



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4088

DATE FILMED 12-12-95 CAMERA NO. 2

CAMERAMAN JmN

95043701150

RICHARD E. ULBRICHT
79 Southwind Dr.
Wallingford, Conn.
06492

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE
OCT 17 9 34 AM '94

ATTENTION:

MUR 4088

FEDERAL ELECTION COMMISSION

FORMAL COMPLAINT:

PLAINTIFF;

RICHARD E. ULBRICHT
CANDIDATE 3rd CONGRESSIONAL DISTRICT
CONNECTICUT

DEFENDANTS:

REPUBLICAN NOMINATING COMMITTEE DIRECTORSHIP
3rd CONGRESSIONAL DISTRICT
PAST & NEW CHAIRMAN
ANDREW BRAVO, ATTY. ARNOLD THE
1994 REPUBLICAN NOMINEE FOR STATE ATTY GENERAL

CHARGES AS FOLLOWS:

On June 19th the nominating committee for the third congressional district in the state of Connecticut met to nominate a candidate for the third congressional district.

I Richard E. Ulbricht had secured enough supporting delegate votes for the nomination to be placed into a primary election on September 13, 1994.

What turned out on June 19, 1994 was not a fair election process nomination but a rigged kangaroo court style nomination that had all the earmarks of a prearranged deal made by a local attorney who was the soon to be nominated Republican State Attorney Candidate Atty. Arnold, in order to foster his own name recognition with the minority voters. By meeting prior to the convention with a Minority Women Attorney and secretly meeting with a handful of delegates succeeded in rigging the nomination. In that delegates were convinced that they had to vote in a block vote, the nomination process did not last two minutes. Many of the delegates that voted for the candidate as directed did not even realize what had just transpired, and many even after the nomination could not understand what had taken place. Some did not understand, why I was not introduced, or why I was not asked to speak and to present my platform and my name placed into nomination to be voted on by delegates. This in itself constitutes unfair election procedures and it was best worded in the press as a Kangaroo Court style nomination.

OCT 17 12 47 PM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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PAGE 2

**COMPLAINT FROM RICHARD E. ULBRICHT
VS NOMINATING COMMITTEE :(3rd Congressional District Connecticut)**

I Richard E. Ulbricht as registered congressional candidate for the 3rd congressional district in the state of Connecticut claim that discrimination was present do to the fact that I was not allowed to speak or to say anything during the nomination proceedings nor was my presence even acknowledged by Atty Arnold the acting directorship for the nominating committee. The nominated candidate for congress Atty Susan Johnson had not filed any formal papers with the federal election commission. Even if only as a formality a candidate for federal office usually does file with the federal election commission.

Situations of this nature introduce reverse race relationship if a candidate for another office utilizes a minority individual in order to enhance their own political name recognition for any political office. Yet we now find the candidate Susan Johnson claiming discrimination when the incumbent Democratic candidate refuses to meet with her for a televised debate that has been formulated by a Republican Committee in Washington.

Based on the acts that transpired on June 19, 1994 at this time I Richard E. Ulbricht request a full Federal Grand Jury investigation into the actions taken by the directorship of the nominating committee for the 3rd Congressional District of Connecticut. That I be placed on the ballot for the November election as an independent Republican Candidate thru judicial procedure State and Federal or that the nomination for the 3rd Congressional District be declared null and void and decertified.

That if it is proven that the Republican Party of the State of Connecticut has involved itself in any rigged election procedure, and utilized reverse discrimination, that those involved be tried for their actions by the courts of this nation. In order to prevent this from taking place in the State of Connecticut in the future to any other candidate again.

I hereby swear that the contents of this document are true to the best of my knowledge and ability.

Attested to and by: NOTARY

Subscribed and Sworn before me this 10 Day of OCT 1994

Bernadette J. Ambrosino

BERNADETTE J. AMBROSINO
NOTARY PUBLIC, State of New York
No. 4525264-Nassau County
Commission Expires 9-30-96

Plaintiff;

Richard E. Ulbricht
RICHARD E. ULBRICHT

c/c U.S. Atty General
c/c New York Times

Candidate 3rd Congressional District Connecticut October 11, 1994

95043701152



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 24, 1994

Richard E. Ulbricht
79 Souhtwind Drive
Wallingford, CT 06492

RE: MUR 4088

Dear Mr. Ulbricht:

This letter acknowledges receipt on October 17, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4088. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

95043701133



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

October 24, 1994

Susan E. Johnson
P.O. Box 6169
Hamden, CT 06517

RE: MUR 4088

Dear Ms. Johnson:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4088. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary J. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

OCT 26 4 06 PM '95

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR 4088

DATE COMPLAINT FILED: 10/17/94

DATE OF NOTIFICATION: 10/24/94

DATE ACTIVATED: 8/29/95

STAFF MEMBER: Dawn M. Odrowski

COMPLAINANT: Richard E. Ulbricht

RESPONDENT: Susan E. Johnson

RELEVANT STATUTES: 2 U.S.C. § 432(e)(1)
2 U.S.C. § 433
2 U.S.C. § 431(2)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a complaint filed by Richard E. Ulbricht alleging that Susan E. Johnson, the 1994 Republican candidate for Congress in Connecticut's Third Congressional District, failed to file a Statement of Candidacy or Statement of Organization upon becoming the party nominee.¹ Ms. Johnson, who was unopposed in the primary and lost in the general election, has not responded to the complaint.

