HOLMES WEDDLE & BARCOTT

701 WEST EIGHTH AVENUE, SUITE 700 - ANCHORAGE, ALASKA 99501-3408 TELEPHONE (907) 274-0666 - FAX (907) 277-4657

STACEY C. STONE

EMAIL: sstone@hwb-law.com

December 6, 2016

VIA EMAIL AND U.S. MAIL

Office of Complaints Examination and Legal Administration Attn: Mary Beth de Beau, Paralegal

Federal Election Commission

999 E Street, NW

Washington DC 20463 Email: CELA@fec.gov

Re: MUR 7190

Our File No. 1101-29352

Dear Sir or Madam:

We represent the Alaska Republican Party and Treasurer Julie Tisdale (hereinafter collectively referred to as "RPA") in connection with the above-referenced matter. The complaint alleges the RPA: 1) failed to disclose coordinated party expenditures ("CPE") made on behalf of the Republican candidate for the US Senate in 2016; 2) failed to correctly and adequately describe the purposes of transfers of funds from a candidate committee; and 3) made excessive CPE. The complaint claims that five mailers distributed by the party were problematic, i.e. an absentee ballot application distributed by the RPA and four mailers critical of Joe Miller, a Libertarian party candidate.

The complaint is completely without foundation and the commission should determine the complaint does not set forth any reason to believe that any violations of the Federal Election Campaign Act of 1971 as amended has or will occur and close the matter.

1) The absentee ballot mailer was not a CPE and not subject to the CPE limit.

The absentee ballot mailer attached to the complaint was by law not a contribution to any of the candidates or campaigns referenced therein and was not an expenditure coordinated or otherwise. That mailer urged the recipients to obtain an absentee ballot so they could vote for four or five Republican candidates for four or five offices.¹ It mentioned four candidates by name and

In Alaska in 2016, voters could vote for candidates for up to five positions: U. S. President, U.S. Senator., U. S. House, State Senate (in one-half the State Senate Districts), and State House. Alaska has 20 State Senators, but in 2016 only 10 of those seats were up for election. The copy of the absentee mailer included in the complaint was addressed to a voter in a state senate district where no state senate race occurred, i.e. only four races were on the ballot.

Office of Complaints Examination & Legal Administration December 6, 2016 Page 2

the seats they were running for and included a drawing or photo for each of the three federal candidates.

The mailer was consistent with 52 USC 30101(8)(B)(v) and 52 USC 30101(9)(B)(iv) and is neither a contribution to any candidate named or an expenditure by the party. It is not subject to the contribution limits for parties to candidates.

By law, the absentee voter mailer was not a contribution or a coordinated party expenditure. The allegation that it was somehow improper is groundless and should not be entertained by the commission.

2) The transfers or surplus funds by a candidate committee were consistent with the law and regulations.

This allegation pertains to transfers of surplus campaign funds from a candidate's committee to the State party committee. Pursuant to 52 USC §30114(a)(4) such transfers can be made by a candidate "without limitation" to a State political party. This issue was addressed in FEC Advisory Opinion 2004-22.² In that opinion, the FEC found that the legal provisions of the Act do not limit the ways a State political party can use the surplus funds received from a candidate's committee, nor do they restrict the amount transferred in any specific period of time. Notwithstanding the claimed "experience" of the complainant the transfer of excess campaign funds were consistent with the law and regulations.

The respective FEC reports of the RPA and the Murkowski campaign committee show that all transfers made by the committee were reported as received by the RPA within a few days of the transfers.

Date Transfer	Amount	Report Page No.	Date Received	Report Page No.
10/07/2016	\$35,300.00	Pre-Gen'l P. 91	10/10/2016	Pre-Gen'l p. 20
10/18/2016	\$64,000.00	Pre-Gen'l P. 91	10/18/2016	Pre-Gen'l p21
9/17/2016	\$50,000.00	3 rd Qtr P. 253	9/20/2016	Oct 20 p. 46
9/27/2016	\$7,000.00	3 rd Qtr P.253	9/30/2016	Pre-Gen'l p. 20
9/30/2016	\$25,500.00	3 rd Qtr P. 253	10/7/2016	Oct 20 p. 47
9/22/2016	\$67,800.00	3 rd Qtr P. 254	9/23/2016	Oct 20 p. 46
7/12/2016	\$32,517.95	2 nd Qtr P. 116	7/13/2016	Aug 20 p. 32

Therefore, the transfers from the candidate's committee to the RPA were properly made and reported and this allegation is without merit.

3) The four Miller mailers expenditures all occurred after the deadline for the pregeneral election report and therefore were not required to be disclosed on that or prior reports.

² http://www.fec.gov/pdf/record/2004/sep04.pdf#page=6

Office of Complaints Examination & Legal Administration December 6, 2016 Page 3

As can been seen from the attached affidavit and records the four Miller mailers were mailed on October 21, 24, 26 and 31.³ Payments for the production of these mailers were made on or after October 24. Payments for the postage for these mailers were made by checks dated on or after October 26. Thus all of these expenditures were incurred after the closing date for the pregeneral report (October 19, 2016) and are not required to be reported until the post general report deadline of December 8, 2016. Therefore, there is no basis to support a determination that these expenditures were not property recorded and this allegation should found to be without basis.

