FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 502

DATE FILMED 10/8/98 CAMERA NO. 2

CAMERAMAN EES

9900439000042

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: December 23, 1991

ANALYST: Robert B. DiNardo

I. COMMITTEE: California Democratic Voter Checklist
(C00244525)
Clinton Reilly, Treasurer
704 Sansome Street
San Francisco, CA 94111

II. RELEVANT STATUTE: 2 U.S.C. §441a(f)

III. BACKGROUND:

Apparent Excessive Contributions Received from an Individual

The California Democratic Voter Checklist (the "Committee") received a total of $476,149 in five (5) contributions from one (1) individual. These contributions were in the form of a line of credit made to the Committee by the individual during the calendar years 1990 and 1991. The Committee also made a total of $854,923 in fifteen (15) payments to the one (1) individual during calendar years 1990 and 1991 (see chart).

On August 2, 1991, the Committee filed its 1991 Mid-Year Report which disclosed two (2) receipts totaling $141,149 from one (1) individual. These receipts were reported on Line 17 (Other Federal Receipts). The Committee also disclosed two (2) disbursements totaling the same amount to one (1) individual on Schedule B in support of Line 29 (Other Disbursements) (Attachment 2). Both receipts and disbursements occurred on the same dates, and were described as "partial repayment of capitalization."

On October 23, 1991, a Request for Additional Information ("RFAI") was sent to the Committee. The RFAI asked the Committee to clarify the $141,149 in receipts and disbursements (Attachment 3).

9804390043

On November 6, 1991 Mr. Peter Bagatelos, an attorney representing the Committee, called the Reports Analysis Division ("RAD") analyst. Mr. Bagatelos told the RAD analyst the $141,149 was a line of credit made to Clinton Reilly. He said the Committee was a slate mailer and, for all intents and purposes, was Clinton Reilly. The RAD analyst told Mr. Bagatelos this matter may pose a problem, since a committee was limited to a $5,000 annual contribution limit, including loans received, from individuals. The RAD analyst said he would call Mr. Bagatelos back to offer advice (Attachment 4).

On November 13, 1991, the RAD analyst called Mr. Bagatelos and told him to send the Commission a written response. The RAD analyst also told Mr. Bagatelos the Committee should continue reporting this activity as it has been doing until he receives further advice from the Commission (Attachment 4).

On November 14, 1991, a Second Notice was sent to the Committee for failure to respond in writing to the RFAI (Attachment 5).

On November 27, 1991, the Commission received a written response. The Committee stated Clinton Reilly "arranged" a line of credit to be used for paying the initial expenses of producing the slate mailer. As participating candidates and committees purchased space, funds became available to produce the slate mailer. Subsequently, the Committee paid down the line of credit with payments to Clinton Reilly and the bank issuing the line of credit. The Committee also stated such payments were reported on previous reports filed with the Commission (Attachment 6).

Upon further review of the Committee's reports filed in 1990, RAD discovered the Committee received a total of $335,000 in three (3) receipts from the same individual (see chart). The Committee also made thirteen (13) disbursements totaling $713,774 to that same individual. The receipts were described as "capitalization of Calif Democratic Voter Checklist," while the disbursements were described as "partial repayment of capitalization".

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
1991-1992
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

COMMITTEE	DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER		
CALIFORNIA DEMOCRATIC VOTER CHECKLIST						ID #C00244525 NON-PARTY NON-QUALIFIED		
CONNECTED ORGANIZATION: NONE								
1991	MID-YEAR REPORT	146,649		141,460		1JAN91 -30JUN91	5	91FEC/708/3780
	MID-YEAR REPORT - AMENDMENT	-		-		1JAN91 -30JUN91	6	91FEC/721/2292
	REQUEST FOR ADDITIONAL INFORMATION					1JAN91 -30JUN91	2	91FEC/716/0089
	REQUEST FOR ADDITIONAL INFORMATION 2ND					1JAN91 -30JUN91	3	91FEC/717/2907
	TOTAL	146,649	0	141,460	0		16	TOTAL PAGES

All reports listed have been reviewed.

Ending cash-on-hand as of 6/30/91: $5696

Debts and obligations owed to the committee as of 6/30/91: $0

Debts and obligations owed by the committee as of 6/30/91: $0

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FEDERAL ELECTION COMMISSION
1989-1990
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

COMMITTEE / DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			TYPE OF FILER		
CALIFORNIA DEMOCRATIC VOTER CHECKLIST			ID #C00244525	NON-PARTY NON-QUALIFIED	
CONNECTED ORGANIZATION: NONE					
1990 STATEMENT OF ORGANIZATION			7MAY90	2	90FEC/639/0053
REQUEST FOR ADDITIONAL INFORMATION			30MAY90	1	90FEC/641/4217
STATEMENT OF ORGANIZATION - AMENDMENT			12JUN90	2	90FEC/642/1357
PRE-PRIMARY	147,191	123,035	1JAN90 -16MAY90	11	90FEC/641/3635
MID-YEAR REPORT	527,600	548,939	17MAY90 -30JUN90	32	90FEC/650/0294
OCTOBER QUARTERLY	460,275	165,574	1JUL90 -30SEP90	9	90FEC/664/4499
POST-GENERAL	1,157,855	1,452,154	10CT90 -26NOV90	56	90FEC/677/2864
YEAR-END	6,084	8,796	27NOV90 -31DEC90	6	91FEC/686/3506
TOTAL	2,299,005	0 2,298,498	0	119	TOTAL PAGES

All reports listed have been reviewed.

Ending cash-on-hand as of 12/31/90: $507

Debts and obligations owed to the committee as of 12/31/90: $0

Debts and obligations owed by the committee as of 12/31/90: $0

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DETAILED SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS
PAGE 2, FEC FORM 3X

(revised 1/1/91)

NAME OF COMMITTEE: CALIFORNIA DEMOCRATIC VOTER CHECKLIST

REPORT COVERING PERIOD FROM 1/1/91 TO 6/30/91

	COLUMN A Total This Period	COLUMN B Calendar Year
I. Receipts		
11. Contributions (other than loans) From:		
a. Individual/Persons Other Than Political Committees		
i. Itemized (use Schedule A)		
ii. Unitemized		
iii. Total (add i and ii) ➤		
b. Political Party Committees		
c. Other Political Committees (such as PACs)		
d. Total Contributions (add a iii, b and c) ➤	-0-	-0-
12. Transfers From Affiliated/Other Party Committees	-0-	-0-
13. All Loans Received	-0-	-0-
14. Loan Repayments Received	-0-	-0-
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.)	-0-	-0-
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees	-0-	-0-
17. Other Federal Receipts (Dividends, Interest, etc.)	146,649	146,649
18. Transfers from Nonfederal Account for Joint Activity	-0-	-0-
19. Total Receipts (add 11d, 12, 13, 14, 15, 16, 17, and 18) ➤	146,649	146,649
20. Total Federal Receipts (subtract line 18 from line 19) ➤	-0-	-0-
II. Disbursements		
21. Operating Expenditures		
a. Shared Federal/Non-Federal Activity (from Schedule H4)		
i. Federal Share		
ii. Non-Federal Share		
b. Other Federal Operating Expenditures		
c. Total Operating Expenditures (Add a i, a ii, and b) ➤	-0-	-0-
22. Transfers to Affiliated/Other Party Committees	-0-	-0-
23. Contributions to Federal Candidates/Committees and Other Political Committees	-0-	-0-
24. Independent Expenditures (use Schedule E)	-0-	-0-
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F)	-0-	-0-
26. Loan Repayments Made	-0-	-0-
27. Loans Made	-0-	-0-
28. Refunds of Contributions To:		
a. Individuals/Persons Other Than Political Committees		
b. Political Party Committees		
c. Other Political Committees (such as PACs)		
d. Total Contribution Refunds (Add a, b and c)	-0-	-0-
29. Other Disbursements	141,460	141,460
30. Total Disbursements (add 21c, 22, 23, 24, 25, 26, 27, 28d, and 29) ➤	141,460	141,460
31. Total Federal Disbursements (subtract line 21 a ii from line 30) ➤	-0-	-0-
III. Net Contributions/Operating Expenditures		
32. Total Contributions (other than loans)(from line 11d)	-0-	-0-
33. Total Contribution Refunds (from line 28d)	-0-	-0-
34. Net Contributions (other than loans)(subtract line 33 from 32)	-0-	-0-
35. Total Federal Operating Expenditures (add 21 a i and 21 b) ➤	-0-	-0-
36. Offsets to Operating Expenditures (from line 15)	-0-	-0-
37. Net Operating Expenditures (subtract line 36 from 35) ➤	-0-	-0-

RD

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SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
CALIFORNIA DEMOCRATIC VOTER CHECKLIST

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Farrell for Assembly 444 S, Occidental Blvd. Los Angeles, CA 90057 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Participation in Slate Mail Program Occupation Aggregate Year-to-Date $ 2,000	3/5/91	2,000
B. Committee to Re-elect Doris M. Ward in 1990 370 Turk St., #41 San Francisco, CA 94102 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Participation in Slate Mail Program Occupation Aggregate Year-to-Date $ 3,500	5/3/91	3,500
C. Clinton Reilly paid through Union Bank 704 Sansome Street San Francisco, CA 94111 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Partial Repayment of Capitalization Occupation Aggregate Year-to-Date $	3/15/91 6/15/91	7,068 134,081
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date $	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date $	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date $	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date $	Date (month, day, year)	Amount of Each Receipt this Period

RD

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	146,649.00

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7 1 0 3 7 0 8 3 7 8 2

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 29

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
CALIFORNIA DEMOCRATIC VOTER CHECKLIST

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
David Spisak 1601 Alhambra Blvd. Sacramento, CA 95816	Slate Card Refund - Candidate not on card	3/6/91	203 RD
B. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Clinton Reilly paid through Union Bank	Partial Repayment of Capitalization	3/15/91 6/15/91	7,068 134,081
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	
TOTAL This Period (last page this line number only)	141,352

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1 0 3 7 0 8 3 7 8 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

OCT 23 1991

Clinton Reilly, Treasurer
California Democratic Voter
Checklist
704 Sansome Street
San Francisco, CA 94111

Identification Number: C00244525

Reference: Mid-Year Report (1/1/91-6/30/91)

Dear Mr. Reilly:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

RD

-Please clarify the $141,149 receipt and disbursement labelled "partial repayment of capitalization."

-Your report discloses no payments for administrative expenses. Administrative expenses are payments made for the purpose of operating a political committee including, but not limited to, rent, utilities, salaries, telephone service, office equipment and supplies. Any such payments to a person aggregating in excess of $200 in a calendar year must be disclosed on Schedule B, supporting Line 19 of the Detailed Summary Page. (2 U.S.C. §434(b)(5)) In addition, if expenses have been incurred but not paid in a reporting period, the activity should be disclosed as a debt on Schedule D, if the obligation is $500 or more, or outstanding for sixty (60) days or more. 11 CFR §104.11

If these expenses are being paid by a connected organization, your Statement of Organization must be amended to reflect this relationship. 2 U.S.C. §433(b)(2)

PLEASE NOTE: Should your committee have a non-federal account(s), these administrative expenses MUST be disclosed on Lines 18, 21(a)(i) and 21(a)(ii) of the Detailed Summary Page and Schedules H2, H3 and H4 (and possibly Schedule H1 if it has not previously been filed). (See 11 CFR §106.6(b)(2)(i).

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Any goods or services provided to your committee by a person, except volunteer activity (i.e., a person's time), would be considered an in-kind contribution from that person, and would be subject to the disclosure requirements of 2 U.S.C. §434(b)(3) and 11 CFR §104.13, and the limitations and prohibitions of 2 U.S.C. §§441a and 441b.

Please provide clarification regarding administrative expenses incurred by your committee and/or amend your report to disclose such expenses according to the referenced provisions of the Act and Commission Regulations. Clarification regarding administrative expenses should be disclosed during each two year election cycle beginning with the first report filed in the non-election year.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Robert D. Nardo

Robert B. DiNardo
Reports Analyst
Reports Analysis Division

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91037160090

Attachment A

TELEPHONE LOG

Committee: California Democratic Voter Checklist C00244525

Contact: Peter Bagatelos

Date: November 6 and November 13, 1991

Analyst: Robert B. DiNardo

Subject: 1991 Mid-Year Report

Mr. Bagatelos called at 3:00 regarding the 1991 Mid-Year Report. He told me the $141,149 disbursement I questioned the committee about was a line of credit made to Clinton Reilly, who owns the committee. I asked Mr. Bagatelos why the line of credit was not made to the committee. He said the committee, for all intents and purposes, was Clinton Reilly. Mr. Bagatelos said this entity was a for-profit slate mailer that was required to register with the Commission because it engages in independent expenditures on behalf of federal candidates.

I told Mr. Bagatelos this matter may pose a problem for the committee, since contributions (loans) made to a committee by an individual was limited to a $5000 annual limit. I told him I wanted to research this matter before I would give him advice on how to respond, and would contact him later.

On November 13 I called Mr. Bagatelos and told him to send a written response to the Commission outlining what he told me the other day. I also told Mr. Bagatelos the committee should continue reporting this activity as it has been doing until he receives further advice from the Commission.

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Attachment 5

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

RQ-3

November 14, 1991

Clinton Reilly, Treasurer
California Democratic Voter
Checklist
704 Sansome Street
San Francisco, CA 94111

Identification Number: C00244525

Reference: Mid-Year Report (1/1/91-6/30/91)

Dear Mr. Reilly:

This letter is to inform you that as of November 13, 1991, the Commission has not received your response to our request for additional information, dated October 23, 1991. That notice requested information essential to full public disclosure of your federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Robert DiNardo on our toll-free number (800) 424-9530 or our local number (202) 219-3580.

Sincerely,

John D. Gibson

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure

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Attachment 6
Pg. 1 of 6

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 NOV 27 AM 10:03

LAW OFFICES OF
BAGATELOS & FADEM
THE INTERNATIONAL BUILDING
601 CALIFORNIA STREET
SUITE 1001
SAN FRANCISCO, CALIFORNIA 94108

BARRY FADEM
PETER A. BAGATELOS

TELEPHONE
(415) 982-7100
FAX
(415) 982-1085

November 26, 1991

Mr. Robert B. DiNardo
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: Clinton Reilly, Treasurer and California Democratic Voter Checklist ID #C00244525

Dear Mr. DiNardo:

This firm represents Clinton Reilly. We have been asked by Mr. Reilly to respond to your letters to Mr. Reilly as Treasurer of the California Democratic Voter Checklist. A copy of your letters, dated October 23 and November 14, 1991, is enclosed herewith.

After receiving your initial letter, I spoke with you by telephone on November 6, 1991. Based on information provided by my client, I generally explained to you regarding the two matters raised in your letter. There were some aspects of our discussion that required further checking by you. You therefore advised me to wait until the following week for you to get back to me. You told me the deadline to provide a written response would be extended another 15 days or through December 2, 1991.

On November 13, 1991, you called and advised me to send a written response to your letter, essentially summarizing the explanation I had provided by telephone on November 6, 1991. I am pleased to do so on behalf of my client.

RD

The California Democratic Voter Checklist (CDVC) is a for-profit function involving the preparation and distribution of slate mailers that contain both federal candidates and California state and local candidates and measures. CDVC is totally owned by Clinton Reilly, who owns the office building in which the slate mailer is prepared. CDVC is not a traditional federal political committee. I described it to you as being like a "dba" or "alter ego" of Clinton Reilly.

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Mr. Robert B. DiNardo
November 26, 1991
Page 2

RD

It is our understanding that, because federal candidates are included not at their behest in a certain manner in the mailer, a portion of the value of the slate mailer services must be allocated as independent expenditures for non-paying federal candidates. This requires a commercial enterprise like CDVC to register as a federal committee and file periodic disclosure statements. In general conversations previously that I had last year with Lisa Stolaruk at the FEC, I determined that this is the proper procedure that must be followed by such an entity. Such for-profit slate mailer entities are fairly common and do not fit the standard committee descriptions and regulations under the F.E.C.A. You even acknowledged to me that your office has not run across this situation before and, therefore, you want to be sure to give us correct and consistent guidance.

Clinton Reilly arranged for a line of credit at Union Bank and these funds were used to pay the initial expenses of producing the slate mailer. Later, candidates and committees wishing to participate in the slate mailer paid CDVC for the space utilized in the mailer. These persons and entities received advertising services equal in value to the amounts they paid. As funds became available to not only satisfy the costs of production, CDVC also paid down the line of credit with payments to Clint Reilly and Union Bank. $141,149.00 was paid to Union Bank on behalf of Clint Reilly to fully satisfy the amounts borrowed. All payments relating to this capitalization were reported on various reports filed since last year.

The expenses of producing the slate mailers were paid by CDVC as they have been incurred. Prior reports of CDVC have disclosed appropriate administrative costs that were paid. In a non-election year like 1991, the slate mailer function is dormant and no administrative costs have been incurred. As further administrative costs may be incurred, they will be properly reported, as before. However, it is my understanding that the CDVC will soon be terminated. There is no connected organization involved, nor are there any non-federal accounts or in-kind contributions involved. The FEC Form 3, filed for the period January 1 through June 30, 1991, included the appropriate items for disclosure.

