



Federal Election Commission
Washington, DC 20463

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MEMORANDUM

June 13, 2007

TO: The Commission

THROUGH: Patrina M. Clark *PK*
Staff Director

FROM: John D. Gibson *JG*
Acting Chief Compliance Officer

Deborah Ruth Kant *DK*
Director, ADR Office

SUBJECT: ADR 393, Beaufort County South Carolina Republican Party, Norma G. Stewart,
Treasurer, Recommendation to Dismiss

On May 16, 2007, the ADR Office received MUR 5891 to review and determine its appropriateness for ADR processing. Based on that review, we recommend that it be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by the ADR Office if the Commission approves the Recommendation in this Memorandum. OGC concurs in the description of this matter, and that it not be returned to OGC for further action.

ADR Case: ADR 393

Source No. MUR 5891

Respondents:
Beaufort County South Carolina
Republican Party,
Norma G. Stewart, Treasurer

Respondents' Rep.:
Norma G. Stewart

Complainant(s): Randolph H. Bates

Committee Name: Beaufort County South Carolina
Republican Party

Date Complaint Filed: 12/21/06

Committee Type: Unregistered Local Party
Organization

Date Forwarded to ADRO: 5/16//07

Election Cycle: 2006

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Summary and Discussion of Case: Qualified state and local party committees financing political activity in connection with federal and non-federal election must report certain types of activity specifically defined under the law as federal election activity (“FEA”). At issue here is FEA Type III. The Act defines this type of FEA as, *inter alia*, public communications that refer to a clearly identified candidate and promotes or supports, or attacks or opposes any candidate for federal office. The FEA reporting requirements, however, are not triggered unless an organization qualifies as a political committee in the first place.

In addition to reporting requirements, the FECA directs that certain types of public communications by political committees (here print communications) must contain written disclaimers. The disclaimer requirements also apply to other kinds of public communications from entities other than political committees including any communication soliciting contributions, electioneering communications, and those communications containing express advocacy.

In this case, Complainant alleges that Beaufort County South Carolina Republican Party and Norma G. Stewart, Treasurer (“Respondents or Beaufort County”) failed to report certain FEA Type III advocating the election of a federal candidate with respect to: (i) advertisements in local newspapers, (ii) a mailer of 500 letters, (iii) emails, (iv) phone bank operations and (v) campaign flyers. Complainant also alleged that the newspaper ads lack the proper written disclaimers; that the phone banks were funded by the Beaufort County’s state campaign account; and that Beaufort County made a contribution to a federal candidate.

In response, Beaufort County explain that the cost of all the activities enumerated by Complainant cost well below the \$1000 threshold for political committee status. Specifically, Respondents assert that the cost of the activities attributable to campaigning for the one federal candidate out all the 33 republican candidates were as follows: \$192.21 for the newspaper ads; \$13.08 for the 700 letters mailed; no cost for the emails transmitted to the Beaufort County Republican Party database; \$39.83 for the phone banks, \$8.56 for the printing and distribution of the flyers. Respondents also contend that the contribution for the federal candidate, a check of \$100, was returned to them and voided. In addition, Respondents assert that the newspaper ads comported with the FECA’s disclaimer requirements.

RECOMMENDATION:

- 1. Dismiss ADR 393/MUR 5891 and close the file.**

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