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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

MUR 6313)

BEN FRASIER FOR CONGRESS AND)

WILHEMINA PULLUM, AS TREASURER)

FRIENDS OF FRASIER FOR CONGRESS)

BENJAMIN FRASIER, JR.)

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY
SYSTEM

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FEDERAL ELECTION
COMMISSION

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 responses and/or information available on the public record (*i.e.*, disclosure reports) sufficiently rebut the allegations set forth in the complaint, a no reason to believe finding.

Benjamin Frasier, Jr., was a candidate in the Democratic primary election in South Carolina's First Congressional District. The election, which Frasier won, took place on June 8, 2010. The complaint, filed by Melanie Sloan, Executive Director of Citizens for Responsibility and Ethics in Washington, alleges that Mr. Frasier, Ben Frasier for Congress and Wilhemina Pullum, in her official capacity as treasurer ("the Committee"), and Friends of Frasier for Congress knowingly and willfully violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by failing to file a 2010 April Quarterly Report and a 12-Day Pre-Primary Report.¹ Specifically, the complaint alleges that, between May 17 and

¹ The complaint notes that Mr. Frasier filed a Statement of Candidacy on March 19, 2010 that designated Friends of Frasier for Congress as an authorized committee, other than his principal campaign committee. On the same date, the Committee also filed a Statement of Organization with the Commission.

1 June 8, 2010, the Committee purchased \$5,500 in broadcast advertising on WCSC, a
2 Charleston, South Carolina television station, thereby triggering the Committee's reporting
3 obligation.

4 The response, which was filed collectively on behalf of all of the respondents, states
5 that the "reason for not filing the report is that we did not meet the requirement which is the
6 \$5,000 minimum." The Committee noted at the time of the response that it was "in the
7 process" of filing the July Quarterly Report ("Report"), which was due on July 15, 2010.

8 The Report, which was filed by the Committee on July 10, 2010, shows \$12,251 in
9 receipts and \$10,849 in disbursements, including payments to WCSC of \$500 and \$5,000
10 on May 11 and June 4, 2010, respectively. Based on a review of the Committee's itemized
11 receipts and disbursements, it appears that it did not cross the \$5,000 threshold until June 4,
12 2010, which was after the reporting periods for the April Quarterly Report (January 1 –
13 March 30) and the Pre-Primary Report (April 1 – May 19). See 2 U.S.C. § 431(2) and 11
14 C.F.R. § 100.3(a)(1).

15 Accordingly, based on the information provided by the parties, and the Committee's
16 disclosure reports filed to date, this Office recommends that there is no reason to believe
17 that the respondents violated the Act.

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RECOMMENDATIONS

1. Find no reason to believe that Ben Frasier; Ben Frasier for Congress and Wilhemina Pullum, in her official capacity as treasurer; and Friends of Frasier for Congress violated 2 U.S.C. § 431(2) and 11 C.F.R. § 100.3(a)(1).
2. Close the file and send the appropriate letters.

Christopher Hughey
Acting General Counsel

8/24/10
Date

BY:

Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration

Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

Thomas J. Andersen
Attorney

by
Jay