With respect to the above explanation, you said that you checked with Lisa Stolaruk, who had checked with the Office of General Counsel (OGC) last year regarding reporting by such slate mail committees, and you advised that CDVC should keep reporting in the same way unless otherwise notified. You acknowledged that CDVC has been reporting the repayments on the capitalization since last year, which no one previously questioned, and your office did not see any issues or problems at this time. You stated we did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble.

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We trust that this response fully responds to your questions. Please feel free to contact me if you need any further clarifications.

Very truly yours,

Peter A. Bagatelos

Peter A. Bagatelos

cc: Clint Reilly

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

November 14, 1991

Clinton Reilly, Treasurer
California Democratic Voter
Checklist
704 Sansome Street
San Francisco, CA 94111

Identification Number: C00244525

Reference: Mid-Year Report (1/1/91-6/30/91)

Dear Mr. Reilly:

This letter is to inform you that as of November 13, 1991, the Commission has not received your response to our request for additional information, dated October 23, 1991. That notice requested information essential to full public disclosure of your federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Robert DiNardo on our toll-free number (800) 424-9530 or our local number (202) 219-3580.

Sincerely,

John D. Gibson

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure

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RECEIVED NOV 1 9 1991

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

OCT 23 1991

Clinton Reilly, Treasurer
California Democratic Voter
Checklist
704 Sansome Street
San Francisco, CA 94111

Identification Number: C00244525

Reference: Mid-Year Report (1/1/91-6/30/91)

Dear Mr. Reilly:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please clarify the $141,149 receipt and disbursement labelled "partial repayment of capitalization."

-Your report discloses no payments for administrative expenses. Administrative expenses are payments made for the purpose of operating a political committee including, but not limited to, rent, utilities, salaries, telephone service, office equipment and supplies. Any such payments to a person aggregating in excess of $200 in a calendar year must be disclosed on Schedule B, supporting Line 19 of the Detailed Summary Page. (2 U.S.C. §434(b)(5)) In addition, if expenses have been incurred but not paid in a reporting period, the activity should be disclosed as a debt on Schedule D, if the obligation is $500 or more, or outstanding for sixty (60) days or more. 11 CFR §104.11

If these expenses are being paid by a connected organization, your Statement of Organization must be amended to reflect this relationship. 2 U.S.C. §433(b)(2)

PLEASE NOTE: Should your committee have a non-federal account(s), these administrative expenses MUST be disclosed on Lines 18, 21(a)(i) and 21(a)(ii) of the Detailed Summary Page and Schedules H2, H3 and H4 (and possibly Schedule H1 if it has not previously been filed). (See 11 CFR §106.6(b)(2)(i).

Any goods or services provided to your committee by a person, except volunteer activity (i.e., a person's time), would be considered an in-kind contribution from that person, and would be subject to the disclosure requirements of 2 U.S.C. §434(b)(3) and 11 CFR §104.13, and the limitations and prohibitions of 2 U.S.C. §§441a and 441b.

Please provide clarification regarding administrative expenses incurred by your committee and/or amend your report to disclose such expenses according to the referenced provisions of the Act and Commission Regulations. Clarification regarding administrative expenses should be disclosed during each two year election cycle beginning with the first report filed in the non-election year.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Robert D. Nardo

Robert R. DiNardo
Reports Analyst
Reports Analysis Division

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APPARENT EXCESSIVE CONTRIBUTIONS

Report	Date	Receipt	Disbursement	Attachment
1990:				
12 Day Pre-Primary (1/1 - 5/16)	04/20	$ 97,000		A1
Mid-Year (5/17 - 6/30)	05/25		$ 1,024	A3
	05/29	$105,000		A2
	06/25		$ 1,959	A3
	06/29		$ 69,000	A3
October Quarterly (7/1 - 9/30)	07/31		$ 1,250	A5
	07/31		$ 1,267	A5
	08/01		$ 100	A5
	08/03	$133,000		A4
	08/31		$ 1,164	A5
	08/31		$133,000	A5
30 Day Post-General (10/1 - 11/26)	10/01		$ 1,247	A6
	10/29		$ 1,288	A6
	11/09		$500,000	A6
	11/21		$ 1,247	A7
Year End (11/27-12/31)	12/31		$ 1,228	A8
1991:				
Mid-Year (1/1 - 6/30)	03/15	$ 7,068	$ 7,068	2
	06/15	$134,081	$134,081	2

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Attachment A1

SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 6 OF 6

FOR LINE NUMBER 17

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NAME OF COMMITTEE (In Full)

California Democratic Voter Checklist

RD

A. Full Name, Mailing Address and ZIP Code Clinton Reilly 704 Sansome St. San Francisco, CA 94111 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Self-Employed Capitalization of Calif. Democratic Voter Checklist Occupation Consultant Aggregate Year-to-Date > $ 97,000	Date (month, day, year) 4/20/90	Amount of Each Receipt this Period 97,000
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period

TOTAL of Receipts This Page (optional)	97,0[illegible]
TAL This Period (last page this line number only)	147,141

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Attachment A2

SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 16

FOR LINE NUMBER 17

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NAME OF COMMITTEE (In Full)
California Democratic Voter Checklist

RD

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Clinton Reilly 704 Sansome St. San Francisco, CA 94111 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Self-Employed Capitalization of Calif. Democratic Voter Checklist Occupation: Consultant Aggregate Year-to-Date > $202,000	5/29/90	105,000
Denard D. Davis 2485 E. N. Bear Creek Dr. Merced, CA 95340 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Participation in Slate Mailer Program Occupation: Aggregate Year-to-Date > $200	5/18/90	200
Guardino for Supervisor 16275 Monterey Rd., #O Morgan Hill, CA 95037 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Participation in Slate Mailer Program Occupation: Aggregate Year-to-Date > $500	5/18/90	500
Russo, March & Associates, Inc. P.O. Box 1863 Sacramento, CA 95812 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Participation in Slate Mailer Program For: Yes on B & No on C, Contra Costa County Occupation: Aggregate Year-to-Date > $15,000	5/18/90	15,000
Pete Chacon 1990 Committee 300 Capital Mall, Suite 350 Sacramento, CA 95814 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Participation in Slate Mailer Program Occupation: Aggregate Year-to-Date > $1,500	5/18/90	1,500
Friends of Brad Sherman 550 S. Flower St., 7th Fl. Los Angeles, CA 90071 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Participation in Slate Mailer Program Occupation: Aggregate Year-to-Date > $15,000	5/18/90	15,000
The Crime Victims' California Committee 3151 Airway Ave., No. M-1 Costa Mesa, CA 92626 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Participation in Slate Mailer Program Occupation: Aggregate Year-to-Date > $5,000	5/18/90	5,000

SUBTOTAL of Receipts This Page (optional) 142,200

TOTAL This Period (last page this line number only) .....

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Attachment A3

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Schedule/ for ... of the Detailed Summary Page

PAGE 1 / 4

FOR LINE NUMBER 19

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NAME OF COMMITTEE (In Full)

California Democratic Voter Checklist

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Below, Tobe & Associates 4745 Alla Rd. Marina Del Rey, CA 90292	Computer Services, Printing & Postage Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	5/18/90 5/25/90	65,000 25,000
B. " "	" "	5/29/90 6/19/90	327,624 20,000
C. Jules Glazer 444 S. Occidental Blvd., #421 Los Angeles, CA 90057	Accounting	5/25/90 6/19/90	351 1,581
D. Pinnacle Publishing 55 Osgood Pl. San Francisco, CA 94133	Linos	5/25/90	260
E. Clinton Reilly paid through Union Bank 370 California St. San Francisco, CA 94104	Partial Repayment of capitalization	5/25/90 6/25/90 6/29/90	1,024 1,959 69,000
F. Margaret Muir 1365 Green, #203 San Francisco, CA 94109	Consulting Fee	6/1/90 6/4/90	1,250 350
G. Mark Deamer 1117 Geary Blvd., #305 San Francisco, CA 94109	Reimbursement for Photo scans & fees	6/1/90 5/18/90 6/19/90	137 148 80
H. Nancy Dorsey 10451 Dante Ave. Oakland, CA 94603	Consulting Fee	6/1/90 6/4/90 6/19/90	1,000 225 40
I. Heidi A. Nahser 1868 Page, #2 San Francisco, CA 94117	Consulting Fee	6/4/90	575

SUBTOTAL of Disbursements This Page (optional)	515,604
TOTAL This Period (last page this line number only)	

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Attachment A4

SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 4

FOR LINE NUMBER 17

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NAME OF COMMITTEE (in Full)

California Democratic Voter Checklist

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Susan Hammer for Mayor 1257 W. Hedding St. San Jose, CA 95126 Receipt For: Primary / General / Other (specify):	Participation in Slate Mailer Program Occupation Aggregate Year-to-Date $1,500	7/3/90 9/28/90	300 1,200
B. Ryzak & Associates 1700 E. El Camino Real, #325A San Mateo, CA 94402 Receipt For: Primary / General / Other (specify):	Participation in Slate Mailer Program For: Bob Viera, San Mateo Occupation County Coroner Aggregate Year-to-Date $1,050	7/11/90	300
C. Californians for Bill Press 1601 N. Gower St., #200 Los Angeles, CA 90028 Receipt For: Primary / General / Other (specify):	Participation in Slate Mailer Program Occupation Aggregate Year-to-Date $35,750	7/26/90 9/6/90 9/28/90	750 2,000 500
D. Clinton Reilly 704 Sansome St. San Francisico, CA 94111 Receipt For: Primary / General / Other (specify):	Self-Employed Capitalization of Calif. Democratic Voter Checklist Occupation Consultant Aggregate Year-to-Date $335,000	8/3/90	133,000
E. Californians for New Forestry, sponsosred by The Timber Assoc. of California 1303 J St., #770, Sacramento, CA 95814 Receipt For: Primary / General / Other (specify):	Participation in Slate Mailer Program Occupation Aggregate Year-to-Date $ 200,000	8/27/90 9/14/90 9/27/90	75,000 50,000 75,000
F. California Coordinating Council 111 Anza Blvd., #406 Burlingame, CA 94010 Receipt For: Primary / General / Other (specify):	Participation in Slate Mailer Program For: No on 128 Occupation Aggregate Year-to-Date $ 75,000	9/4/90	75,000
G. John J. Lynch Caucus 190 500 W. Temple St., #320 Los Angeles, CA 90012 Receipt For: Primary / General / Other (specify):	Participation in Slate Mailer Program Occupation Aggregate Year-to-Date $8,000	9/10/90	8,000

SUBTOTAL of Receipts This Page (optional) 421,050

TOTAL This Period (last page this line number only) .....

Attachment A5

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 2

FOR LINE NUMBER 19

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NAME OF COMMITTEE (in Full)

California Democratic Voter Checklist

RD

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
Clinton Reilly Paid through Union Bank 370 California St. San Francisco, CA 94104	Partial Repayment of Capitalization; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	7/31/90 8/1/90 8/31/90	1,267 100 1,167
Clinton Reilly 704 Sansome St. San Francisco, CA 94111	Partial Repayment of Capitalization; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	7/31/90 8/31/90	1,250 133,000
Jules Glazer 444 S. Occidental Blvd., #421 Los Angeles, CA 90057	Accounting; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	8/31/90 8/31/90	2,172 4,070
Olson, Connelly & Hagel 300 Capitol Mal Sacramento, CA 95814	Legal Services; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	8/31/90 8/31/90	2,533 439
Jolie Stokes 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	9/4/90 9/14/90	450 900
Sonja M. Carter 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	9/14/90	900
Marie Clark 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	9/14/90	500
Sharilyn Horne 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	9/14/90	900
Campaign Production Services 704 Sansome St. San Francisco, CA 94111	Reimbursed Expenses; Disbursement for ☐ Primary ☐ General ☐ Other (specify)	9/14/90	1,500

SUBTOTAL of Disbursements This Page (optional) 150,424

TOTAL This Period (last page this line number only) .....

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Attachment AG

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use ... schedule(s) for ... category of the Detailed Summary Page

PAGE 1 OF 7

FOR LINE NUMBER: 19

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

California Democratic Voter Checklist

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Sharilyn Horne 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/1/90 10/15/90 11/1/90	900 900 180
B. Marie Clark 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/1/90 10/15/90 11/1/90	1,000 1,000 1,000
C. Sonja M. Carter 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/1/90 10/15/90 11/1/90	900 900 900
D. Julie Stokes 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee & Reimbursed Expenses Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/1/90 10/15/90 10/18/90	900 900 40
E. Clinton Reilly paid through Union Bank 370 California St. San Francisco, CA 94104	Partial Repayment of Capitalization Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/1/90 10/29/90 11/9/90	1,247 1,288 500,000
F. Rayne Reynolds 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/6/90 10/10/90 10/19/90	200 230 230
G. Below, Tobe & Assoc. 4745 Alla Rd. Marina Del Rey, CA 90292	Computer Services, Printing and Postage Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/2/90 10/2/90 10/18/90	15,329 84,671 100,000
H. Clinton Reilly Communications 704 Sansome St. San Francisco, CA 94111	Reimbursed Expenses Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/3/90 10/19/90 11/15/90	10,000 15,000 7,500
I. Michael Schaefer 1150 Silverado, #111 La Jolla, CA 92037	Refund & Judgement Fee Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/10/90 10/10/90	750 8

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SUBTOTAL of Disbursements This Page (optional)	745,973
TOTAL This Period (last page this line number only)	

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ITEMIZED DISBURSEMENTS

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PAGE 7 OF 7

FOR LINE NUMBER 19

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NAME OF COMMITTEE (in Full)

California Democratic Voter Checklist

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Campaign Production Services 704 Sansome St. San Francisco, CA 94111	Printing & Expenses Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	11/6/90 11/15/90	13,759 7,500
B. Smith Direct Mail 60 Industrial Way Brisbane, CA 94005	Mailhouse Services Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	11/8/90	2,947
C. Charles Seward 132 Ave Princesa San Clemente, CA 92672	Slate Card Sales Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	11/8/90	200
D. Friends of Denny Zane 309 Santa Monica Blvd., #309 Santa Monica, CA 90405	Slate Card Sales Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	11/8/90	4,000
E. Sonja Carter 704 Sansome St. San Francisco, CA 94111	Independent Contractor Fee Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	11/15/90	500
F. Clinton Reilly paid Through Union Bank 370 California St. San Francisco, CA 94104	Partial Repayment of Capitalization Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	11/21/90	1,247
G. No on 128 - The Hayden Initiative 111 Anza Blvd. Burlingame, CA 94010	Commission Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	10/31/90	45,000
H.	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
I.	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		

SUBTOTAL of Disbursements This Page (optional)	75,153
TOTAL This Period (last page this line number only)	1,451,871

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Attachment A8

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 19

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NAME OF COMMITTEE (In Full)

California Democratic Voter Checklist

A. Full Name, Mailing Address and ZIP Code Budget Rent A Car 177 S. Airport Blvd. So. San Francisco, CA 94080	Purpose of Disbursement Truck Rental Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 12/6/90	Amount of Each Disbursement This Period 2,214
B. Full Name, Mailing Address and ZIP Code Jules Glazer 444 S. Occidental Blvd., #421 Los Angeles, CA 90057	Purpose of Disbursement Accounting Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 12/31/90	Amount of Each Disbursement This Period 3,171
C. Full Name, Mailing Address and ZIP Code Karl Ketner 1051 Broadway San Francisco, CA 94133	Purpose of Disbursement Messenger Expense Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 12/31/90	Amount of Each Disbursement This Period 38
D. Full Name, Mailing Address and ZIP Code Olson, Connelly, Hagel, Fong & Leidigh 300 Capitol Mall #350 Sacramento, CA 95814	Purpose of Disbursement Legal Services Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 12/31/90	Amount of Each Disbursement This Period 1,794
E. Full Name, Mailing Address and ZIP Code The Supervisors Reception 548 S. Spring St., #934 Los Angeles, CA 90013	Purpose of Disbursement Commission Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 12/31/90	Amount of Each Disbursement This Period 210 RD
F. Full Name, Mailing Address and ZIP Code Clinton Reilly Paid Through Union Bank 370 California St San Francisco, CA 94104	Purpose of Disbursement Partial Repayment of Capitalization Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 12/31/90	Amount of Each Disbursement This Period 1,228
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	8,655
TOTAL This Period (last page this line number only)	8,655

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

FIRST GENERAL COUNSEL'S REPORT **SENSITIVE**

RAD Referral 91L-96
STAFF MEMBERS George F. Rishel
Jeffrey D. Long

SOURCE: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS: California Democratic Voter Checklist and Clinton Reilly, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(1)(C)
2 U.S.C. § 441a(f)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a referral from the Reports Analysis Division ("RAD") on December 23, 1991, of the California Democratic Voter Checklist and Clinton Reilly, as treasurer ("Respondents" or "Checklist"). The referral was based on the alleged receipt of an excessive contribution from Clinton Reilly in the form of draws on a line of credit obtained by Reilly for start up costs for the California Democratic Voter Checklist, a slate mailer.[1]

II. FACTUAL AND LEGAL ANALYSIS

The Respondents registered with the Commission on May 7, 1990, as an unauthorized committee located at 704 Sansome Street,

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San Francisco, California, with Clinton Reilly as treasurer and custodian of records at the same address. It listed its depository as the Union Bank of San Francisco. In an amended Statement of Organization, filed on June 12, 1990, the Checklist stated that it had no affiliated committees or connected organizations. The Checklist reported total receipts of $2,299,005 and total disbursements of $2,298,498 for 1990 with $507 in ending cash on hand with no debts owed by or to the committee.