4) The cost of the four Miller mailers were CPE and did not excess the CPE limit.

The attached affidavit and documents show that the total cost of the production and mailing of the four Miller mailers was \$56,111.60. By law, the allowable limit for coordinated party expenditures is \$96,100. Since the cost of the Miller mailings was substantially less than that limit, there is no basis for the allegation that the RPA violated the law by making excess CPEs. This allegation must be rejected

.In summary, the complaint does not provide any evidence to support any reason to believe that any violations have occurred. The complaint is without merit and the matter should be closed.

Sincerely,

Stacey C. Stone

³ Affidavit of Treasurer, Julie Tisdale.

BEFORE

FEDERAL ELECTION COMMISSION WASHINGTON DC

IN RE: COMPLAINT FILED BY	Y STEVE HARRISON)
MUR 7190)
AF	FIDAVIT OF JULIE	TISDALE
AF STATE OF ALASKA	FIDAVIT OF JULIE)) ss.	TISDALE

Julie Tisdale being first duly sworn hereby states as follows:

- 1) I am the Treasurer of the Alaska Republican Party ("ARP") and as such am the custodian of the financial records of the ARP. I have personal knowledge of the facts as stated herein.
- 2) In the 2016 General Election campaign in Alaska, the ARP engaged in a Coordinated Party Expenditure effort ("CPE") on behalf of the ARP's nominee for the United States Senate, Lisa Murkowski and her campaign committee Lisa Murkowski for U. S. Senate.
- 3) That CPE effort involved the design, production and mailing of four mailers to a select groups of voters. The plan was that those mailers would be mailed to arrive in the two weeks prior to the election held on November 8, 2016.
- 4) The design production and creation of the mailing list for all mailers was done by a vendor named Service Business Printing.

- 5) Each of the mailers was mailed at the bulk mail facility at the U. S. Postal Service in Anchorage.
- 6) Attached are documents concerning the cost of production and mailing of each of the four flyers.
- As can be seen the cost of production of each was \$8,324.00. Exhibit 2 is a copy of the RPA check # 2834 for \$ 16,648.00 paying the production cost of those two mailings. Exhibit 3 is a copy of the paperwork from the postal service showing the cost of mailing those first two mailers. Exhibit 4 is a copy of the check # 2836 for \$11,407.80 paying for the postage for the first two mailers.
- 8) Exhibit 5 is a copy of the bill from Service Business Printing for the production of the second two mailers. Exhibit 6 is a copy of the RPA check #2843 paying that amount.

 Exhibit 7 is the paperwork from the postal service for the cost of mailing and Exhibit 8 is a copy of check #2838 paying for the postage for the third and final mailers.
- 9) As can be seen the total cost of the production and mailing of the four mailers was \$56,111.60.
- 10) The CPE limit for the ARP was \$96,100 well more than the cost of the four mailers produced by the ARP in coordination with the Murkowski campaign.
- 11) As can be seen from the attached exhibits, the disbursements by the party occurred after the cutoff date for the pre-general election report. These expenses will be included on the post general election report which we are currently compiling and expect to file in a timely fashion.

Further Affiant sayeth naught

Dated this 6th day of December, 2016

Julie Tisdale/

SUBSCRIBED AND SWORN TO before me this 6 day of December, 2016 at Anchorage, Alaska.



Notary Public in and for the State of Alaska

My Commission Expires: 9-18-2018

Page 1 of 2 Mallings Onnie Kendall Men 16/24/2016 392 PM Innov. To Christy Lattachments (30 KB) 201104A POH This is the invoice for printing & addressing the first two pieces, they mailed Friday 10/21 and today. You already paid the postage on these. I'll have total on the next two mailings, 10/26 and 10/31, before I leave today The most urgent thing will be getting a postage check on those two. Ideally we'd like the postage tomorrow, but Wednesday morning would work. Sincerely, Onnio L. Kendali Ostrict Manager Service Business Printing P 907.276.3004 F - 907.279.3004 www.serviceprint.com From: Christy (mailto: Sent: Monday, October 24, 2016 3:06 PM To: onnie@serviceprint.com Subject: Re: Mallings Please send all the invoices you have to me. Thanks. Christy Strutz 907-444-4406 ARP Manager

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enorage, AX 99503 US 1907) 278 3004 como@serviceprint.com

INVOICE

BILL TO

Tuckerman Babcock Alaska Republican Inc FO Box 201049 Anchorage, Alaska 99520

SERVICERMENT

INVOICE # 201104A DATE 10/24/2016

DUE DATE 11/23/2016

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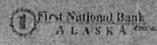
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Computer Services - Mailing Address List Processing		1	95.00	95.00
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10/24/2016 Discount

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Part F Total

4,159,9590 \$

X Part F

Full Service Intelligent Mail Option

F78 DISPLAY ONLY - Furs - Remove of Pieces that Comply 27, 158 x 50,001

* May contain both Full Dervice intelligent May and other discoon!

