

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )  
4 )  
5 MUR 6029 ) CASE CLOSURE UNDER THE  
6 MISSOURI REPUBLICAN STATE ) ENFORCEMENT PRIORITY  
7 COMMITTEE—FEDERAL ) SYSTEM  
8 AND RICHARD C. PEERSON, AS )  
9 TREASURER )

**SENSITIVE**

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12 **STATEMENT OF REASONS**

13 In this case, the complainant, Robert Hillman, alleges that the Missouri Republican  
14 State Committee—Federal and Richard C. Peerson, in his official capacity as treasurer (the  
15 “Committee”), violated various disclosure and disclaimer provisions of the Federal Election  
16 Campaign Act. Specifically, the complainant states that he received a letter on April 14,  
17 2008, from Rich Magee, Chairman of the Republican Second Congressional District,  
18 notifying the complainant that his credentials to serve as a delegate or as an alternate at the  
19 Missouri Second Congressional District Convention had been challenged, and that the  
20 complainant would not be seated at the convention until the challenge was resolved. Citing  
21 a news article reporting that approximately 154 individuals had received similar letters, and  
22 apparently making the assumption that Mr. Magee’s intent was to “represent [the  
23 Committee] in writing,” the complainant concludes that the Committee, among others,  
24 violated the Act’s disclaimer requirements. The complainant also states that the sign-in  
25 forms, which were provided by the Second District Republican Credentials Committee and  
26 the Missouri Republican State Credentials Committee on April 19, 2008, presumably  
27 during the contested convention, also violated the Act. According to the complainant, the  
28 following question was written on the forms: “Will you support the presidential primary

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1 candidate?" The complainant contends that the forms constituted "public  
2 communications," because they "were widely available" to delegates, the press, and  
3 members of the public and, therefore, constituted federal election activity under the Act.  
4 Nonetheless, according to the complainant, neither federal nor Levin funds were used to  
5 produce the sign-in sheets, or to rent the facility at which the convention was held.

6 The Committee asserted in its response that the April 14<sup>th</sup> letter referred to by the  
7 complainant was sent from the local party committee (*i.e.*, the Second Congressional  
8 District of Missouri), which is not a federal committee. Thus, the letter was not subject to  
9 the disclaimer requirements applicable to federal political committees. Moreover, the  
10 Committee noted that the Commission has determined that funds spent by state, district and  
11 local committees of political parties for the costs of political conventions or meetings do not  
12 constitute federal election activities, as described under 2 U.S.C § 431(20)(b)(iii) and  
13 11 C.F.R. § 100.25(c)(3). With respect to complainant's allegation that the sign-in forms  
14 in question were "public communications," the Committee argues that they were not,  
15 because the sign-in forms did not fit within any of the definitions of "public  
16 communication," since they did not constitute "general public political advertising," as  
17 required under 2 U.S.C. § 431(22); and 11 C.F.R. § 100.26. Additionally, the Committee  
18 observed that the sign-in sheets did not constitute a "mass mailing," because they were  
19 directed to a limited number of people. Finally, the Committee pointed out that the sign-in  
20 sheets were used in a state convention and, thus, could legally be paid for entirely with non-  
21 federal funds.

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1           The Federal Election Campaign Act of 1971, as amended, and the Commission's  
2 regulations provide that the costs associated with state, district, or local political  
3 conventions are not considered federal election activity. *See* 2 U.S.C § 431(20)(b)(iii);  
4 11 C.F.R. § 100.25(c)(3). It appears that the Second Congressional District Republican  
5 Committee (a non-federal committee), as opposed to the Missouri Republican State  
6 Committee - Federal Committee, was involved in organizing and holding the Missouri  
7 Second Congressional District Convention. Moreover, notwithstanding which committee  
8 was directly involved in hosting the event, the event itself was a local party convention,  
9 which is not federal election activity.<sup>1</sup>

10           The Office of the General Counsel recommended that the Commission dismiss the  
11 allegations in this matter. However, in recognition of the fact that this case involved  
12 activities that centered around a local party convention, we decided by a vote of 6-0 to find  
13 no reason to believe that the Missouri Republican State Committee - Federal Committee,  
14 and Richard C. Peerson, in his official capacity as treasurer, violated the Federal Election  
15 Campaign Act, take no further action, and close the file.

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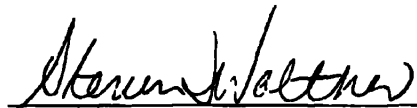
<sup>1</sup> The respondents' use of sign-in forms and mail correspondence in furtherance of the local convention similarly did not fall within the definition of federal election activity or qualify as "public communications" under 2 U.S.C. §§ 431(20)(b)(iii) and (22).

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3/1/09  
Date

  
Steven T. Walther  
Chairman


3/9/2009  
Date

  
Matthew S. Petersen  
Vice-Chairman

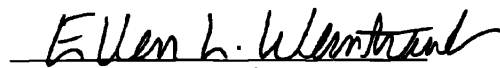
3/10/2009  
Date

  
Cynthia L. Bauerly  
Commissioner

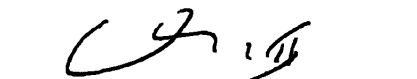
3/9/2009  
Date

  
Caroline C. Hunter  
Commissioner

3/10/09  
Date

  
Ellen L. Weintraub  
Commissioner

3/9/09  
Date

  
Donald F. McGahn II  
Commissioner