In its first report filed with the Commission (the 12-Day Pre-Primary Report), the Checklist reported $147,191 in receipts as "other receipts" and $123,035 in operating expenditures. The $147,191 in "other receipts" included $50,191 in receipts identified as payments for "participation in slate mail program" and a $97,000 receipt from Clinton Reilly, the treasurer, identified as "capitalization of Calif. Democratic Voter Checklist." Reilly's capitalization was made on April 20, 1990. Attached to the first report was an explanatory note that read:

> This report is filed by California Democratic Voter Checklist, a private, sole proprietorship business entity in the sole business of publishing a slate card for which various candidates and ballot measures pay to appear. The sole proprietor is Clinton Reilly. On April 20, 1990, Mr. Reilly advanced the funds to capitalize the business.[2]

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2. We have been unable to get through to the California Secretary of State's Corporations Division to ascertain if the Checklist is incorporated. Because it is described as a sole proprietorship, we are treating it as unincorporated for purposes of this report (especially since the Commission noted the problems associated with an incorporated entity doing a slate mailer in Advisory Opinion 1984-62).

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> Federal candidates who are endorsed in the slate mailer will either pay their fair share or will be endorsed without payment or consultation, in which case their pro rata fair share will be shown on Schedule E as an independent expenditure. This reporting method is being utilized in order to comply with the Federal district court decision in FEC v. Californians for Democratic Representation. California Democratic Voter Checklist will make full disclosure of its receipts and expenditures in compliance with that court decision.

Through the remainder of 1990, the Checklist reported two additional capitalization receipts from Clinton Reilly of $105,000 on May 29, 1990, and $133,000 on August 3, 1990. Thus, the Checklist reported total capitalization receipts from Reilly of $335,000 in 1990. The Checklist also reported "partial repayment of capitalization" to Reilly throughout 1990, totaling $713,774.[3] The 1990 reports also disclosed independent expenditures to nonpaying federal candidates of $19,000 with respect to the primary election and $21,500 with respect to the general election. Attached to the relevant reports was an explanatory note that the Federal Election Commission requires a portion of the value of the services provided to paying candidates to be allocated to nonpaying candidates. The note for the primary states that the allocated amount for each candidate was based on the assumption that three percent of the value of the entire slate mail program was allocable, while the note for

---

3. These total repayments include a $500,000 payment on November 9, 1990. Reilly was also the vendor for the Checklist; thus, this $500,000 payment may have included fees to him for his services as well as a repayment of capitalization. The discrepancy between the total reported capitalization receipts ($335,000) and the total repayments ($713,774) raises questions about the accuracy of the reporting of the November 9, 1990, payment.

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the general election states that the allocation was based on the assumption that 1.5 percent of the value was allocable.

In 1991, the Checklist filed its Mid-Year Report that disclosed a total of $141,149 in capitalization receipts from Clinton Reilly and a total of $141,149 in repayments of capitalization to him. The Mid-Year Report disclosed total receipts of $146,649 and total disbursements of $141,460 with ending cash on hand of $5,696. In October 1991, RAD sent the Checklist an RFAI asking about the $141,149 receipts and disbursements relating to capitalization and the absence of payments for administrative expenses.[4]

On November 26, 1991, counsel for the Checklist responded to RAD's RFAI with a written letter, following two earlier telephone conversations with the RAD analyst.[5] Regarding the capitalization question, counsel stated:

> Clinton Reilly arranged for a line of credit at Union Bank and these funds were used to pay the initial expenses of producing the slate mailer. Later, candidates and committees wishing to participate in the slate mailer paid CDVC for the space utilized in the mailer. These persons and entities received advertising services equal in value to the amounts they paid. As funds became available to not only satisfy the costs of production, CDVC also paid down the line of credit with payments to Clint Reilly and Union Bank. $141,149 was paid to Union Bank on behalf of Clint Reilly to fully satisfy the amounts borrowed. All payments relating to this capitalization were reported on various reports filed since last year.
>
> ....
>
> With respect to the above explanation, you said that you checked with Lisa Stolaruk, who had checked

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4. RAD had not sent the Checklist any RFAIs in 1990 regarding the receipts and disbursements relating to capitalization.

5. A memorandum record of those two telephone conversations is included in the attachments.

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> with the Office of General Counsel (OGC) last year regarding reporting by such slate mail committees, and you advised that CDVC should keep reporting in the same way unless otherwise notified. You acknowledged that CDVC has been reporting the repayments on the capitalization since last year, which no one previously questioned, and your office did not see any issues or problems at this time. You stated we did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble.

On December 23, 1991, RAD forwarded the present referral to this Office. In its cover memorandum, RAD states:

> When the committee first filed its reports with the Commission in May of 1990 RAD, upon verbal consultation with OGC, determined that because of this court case [FEC v. CDR] it would not pursue the activities of the Committee. However, further review in October of 1991 revealed activities that RAD feels should be further reviewed.

This Office agrees with RAD that further review of this matter is warranted.

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee to include any committee, club, association, or other group of persons which receives contributions or makes expenditures aggregating in excess of $1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The Act defines "contribution" to include any loan, advance, or deposit of money made by any person for the purpose of influencing a federal election. 2 U.S.C. § 431(8)(A)(i). Political committees under the Act must register with the Commission and file periodic reports of their receipts and disbursements. 2 U.S.C. § 433 and 434. The reporting requirements include a requirement that

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political committees report the amount and nature of any outstanding debt owed by the committee. 2 U.S.C. § 434(b)(8); 11 C.F.R. § 104.11. The Act and Commission regulations also require that political committees that make independent expenditures of $1,000 or more on behalf of federal candidates after the 20th day but more than 24 hours before an election to report such independent expenditures to the Commission within 24 hours of making them. 2 U.S.C. § 434(c); 11 C.F.R. § 104.5(g).

The Act further provides that no individual may contribute more than $5,000 per calendar year to a political committee that is not an authorized committee. 2 U.S.C. § 441a(a)(1)(C). The Act further provides that no political committee or officer of a political committee may knowingly accept a contribution in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f).

The Act excludes from the definition of a contribution any loan of money by a state bank, a federally chartered depository institution, or an institution where the deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business. 2 U.S.C. § 431(8)(B)(vii). The Act further provides that such a loan shall also be considered a loan by each endorser or guarantor in the appropriate proportions, made on a basis that assures repayment, evidenced by a written instrument and subject to a due date or amortization schedule, and shall bear the usual and customary interest rate of the lending institution. Commission

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regulations further explain that a loan (other than a loan excluded from the definition of contribution) is a contribution at the time it is made and to the extent that it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B).

In FEC v. Californians for Democratic Representation, No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986) ("CDR"), the Commission filed suit against Californians for Democratic Representation, a slate mailer operation, for failure to comply with the requirements of the Act applicable to political committees. In the unpublished order in CDR, the court ruled that the listing of candidates on a slate mailer who had not paid for the services constituted expenditures under the Act, that the amount involved in that case crossed the threshold for political committee status, that political committees which engage in business or commercial activity may only do so within the limitations or prohibitions of the Act, that payments made to CDR for the purchase of advertising in the slate mailings did not constitute contributions to CDR, that the provision of advertising that was not paid for did not constitute in-kind contributions from the purchasers of advertising. It concluded that CDR has violated 2 U.S.C. §§ 433 and 434 for failure to register and report as a political committee and 2 U.S.C. § 441d for failure to indicate in a disclaimer whether named candidates had or had not authorized the mailing.

Since that opinion, the Commission has pursued enforcement matters against slate mailer operations with respect to the failure to file reports or the late filing of such reports and

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the failure to include proper disclaimers on the slate mailings themselves. See, e.g., MUR 2216 (Voter Guide), MUR 2255 (Republic Media Group), and MUR 2405 (Republic Media Group). As best as this Office can discern, this referral is the first one in several years to raise questions regarding the reported receipts of a slate mailer political committee.

As noted, the court's order in CDR concluded that the slate mailer was a political committee that had to register and report and that political committees that engage in business or commercial activities had to do so within the limitations and prohibitions of the Act but that payments to purchase advertising the slate mailer were not contributions under the Act. The reported entries and the statements by counsel for the Checklist indicate that Clinton Reilly obtained a line of credit from Union Bank and then provided the funds to the Checklist as capitalization. Reilly apparently continued to draw on this line of credit throughout 1990 and into 1991.[6] The Checklist made repayments to Reilly and to the Bank throughout the same period.[7] The amounts of some of these reported repayments (i.e., $1,024 or $1,288) suggest the payment of interest on the line of credit. The reported receipt of capitalization funds from Clinton Reilly

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6. The reported receipt of $141,191 in capitalization funds from Reilly in 1991 coupled with a like amount in repayments to him on the same day are inexplicable, since the Checklist was apparently in the process of winding down or terminating.

7. The Checklist reported only repayments to Reilly. Counsel's statement indicates that some repayments may have been to the Bank. If so, then the Checklist's reports do not accurately reflect to whom a disbursement was made.

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was clearly not the payment for purchasing advertising. Thus, we conclude that the CDR order does not provide any protection to slate mailer political committees for this type of receipt.

If the line of credit was made to Reilly personally and he then provided the funds to the Checklist, it would appear he has made a contribution under the Act to the Checklist in excess of the $5,000 annual contribution limitation. If the line of credit was made to the Checklist with Reilly as treasurer or its agent, then it may qualify as an exempt bank loan if it meets the requirements of the Act. The reporting entries and counsel's statement may be construed as raising some question whether the line of credit from the Union Bank was made to Reilly personally or to the Checklist with Reilly as treasurer or its agent, but their plain meaning suggests that the line of credit was made to Reilly personally, not to the Checklist.

Therefore, in order to further investigate this issue, this Office recommends that the Commission find reason to believe California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. § 441a(f) and that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C).

As noted, CDR clearly held that slate mailer political committees had to register and report as political committees under the Act if their expenditures on behalf of nonpaying candidates exceeded the statutory threshold. Thus, in addition to the above discussion, there are additional questions regarding the reporting by the Checklist that need to be discussed. First, we note the obvious discrepancy between the amount of

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capitalization receipts from Reilly and the amount of repayments to him. The difference is approximately $378,774. The reporting error most likely centers on the reported repayment of capitalization to Reilly of $500,000 on November 9, 1990. If this disbursement included payments to Reilly for services provided to the slate mailer or as his profit from the slate mailer, then it should have been reported as such rather than as a repayment of capitalization. In addition, if the Checklist made repayments or interest payments directly to Union Bank, as indicated by counsel's letter, then these disbursements should have shown the Bank as the payee and the purpose as interest payments, if that were the case.

Furthermore, whether the line of credit was given to Reilly who then provided the funds to the Checklist or the line of credit was given to the Checklist with Reilly as treasurer or agent, the Checklist should have reported a debt owed to either Reilly or Union Bank for the amount of the draw downs of the line of credit for the reporting periods in which they occurred on a separate Schedule C. The Checklist filed no schedules for its outstanding debt to either Reilly or Union Bank.

Finally, we note that the Checklist reported making $19,000 in independent expenditures on behalf of federal candidates for the June 5, 1990, California primary election and $21,500 in independent expenditures on behalf of such candidates for the November 6, 1990, general election. The Schedules E that the Checklist filed for these independent expenditures identified the date of the expenditure as the same day as the date of the

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election. By selecting the date of the election as the date of the independent expenditures, Respondents avoided filing 24 hour independent expenditure reports prior to the general election.

We find it inconceivable that these expenditures were made on the day of the election. Slate mailers are designed to be mailed to voters so that they arrive shortly before an election. Moreover, the disbursements for the slate mailers would be made even earlier. The reports disclose that for the primary slate mailer the Checklist made payments to Below, Tobe & Associates totaling $417,624 for computer services, printing, and postage between 20 days and 24 hours before the primary election. For the general election, the Checklist made payments to Below, Tobe & Associates of $255,768 and payments of $330,594 for postage in the period between 20 days and 24 hours before the general election. Moreover, the Act defines "expenditure" to include a written contract, promise or agreement to make an expenditure. 2 U.S.C. § 431(a)(A)(ii).

Therefore, we conclude that the Checklist has misreported the date of its independent expenditures and should have also reported these independent expenditures within 24 hours as required by the Act on Form 5.

Accordingly, we recommend that the Commission also find reason to believe the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b) and 434(c) with respect to the above reporting errors.

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III. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b), 434(c), and 441a(f).

3. Find reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C).

4. Approve the attached Factual and Legal Analyses.

5. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

3/31/92
Date

BY: Lois G. Lerner
Associate General Counsel

Attachments:
1. Referral Materials
2. March 12, 1992, Letter
3. Factual and Legal Analyses (2)

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BEFORE THE FEDERAL ELECTION COMMISSION

(MUR 3502)

In the Matter of	)	
	)	
California Democratic Voter Checklist and Clinton Reilly, as treasurer.	)	RAD Referral #91L-96

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 7, 1992, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #91L-96:

1. Open a MUR.

2. Find reason to believe that California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b), 434(c), and 441a(f).

3. Find reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C).

4. Approve the Factual and Legal Analyses, as recommended in the General Counsel's Report dated March 31, 1992.

(Continued)

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5. Approve the appropriate letters, as recommended in the General Counsel's Report dated March 31, 1992.

Commissioners Aikens, Elliott, McGarry, Potter and Thomas voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

4-7-92
Date

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

Received in the Secretariat: Wed., April 1, 1992 4:15 p.m.
Circulated to the Commission: Thurs., April 2, 1992 4:00 p.m.
Deadline for vote: Tues., April 7, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Clinton Reilly, Treasurer
California Democratic Voter Checklist
704 Sansome Street
San Francisco, California 94111

RE: MUR 3502
Clinton Reilly

California Democratic Voter
Checklist and Clinton Reilly,
as treasurer

Dear Mr. Reilly:

On April 17, 1992, the Federal Election Commission found that there is reason to believe the California Democratic Voter Checklist ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(b), 434(c) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission also found reason to believe that you, Clinton Reilly, violated 2 U.S.C. § 441a(a)(1)(C). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the Committee. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Interrogatories and Request for Production of Documents must be submitted within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the Interrogatories.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the Interrogatories. If you intend to be represented by counsel, 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 or other communications from the Commission.

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In the absence of any additional information which demonstrates that no further action should be taken against you and the Committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Interrogatories and Request for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3502
)
)

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Clinton Reilly

Clinton Reilly, Treasurer
California Democratic Voter Checklist

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State whether the California Democratic Voter Checklist ("Checklist") is incorporated, and if so, when and where; if not:

   A. State whether Checklist is part of an incorporated entity;

   B. State how Checklist is treated for federal income tax purposes; if a separate federal income tax return was filed by Checklist for 1990, provide a copy.

2. Provide sample copies of the primary election and general election slate mailers, state the date(s) each slate mailer was actually mailed, and provide an itemization of the production and mailing expenses for the primary and the general election slate mailers and date of disbursement.

3. Provide copies of all documents relating in any way to the application, granting, use, and repayment of the line of credit obtained by Clinton Reilly with regard to the Checklist in 1990-1991.

4. Explain the discrepancy between the total amount of reported capitalization receipts and the total amount of reported capitalization repayments. Identify to whom each repayment was made, identify the purpose of each disbursement to Reilly, identify when each repayment was made to the Union Bank; explain why the capitalization receipts and disbursements were reported for the same days in 1991 if the Checklist was winding down.

5. Provide copies of all bank statements for 1990-91.

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6. Provide copies of all checks or other documents representing the deposit of the capitalization receipts in the Checklist's depository account, copies of all disbursement checks representing capitalization repayments (See attachment) or other documents showing to whom each repayment was made.

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Report	Date	Receipt	Disbursement
1990:			
12 Day Pre-Primary (1/1 - 5/16)	04/20	$ 97,000	
Mid-Year (5/17 - 6/30)	05/25		$ 1,024
	05/29	$105,000	
	06/25		$ 1,959
	06/29		$ 69,000
October Quarterly (7/1 - 9/30)	07/31		$ 1,250
	07/31		$ 1,267
	08/01		$ 100
	08/03	$133,000	
	08/31		$ 1,164
	08/31		$133,000
30 Day Post-General (10/1 - 11/26)	10/01		$ 1,247
	10/29		$ 1,288
	11/09		$500,000
	11/21		$ 1,247
Year End (11/27-12/31)	12/31		$ 1,228
1991:			
Mid-Year (1/1 - 6/30)	03/15	$ 7,068	$ 7,068
	06/15	$134,081	$134,081

Attachment

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Clinton Reilly MUR 3502

This matter was generated by the Federal Election Commission on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2).

