




FEDERAL ELECTION COMMISSION  
Washington, DC 20463

May 11, 2004

**MEMORANDUM**

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Allan D. Silberman   
Director, ADR Office

SUBJ: Case for ADR Activation

On April 23, 2004 the ADR Office received from OGC MUR 5407 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 166**, is appropriate for ADR and recommend that it be assigned to the ADR Office.

**ADR 166/MUR 5407:** The complaint alleges that the Respondents, George Anderson, Citizens for Anderson and Marilyn Anderson, Treasurer, failed to follow instructions when completing and subsequently filing in December 2003 the Statement of Organization. Respondents are cited for numerous reporting errors including filing inaccurate and incomplete reports with the Commission, violations of 2 U.S.C. §§ 432(e)(1), 433(a) and 434(a) and 11 C.F.R §§ 101.1(a), 102.1(b), 104.5 and 104.14(d). Respondents acknowledged the reporting errors and further acknowledged Complainant's role in bringing to their attention the inaccuracies in their reports. Respondents corrected their reports and filed amended reports with the Commission on January 30, 2004.

Attached for the Commission's review is the *ADR Case Analysis Report* on **ADR 166** along with copies of the EPS Rating and ADR Rating Sheets. The *Case Analysis Report* includes an analysis of the case and a description of the issues that the ADR Office anticipates addressing if the case is assigned to ADR. In addition, the Report has been reviewed by OGC, which concurs in the description of the case.

**Recommendation:** We recommend that **ADR 166/MUR 5407** be assigned to ADR Office for processing

## ADR CASE ANALYSIS REPORT

ADR Case # 166

MUR: 5407

OGC Case Open Date: 2-2-04

Date Forwarded to ADRO: 4-23-04

Date Reviewed by ADRO: 5-6-04

Respondents: Citizens for Anderson

George Anderson

Marilyn Anderson, Treasurer

Respondents Rep: George Anderson

Committee Type: Authorized

Committees' Name: Citizens for Anderson

District #/or State: GA US Senate

Election Cycle: 2004

Complainant: Mark W. Wortham, Esq.

**Summary of Matter:** Complaint alleges that George Anderson and his campaign committee, Citizens for Anderson, failed to follow instructions in completing and subsequently filing its Statement of Organization in December 2003. Respondents are cited for alleged failure to file timely a Statement of Organization, filing an incomplete Statement of Organization, failing to designate and obtain the signature of Treasurer, failure to list the Committee's web address, improperly identifying the Committee as a "separated segregated fund," failure to disclose the Committee's Custodian of campaign records, and failing to identify the Committee's bank depository.

**Respondents' Reply:** Respondent Anderson acknowledged filing an incomplete Statement of Organization and further acknowledged Complainant's role in bringing the reporting errors to his attention. Respondent notes that he was unaware of the incomplete reporting until the complaint was forwarded to him. Respondent Anderson corrected and subsequently filed, on January 30, 2004, an amended report with the US Senate and Commission.

**Alleged Violations:** 2 U.S.C. §§ 432(e)(1), 434(a) and 11 C.F.R. §§ 101.1(a), 104.5, and 104.14(d).

**Issues:**

- Designation of principal campaign committee – 2 U.S.C. § 432(e)(1) and C.F.R. § 101.1(a)
- Filing of statement of organization – 2 U.S.C. § 433(a) and 11 C.F.R. § 102.1(b)
- Corrections to statement of organization – 2 U.S.C. 433(c) and 11 C.F.R. 102.2(a)(2)
- Filing of reports by campaign committees – 2 U.S.C. § 434(a) and 11 C.F.R. § 104.5
- Reporting responsibilities of treasurers – 11 C.F.R. § 104.14(d)

**Analysis:** The instructions for filing a Statement of Organization, FEC Form 1, are explicit as are the reporting requirements for campaign committees and treasurers. The guidance that accompanies FEC Form 1 provides line-by-line instructions and addresses each of the issues raised in the complaint. Respondent Anderson's reply makes clear his oversight in completing the Statement of Organization, his lack of understanding of the responsibility of Treasurers to file timely and complete reports and his failure to provide accurate information in those reports.

**Recommendation:** Assign to ADR X

24.19.025.3545