vote, voice & support
is the Democratic Party!*

*****AUTO**5-DIGIT 43232
THE REYNOLDS FAMILY
OR CURRENT RESIDENT

COPY

Ohio Campaign Finance Report

EXHIBIT C

Prescribed by Secretary of State 3/05

Full Name of Committee OUR DEMOCRATIC ORGANIZATION				Registration Number, IF PAC OH 1453	
Full Name of Candidate					
Street Address 4464 NORWELL DRIVE EAST				Office Suite	
City UPPER ARLINGTON,				State OH	Zip Code 43220
Type of Report (place X in the left of report type)	<input type="checkbox"/> Post-Primary	<input checked="" type="checkbox"/> Post-Primary	<input type="checkbox"/> Pre-General	<input type="checkbox"/> Post-General	<input type="checkbox"/> Amendment
	<input type="checkbox"/> July Monthly	<input type="checkbox"/> August Monthly	<input type="checkbox"/> September Monthly	<input type="checkbox"/> Termination	<input type="checkbox"/> Other
Amended Report? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Report Electronically Filed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Date of Report 0 5 0 4 1 0	

For candidates only, during an election year: if total contributions and expenditures each total \$500 or less during the combined pre- and post-primary or pre- and post-general election periods, check box ☐ No other forms are required for a post-primary or post-general period, if above statement applies. See R.C. 3517.10(B) for details.

1. Amount brought forward from last report	\$	\$0.00
2. Total voluntary contributions (From Form No. 35-A)	\$	\$5,600.00
3. Total other income (From Form No. 35-A-2)	\$	\$0.00
4. Total funds available (sum of lines 1, 2, 3)	\$	\$5,600.00
5. Total necessary expenditures (From Form No. 35-B)	\$	\$5,572.83
6. Balance on hand (line 4 minus line 5)	\$	\$27.17
7. Value of in-kind expenditures received (From Form No. 35-C-1)	\$	\$1,754.64
8. Value of in-kind contributions received (From Form No. 35-C-2)	\$	\$0.00
9. Checkbook balance used by committee (From Form No. 35-C)	\$	\$0.00
10. Cash on hand used by committee (From Form No. 35-C)	\$	\$31.85
11. Total cash on hand (line 6 plus line 10)	\$	\$0.00
12. Total cash on hand (line 11 plus line 10)	\$	\$0.00
13. Total cash on hand (line 12 plus line 10)	\$	\$0.00
14. Total cash on hand (line 13 plus line 10)	\$	\$0.00

THE INFORMATION CONTAINED IN THIS REPORT IS MADE UNDER THE PENALTY OF ELECTION FALSIFICATION, WHEREVER COMBINE ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

JEFFREY L. BOND, TREASURER

File Name and Title (Treasurer and Deputy Treasurer only)

06/09/2010

Date

Contributions
page 2Expenditures
page 1Other
page 2Total
page 5

10044281027

Lobby

2010 JUN 10 PM 12:30

SECRET
FILED
JUN 10 2010
OHIO
STATE