The California Democratic Voter Checklist and Clinton Reilly, as treasurer, ("Checklist") registered with the Commission on May 7, 1990, as an unauthorized committee located at 704 Sansome Street, San Francisco, California, with Clinton Reilly as treasurer and custodian of records at the same address. It listed its depository as the Union Bank of San Francisco. In an amended Statement of Organization, filed on June 12, 1990, the Checklist stated that it had no affiliated committees or connected organizations. The Checklist reported total receipts of $2,299,005 and total disbursements of $2,298,498 for 1990 with $507 in ending cash on hand with no debts owed by or to the committee.

In its first report filed with the Commission (the 12-Day Pre-Primary Report), the Checklist reported $147,191 in receipts as "other receipts" and $123,035 in operating expenditures. The $147,191 in "other receipts" included $50,191 in receipts identified as payments for "participation in slate mail program" and a $97,000 receipt from Clinton Reilly, the treasurer, identified as "capitalization of Calif. Democratic Voter

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Checklist." Reilly's capitalization was made on April 20, 1990. Attached to the first report was an explanatory note that read:

> This report is filed by California Democratic Voter Checklist, a private, sole proprietorship business entity in the sole business of publishing a slate card for which various candidates and ballot measures pay to appear. The sole proprietor is Clinton Reilly. On April 20, 1990, Mr. Reilly advanced the funds to capitalize the business.
>
> Federal candidates who are endorsed in the slate mailer will either pay their fair share or will be endorsed without payment or consultation, in which case their pro rata fair share will be shown on Schedule E as an independent expenditure. This reporting method is being utilized in order to comply with the Federal district court decision in FEC v. Californians for Democratic Representation. California Democratic Voter Checklist will make full disclosure of its receipts and expenditures in compliance with that court decision.

Through the remainder of 1990, the Checklist reported two additional capitalization receipts from Clinton Reilly of $105,000 on May 29, 1990, and $133,000 on August 3, 1990. Thus, the Checklist reported total capitalization receipts from Reilly of $335,000 in 1990. The Checklist also reported "partial repayment of capitalization" to Reilly throughout 1990, totaling $713,774.[1] The 1990 reports also disclosed independent expenditures to nonpaying federal candidates of $19,000 with respect to the primary election and $21,500 with respect to the general election. Attached to the relevant reports was an

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1. These total repayments include a $500,000 payment on November 9, 1990. Reilly was also the vendor for the Checklist; thus, this $500,000 payment may have included fees to him for his services as well as a repayment of capitalization. The discrepancy between the total reported capitalization receipts ($335,000) and the total repayments ($713,774) raises questions about the accuracy of the reporting of the November 9, 1990, payment.

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explanatory note that the Federal Election Commission requires a portion of the value of the services provided to paying candidates to be allocated to nonpaying candidates. The note for the primary states that the allocated amount for each candidate was based on the assumption that three percent of the value of the entire slate mail program was allocable, while the note for the general election states that the allocation was based on the assumption that 1.5 percent of the value was allocable.

In 1991, the Checklist filed its Mid-Year Report that disclosed a total of $141,149 in capitalization receipts from Clinton Reilly and a total of $141,149 in repayments of capitalization to him. The Mid-Year Report disclosed total receipts of $146,649 and total disbursements of $141,460 with ending cash on hand of $5,696. In October 1991, RAD sent the Checklist an RFAI asking about the $141,149 receipts and disbursements relating to capitalization and the absence of payments for administrative expenses.

On November 26, 1991, counsel for the Checklist responded to RAD's RFAI with a written letter, following two earlier telephone conversations with the RAD analyst. Regarding the capitalization question, counsel stated:

> Clinton Reilly arranged for a line of credit at Union Bank and these funds were used to pay the initial expenses of producing the slate mailer. Later, candidates and committees wishing to participate in the slate mailer paid CDVC for the space utilized in the mailer. These persons and entities received advertising services equal in value to the amounts they paid. As funds became available to not only satisfy the costs of production, CDVC also paid down the line of credit with payments to Clint Reilly and Union Bank. $141,149 was paid to Union Bank on behalf of Clint Reilly to fully satisfy the amounts borrowed. All payments relating to

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> this capitalization were reported on various reports filed since last year.
>
> ....
>
> With respect to the above explanation, you said that you checked with Lisa Stolaruk, who had checked with the Office of General Counsel (OGC) last year regarding reporting by such slate mail committees, and you advised that CDVC should keep reporting in the same way unless otherwise notified. You acknowledged that CDVC has been reporting the repayments on the capitalization since last year, which no one previously questioned, and your office did not see any issues or problems at this time. You stated we did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble.

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee to include any committee, club, association, or other group of persons which receives contributions or makes expenditures aggregating in excess of $1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The Act defines "contribution" to include any loan, advance, or deposit of money made by any person for the purpose of influencing a federal election. 2 U.S.C. § 431(8)(A)(i). Political committees under the Act must register with the Commission and file periodic reports of their receipts and disbursements. 2 U.S.C. § 433 and 434. The reporting requirements include a requirement that political committees report the amount and nature of any outstanding debt owed by the committee. 2 U.S.C. § 434(b)(8); 11 C.F.R. § 104.11. The Act and Commission regulations also require that political committees that make independent expenditures of $1,000 or more on behalf of federal candidates after the 20th day but more than 24 hours before an election to

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report such independent expenditures to the Commission within 24 hours of making them. 2 U.S.C. § 434(c); 11 C.F.R. § 104.5(g).

The Act further provides that no individual may contribute more than $5,000 per calendar year to a political committee that is not an authorized committee. 2 U.S.C. § 441a(a)(1)(C). The Act further provides that no political committee or officer of a political committee may knowingly accept a contribution in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f).

The Act excludes from the definition of a contribution any loan of money by a state bank, a federally chartered depository institution, or an institution where the deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business. 2 U.S.C. § 431(8)(B)(vii). The Act further provides that such a loan shall also be considered a loan by each endorser or guarantor in the appropriate proportions, made on a basis that assures repayment, evidenced by a written instrument and subject to a due date or amortization schedule, and shall bear the usual and customary interest rate of the lending institution. Commission regulations further explain that a loan (other than a loan excluded from the definition of contribution) is a contribution at the time it is made and to the extent that it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B).

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In FEC v. Californians for Democratic Representation, No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986) ("CDR"), the Commission filed suit against Californians for Democratic Representation, a slate mailer operation, for failure to comply with the requirements of the Act applicable to political committees. In the unpublished order in CDR, the court ruled that the listing of candidates on a slate mailer who had not paid for the services constituted expenditures under the Act, that the amount involved in that case crossed the threshold for political committee status, that political committees which engage in business or commercial activity may only do so within the limitations or prohibitions of the Act, that payments made to CDR for the purchase of advertising in the slate mailings did not constitute contributions to CDR, that the provision of advertising that was not paid for did not constitute in-kind contributions from the purchasers of advertising. It concluded that CDR has violated 2 U.S.C. §§ 433 and 434 for failure to register and report as a political committee and 2 U.S.C. § 441d for failure to indicate in a disclaimer whether named candidates had or had not authorized the mailing.

As noted, the court's order in CDR concluded that the slate mailer was a political committee that had to register and report and that political committees that engage in business or commercial activities had to do so within the limitations and prohibitions of the Act but that payments to purchase advertising the slate mailer were not contributions under the Act. The reported entries and the statements by counsel for the Checklist

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indicate that Clinton Reilly obtained a line of credit from Union Bank and then provided the funds to the Checklist as capitalization. Reilly apparently continued to draw on this line of credit throughout 1990 and into 1991.[2] The Checklist made repayments to Reilly and to the Bank throughout the same period.[3] The amounts of some of these reported repayments (i.e., $1,024 or $1,288) suggest the payment of interest on the line of credit. The reported receipt of capitalization funds from Clinton Reilly was clearly not the payment for purchasing advertising. Thus, the CDR order does not provide any protection to slate mailer political committees for this type of receipt.

If the line of credit was made to Reilly personally and he then provided the funds to the Checklist, it would appear he has made a contribution under the Act to the Checklist in excess of the $5,000 annual contribution limitation. If the line of credit was made to the Checklist with Reilly as treasurer or its agent, then it may qualify as an exempt bank loan if it meets the requirements of the Act. The reporting entries and counsel's statement may be construed as raising some question whether the line of credit from the Union Bank was made to Reilly personally or to the Checklist with Reilly as treasurer or its agent, but

---

2. The reported receipt of $141,191 in capitalization funds from Reilly in 1991 coupled with a like amount in repayments to him on the same day are inexplicable, since the Checklist was apparently in the process of winding down or terminating.

3. The Checklist reported only repayments to Reilly. Counsel's statement indicates that some repayments may have been to the Bank. If so, then the Checklist's reports do not accurately reflect to whom a disbursement was made.

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their plain meaning suggests that the line of credit was made to Reilly personally, not to the Checklist.

Therefore, there is reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: California Democratic Voter Checklist and Clinton Reilly, as treasurer — MUR 3502

This matter was generated by the Federal Election Commission on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2).

The California Democratic Voter Checklist and Clinton Reilly, as treasurer, ("Respondents" or "Checklist") registered with the Commission on May 7, 1990, as an unauthorized committee located at 704 Sansome Street, San Francisco, California, with Clinton Reilly as treasurer and custodian of records at the same address. It listed its depository as the Union Bank of San Francisco. In an amended Statement of Organization, filed on June 12, 1990, the Checklist stated that it had no affiliated committees or connected organizations. The Checklist reported total receipts of $2,299,005 and total disbursements of $2,298,498 for 1990 with $507 in ending cash on hand with no debts owed by or to the committee.

In its first report filed with the Commission (the 12-Day Pre-Primary Report), the Checklist reported $147,191 in receipts as "other receipts" and $123,035 in operating expenditures. The $147,191 in "other receipts" included $50,191 in receipts identified as payments for "participation in slate mail program" and a $97,000 receipt from Clinton Reilly, the treasurer, identified as "capitalization of Calif. Democratic Voter

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Checklist." Reilly's capitalization was made on April 20, 1990. Attached to the first report was an explanatory note that read:

> This report is filed by California Democratic Voter Checklist, a private, sole proprietorship business entity in the sole business of publishing a slate card for which various candidates and ballot measures pay to appear. The sole proprietor is Clinton Reilly. On April 20, 1990, Mr. Reilly advanced the funds to capitalize the business.
>
> Federal candidates who are endorsed in the slate mailer will either pay their fair share or will be endorsed without payment or consultation, in which case their pro rata fair share will be shown on Schedule E as an independent expenditure. This reporting method is being utilized in order to comply with the Federal district court decision in FEC v. Californians for Democratic Representation. California Democratic Voter Checklist will make full disclosure of its receipts and expenditures in compliance with that court decision.

Through the remainder of 1990, the Checklist reported two additional capitalization receipts from Clinton Reilly of $105,000 on May 29, 1990, and $133,000 on August 3, 1990. Thus, the Checklist reported total capitalization receipts from Reilly of $335,000 in 1990. The Checklist also reported "partial repayment of capitalization" to Reilly throughout 1990, totaling $713,774.[1] The 1990 reports also disclosed independent expenditures to nonpaying federal candidates of $19,000 with respect to the primary election and $21,500 with respect to the general election. Attached to the relevant reports was an

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1. These total repayments include a $500,000 payment on November 9, 1990. Reilly was also the vendor for the Checklist; thus, this $500,000 payment may have included fees to him for his services as well as a repayment of capitalization. The discrepancy between the total reported capitalization receipts ($335,000) and the total repayments ($713,774) raises questions about the accuracy of the reporting of the November 9, 1990, payment.

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explanatory note that the Federal Election Commission requires a portion of the value of the services provided to paying candidates to be allocated to nonpaying candidates. The note for the primary states that the allocated amount for each candidate was based on the assumption that three percent of the value of the entire slate mail program was allocable, while the note for the general election states that the allocation was based on the assumption that 1.5 percent of the value was allocable.

In 1991, the Checklist filed its Mid-Year Report that disclosed a total of $141,149 in capitalization receipts from Clinton Reilly and a total of $141,149 in repayments of capitalization to him. The Mid-Year Report disclosed total receipts of $146,649 and total disbursements of $141,460 with ending cash on hand of $5,696. In October 1991, RAD sent the Checklist an RFAI asking about the $141,149 receipts and disbursements relating to capitalization and the absence of payments for administrative expenses.

On November 26, 1991, counsel for the Checklist responded to RAD's RFAI with a written letter, following two earlier telephone conversations with the RAD analyst. Regarding the capitalization question, counsel stated:

> Clinton Reilly arranged for a line of credit at Union Bank and these funds were used to pay the initial expenses of producing the slate mailer. Later, candidates and committees wishing to participate in the slate mailer paid CDVC for the space utilized in the mailer. These persons and entities received advertising services equal in value to the amounts they paid. As funds became available to not only satisfy the costs of production, CDVC also paid down the line of credit with payments to Clint Reilly and Union Bank. $141,149 was paid to Union Bank on behalf of Clint Reilly to fully satisfy the amounts borrowed. All payments relating to

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> this capitalization were reported on various reports filed since last year.
>
> ....
>
> With respect to the above explanation, you said that you checked with Lisa Stolaruk, who had checked with the Office of General Counsel (OGC) last year regarding reporting by such slate mail committees, and you advised that CDVC should keep reporting in the same way unless otherwise notified. You acknowledged that CDVC has been reporting the repayments on the capitalization since last year, which no one previously questioned, and your office did not see any issues or problems at this time. You stated we did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble.

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee to include any committee, club, association, or other group of persons which receives contributions or makes expenditures aggregating in excess of $1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The Act defines "contribution" to include any loan, advance, or deposit of money made by any person for the purpose of influencing a federal election. 2 U.S.C. § 431(8)(A)(i). Political committees under the Act must register with the Commission and file periodic reports of their receipts and disbursements. 2 U.S.C. § 433 and 434. The reporting requirements include a requirement that political committees report the amount and nature of any outstanding debt owed by the committee. 2 U.S.C. § 434(b)(8); 11 C.F.R. § 104.11. The Act and Commission regulations also require that political committees that make independent expenditures of $1,000 or more on behalf of federal candidates after the 20th day but more than 24 hours before an election to

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report such independent expenditures to the Commission within 24 hours of making them. 2 U.S.C. § 434(c); 11 C.F.R. § 104.5(g).

The Act further provides that no individual may contribute more than $5,000 per calendar year to a political committee that is not an authorized committee. 2 U.S.C. § 441a(a)(1)(C). The Act further provides that no political committee or officer of a political committee may knowingly accept a contribution in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f).

The Act excludes from the definition of a contribution any loan of money by a state bank, a federally chartered depository institution, or an institution where the deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business. 2 U.S.C. § 431(8)(B)(vii). The Act further provides that such a loan shall also be considered a loan by each endorser or guarantor in the appropriate proportions, made on a basis that assures repayment, evidenced by a written instrument and subject to a due date or amortization schedule, and shall bear the usual and customary interest rate of the lending institution. Commission regulations further explain that a loan (other than a loan excluded from the definition of contribution) is a contribution at the time it is made and to the extent that it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B).

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In FEC v. Californians for Democratic Representation, No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986) ("CDR"), the Commission filed suit against Californians for Democratic Representation, a slate mailer operation, for failure to comply with the requirements of the Act applicable to political committees. In the unpublished order in CDR, the court ruled that the listing of candidates on a slate mailer who had not paid for the services constituted expenditures under the Act, that the amount involved in that case crossed the threshold for political committee status, that political committees which engage in business or commercial activity may only do so within the limitations or prohibitions of the Act, that payments made to CDR for the purchase of advertising in the slate mailings did not constitute contributions to CDR, that the provision of advertising that was not paid for did not constitute in-kind contributions from the purchasers of advertising. It concluded that CDR has violated 2 U.S.C. §§ 433 and 434 for failure to register and report as a political committee and 2 U.S.C. § 441d for failure to indicate in a disclaimer whether named candidates had or had not authorized the mailing.

As noted, the court's order in CDR concluded that the slate mailer was a political committee that had to register and report and that political committees that engage in business or commercial activities had to do so within the limitations and prohibitions of the Act but that payments to purchase advertising the slate mailer were not contributions under the Act. The reported entries and the statements by counsel for the Checklist

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indicate that Clinton Reilly obtained a line of credit from Union Bank and then provided the funds to the Checklist as capitalization. Reilly apparently continued to draw on this line of credit throughout 1990 and into 1991.[2] The Checklist made repayments to Reilly and to the Bank throughout the same period.[3] The amounts of some of these reported repayments (i.e., $1,024 or $1,288) suggest the payment of interest on the line of credit. The reported receipt of capitalization funds from Clinton Reilly was clearly not the payment for purchasing advertising. Thus, the CDR order does not provide any protection to slate mailer political committees for this type of receipt.

If the line of credit was made to Reilly personally and he then provided the funds to the Checklist, it would appear he has made a contribution under the Act to the Checklist in excess of the $5,000 annual contribution limitation. If the line of credit was made to the Checklist with Reilly as treasurer or its agent, then it may qualify as an exempt bank loan if it meets the requirements of the Act. The reporting entries and counsel's statement may be construed as raising some question whether the line of credit from the Union Bank was made to Reilly personally or to the Checklist with Reilly as treasurer or its agent, but

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2. The reported receipt of $141,191 in capitalization funds from Reilly in 1991 coupled with a like amount in repayments to him on the same day are inexplicable, since the Checklist was apparently in the process of winding down or terminating.

