



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 12 2013

RE: MUR 6474

Honorable Mike Dewine
Ohio Attorney General
30 E. Broad Street
14th Floor
Columbus, OH 43215

Dear Mr. Dewine:

On June 16, 2011, the Federal Election Commission notified the State of Ohio of a complaint alleging violations of 2 U.S.C. § 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended.

Upon further review of the allegations contained in the complaint, and information supplied by the State of Ohio, the Commission voted on March 12, 2013, to dismiss the allegation that State of Ohio violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution in connection with the use of state resources to create a newsletter published on the Josh Mandel federal committee's website. Accordingly, on March 12, 2013, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003); Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,


Daniel A. Petalas

Associate General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: State of Ohio

MUR. 6474

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission (the "Commission") by the Ohio Democratic Party and Chris Redfern, Chairman, of the Ohio Democratic Party. *See* 2 U.S.C. § 437g(a)(1).

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint alleges that the Citizens for Josh Mandel (Federal Committee) has posted a press release prepared by the Ohio State Treasurer's Office on www.joshmandel.com and, therefore, the State of Ohio has made excessive or prohibited in-kind contributions to the Federal Committee. Compl. at 5-6, MUR 6474. The Complaint identifies a single document entitled "Treasurer's Office Update" on the Federal Committee's website and the virtually identical "E-Newsletter Update from Treasurer Mandel" on the State Treasurer's Office official website as the basis for concluding that the activity constituted a violation of the Act. *See id.*

B. Legal Analysis

The assertion in the Complaint that state employees created and developed content to benefit the Federal Committee is premised on the fact that the E-Newsletter Update displayed on the website of the Office of the State Treasurer was also displayed on the website of the Federal Committee. The newsletter in question is very short — a mere two pages — and would not have required much time on the part of the drafter. Due to the *de minimis* nature of the alleged

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violations, the Commission exercises its prosecutorial discretion to dismiss the allegation that the State of Ohio violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution in connection with the use of state resources to create a newsletter published on the Federal Committee's website.

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