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September 2, 2010

Jeff Jordan, Supervisory Attorney
Office of the General Counsel
Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, DC 20436

RECEIVED
FEDERAL ELECTION
COMMISSION
2010 SEP -3 AM 11:54
OFFICE OF GENERAL
COUNSEL

Re: MUR 6324 - Response on behalf of Julius L. Chambers, Treasurer of John Edwards for President

Dear Mr. Jordan:

This response is filed on behalf of Julius L. Chambers, Treasurer of John Edwards for President, named as a respondent in a complaint filed by Mark Thomas. John Edwards for President has also submitted a response to the complaint. Complainant alleges that the Committee arbitrarily attributed a portion of his \$4,600 contribution to his spouse, Lynn Thomas. He bases this allegation on a December 20, 2007 letter sent to him by the Committee, stating that \$2,300 of his contribution had been reattributed to his spouse, whose name was printed as a joint account holder on the check used by Mr. Thomas in making the contribution. This letter is the standard retribution notification letter sent by committees to comply with 11 C.F.R. §110.1(k)(3)(ii)(B)(2).¹

As the attached documentation shows, the Committee received a check drawn on the Thomas's joint checking account in the amount of \$4,600 and signed by Mr. Thomas. The accompanying donor card was signed by both Mr. Thomas and Ms. Thomas, thus notifying the Committee that the couple intended for this check to be a joint contribution pursuant to 11 C.F.R. §110.1(k)(1). The Committee properly attributed the contribution evenly between Mr. Thomas and his wife, at \$2,300 each.

¹ That section provides that a committee receiving a check imprinted with the names of more than one individual may attribute the excessive portion of a contribution among the individuals listed, unless a different instruction is "in a separate writing signed by the contributor(s). The regulation requires that the contributor be notified that the retribution has occurred and that a refund may be sought if the contribution is not intended to be a joint contribution. 11 C.F.R. §110.1(k)(3)(ii)(B)(2).

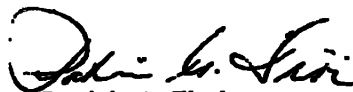
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Due to an inadvertent categorization error, the Committee sent its standardized reattribution notification letter to Mr. Thomas on December 20, 2007, despite the fact that his spouse had already signed the donor card. This standardized letter notified Mr. Thomas that the Committee attributed \$2,300 to his wife since the contribution was made from a joint checking account, and offered a refund if that was not his intention. Since Ms. Thomas had already signed a written statement that she was a donor, this reattribution letter is under the circumstances essentially voided. Mr. Thomas now states that in response to this letter he requested a refund from the Committee. However, in fact, the request that Mr. Thomas cites in his complaint is dated several months later, May 19, 2008. This is five months after the erroneously sent reattribution letter, more than three months after Senator Edwards ended his Presidential campaign, and at a time when the Committee had entered its FEC audit phase.

As Committee records clearly demonstrate, both contributors signed the donor card and the Committee properly divided the contribution equally between Mr. Thomas and his spouse. (See Attachment A.) Hence, the standardized form letter was never required to be sent under section 110.1(k)(3)(ii)(B)(2). While the Committee erred in sending this letter to Mr. Thomas, this minor compliance error does not transform a legal contribution into a prohibited contribution that must be refunded. Commission regulations require political committees to make refunds only in situations where a contribution appears to be from a prohibited source (11 C.F.R. §103.3(b)(1)), is designated for an election for which a candidate is not eligible to receive contributions, or is excessive (11 C.F.R. §110.1(b)(3)(i)). Since the contributions made by Mark and Lynn Thomas are legal, and written evidence exists with their signatures to document their intent, the Committee is under no obligation to make a refund.

Respondent respectfully requests that the Commission dismiss this complaint.

Respectfully submitted,



Patricia A. Fiori
Counsel, John Edwards for President

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FEDERAL ELECTION COMMISSION
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Washington, DC 20463

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STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6324

NAME OF COUNSEL: Patricia A. Fiori

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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9-2-10
Date

[Signature]
Respondent/Agent Signature

[Signature]
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Julius L. Chambers, Treasurer, John Edwards for President

MAILING ADDRESS: 1705 DeSales Street, NW, 8th Floor, Washington, DC 20036
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Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2006