3. The Checklist reported only repayments to Reilly. Counsel's statement indicates that some repayments may have been to the Bank. If so, then the Checklist's reports do not accurately reflect to whom a disbursement was made.

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their plain meaning suggests that the line of credit was made to Reilly personally, not to the Checklist.

Therefore, there is reason to believe California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. § 441a(f).

As noted, CDR clearly held that slate mailer political committees had to register and report as political committees under the Act if their expenditures on behalf of nonpaying candidates exceeded the statutory threshold. Thus, in addition to the above discussion, there are additional questions regarding the reporting by the Checklist that need to be addressed. First, there is the obvious discrepancy between the amount of capitalization receipts from Reilly and the amount of repayments to him. The difference is approximately $378,774. The reporting error most likely centers on the reported repayment of capitalization to Reilly of $500,000 on November 9, 1990. If this disbursement included payments to Reilly for services provided to the slate mailer or as his profit from the slate mailer, then it should have been reported as such rather than as a repayment of capitalization. In addition, if the Checklist made repayments or interest payments directly to Union Bank, as indicated by counsel's letter, then these disbursements should have shown the Bank as the payee and the purpose as interest payments, if that were the case.

Furthermore, whether the line of credit was given to Reilly who then provided the funds to the Checklist or the line of credit was given to the Checklist with Reilly as treasurer or

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agent, the Checklist should have reported a debt owed to either Reilly or Union Bank for the amount of the draw downs of the line of credit for the reporting periods in which they occurred on a separate Schedule C. The Checklist filed no schedules for its outstanding debt to either Reilly or Union Bank.

Finally, the Checklist reported making $19,000 in independent expenditures on behalf of federal candidates for the June 5, 1990, California primary election and $21,500 in independent expenditures on behalf of such candidates for the November 6, 1990, general election. The Schedules E that the Checklist filed for these independent expenditures identified the date of the expenditure as the same day as the date of the election. By selecting the date of the election as the date of the independent expenditures, Respondents avoided filing 24 hour independent expenditure reports prior to the general election.

It is inconceivable that these expenditures were made on the day of the election. Slate mailers are designed to be mailed to voters so that they arrive shortly before an election. Moreover, the disbursements for the slate mailers would be made even earlier. The reports disclose that for the primary slate mailer the Checklist made payments to Below, Tobe & Associates totaling $417,624 for computer services, printing, and postage between 20 days and 24 hours before the primary election. For the general election, the Checklist made payments to Below, Tobe & Associates of $255,768 and payments of $330,594 for postage in the period between 20 days and 24 hours before the general election. Moreover, the Act defines "expenditure" to include a written

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contract, promise or agreement to make an expenditure. 2 U.S.C. § 431(a)(A)(ii). Therefore, it appears that the Checklist has misreported the date of its independent expenditures and should have also reported these independent expenditures within 24 hours as required by the Act.

Accordingly, there is reason to believe the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b) and 434(c) with respect to the above reporting errors.

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STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

MAY 22 9 34 AM '92

MUR 3502

NAME OF COUNSEL: Peter A. Bagatelos

ADDRESS: Bagatelos & Fadem
601 California Street, Suite 1801
San Francisco, CA 94108

TELEPHONE: (415) 982-7100

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAY 22 PM 1:44

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5/20/92
Date

Signature

RESPONDENT'S NAME: Clinton Reilly, Treasurer and Proprietor of California Democratic Voter Checklist

ADDRESS: 704 Sansome Street
San Francisco, CA 94111

HOME PHONE: (415) 397-0431

BUSINESS PHONE: (415) 397-0431

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3502

NAME OF COUNSEL: Paul Sullivan

ADDRESS: The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

TELEPHONE: (202) 682-4725

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAY 22 PM 1:41

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5/20/92
Date

Signature

RESPONDENT'S NAME: Clinton Reilly, Treasurer and Proprietor of California Democratic Voter Checklist

ADDRESS: 704 Sansome Street
San Francisco, Ca. 94111

HOME PHONE: (415) 397-0431

BUSINESS PHONE: (415) 397-0431

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OGC 4708

Paul E. Sullivan, Esq.
Attorney-at-Law

The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JUN -1 PM 4:00

June 1, 1992

Federal Election Commission
Jeffrey Long
General Counsel's Office
999 E. St. N.W.
Washington, D.C. 20463

RE: Mur 3502

Dear Mr. Long:

This is to confirm our conversation of May 27, 1992 regarding the above referanced matter. The Respondents in this matter are hereby requesting an extension of time to provide the responses to the propounded interrogatories and the request for production of documents. For the reasons listed below, I would request that the documents and responses be delivered to you, no later than July 10, 1992.

Respondents only became aware of this matter on or about May 18, 1992 and contacted counsel on the 19th. It is uncertain as to when the reason to believe notice was actually delivered, however, counsel will require the proposed extension period to review the documents and prepare appropriate responses.

Secondly, the documents requested pertain to activities during 1990 and 1991. These records will have to be retrieved from storage and reviewed. The Respondents are presently very involved in the June 3rd California primary and to date, the staff has not be readily available to retrieve and review those records.

Lastly, I am due to be away from my office from June 10 through June 30, on an engagement which will effectively preclude me from working on this matter or corresponding with Respondents.

For these reasons, I would request that the responses to interrogatories and document production be submitted to the Commission no later than July 10, 1992.

Thank you for your attention to this matter.

Very truly yours,

Paul E. Sullivan
Counsel for Respondents

c.c.: Peter A. Bagatelos, Esq.
Clinton Reilly

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 2, 1992

Paul E. Sullivan, Esquire
The Singletary Mansion
1565 The Alameda
San Jose, California 95126

RE: MUR 3502
Clinton Reilly

California Democratic Voter
Checklist and Clinton Reilly,
as treasurer

Dear Mr. Sullivan:

This is in response to your letter dated June 1, 1992, which we received on that day, requesting an extension until July 10, 1992, to respond to the Interrogatories and Request for Production of Documents in the above-referenced matter. After considering the circumstances presented in your letter, the Office of General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on July 10, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Jeffrey D. Long
Paralegal

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Paul E. Sullivan, Esq.
Attorney-at-Law

The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

July 14, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JUL 14 PM 5:26

Mr. Phil Wise
Federal Election Commission
General Counsel's Office
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3502

Dear Mr. Wise:

I attempted to contact Mr. Jeffrey Long last week regarding the above-referenced matter. Based upon prior correspondence, a response to an RTB finding in the above-referenced matter was due at your office July 10, 1992. However, while researching various issues relative to this MUR, I attempted to locate on the public record MUR 1461, which was the enforcement action upon which the case of *FEC v. Californian's for Democratic Representation* was based.

The attempts to locate this MUR on the public record were unsuccessful both by myself, and the FEC employees in the Public Records division. Attempts were made to call the Counsel's docket to determine the specific location of the MUR and the reasons for its unavailability on the public record. Subsequently, on Monday July 13, 1992, I contacted the General Counsel's Office myself in an attempt to locate the document. I was informed that Mr. Long was on leave. I requested to speak to another attorney and informed him of the problem I was incurring in locating this particular MUR. He indicated that he would look in to the matter and get back to me at the earliest possible convenience. He also informed me that the case had been reassigned to you.

As you are aware, this matter involves some rather unique issues and it is the request of the Respondents that MUR 1461 be reviewed prior to submitting responses to the Commissions RTB finding. Though we truly have desired to move this matter along with all haste, it would be inappropriate to present arguments in this matter without having reviewed such a relevant enforcement action. If MUR 1461 is able to be located and delivered to my office by July 17, 1992, Respondents will respond to the RTB finding and interrogatives by July 24, 1992.

Thank you for your attention to this matter. Please contact me at your earliest convenience with your comments or resolution of the issue.

Very truly yours,

Paul E. Sullivan

cc: Peter Bagatelos, Esq.
Chairman Aikens

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 21, 1992

Paul E. Sullivan, Esquire
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RE: MUR 3502

Dear Mr. Sullivan:

This is in response to your telephone request on Monday, July 20, 1992. During this telephone conversation you requested an extension of time to respond to the Commission's reason to believe finding against your client. This extension was requested until 7 days after closed MUR 1461 is placed on the public record. Since MUR 1461 appears to contain the Commission's action on issues similar to the issues in the present matter the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business 7 days after this Office informs you that MUR 1461 is available for your review in the Public Information Section of the Federal Election Commission.

Please be assured that this Office is proceeding at all deliberate speed to prepare the case file in MUR 1461 for public disclosure. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 28, 1992

Paul E. Sullivan, Esquire
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RE: MUR 3502

Dear Mr. Sullivan:

You were granted an extension of time to submit your response to MUR 3502 until 7 days after closed MUR 1461 was placed on the public record. This letter is to inform you that MUR 1461 is now available for your review in the Public Information Section of the Federal Election Commission. Accordingly, your response is due by the close of business 7 days after you receive this notice.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

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CC #6104

Paul E. Sullivan, Esq.
Attorney-at-Law

The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

August 14, 1992

FEDERAL ELECTION COMMISSION
RECEIVED
92 AUG 14 PM 3:02

Mr. Phil Wise, Esq.
Federal Election Commission
General Counsel's Office
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3502

Dear Mr. Wise:

Please find enclosed Respondents RTB response in the above captioned matter.

Thank you for your attention to this matter.

Sincerely,

Very truly yours,

Paul E. Sullivan, Esq.
Counsel for Respondent

cc: Clinton Reilly
Chairman Aikens
Vice-Chairman Thomas
Commissioner Elliott
Commissioner McDonald
Commissioner McGarry
Commissioner Potter

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RECEI
AL ELECTION COMMISSION
COUNSEL

AUG 14 PM 3:02

BEFORE THE FE TION COMMISSION

IN THE MATTER OF
CLINTON REILLY,
CALIFORNIA DEMOCRATIC VOTE
CHECKLIST, AND CLINTON REILL
AS TREASURER

R 3502
SPONSE TO RTB AND REQUEST FOR
CUMENTS AND
INTERROGATORIES

TON

The above-referenced matte ily by the Federal Election Commission ("FEC" or "Commission") pursuan 437g(a)(2) against Clinton Reilly, an individual and California Democ ecklist ("CDVC"), Clinton Reilly as Treasurer. ("Respondents"). The no r to the Respondents by the Commission stated that they had found reason to that CDVC violated 2 U.S.C. § 434(b), and (c) and § 441a(f) and Mr. ly violated 2 U.S.C. § 441a(a)(1)(C). Attached to that letter was the fa analysis ("F.L.A.") and a request for responses to interrogatories and ocuments. By subsequent letters, the Commission granted Respondents extension in which to respond to the Commission's findings. This docum ccordance with that extension of time.

First, the Respondents disp the procedure upon which this matter was initially filed. Secondly, CD of Clinton Reilly and not a political committee as defined by the Federal aign Act of 1971, as amended ("FECA"). Therefore, the interrogatories and cument production are not relevant and there is no bases for the alleg receipt of an excessive contribution. Respondents, notwithstanding their e irregularities of filing this MUR, have herein submitted documentation sion to substantiate the clear fact that CDVC is not a political committe

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II.

FACTUAL SUMMARY

A. THE FEC IS MISINFORMED: CDVC IS A FOR-PROFIT SOLE PROPRIETORSHIP NOT A POLITICAL COMMITTEE.

The relevant facts surrounding this matter have not been completely understood or applied by the Commission. This has led to erroneous conclusions in the F.L.A. In addition, the statements by RAD to Respondent's counsel are most important and should not be overlooked or casually dismissed.

Mr. Reilly has for many years owned his own business. He is a political consultant, providing various services to clients, including media production, direct mail and strategic advice. Mr. Reilly is the sole and exclusive owner of his political consulting business. (See Exhibit "A", Declaration of Clinton Reilly ("DECL.") at ¶1 and 2).

Several years ago, Mr. Reilly sought to expand his business by adding a "slate card" to the services he offered. A slate card is a term of art to describe a piece of literature which as in this case, contains the names, and sometimes photos, of Federal, state and local candidates, and advocates their election or defeat. In addition, in California ballot initiatives and referendums are often included in these slate cards. Space on the slate mailer is sold for profit purposes to those committees wishing to buy advertising space. This is no different than buying advertisement space in a newspaper or magazine. In addition, slate mailers often include candidates and/or measures without charge or consultation as a means of enhancing the appearance of a card or presenting a party or geographic slate. For FECA purposes this latter situation thereby involves the making of independent expenditures by the slate mailer entity.

In regards to the 1990 Reilly slate card, which is at issue in this MUR, valuations for space on the card were unilaterally negotiated and determined by Mr. Reilly. The price charged was determined on an arms-length basis with purchasers by the amount of space, use of photos, the type of client and other commercial factors; e.g., ballot issues are often valued at a higher rate than candidates because of pure market demands and resources.

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Some Federal candidates were also included by Mr. Reilly without charge and without coordination or consultation with such candidates. (DECL. ¶3 and 4)

In order to maintain a separate profit center for the slate card, as compared to his other political consulting activities, Mr. Reilly personally registered a fictitious business name (i.e., California Democratic Voter Checklist) under which to operate the slate mailer[1]. (DECL. ¶5). You will note that in Section 4 of that registration, it is specified that the CDVC business is being conducted as a "sole proprietorship" on a for-profit basis. No other individuals or entities had or have an ownership interest of CDVC.

As a sole proprietorship, the funds received by CDVC were ordinary income to Mr. Reilly and subject to personal income tax.[2] As required, Mr. Reilly filed a Schedule C "Profit or Loss From Business" for the CDVC activities, as an attachment to his personal Form 1040 return[3]. (DECL. ¶5)

B. THIS SLATE CARD ACTIVITY DID NOT CREATE A FEDERAL COMMITTEE

The FECA regulations only deal with slate cards in the context of an exemption to the definition of "contribution" and "expenditure" when paid for by a state or local political party.[4]

Contrary to the Commission's narrow regulatory coverage, slate cards are not the mere product of political parties. Rather, they are similar to any other direct mail piece of literature included as goods available for purchase from a commercial vendor, offered as part of a profit making venture even if sold to candidate or ballot committee clients.

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[1] A true and complete copy of the Fictitious Name registration is attached hereto at Exhibit "B". It was filed in Superior Court, San Francisco on April 16, 1990.

[2] As you are aware, contributions to political committees as defined at 26 U.S.C. § 271, are exempt from federal tax pursuant to 2 U.S.C. § 527.

[3] A copy of the Schedule C, for 1990 is submitted to the Commission's General Counsel in camera, in order to avoid its public disclosure and to maintain Mr. Reilly's privacy rights. It is referenced herein as Exhibit "C".

[4] See 11 C.F.R. § 100.7 (b)(9) and § 100.8 (b)(10).

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The FEC has not issued any definitive regulatory guidance on the exact status of such slate mail organizations. In general, FEC staff has publicly advised that, if slate mail entities include Federal candidates without charge and without consultation with such candidates, the slate mailer organization should register and file in the same manner as a Federal political committee. Although slate mailer organizations are not federal political committees, due to ambiguous rulings they have in effect been treated as a hybrid federal committee without specific statutory or regulatory attention.

C. SLATE MAIL ORGANIZATIONS ARE SEPARATELY TREATED UNDER CALIFORNIA LAW

CDVC, as a sole proprietorship of Mr. Reilly, only provides slate mailer services to federal and state candidates and ballot issues in California for the primary and general elections. In California, slate mailers organizations ("S.M.O.") are a popular means to promote a candidate or committee. In fact, as of August 5, 1992, there have been 97 California SMOs registered, of which 70 are still active. (DECL. ¶6). The California Fair Political Practices Commission ("F.P.P.C.") determined several years ago that the entities printing slate mail cards are not political committees. A separate statutory scheme was enacted, effective in 1988, to regulate slate mailer organizations. They are statutorily required to register and file reports as SMOs[5], and are thus distinguished from candidate or ballot measure committees. The point is that these are recognized as for-profit entities, unlike a typical federal or state registered political committee, and their receipts and payments are not treated as political contributions and expenditures. (See F.P.P.C. Letter to S. Proper, at Exhibit "D".)

At the federal level, these slate card mailers have presented confusion and a number of difficulties for the Commission relative to dealing with funds received, registration, reporting, etc. Some of these issues have arisen in court opinions and enforcement cases. (See F.E.C. v Californians for Democratic Representation (C.D.R.), (unpublished opinion)

[5] Calif. Government Code §82048.3, 84305.5, 82048.4, 84218-84221, and 84108.

