



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5369
Rhode Island Republican Party, et. al.) RAD Referral #02L-06
)

STATEMENT OF REASONS
CHAIR ELLEN L. WEINTRAUB

This statement provides the basis for my vote in the above-captioned matter.

As my colleagues have noted in this and prior cases,¹ in light of the Commission's history of not pursuing non-express advocacy coordination cases, the Rhode Island Republican Party and Senator Chaffee and his committee could not have had adequate notice that non-express advocacy advertising would be subject to 2 U.S.C. 441a(a)(7)(B)(i). Penalizing this party committee and candidate would be unfair, and would open the Commission to charges of arbitrary and capricious decision-making, given that the Commission has chosen not to assess fines in similar cases.

Moreover, the facts in this matter do not appear to me to present a very compelling case. The General Counsel has no information that there was any actual contact between the party organization and the candidate, nor has such an allegation been made. The ads themselves are general in nature, and contain no more similarities than would naturally flow from the fact that they tout the same candidate's record and appeal to the same target audience (i.e., the voters of Rhode Island). The candidate appeared at all times to have adequate campaign funds on hand to be able to produce any advertising he felt he needed himself. The General Counsel's Brief provides no reason to believe Senator Chaffee and the Rhode Island Republicans coordinated in the production of these ads. I have voted accordingly, and to close the file.

Ellen L. Weintraub
Ellen L. Weintraub, Chair

¹ See, e.g., Statement of Reasons of Commissioner Thomas in MUR 4994 (Dec. 19, 2001).

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