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FEDERAL ELECTION
COMMISSION

2010 NOV 19 AM 11:28

OFFICE OF GENERAL
COUNSEL

November 18, 2010

Jeff S. Jordan
Supervising Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

RECEIVED
2010 NOV 19 AM 9:34
FEC MAIL CENTER

Re: MUR 6411
Public Campaign Action Fund/Campaign Money Watch

Dear Mr. Jordan:

This letter responds to the complaint designated MUR 6411 on behalf of Public Campaign Action Fund ("PCAF") and its project, Campaign Money Watch. Campaign Money Watch ("CMW") is a segregated bank account maintained by PCAF to engage in electioneering communications. The organization received notice of this MUR from your office on November 4, 2010; accordingly this response is due on November 19, 2010,

This complaint asserts that CMW, among other organizations, paid for certain reported electioneering communications in response to a request or suggestion made by Speaker of the House Nancy Pelosi, Representative John Larson, or other unnamed Democrats. The only evidence provided consists of statements in newspaper articles attributed to Mr. Larson and Ms. Pelosi that they were asking unspecified "groups" to increase spending on electoral advertising. It then concludes that any organization that the complainant characterizes as "liberal" that made a reportable independent expenditure or electioneering communication after those press reports must have done so in response to such a request, and as a result has made an (illegal) in-kind contribution to the supported candidates.

While the expressions of desire attributed to Mr. Larson and Ms. Pelosi in the cited articles may qualify as a request or suggestion in informal speech, the explanation and justification for the relevant regulations make clear that such public comment cannot meet the conduct prong of the definition of a coordinated communication. "[A] request in a public campaign speech or a newspaper advertisement is a request to the general public and is not covered." 68 Fed. Reg. 432 (2003). Thus, any communication contained in these articles is not relevant to a determination of the independence of communications made by any organization. A relevant request or suggestion would have to be conveyed in a more private setting. As demonstrated by the enclosed declarations, the PCAF/CMW staff responsible for creating and running the ad received no such communication.

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The truth is that PCAF/CMW made a single electioneering communication in connection with any House race in 2010. This was part of the organization's long-standing legislative strategy plans. The only two staff people who participated in any decision-making around this ad had no communication with any candidate, party, or their agent regarding their plans. The payment for this communication was properly reported to the Commission. This complaint has no merit, and should be promptly dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Kingsley', written over a horizontal line.

Elizabeth Kingsley

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