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(U.S.D.C., Central District CA, January 7, 1986, CV 85-2086 JMI) and In Re: B.A.D. Campaigns, MUR 1461). However, the Commission has not addressed the legal status of slate mail organizations by regulation. Due to this ambiguous status of slate mailer organizations and the FEC staff's general advice to file as a federal committee, Respondents in good faith filed the reports they believed were required based on that advice. There was also subsequent contact with the Commission to seek advice on the method by which they should continue to register and report for CDVC, if such action was in fact necessary. Respondents received guidance from Commission staff and followed it. (DECL. ¶6)

D. RESPONDENTS WERE MISLED BY RAD

A Mr. DiNardo of the Commission's Reports Analysis Division ("RAD") contacted CDVC by letters dated October 23 and November 14, 1991. Respondents in-turn contacted Mr. DiNardo by telephone to discuss the questions raised in these request for additional information letters ("RFAI"). Ultimately a letter dated November 26, 1991 was submitted to Mr. DiNardo ("DiNardo letter") in response to the aforementioned RFAIs. A copy of that correspondence is attached hereto as Exhibit "E".

Subsequently, and in response to the RFAIs of October 23 and November 14, 1991 Respondents' counsel once again contacted RAD to explain by telephone the matters raised in the RFAIs. Mr. Reilly's Counsel specifically pointed out that CDVC was a sole proprietorship of Clinton Reilly during the phone conversations and in the DiNardo letter. Respondents were advised during those several conversations that the previous reporting by the Committee had not been questioned by RAD and that staff did not see any serious issues or problems with the manner in which such reporting was being conducted but merely sought clarification for the public record. The staff informed Respondents that, "...they did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your (FEC) stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble." (DiNardo letter, p. 2).

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Based on such assurances, Respondents openly discussed matters involving Respondents' activities and submitted written explanations as to the issues raised in the RFAIs. Contrary to the statements by the RAD staff, the information elicited from Respondents during the discussion with the staff were submitted to the General Counsel's office and utilized in filing this matter against Respondents.

III.

ARGUMENTS

A. WHILE SOLICITING INFORMATION PRIOR TO THE COMMENCEMENT OF THIS MATTER, COMMISSION STAFF MISLED RESPONDENTS BY STATING THAT NO ENFORCEMENT ACTION WOULD RESULT FROM THE RESPONSES WHICH THEY PROVIDED TO STAFF.

The Respondents vehemently object to the very filing of this matter against Respondents in light of statements made by FEC staff prior to the time the Commission found RTB in this matter.

The Commission staff stated that their only interest was to be certain that CDVC received proper advice and avoided possible future trouble with its filings, (DiNardo Letter p. 2). It is apparent the Respondents now find themselves with more than a sufficient amount of "trouble" by having to undergo the time, expense, and the general disruption to Respondents' businesses in responding to this MUR. Under the auspices of trying to "be helpful" to CDVC, the Commission staff solicited and obtained information from Respondents which was the basis in substantial part for the complaint filed in this matter and obviously the basis for interrogatories and request for production of documents[6]. The misleading actions of RAD stating that CDVC had no need to be concerned about enforcement, and that the General Counsel was merely reviewing the matter in order to provide proper advice back to the Respondents through RAD, are at best acts of bad faith

[6] There are numerous references throughout the F.L.A. referencing "statement by counsel" upon which pertinent information was derived, and which was the single source for the information used in this MUR and the request for documents.

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on behalf of the Commission and are perhaps more accurately described as an outright deception which has imputed the substantive and procedural rights to which the Respondents are entitled under the FECA. This action by RAD and review by the General Counsel's office constituted the commencement of an investigation by the Commission prior to a finding of reason to believe, in direct violation of 2 U.S.C. §437g. On that basis, and that basis alone, this matter should be closed immediately.

Absent such reassurances by staff that they were merely trying to "be helpful" and "not to worry" about a referral to the General Counsel, Respondents would have assumed a more formal response to the RFAIs and one which would have been more substantive in nature. Instead, this matter was referred to the General Counsel's office and an investigation was commenced. Respondents question the authority and the propriety upon which this action was commenced[7]. There was not a violation on the face of the CDVC report nor was such a violation alleged by RAD staff. To the contrary, all assurances were provided to Respondent that their reporting was in compliance and questions they posed were merely for clarification. The fact that RAD did not follow up with further questions, or seek further explanations of the DiNardo letter, heightens the questionable nature upon which this matter was initiated. This type of action by the Commission clearly inhibits committees from following the policy of "voluntary compliance," which the Commission so often espouses. Of even greater concern to the community is the Commission's ostensible concern for assisting Respondents then commencing an enforcement action in an area which is ambiguous and for which the Commission has neglected to clarify through regulation. It

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[7] It is unclear from the F.L.A. as to how this matter was brought to the Commission for an RTB finding. The general statutory authority was referenced as §437g(a)(2). However, it was not stated if this was referred to counsel by RAD due to CDVC exceeding a RAD threshold, or if the General Counsel unilaterally brought the matter to the Commission, or if one or more Commissioners sought the RTB finding. Procedural questions regarding the bases of this filing are substantial, especially in view of RAD's comments to Respondents and counsel's review of the issues. Should this matter proceed, a further explanation will be required as to the bases upon which the MUR was commenced.

is unequitable and taints the public policy of the FECA to attempt regulation through an enforcement action when the regulations are silent under the facts of this case.

For the reasons stated above, Respondents hereby reserve all rights, substantive and procedural, to object to any jurisdiction which the Commission asserts over Respondents. Any response or documents filed in this MUR, in answer to the Commission's questions, shall not constitute a waiver of any or all of Respondents' rights to subsequently object and refuse to respond to questions or to Commission's request for production of documents.

B. CDVC IS NOT A POLITICAL COMMITTEE AND WAS NOT REQUIRED TO REGISTER AS A COMMITTEE PURSUANT TO 2 U.S.C. § 433.

A review of the facts above shows CDVC does not qualify as a political committee as defined by the FECA. As noted earlier;

(1) CDVC is a sole proprietorship of Clinton Reilly, with a fictitious business name statement filed in San Francisco (Exhibit "B"). Section 4 of that statement shows CDVC is being conducted in the capacity of an individual, namely Clinton Reilly. For FECA purposes, CDVC is an individual operating a for-profit non-incorporated business. Mr. Reilly is the sole owner and benefactor of CDVC and it does not consist of any additional entities or individuals.

(2) As a sole proprietorship and not a political committee, the revenues which CDVC receives are not "contributions" pursuant to IRC Section 527. Rather, Mr. Reilly is required, and in fact did file a Schedule C, "Profit or Loss From Business" declaring net profits and paying tax on those profits declared as individual income. (See Exhibit "C").

(3) The revenues received by CDVC were not "contributions" nor were they derived as a result of a solicitation for contributions from any other individual or entity.

These facts are proffered to the Commission to evidence an essential point in this MUR; CDVC is not a political committee in the context of the FECA. Since CDVC is a sole proprietorship, it fails to meet the basic definition of a political committee and therefore, notwithstanding the amount of financial activity, CDVC is not an entity required to register and/or file as a political committee. Any filings made to date were made in

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error due to a misunderstanding of ambiguous legal requirements and to erroneous advice. (DECL. ¶6) Those erroneous filings, and even the very filing of a statement of organization, can not convert an entity into a political committee which fails to qualify under the statutory definition.

As the Commission is well aware, the FECA sets forth a two-prong test for determining if an entity is considered a "political committee". The two elements, both of which must be fulfilled, first requires the entity to be a, "committee, club, association, or other group of persons." 2 U.S.C. § 431(4)(A). (emphasis added). Thus, if all funds expended come from a single individual, that individual cannot constitute a committee. Second, the entity must receive contributions aggregating in excess of $1,000.00 during a calendar year or make expenditures aggregating in excess of $1,000.00 during the calendar year.

In the case of CDVC, notwithstanding the fact that independent expenditures in excess of $1,000.00 were made during a calendar year, (DECL. ¶4) such expenditures were made by a single individual (i.e., Clinton Reilly, dba CDVC) and not by any committee, club, association, or other group of persons. Therefore, the first of the two statutory requirements is not fulfilled and CDVC fails to quality as a political committee. This situation can be contrasted with that presented in Advisory Opinion 1980-126 (1 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 5577) and FEC v CDR, ibid.

In A.O. 80-126, an individual solicited and received contributions, thus, engaging the assistance of other individuals. The fact other individuals came together to make contributions triggered the first element of the 2 U.S.C. § 431 definition requirement i.e., two or more individuals. In concluding that the activities constituted a political committee, the Commission reasoned that the organization solicited contributions from a broad range of persons.

> "All persons who were solicited for funds and responded with contributions are part of the organization called "Independent Voters". The request indicates that they divested themselves of control over any decision-making as to the making of expenditures when they made their contributions to "Independent Voters." In that manner they did, however,

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> participate in the activities of that purported entity. These factors taken together indicate that Mr. Lewis and all contributors to "Independent Voters" come within the definition of a political committee as "any other group of persons, 2 U.S.C.§431(4)(A)". (CCH ¶5577, pp 10,713-14.)

Therefore, despite the fact that the solicitations were generated by one man, it involved contributions received from a number of individuals which was sufficient to fulfill the first prong of the definitional test of a political committee.

Contrasting that with the case of CDVC, no such solicitations were made for political "contributions". The funds which CDVC received were payments from principle campaign committees of federal candidates, state candidate committees, and ballot measure committees for placement of advertising on a slate mailer benefitting the particular principal campaign committee or ballot measure committee.

The single court opinion on this subject held such payments did not constitute the making of contributions. In FEC v. CDR, ibid. the court made a finding in its statement of Conclusions of Law that payments, "for the purchase of advertising, ("featuring") in CDR's slate mailing did not constitute contributions to CDR." In addition, the court went on to state that the provision of the advertising services for which it had been paid did not constitute an in-kind contribution from CDR to the purchasers of the advertising." FEC v. CDR, ibid. pp. 5 and 6 (emphasis added)

Since, none of the revenues which CDVC received from the sale of advertising space constituted a contribution, none of those committees paying for space or receiving it free of charge could be deemed to be a "person" making a contribution or in-kind contribution to CDVC for purposes of meeting the definition of what constitutes a political committee, i.e., two or more persons. Similarly, the request by CDVC for payment for the advertising space would not constitute a solicitation since the resulting payment would not constitute a contribution.

The FEC's brief cites to CDR as authority that CDVC was required to register and report as a political committee. (FLA p. 6) Such authority is totally misplaced since the CDVC factual situation is clearly distinguishable from CDR. First, in CDR, the factual

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scenario involved several persons[8] forming a group to make expenditures which constituted in-kind contributions. In contrast, CDVC involved a single individual, not a group of individuals. Second, in the FLA, counsel states,

> "As noted, CDR clearly held that state mailer political committees had to register and report as political committees under the Act, if their expenditures on behalf of nonpaying candidates exceed the statutory threshold." (FLA for CDVC p. 8) (emphasis added)

Unlike CDR, the CDVC expenditures were independent expenditures not in-kind contributions, and unlike CDR they were reported as such by CDVC (DECL. ¶4) Counsel may attempt to argue as it did in MUR 1461[9] that independent expenditures qualify as expenditures for the registration threshold of a political committee. (2 U.S.C. §431 (4)) Again, that issue is distinguished in this matter. This focus here is not the $1,000 expenditure threshold as was argued in MUR 1461,[10] it is rather the predicate language that the contribution or expenditure must be made by a "group of persons". No such "group of persons" existed in the case of CDVC. Therefore, the $1,000 statutory threshold to which counsel refers is irrelevant to the discussion.

The single CDVC reporting obligation was to report only the independent expenditures as it did. (DECL. ¶4) Those independent expenditures could have been reported in the capacity of an individual, i.e., CDVC/Reilly, without the individual having to register as a committee. The fact other information was not required to be disclosed, but in fact was done so voluntarily, is not a factor in the determination of CDVC's status.

For the reasons stated above, CDVC is not a political committee within the context of the FECA and as such CDVC was not required to register or file disclosure reports with

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[8] CDR consisted of Michael Berman and Carl D'Agostino who came together to form CDR. See MUR 1461 General Counsels Brief 16 April 1984 at p.2.

[9] See MUR 1461 General Counsel's Report, 25 July 1984 at p. 9.

[10] Ibid. p. 8.

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the Commission as a political committee. Since CDVC is not a committee, there is no contribution limit with which Respondents were required to comply. Since CDVC and Mr. Reilly are in fact one and the same, he could not have made an excessive contribution to himself, nor could he have received an excessive contribution from himself. Therefore, there is no basis for the 2 U.S.C. §441(a)(1)(c) or §441(a)(f) violations alleged. They become a moot issue based on the conclusion CDVC is not a political committee.

C. CDVC DID MAKE INDEPENDENT EXPENDITURES ALL OF WHICH WERE REPORTED TO THE COMMISSION.

CDVC did make independent expenditures by virtue of the fact that several federal candidates were included on the slate card by Mr. Reilly without charge. These expenditures were reported on Schedules E appended to the Forms 3X that were filed with and are available for inspection at the FEC. These independent expenditures were made in compliance with 11 CFR §109, specifically without consultation or coordination with any of the candidates or the candidates committees or respective agents. (DECL. ¶4)

Based on our in-depth review and analysis of this factual and legal situation as a result of this MUR, it now is clear that the Form 3X reporting recommended by Commission staff was unnecessary and resulted in overreporting. However, those reports did in fact encompass and contain the independent expenditure information which was required to be reported.

IV.
CONCLUSION

For the various reasons stated above, the Respondents hereby request the Commission find no probable cause that a violation has occurred and close the file. Given that

(a) CDVC is not a political committee but rather the fictitious business name of an individual;

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(b) the ambiguity of the law at the federal level involving slate mail entities;

(c) the misleading advice and promises of no retribution by the FEC staff; and

(d) CDVC in fact fully disclosed not only its independent expenditures (which it rightfully was required to report,) in reports that also contained other receipts and disbursement information (which it was not required to report), the Commission now has a full and correct understanding of the CDVC status and should close this matter.

Respectfully submitted,

Dated: August 14, 1992

Peter A. Bagatelos

Peter A. Bagatelos

Dated: August 14, 1992

Paul E. Sullivan

Paul E. Sullivan

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EXHIBIT A

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BEFORE THE FEDERAL ELECTION COMMISSION

Declaration of Clinton Reilly
MUR 3502

I, Clinton Reilly, declare as follows:

1. I am an individual named as a Respondent in an Administrative enforcement action undertaken by the Federal Election Commission ("FEC") in MUR 3502. I have been in business as a political consultant for more than twenty years.

2. In 1990 and through this date, which is the period of time involving MUR 3502, I owned my own political consulting and direct mail business. At all times, I was the sole and exclusive owner of those business interests.

3. For the 1990 Primary and General elections for the State of California, I developed a slate card mail piece for profit purposes, for which space was sold to federal, state, and local candidates and ballot issues. The prices charged for space were determined solely by myself, and were based upon my experience in this field and what the market place would bear. For example, a ballot initiative committee is often more willing to pay more for a given amount of space than is a candidate committee.

4. For the 1990 primary and general elections, there was a group of federal candidates whom I unilaterally added to the slate card, none of whom paid anything for the space. A true list of those candidates is attached hereto. I included them on the respective cards without any consultation or coordination with the respective candidates or their committees or agents. These were all reported on Schedules E to the FEC as independent expenditures.

5. In order to segregate the slate mail revenues and expenses, I filed a fictitious business name registration on April 16, 1990 in San Francisco, California. A true and complete copy is attached hereto. The name registered was California Democratic Voter Checklist (CDVC) and it was a "dba" for me as an individual. CDVC was operated by me as a sole proprietorship and all revenues were declared by me as

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personal income. I filed a Schedule C with my personal tax return reflecting the CDVC revenues. A true copy of Schedule C is attached hereto. No other individuals or entities had or have an ownership interest in CDVC.

6. Upon advice of counsel and the FEC, I registered CDVC with the FEC to disclose all receipts and disbursements. I did this in the spirit of voluntary disclosure. There appears to be a dispute between the classification of slate mail organizations at the state and federal level. There have been 97 slate card organizations registered in California and 70 of them are still active. The registration of CDVC with the FEC was intended to provide full disclosure of the CDVC activities, and was not due to the belief CDVC was legally a "political committee" as defined by the FEC.

I declare under oath that the preceding facts are true and correct to the best of my knowledge.

Dated: August 07, 1992

Clinton Reilly

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ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full)	I.D. No.
California Democratic Voter Checklist	C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Miller for Congress 367 Civic Dr. Pleasant Hill, CA 94523	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	George Miller 7th C.D., CA ■ Support ☐ Oppose
Comm. for Congressman Ronald V. Dellums P.O. Box 29164 Oakland, CA 94604	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Ronald V. Dellums 8th C.D., CA ■ Support ☐ Oppose
Pete Stark Re-election Comm. P.O. Box 5303 Oakland, CA 94605	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Pete Stark 9th C.D., CA ■ Support ☐ Oppose
Edwards for Congress 280 S. First St., #372 San Jose, CA 95113	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Don Edwards 10th C.D., CA ■ Support ☐ Oppose
Lantos for Congress P.O. Box 611 Burlingame, CA 94011	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Tom Lantos 11th C.D., CA ■ Support ☐ Oppose
Bond for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Gary Bond 12th C.D., CA ■ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign material prepared by the candidate or campaign committee, or their agent.