¹ Richard Ulbricht filed a Statement of Candidacy with the Commission as a Republican candidate for the Third Congressional District on April 29, 1994, about two months before the Republican nominating convention at which Ms. Johnson was selected as the Republican nominee. Mr. Ulbricht's complaint also contains allegations relating to the conduct of the nominating convention, none of which fall within the Commission's jurisdiction.

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II. FACTUAL AND LEGAL ANALYSIS

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The Federal Election Campaign Act of 1971, as amended ("the Act"), requires each candidate for federal office to designate in writing a political committee to serve as the candidate's principal campaign committee. 2 U.S.C. § 432(e)(1). Such designation must be made no later than 15 days after becoming a candidate. *Id.* A candidate designates his or her principal campaign committee by filing a Statement of Candidacy containing, *inter alia*, the individual's name, the office sought, the district and state in which the office is sought and the name and address of the candidate's principal campaign committee. 11 C.F.R. § 101.1(a). Each principal campaign committee must then file a Statement of Organization within 10 days after designation. 2 U.S.C. § 433 and 11 C.F.R. § 102.1(a). An individual is deemed a candidate for purposes of the Act when she has received contributions or made expenditures aggregating in excess of \$5,000 or gives her consent to another person to do so. 2 U.S.C. § 431(2).

According to the complainant, Ms. Johnson had not filed "any formal papers" with the Federal Election Commission at the time she was apparently nominated by the Republican Party nominating committee on June 19, 1994. The primary election in Connecticut was held on September 13, 1994.

An examination of Commission disclosure documents shows that Ms. Johnson filed a Statement of Candidacy and a Statement of Organization designating the Committee to Elect Johnson '94 ("the Committee") as her principal campaign committee on July 11, 1994. Although the filing of these Statements occurred several weeks after the party's apparent nomination of Ms. Johnson, a candidate's nomination is not the event which triggers a candidate's registration requirement under the Act. Rather, a person becomes a candidate and

triggers the registration requirement when the candidate or her agent accept contributions or make expenditures in excess of \$5,000. 2 U.S.C. §§ 432(e) and 431(2). See also Advisory Opinion 1987-32. A review of the Committee's disclosure reports reveal that Ms. Johnson did not reach the \$5,000 threshold until approximately mid-September 1994. Indeed, the Committee's first report, the 1994 July Quarterly covering the period of May 28 1994 to July 15, 1995, shows contributions and expenditures of only \$1,663, well below the \$5,000 threshold.² Nevertheless, Ms. Johnson filed Statements of Candidacy and Organization during this period.

Therefore, based on the foregoing, this Office recommends that the Commission find no reason to believe that Susan E. Johnson violated 2 U.S.C. §§ 432(e) and 433.


III. **RECOMMENDATIONS**

1. Find no reason to believe that Susan E. Johnson violated 2 U.S.C. §§ 432(e) and 433.
2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble
General Counsel

10/26/95
Date

BY:


Lois G. Lerner
Associate General Counsel

² All of this activity was in the form of in-kind contributions from the candidate and two individuals.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Susan E. Johnson.

)
)
) MUR 4088
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 1, 1995, the Commission decided by a vote of 5-0 to take the following actions in MUR 4088:

1. Find no reason to believe that Susan E. Johnson violated 2 U.S.C. §§432(e) and 433.
2. Approve the appropriate letters, as recommended in the General Counsel's Report dated October 26, 1995.
3. Close the file.

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

11-1-95

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Thurs., Oct. 26, 1995 4:06 p.m.
Circulated to the Commission: Fri., Oct. 27, 1995 12:00 p.m.
Deadline for vote: Wed., Nov. 01, 1995 4:00 p.m.

lrd

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 13, 1995

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Richard E. Ulbricht
79 Southwind Drive
Wallingford, CT 06492

RE: MUR 4088
Susan E. Johnson

Dear Mr. Ulbricht:

On November 1, 1995, the Federal Election Commission reviewed the allegations of your complaint dated October 17, 1995, and found that on the basis of the information provided in your complaint there is no reason to believe Susan E. Johnson violated 2 U.S.C. §§ 432(e) and 433. Accordingly, on November 1, 1995, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "L. G. Lerner", written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosures
GC Report
Certification of Commission action

95043701160



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

November 13, 1995

Susan E. Johnson
P.O. Box 6169
Hamden, CT 06517

RE: MUR 4088

Dear Ms. Johnson:


On October 24, 1994, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On November 1, 1995, the Commission found, on the basis of the information in the complaint that there is no reason to believe you violated 2 U.S.C. §§ 432(e) and 433. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
GC Report

95043701161



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4088

DATE FILMED 12-12-95 CAMERA NO. 2

CAMERAMAN JMH

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