



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

JAN 16 2013

**VIA FIRST CLASS MAIL**

Richard W. Muri  
PO Box 1581  
Tacoma, WA 98401

RE: MUR 6559

Dear Mr. Muri:

On April 23, 2012, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On January 10, 2013, based upon the information contained in the complaint, and information provided by the Committee the Commission decided to dismiss the complaint and closed its file in this matter. Accordingly, the Commission closed its file in this matter on January 10, 2013.

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). A copy of the Factual and Legal Analysis is enclosed for your information.

If you have any questions, please contact Kim Collins, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,

Anthony Herman  
General Counsel

BY: Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination and  
Legal Administration

Enclosure  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS: Voters for Dick Muri and MUR 6559**  
**Colleen Morse as treasurer**  
**Richard W. Muri**

**I. INTRODUCTION**

This matter was generated by a complaint filed by Jerry Curtis on April 16, 2012, alleging violations of the Federal Election Campaign Act of 1971, as amended ("Act"), and Commission regulations by Voters for Dick Muri and Colleen Morse in her official capacity as treasurer (the "Committee") and Richard W. Muri. It was scored as a low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

On April 16, 2012, Jerry Curtis filed a complaint alleging that Muri violated the Act and Commission regulations by not timely filing a new Statement of Candidacy, and that the Committee violated the Act and Commission regulations by not timely filing an amended Statement of Organization. Compl. at 1. Curtis claims that as of April 9, 2012, the Commission's website indicated that Muri was a candidate in Washington State's Ninth District ("WA-09"), whereas the Committee sent letters, emails, and a press release in December 2011, indicating that Muri was a candidate in Washington State's Tenth District ("WA-10"), a new congressional district created as a result of redistricting.<sup>1</sup> Curtis also claims that at the time of

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<sup>1</sup> On January 1, 2012, the Washington State Redistricting Commission unanimously approved the final version of the Washington State Redistricting Plan, establishing the new district of WA-10. The redistricting plan

13044330289

his complaint, the Committee's most recently filed campaign finance report — an amended 2011 Year-End Report filed on April 3, 2012 — listed Muri as a candidate in WA-10. Compl. at 2.<sup>2</sup>

In response, the Committee's Campaign Manager Freddy McLaughlin asserts that after the new district was created in January 2012, the Committee solely campaigned in WA-10, not WA-09. Resp. at 1. As part of its Response, the Committee submitted fundraising letters dated January 2012 and February 2012 and press releases dated December 29, 2011, and April 2, 2012, which state that Muri is a candidate in WA-10. Resp. at 4-11.

The Committee also submitted a letter from Morse acknowledging that the Committee's Form 1 and Muri's Form 2 did not reflect the change in district until April 2012. Morse states that when she initially filed a Statement of Organization and Muri filed a Statement of Candidacy in August 2011 — prior to the redistricting and creation of WA-10 — Muri resided in WA-09. Morse states that after redistricting, the campaign's district changed to WA-10. Resp. at 2. Thus, after seeking input from the Reports Analysis Division ("RAD") in April of 2012, the Committee amended its Statement of Organization and Muri's Statement of Candidacy on April 17, 2012.<sup>3</sup> The reports filed by the Committee on January 25, January 30, and February 22, 2012 show WA-09 in the state and district boxes. Morse asserts that there was no effort to deceive

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became effective on February 7, 2012, when it was signed into law with technical edits. See <http://www.redistricting.wa.gov/>.

<sup>2</sup> The Complainant also asks whether a Committee is permitted to "transfer those donations" raised in the original district without asking contributors, and asks what contributors may do if they do not support Muri in the new district. Compl. at 2. Since the Complainant has not alleged any violation of the Act relating to contributions, but rather merely poses a hypothetical question without any factual underpinning, we have not addressed the issue.

<sup>3</sup> Morse claims she initially contacted the Committee's RAD analyst in early April 2012, seeking help in changing the district number in the Committee's FEC filings, and claims that following their discussion she believed the changes she made to the Committee's disclosure reports were in compliance with Commission regulations. More specifically, she states that the Committee's amended reports filed in April accurately reflected the correct district number, but only later in the month did she discover that an FEC listing of WA-10 candidates did not include Muri. She again contacted RAD to resolve the issue and, on April 17, 2012, filed an amended Statement of Organization and amended Statement of Candidacy that resulted in accurately listing Muri as a candidate in WA-10.

13044330290

1 and states that the district number on the initial 2012 reports has since been corrected, although  
2 problems with electronic filing made the process difficult. Resp. at 2-3. Morse also points out  
3 that each of the Committee's disclosure reports filed after April 2, 2012 reflect WA-10 as the  
4 state and district sought by the candidate.

5 **B. Legal Analysis**

6 The Act and Commission regulations require that each candidate for Federal office shall  
7 designate a political committee to serve as his or her principal campaign committee. 2 U.S.C.  
8 § 432(e)(1); 11 C.F.R. § 102.12(a). Commission regulations require a candidate to designate his  
9 or her principal campaign committee by filing a Statement of Candidacy on FEC Form 2,  
10 containing, in addition to other information, the state and district in which Federal office is  
11 sought. 11 C.F.R. § 101.1(a). A candidate's principal campaign committee is required to file a  
12 Statement of Organization no later than 10 days after designation. 2 U.S.C. § 433(a); 11 C.F.R.  
13 § 102.1(a). The principal campaign committee's Statement of Organization shall include, in  
14 addition to other information, the state and congressional district of the office sought. See 2  
15 U.S.C. § 433(b)(5) (the statement of organization of a political committee shall include "the  
16 name, address, office sought, and party affiliation of the candidate"); 11 C.F.R. § 102.2(a)(v)  
17 (the statement of organization for a committee authorized by a candidate shall include "the name,  
18 office sought (including State and Congressional district, when applicable) and party affiliation  
19 of the candidate"). Any change in information previously submitted in a Statement of  
20 Organization, including a change in Congressional district as a result of redistricting, is required  
21 to be reported to the Commission by filing an amended Statement of Organization no later than

13044330291

1 10 days after the date of the change. *See* 2 U.S.C. § 433(c); 11 C.F.R. § 102.2(a)(2);<sup>4</sup>

2 On January 1, 2012, the Washington State Redistricting Commission approved the state's  
3 redistricting plan, including the new district of WA-10, and Muri subsequently campaigned in  
4 WA-10. The plan was signed into law on February 7, 2012. The Committee should have filed  
5 an amended Statement of Organization and Muri should have filed an amended Statement of  
6 Candidacy within ten days of February 7, 2012 (the effective date of the redistricting). However,  
7 Muri did not file an amended Statement of Candidacy, and the Committee did not file an  
8 amended Statement of Organization reflecting the change in information until April 17, 2012.

9 In light of the Committee's attempts to seek guidance from the Commission, coupled  
10 with its quick remedial action when it learned of its reporting anomalies, the Commission  
11 exercised its prosecutorial discretion and dismissed this matter. *See Heckler v. Chaney*, 470 U.S.  
12 821 (1985).

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<sup>4</sup> RAD offers guidance regarding redistricting in the "General Reporting Questions" section of the FEC website where it advises that candidates and Principal Campaign Committees running in regularly scheduled elections in states that have gone through a redistricting process "should submit an Amended Statement of Organization AND Statement of Candidacy (Forms 1 and 2) to reflect the new district."  
<http://www.fec.gov/rad/candidates/FEC-ReportsAnalysisDivision-CandidateCommittees.shtml#ChangeDistricts>.