[signature] 1990

Signature Date

Subscribed and sworn to before me this 16th day of July, 1990

My Commission expires 5/9/91

Monica D. Mills

NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 6, 1991

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Bosco for Congress 777 Sonoma Ave. Santa Rosa, CA 95404	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Douglas H. Bosco 1st C.D., CA ■ Support ☐ Oppose
Rush for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Erwin E. Rush 2nd C.D., CA ■ Support ☐ Oppose
Matsui for Congress 8058 Federal Bldg. 650 Capitol Mall Sacramento, CA 95814	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Robert T. Matsui 3rd C.D., CA ■ Support ☐ Oppose
Fazio for Congress 117 W. Main St. Woodland, CA 95695	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Vic Fazio 4th C.D., CA ■ Support ☐ Oppose
Pelosi for Congress P.O. Box 183 San Francisco, CA 94101	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Nancy Pelosi 5th C.D., CA ■ Support ☐ Oppose
Boxer for Congress P.O. Box 4881 San Francisco, CA 94101	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Barbara Boxer 6th C.D., CA ■ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $

(c) TOTAL Independent Expenditures ..... $

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, contact with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the preparation of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature: [illegible] Date: [illegible] 1990

Subscribed and sworn to before me this 16th day of July, 19 90

(My Commission Expires 5/8/91)

Monica D. Mills
NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 8, 1991

EDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Page 3 of 7 Pages

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No.: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Mineta for Congress 1245 S. Winchester Bl.,#310 San Jose, CA 95128	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Norman Y. Mineta 13th C.D., CA ■ Support ☐ Oppose
Malberg for Congress 4191 Godley Lane Lincoln, CA 95648	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Patricia Malberg 14th C.D., CA ■ Support ☐ Oppose
Condit for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Gary A. Condit 15th C.D., CA ■ Support ☐ Oppose
Panetta for Congress 15 Panetta Road Carmel Valley, CA 93924	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Leon E. Panetta 16th C.D.,CA ■ Support ☐ Oppose
Lehman for Congress P.O. Box 829 Fresno, CA 93712	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Richard H. Lehman 18th C.D., CA ■ Support ☐ Oppose
Freiman for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Richard D. Freiman 21st C.D., CA ■ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures $

(c) TOTAL Independent Expenditures $

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

Signature

Date

Subscribed and sworn to before me this 11th day of July, 1990

My Commission expires 5/18/91

Monica D. Mills
NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
May 3, 1991

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No.: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Vournas for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Tom Vournas 22nd C.D., CA ☑ Support ☐ Oppose
Beilenson for Congress 444 S. Occidental Blvd.,#421 Los Angeles, CA 90057	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Anthony C. Beilenson 23rd C.D., CA ☑ Support ☐ Oppose
Congressman Waxman Campaign Committee 433 S. Beverly Dr. Beverly Hills, CA 90212	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Henry A. Waxman 24th C.D., CA ☑ Support ☐ Oppose
Edward R. Roybal Camp. Comm. 31651 Large Ave. Los Angeles, CA 90039	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Edward R. Roybal 25th C.D., CA ☑ Support ☐ Oppose
Berman for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Howard L. Berman 26th C.D., CA ☑ Support ☐ Oppose
Levine for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Mel Levine 27th C.D., CA ☑ Support ☐ Oppose

a) SUBTOTAL of Itemized Independent Expenditures $ 3,000

b) SUBTOTAL of Unitemized Independent Expenditures $

c) TOTAL Independent Expenditures $

Under penalty of perjury I certify that the independent expenditure(s) reported here in were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures cannot include the financing of dissemination, distribution, or republication in whole or in part of any campaign material prepared by the candidate, his campaign committee, or their agent.

Signature: [signature] Date: 7/16/1990

Subscribed and sworn to before me this 16th day of July, 19 90

My Commission expires 5/3/91

Monica D. Mills
NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 3, 1991

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SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Page 5 of 7 Pages

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No.: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Julian C. Dixon, Democrat for Congress 1581 Roxbury Dr. Los Angeles, CA 90035	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Julian C. Dixon 28th C.D., CA ☒ Support ☐ Oppose
Waters for Congerss	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Maxine Waters 29th C.D., CA ☒ Support ☐ Oppose
Martinez for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Matthew G. Martinez 30th C.D., CA ☒ Support ☐ Oppose
Dymally Campaign Committee 322 W. Compton, #100-B Compton, CA 90220	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Mervyn Dymally 31st C.D., CA ☒ Support ☐ Oppose
Glenn Anderson Camp. Comm. 2528 W. Sepulveda Blvd Torrance, CA 90505	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Glenn Anderson 32nd C.D., CA ☒ Support ☐ Oppose
Webb for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Georgia Houston Webb 33rd C.D., CA ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures . . . . . $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures . . . . . $

(c) TOTAL Independent Expenditures . . . . . $

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

Signature: [illegible]

Date: [illegible]

Subscribed and sworn to before me this 16th day of July, 19 90

My Commission expires: 5/8/91

Monica D. Mills
NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 8, 1991

.90043900139

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No.: C00344525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Committee to Elect Esteban Torres to Congress 16446 Woodruff Bellflower, CA 91706	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Esteban E. Torres 34th C.D., CA ☒ Support ☐ Oppose
Norton for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Berry Norton 35th C.D., CA ☒ Support ☐ Oppose
Keep George Brown in Congress Committee 6635 Magnolia Ave Riverside, CA 92506	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	George Brown, Jr 36th C.D., CA ☒ Support ☐ Oppose
Jackson for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Barbara Jackson 38th C.D., CA ☒ Support ☐ Oppose
Hoffman for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Francis X Hoffman 39th C.D., CA ☒ Support ☐ Oppose
Gratz for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Eugene C. Gratz 40th C.D., CA ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures . . . $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures . . . $

(c) TOTAL Independent Expenditures . . . $

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by any candidate, his committee or campaign, or their agent.

Signature

Date

Subscribed and sworn to before me this 14th day of July, 19 90

My Commission expires 5/8/91

Monica D. Mills
NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission Expires May 8, 1991

JUL 18 '90 14:39 SEAZER 213 [illegible] 524 P02

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full)	I.D. No.
California Democratic Voter Checklist	C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate (supported or opposed by the expenditure & office sought)
Kripke for Congress 8437 Sugarman Dr. La Jolla, CA 92037	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	Dan Kripke 41st C.D., CA ☒ Support ☐ Oppose
De Zort for Congress	Pro-rata share of all expenditures listed on Sch. B	6/5/90	500	James L. De Zort 45th C.D., CA ☒ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ 1,000

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ -0-

(c) TOTAL Independent Expenditures ..... $ 19,000

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

[signature] Signature

Jul 19 1990 Date

Subscribed and sworn to before me this 16th day of July, 19 90

My Commission expires 5/8/91

Monica D. Mills NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 8, 1991

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full)	I.D. No.
California Democratic Voter Checklist	C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Miller for Congress 367 Civic Dr. Pleasant Hill, CA 94523	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	George Miller 7th C.D., CA ■ Support ☐ Oppose
Comm. for Congressman Ronald V. Dellums P.O. Box 29164 Oakland, CA 94604	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Ronald V. Dellums 8th C.D., CA ■ Support ☐ Oppose
Pete Stark Re-election Comm. P.O. Box 5303 Oakland, CA 94605	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Pete Stark 9th C.D., CA ■ Support ☐ Oppose
Edwards for Congress 280 S. First St., #372 San Jose, CA 95113	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Don Edwards 10th C.D., CA ■ Support ☐ Oppose
Lantos for Congress P.O. Box 611 Burlingame, CA 94011	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Tom Lantos 11th C.D., CA ■ Support ☐ Oppose
Robert Palmer for Congress 1819 Newcastle Dr. Los Altos, CA 94024	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Robert Palmer 12th C.D., CA ■ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ 3,000
(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____
(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the funding of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

X [signature] 12/6/90
Signature Date

Subscribed and sworn to before me this 6th day of December, 1990

My Commission expires 5/8/91 Monica D. Mills
NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 8, 1991

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SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No.: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Bosco for Congress 777 Sonoma Ave. Santa Rosa, CA 95404	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Douglas H. Bosco 1st C.D., CA ☒ Support ☐ Oppose
Rush for Congress 1610 Johnson St. Red Bluff, CA 96080	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Erwin E. Rush 2nd C.D., CA ☒ Support ☐ Oppose
Matsui for Congress 9058 Federal Bldg. 650 Capitol Mall Sacramento, CA 95814	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Robert T. Matsui 3rd C.D., CA ☒ Support ☐ Oppose
Fazio for Congress 117 W. Main St. Woodland, CA 95695	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Vic Fazio 4th C.D., CA ☒ Support ☐ Oppose
Pelosi for Congress P.O. Box 183 San Francisco, CA 94101	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Nancy Pelosi 5th C.D., CA ☒ Support ☐ Oppose
Boxer for Congress P.O. Box 4881 San Francisco, CA 94101	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Barbara Boxer 6th C.D., CA ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures . . . $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures . . . $

(c) TOTAL Independent Expenditures . . . $

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of a communication, distribution, or solicitation in behalf of, or in opposition to, the campaign of persons prohibited by the candidate, his campaign committee, or other agent.

Signature: [illegible] Date: 12/6/90

Subscribed and sworn to before me this 6th day of December, 1990

Monica D. Mills
NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Comm. Expires Nov. 8, 1991

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ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No.: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Mineta for Congress 1245 S. Winchester Bl.,#310 San Jose, CA 95128	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Norman Y. Mineta 13th C.D., CA ■ Support ☐ Oppose
Malberg for Congress 4191 Godley Lane Lincoln, CA 95648	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Patricia Malberg 14th C.D., CA ■ Support ☐ Oppose
Condit for Congress 2509 Acorn Lane Ceres, CA 95307	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Gary A. Condit 15th C.D., CA ■ Support ☐ Oppose
Panetta for Congress 15 Panetta Road Carmel Valley, CA 93924	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Leon E. Panetta 16th C.D.,CA ■ Support ☐ Oppose
Lehman for Congress P.O. Box 829 Fresno, CA 93712	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Richard H. Lehman 18th C.D., CA ■ Support ☐ Oppose
Freiman for Congress P.O. Box 416 Agoura Hills, CA 91376	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Richard D. Freiman 21st C.D., CA ■ Support ☐ Oppose

a) SUBTOTAL of Itemized Independent Expenditures ..... $ 3,000

b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of the campaign material prepared by the candidate, his campaign committee, or their agent.

x [signature] 12/6/90

Signature Date

Subscribed and sworn to before me this 6th day of December, 1990

My Commission expires: 5/8/91

Monica D. Mills
NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 8, 1991

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
David Bayer for Congress 333 N. 7th St., #C Burbank, CA 91501	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	David Bayer 22nd C.D., CA ☒ Support ☐ Oppose
Beilenson for Congress 444 S. Occidental Blvd., #421 Los Angeles, CA 90057	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Anthony C. Beilenson 23rd C.D., CA ☒ Support ☐ Oppose
Congressman Waxman Campaign Committee 433 S. Beverly Dr. Beverly Hills, CA 90212	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Henry A. Waxman 24th C.D., CA ☒ Support ☐ Oppose
Edward R. Roybal Camp. Comm. 31651 Large Ave. Los Angeles, CA 90039	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Edward R. Roybal 25th C.D., CA ☒ Support ☐ Oppose
Berman for Congress 14600 Roscoe Blvd. #506 Panorama City, CA 91402	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Howard L. Berman 26th C.D., CA ☒ Support ☐ Oppose
Levine for Congress 5250 W. Century Blvd., #447 Los Angeles, CA 90045	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Mel Levine 27th C.D., CA ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures $

(c) TOTAL Independent Expenditures $

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert or pursuant to any request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, I certify that I have not received any information or material relative to the preparation of this report from any candidate or agent or authorized committee of such candidate in advance of the time such information or material could be obtained by the general public through a campaign mailing or broadcast.

Subscribed and sworn to before me this 6th day of December, 1990

OFFICIAL SEAL MONICA D. THILL NOTARY PUBLIC - CALIFORNIA

Signature

Monica D. Thill

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Julian C. Dixon, Democrat for Congress 1581 Roxbury Dr. Los Angeles, CA 90035	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Julian C. Dixon 28th C.D., CA ☒ Support ☐ Oppose
Waters for Congress 7900 S. Central Ave. Los Angeles, CA 90001	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Maxine Waters 29th C.D., CA ☒ Support ☐ Oppose
Martinez for Congress 400 N. Montebello Blvd. Montebello, CA 90640	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Matthew G. Martinez 30th C.D., CA ☒ Support ☐ Oppose
Dymally Campaign Committee 322 W. Compton, #100-B Compton, CA 90220	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Marvyn Dymally 31st C.D., CA ☒ Support ☐ Oppose
Glenn Anderson Camp. Comm. 2528 W. Sepulveda Blvd Torrance, CA 90505	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Glenn Anderson 32nd C.D., CA ☒ Support ☐ Oppose
Webb for Congress 110 E. Arrow Hwy Claremont, CA 91711	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Georgia Houston Webb 33rd C.D., CA ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

x [signature] 12/6/90

Signature Date

Subscribed and sworn to before me this 6th day of December, 19 90

My Commission expires 5/5/91 Monica D. Mill

NOTARY PUBLIC
OFFICIAL SEAL
MONICA D. MILL
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission Expires May 8, 1991

DEC 06 '90 13:08 GLAZER 213 3845548 767 P52

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No.: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Committee to Elect Esteban Torres to Congress 16446 Woodruff Bellflower, CA 91706	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Esteban E. Torres 34th C.D., CA ☒ Support ☐ Oppose
Norton for Congress P.O. Box 149 Montclair, CA 91763	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Barry Norton 35th C.D., CA ☒ Support ☐ Oppose
Keep George Brown in Congress Committee 6635 Magnolia Ave Riverside, CA 92506	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	George Brown, Jr 36th C.D., CA ☒ Support ☐ Oppose
Jackson for Congress 7000 La Palma Ave. Buena Park, CA 90620	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Barbara Jackson 38th C.D., CA ☒ Support ☐ Oppose
Hoffman for Congress 175 E. Rio Vista St. Anaheim, CA 92806	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Francis X Hoffman 39th C.D., CA ☒ Support ☐ Oppose
Gratz for Congress 550 Thalia St. Laguna Beach, CA 92651	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Eugene C. Gratz 40th C.D., CA ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures $

(c) TOTAL Independent Expenditures $

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, contact with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

X [signature] 12/6/90

Signature Date

Subscribed and sworn to before me this 6th day of December, 1990

My Commission expires 5/8/91

Monica D. Mills

NOTARY PUBLIC

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 8, 1991

9804390147

DEC 06 '90 13:08 GLAZER 213 3845548 767 P53

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): California Democratic Voter Checklist

I.D. No.: C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Kripke for Congress 8437 Sugarman Dr. La Jolla, CA 92037	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Dan Kripke 41st C.D., CA ☒ Support ☐ Oppose
Guy C. Kimbrough for Congress 14472 Spa Dr. Huntington Beach, CA 92647	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Guy C. Kimbrough 42nd C.D., CA ☒ Support ☐ Oppose
Calvin Dooley for Congress P.O. Box 1367 Visalia, CA 93729	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Calvin Dooley 17th C.D., CA ☒ Support ☐ Oppose
Anita Perez Ferguson 4400 Cathedral Oaks Rd. Santa Barbara, CA 93160	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Anita Perez Ferguson 19th C.D., CA ☒ Support ☐ Oppose
Michael A. Thomas for Congress P.O. Box 1068 Grover City, CA 93483	Pro-rata share all expenditures listed on Sch. B	11/6/90	500	Michael A. Thomas 20th C.D., CA ☒ Support ☐ Oppose
Ralph Waite for Congress 23 Duke Drive Rancho Mirage, CA 92270	Pro-rata share of all expenditures	11/6/90	500	Ralph Waite 37th C.D., CA. ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ 3,000

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures [illegible] the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

x [signature] 12/6/90

Signature Date

Subscribed and sworn to before me this 6th day of December, 1990

My Commission expires 5/8/91

Monica D. Mills

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires May 2, 1991

DEC 06 '90 13:09 GLAZER 213 3645548 767 P54

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Page 2 of 2 Pages

Name of Committee (in Full)	I.D. No.
California Democratic Voter Checklist	C00244525

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Jim Bates for Congress 3450 College Ave., #220 San Diego, CA 92115	Pro-rata share of all expenditures listed on Sch. B	11/6/90	500	Jim Bates 44th C.D., CA ☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$ 500	
(b) SUBTOTAL of Unitemized Independent Expenditures	$ -0-	
(c) TOTAL Independent Expenditures		$ 21,500

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert [illegible] to before me this 6th day of request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, [illegible] did not involve the [illegible] of dissemination, distribution, [illegible] in whole or in part of any [illegible] prepared by the [illegible] candidate committee or their agent.