Discount Total

Part F Discount

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Ambamege, AK 99503 US (907) 276-3004 onne@serviceprint.com www.serviceprint.com

INVOICE

BILL TO

Tuckerman Babcock Alaska Republican Inc. PO Box 201049 Anchorage, Alaska 99520 SERVICE場際語

INVOICE # 201110A DATE 10/25/2016 DUE DATE 11/24/2018 TERMS Net 30

SHIP TO

Tuckerman Babcock Alaska Republican Inc. PO Box 201049 Anchorage, Alaska 99520

Please detach top portion and return with your payment.

SHIP DATE	PO#	SALES	REP	
10/26/2016	8605	LK		
ACTIVITY		QTY	RATE	AMOUNT
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Computer Services - Mailing Mail Handling		33,751	0.0437024	1,475.00
Computer Services - Mailing Address List Processing		- 4	95.00	95.00
Joe Miller Emails 2				
Computer Services - Design Time Computer Time		33,751	0.0296288	1.000.00
Off-Set Printing Printing		33,751	0.1704838	5,754.00
Computer Services - Mailing Mail Handling		33,751	0.0437024	1,475.00
Computer Services - Mailing Address List Processing			95.00	95.00
		BALANCE DUE	\$1	6.648.00

A REPUBLICANS INC. THE BOY THEY
PERSONS ASSESSED.

First National Bank ALASKA

25 8/1752

10725/2018

2843

\$ "16,648.00

Survice Business Printing

Sixteen Thousand Six Hundred Forty-Eight and 00/100**

DOLLARS

Service Business Printing 323 E Firewood Ln Anchorage, AK 99503

Vive: To are Main - Printing & Addressing Expense

ALASKA REPUBLICANS INC. * ALASKA REPUBLICAN PARTY *FEDERAL ACCOUNT

2843

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Service Business Printing Date Type Reference 10/25/2016 Bill 201110A Date

Original Amt 16,648.00 Balance Due 16,648.00 10/25/2016 Discount

Payment 16,648.00

Check Amount

16,648 00

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Victory

Voter Turnout Mailer- Printing & Addressing Exp.

16,646,00

2843

ALASKA REPUBLICANS INC. ' ALASKA REPUBLICAN PARTY 'FEDERAL ACCOUNT

Service Business Printing Type Reference 10/25/2016 Bill 201110A

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Check Amount

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MUR 7190

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At Standard Mail

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Part D Total

1,543,9410

Part D

Full Service Intelligent Mail Option

Price Category D40 DISPLAY ONLY - Flats - Number of Pieces that Comply 6 384 x 80 001

* May contain both Full Service Intelligent Misi and other discount

Discount

Part D Discount

-6.3840

X Part F

Carrier Route Flats

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Part F Total

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X Part F

Full Service Intelligent Mail Option

F78 DISPLAY CHEY - Flats - Number of Pieces that Comply 27 138 x 50 (0)

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Discount

Part F Discount

-27.1380

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Exhibit 7

MUR 7190

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At Standard Mail

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C4 3008	0,3280	529	\$	173 5120		三、1000000000000000000000000000000000000	The Party of the P	55 Still (784)	222.5480
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D16 3 Dot	0 2850	435	5	173 9750	3	123 9750	0.435	UNITED STATES	123.5400

Part D Total

\$ 1,543.9410

X Part D

Fell Service Intelligent Mail Option

Price Category.

Discount
Total*

D40 DISPLAY ONLY - Plats - Number of Pieces that Comply 5 384 v \$0.001

6 384

* May contain both Full Service Intelligent Mail and other discount

Part D Discount

s -6,3840

X Part F

Carrier Route Flats

Flats 3.3 oz. (0.2063 los.) or less

Ertry	Price Categ	ory	Piece Price	No of Pieces		Pieces Substituti		Subtotal Postage	Discount Total	Fee		Total Postage
NONE	F1 Setuc	etion.	0.1310	15	. 5	23580	5	2 3580		STEEL ST	*	2,3550
	F4 Basic		0.2140	827	\$	176 9780	\$	176 9780	6.827		5	176 1510
DSCF	F11 Satur	vion	0.0680	206	5	18.1280	1	18.1280	2012230	THE STATE OF	7 10	18 1280
DSCF	F12 High	Density Plus	0.1130	1,252	5	141.4760		141 4760	1.252	7000		140 2240
	F13 High!	Density	0.1180	B.244	\$	972 7920	5	972,7920	8.244			934 5480
OSCF	F14 Basic		0.1710	18.815	3.2	375 3550	\$ 2	075.3650	16.815		3200	158 5500

Part F Total

\$ 4.159.9590

X Part F

Full Service intelligent Mail Option

F78 OISPLAY ONLY - Flats - Number of Places that Comply 27, 136 x \$0,001

May contain both Full Service Intelligent Mail and other discount

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Part F Discount

-27.1380

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Exhibit 7

MUR 7190

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