OFFICIAL SEAL
MONICA D. MILLS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission Expires May [illegible] 91

[signature] Signature

[illegible] Date

Monica D. Mills
NOTARY PUBLIC

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EXHIBIT B

9804390015C

County Clerk
Room 317 City Hall
San Francisco, CA 94102

REMINDER
1. Submit Original and 3 copies
2. Filing Fee $10 for 1st Business Name and 1st Partner
   $2.00 each additional Business Name
   $2.00 each additional Partner
3. Provide return Envelope, if mailed.

ENDORSED
FILED
San Francisco County Superior Court

APR 16 1990

DONALD W. DICKINSON, Clerk
BY: B. HEYWOOD
Deputy Clerk

SEE REVERSE SIDE FOR INSTRUCTIONS

FICTITIOUS BUSINESS NAME STATEMENT (FILE NO. 139247

1.	Fictitious Business Name(s) California Democratic Voter Checklist
2.	Street Address, City & State of Principal place of Business in California: 704 Sansome Street, San Francisco, CA — Zip Code: 94111
3.	Full name of Registrant (if corporation-show state of incorporation): Clinton Thomas Reilly
	Residence Address: 880 El Camino del Mar, San Francisco, CA — City — State — Zip Code: 94121
	Full name of Registrant (if corporation-show state of incorporation)
	Residence Address — City — State — Zip Code
	Full name of Registrant (if corporation-show state of incorporation)
	Residence Address — City — State — Zip Code
4.	This business is conducted by ☒ an individual ☐ a general partnership ☐ a limited partnership ☐ an unincorporated association other than a partnership ☐ a corporation ☐ a business trust ☐ co-partners ☐ husband and wife ☐ joint venture ☐ other-please specify: _____ (CHECK ONE ONLY)
5.	The registrant commenced to transact business under the above-listed fictitious business name or names on April 13, 1990
6.	Signed X _____ Typed or Printed Clinton T. Reilly — If registrant a corporation, sign below: Corporation Name _____ Signature & Title _____

This statement was filed with the County Clerk of San Francisco on date indicated by the file stamp above.

NOTICE-THIS FICTITIOUS NAME STATEMENT EXPIRES ON APR 1 6 1995, FIVE YEARS FROM THE DATE IT WAS FILED. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO THIS DATE. THE FILING OF THIS STATEMENT DOES NOT OF ITSELF AUTHORIZE THE USE IN THIS STATE OF A FICTITOUS BUSINESS NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE OR COMMON LAW (SEE SECTION 14400 ET SEQ., BUSINESS AND PROFESSIONS CODE.)

CERTIFICATION

I hereby certify that the foregoing is a correct copy of the original on file in my office.

DONALD W. DICKINSON

By, B. HEYWOOD, Deputy
B. HEYWOOD

File copy

G-5

NOTICE TO REGISTRANT PURSUANT TO SECTION 17900 BUSINESS & PROFESSIONS CODE

(1) Your fictitious business name statement must be published in a newspaper within 30 days after the statement has been filed with the county clerk. The statement must be published once a week for four successive weeks and an affidavit of publication filed with the county clerk within 30 days after publication has been completed. The statement should be published in a newspaper of general circulation in the county where the principal place of business is located. The statement should be published in such county in a newspaper that circulates in the area where the business is to be conducted. (Sec. 17917 B&P Code).

(2) Any person who executes, files, or publishes any fictitious business name statement, knowing that such statement is false, in whole or in part, is guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed five hundred dollars ($500) (Sec. 17930 B&P Code).

INSTRUCTIONS FOR COMPLETION OF STATEMENT

Please type or print.

(1) Insert the fictitious business name or names. Only those businesses operated at the same address may be listed on one statement.

(2) If the registrant has a place of business in this state, insert the street address of his principal place of business in this state. If the registrant has no place of business in this state, insert the street address of his principal place of business outside his state (P.O. Box not acceptable).

(3) If the registrant is an individual, insert his full name and residence address.

If the registrant is a partnership or other association of persons, insert the full name and residence address of each general partner.

If the registrant is a business trust, insert full name and residence address of each trustee.

If the registrant is a corporation, insert the name of the corporation as set forth in its articles of incorporation, the state of incorporation and the principal business address.

(P.O. Box not acceptable for residence address).

(4) Check box provided, whichever of the following best describes the nature of the business: "an individual," "a general partnership," "a limited partnership," "an unincorporated association other than a partnership," "a corporation," "a business trust," "co-partners," "husband and wife," "joint venture," or "other."

(5) If the registrant is an individual, the statement shall be signed by the individual.

If the registrant is a partnership or other association of other persons, the statement shall be signed by a general partner.

If the registrant is a business trust, the statement shall be signed by a trustee.

If the registrant is a corporation, the statement shall be signed by an officer. State title of officer.

9 9 0 4 3 9 0 0 1 5 2

RECEIVED JUN 04 1990

SAN FRANCISCO BEACON
165 - 11th Street
San Francisco, CA 94103
(415) 431-4792

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN FRANCISCO

PROOF OF PUBLICATION

(2010,2015 C.C.P.)

ENDORSED
FILED
San Francisco County Superior Court
JUN - 1 1990
DONALD W. DICKINSON, Clerk
By STEVEN L. FENNETT
Deputy Clerk

FICTITIOUS BUSINESS NAME STATEMENT

FILE No. 139247

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

Clinton Thomas Reilly

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO } SS

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of 18 years, and not a party to or interested in the above matter. I am the principal clerk of the printer and a publisher of the SAN FRANCISCO BEACON, a newspaper of general circulation printed and published weekly in the City and County of San Francisco, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the City and County of San Francisco, State of California under the date January 3, 1979, recorded in Volume A-682 page 3 thereof, that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit;

May 11,18,25, June 1, 1990.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 1, 1990.

Signature: Richard L. Walton

FICTITIOUS BUSINESS NAME STATEMENT
FILE No. 139247
The following person is doing business as:
CALIFORNIA DEMOCRATIC VOTER CHECKLIST
at 704 Sansome St., San Francisco, CA 94111:
Clinton Thomas Reilly, 660 El Camino Del Mar, San Francisco, CA 94121.
This business is conducted by an individual.
Signed: Clinton Thomas Reilly.
This statement was filed with the County Clerk of S.F. County on: 04-18-90.
Registrant commenced to transact business under the above-listed fictitious business name on: 04-13-90.
PD: May 11,18,25, June 1, 1990.

EXHIBIT C

9 0 0 4 3 9 0 0 1 5 4

Submitted In Camera
to the General Counsel

9904390155

EXHIBIT D

9 3 0 4 3 9 0 0 1 5 6

California
Fair Political
Practices Commission

August 29, 1986

Susan Propper
Assistant General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Your Request for Comments
Our File No. I-86-268

Dear Ms. Propper:

Thank you for the opportunity to provide comments relating to Congressman Stark's advisory opinion request concerning a proposed slate mailing. Your letter to Roger Brown has been referred to me for a response.

In applying the Political Reform Act (California Government Code Sections 81000-91015) to slate mailers, the Fair Political Practices Commission has distinguished between slate mailers prepared and sent by a state or local candidate who is being voted upon, and slate mailers prepared and sent by independent contractors. A state or local candidate who prepares and sends a slate mailer must disclose all contributions received, and all contributions and expenditures made in connection with a slate mailer. In contrast, an independent contractor who is in the business of sending slate mailers is not a "committee" and has no campaign disclosure responsibilities under state law.

With regard to a slate mailer prepared by a state or local candidate, any time the candidate includes an endorsement of another candidate free of charge in his or her literature at the behest of that nonpaying candidate, the candidate sending the mailing has made a reportable in-kind contribution to the nonpaying candidate. When the candidate sending the mailing includes in his or her literature an endorsement of another candidate, but the endorsement is <u>not</u> at the behest of the other candidate, the candidate sending the mailing is generally <u>not</u> required to report the expenditure as an independent expenditure. The candidate sending the mailer would be required to report the expenditure as an independent expenditure only if the mailer is sent to a jurisdiction in which the candidate sending the mailing is not being voted upon. This conclusion is based on the assumption that a candidate who includes other candidates in a mailing sent within his or her own jurisdiction ordinarily includes the other candidates only for his or her own benefit, rather than to advocate the election of the other candidates. However,

428 J Street, Suite 800 • P.O. Box 807 • Sacramento CA 95804-0807 • (916) 322-5660

90043900157

when the mailer is sent to another jurisdiction, or when the other candidate is included because he or she has so requested, then the candidate sending the mailing is acting for the purpose of benefiting the other candidates.

As to an independent contractor slate mailer organization, which is in the business of producing slate mailers for political campaigns, we have concluded that such an organization acts primarily for business purposes, rather than political purposes, and thus has no campaign disclosure responsibilities under the Political Reform Act. In our opinion, the operation of a profitable business is the primary motivation behind the slate mailer organization's decisions to include certain candidates on the slate mailer free of charge. Therefore, we have concluded that expenses incurred by the slate mailer organization in connection with including nonpaying candidates in the slate mailer are neither contributions to those candidates nor independent expenditures because they lack the requisite political purpose. Furthermore, payments received by the slate mailer organization from candidates who wish to appear in the slate mailer are not contributions from the candidates, because the service provided by the slate mailer organization is equal consideration for the payments it receives. Therefore, we have consistently advised independent contractor slate mailer organizations that they are not "committees" under the Political Reform Act, and are not subject to the state campaign disclosure requirements. However, these organizations must provide the paying state and local candidates included in the slate mailer with information regarding expenditures incurred by the slate mailer organization in connection with the mailer, other than overhead or normal operating expenses, so that the paying candidates can report those expenditures in their campaign statements. You should note that we may reconsider our advice to independent contractor slate mailer organizations in light of the decision in Federal Election Commission v. Californians for Democratic Representation.

Independent contractor slate mailer organizations which receive payments from candidates included in the slate mailer must provide, on the mailer itself, certain information concerning the sender of the mailer, and who paid for it. Specifically, on the inside and outside of the mailer must appear a statement that the mailer is published by the slate mailer organization. In addition, the outside of the mailer must include a statement that the mailer is paid for by the candidates or committees whose names appear inside. Inside, the names of the paying candidates must be marked with an asterisk, and it must be stated that the mailer was sent or paid for by the candidates and committees that are so marked.

In Congressman Stark's situation, we would consider him to be subject to the same requirements as an independent contractor slate mailer organization. This conclusion is based on the fact that he is not a candidate for state or local office in California, and thus has no reporting requirements under the state law. Therefore, although Congressman Stark would have no campaign disclosure responsibilities under state law, he would be required to provide certain information to state and local candidates who purchase space in his mailer, and he would be required to include information on the inside and outside of the mailer concerning the identity of the sender and the paying candidates. We suggest you refer Congressman Stark to our Technical Assistance and Analysis Division, at (916) 322-5662, for more specific assistance as to his duties under state law. As mentioned above, it is possible that the Fair Political Practices Commission will change its advice with respect to the reporting requirements of independent contractor slate mailer organizations in light of the recent developments in the federal law. Accordingly, Congressman Stark should check back with us if, in future years, he wishes to produce a slate mailer which includes candidates for state of local office.

Thank you again for the opportunity to provide these comments. If you have any questions regarding this letter, please contact me at (916) 322-5901.

Very truly yours,

Kathryn E. Donovan

Kathryn E. Donovan
Counsel
Legal Division

KED:plh

9204390159

EXHIBIT E

9804390016C

LAW OFFICES OF
BAGATELOS & FADEM
THE INTERNATIONAL BUILDING
601 CALIFORNIA STREET
SUITE 1801
SAN FRANCISCO, CALIFORNIA 94108

BARRY FADEM
PETER A. BAGATELOS

TELEPHONE
(415) 982-7100
FAX
(415) 982-1085

November 26, 1991

Mr. Robert B. DiNardo
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: Clinton Reilly, Treasurer and
California Democratic Voter Checklist
ID #C00244525

Dear Mr. DiNardo:

This firm represents Clinton Reilly. We have been asked by Mr. Reilly to respond to your letters to Mr. Reilly as Treasurer of the California Democratic Voter Checklist. A copy of your letters, dated October 23 and November 14, 1991, is enclosed herewith.

After receiving your initial letter, I spoke with you by telephone on November 6, 1991. Based on information provided by my client, I generally explained to you regarding the two matters raised in your letter. There were some aspects of our discussion that required further checking by you. You therefore advised me to wait until the following week for you to get back to me. You told me the deadline to provide a written response would be extended another 15 days or through December 2, 1991.

On November 13, 1991, you called and advised me to send a written response to your letter, essentially summarizing the explanation I had provided by telephone on November 6, 1991. I am pleased to do so on behalf of my client.

The California Democratic Voter Checklist (CDVC) is a for-profit function involving the preparation and distribution of slate mailers that contain both federal candidates and California state and local candidates and measures. CDVC is totally owned by Clinton Reilly, who owns the office building in which the slate mailer is prepared. CDVC is not a traditional federal political committee. I described it to you as being like a "dba" or "alter ego" of Clinton Reilly.

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It is our understanding that, because federal candidates are included not at their behest in a certain manner in the mailer, a portion of the value of the slate mailer services must be allocated as independent expenditures for non-paying federal candidates. This requires a commercial enterprise like CDVC to register as a federal committee and file periodic disclosure statements. In general conversations previously that I had last year with Lisa Stolaruk at the FEC, I determined that this is the proper procedure that must be followed by such an entity. Such for-profit slate mailer entities are fairly common and do not fit the standard committee descriptions and regulations under the F.E.C.A. You even acknowledged to me that your office has not run across this situation before and, therefore, you want to be sure to give us correct and consistent guidance.

Clinton Reilly arranged for a line of credit at Union Bank and these funds were used to pay the initial expenses of producing the slate mailer. Later, candidates and committees wishing to participate in the slate mailer paid CDVC for the space utilized in the mailer. These persons and entities received advertising services equal in value to the amounts they paid. As funds became available to not only satisfy the costs of production, CDVC also paid down the line of credit with payments to Clint Reilly and Union Bank. $141,149.00 was paid to Union Bank on behalf of Clint Reilly to fully satisfy the amounts borrowed. All payments relating to this capitalization were reported on various reports filed since last year.

The expenses of producing the slate mailers were paid by CDVC as they have been incurred. Prior reports of CDVC have disclosed appropriate administrative costs that were paid. In a non-election year like 1991, the slate mailer function is dormant and no administrative costs have been incurred. As further administrative costs may be incurred, they will be properly reported, as before. However, it is my understanding that the CDVC will soon be terminated. There is no connected organization involved, nor are there any non-federal accounts or in-kind contributions involved. The FEC Form 3, filed for the period January 1 through June 30, 1991, included the appropriate items for disclosure.

With respect to the above explanation, you said that you checked with Lisa Stolaruk, who had checked with the Office of General Counsel (OGC) last year regarding reporting by such slate mail committees, and you advised that CDVC should keep reporting in the same way unless otherwise notified. You acknowledged that CDVC has been reporting the repayments on the capitalization since last year, which no one previously questioned, and your office did not see any issues or problems at this time. You stated we did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble.

9804390016 2

We trust that this response fully responds to your questions. Please feel free to contact me if you need any further clarifications.

Very truly yours,

Peter A. Bagatelos

Peter A. Bagatelos

cc: Clint Reilly

9304390016 3

FEDERAL ELECTION COMMISSION
RECEIVED
92 AUG 14 PM 4:47

MEMORANDUM

TO: General Counsel
Federal Election Commission

FROM: Paul E. Sullivan, Esq.

DATE: August 14, 1992

RE: MUR 3502
In Camera Document Submission
EXHIBIT "C" to RTB Response

The enclosed document is a 1990 Schedule C "Profit and Loss From Business" for California Democratic Voter Checklist a dba of Clinton Reilly. It is submitted in a sealed envelope to you as general counsel on the exclusive condition it not be made public at anytime in the future, including at such time that MUR 3502 is closed and appropriate documents are placed on the public file. In addition, it is to be used solely and exclusively in association with MUR 3502, and no other purpose whatsoever.

Acceptance of the Exhibit "C" document shall be deemed to be an implied acceptance of the terms and conditions set out above. If not acceptable, please return document in sealed envelop to me . Thank you for your cooperation in this matter.

* * *

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1992

Paul E. Sullivan, Esquire
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RE: MUR 3502
Clinton Reilly

California Democratic Voters
Checklist and Clinton Reilly,
as treasurer

Dear Mr. Sullivan:

This letter is to confirm the receipt of the response you filed with the Commission on behalf of your above referenced clients, on August 14, 1992. Exhibit C of your clients' response, which you submitted in camera to the General Counsel with the instruction that the information will not be made public "at any time in the future" is being returned to you unopened.

If the information contained in the sealed envelope proves to be irrelevant to the case, then we do have procedures for the protection of that information. On the other hand, if the information provides support for a finding against your clients, there is little, if anything, we can do to keep it out of the public domain.

On occasion this Office has negotiated limitations on uses to which we could put documents submitted by respondents. If you are interested in doing it this way please contact this Office. If you feel the materials contained in your Exhibit C cannot be subjected to limited uses and possible public disclosure, the Commission will make its determination with regard to your clients, based on the information it possesses which includes your clients' response minus Exhibit C.

90043900165

If you have any questions, please contact Phillip L. Wise, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Exhibit C

9004390016

OGC 287

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
FEB 28 11 38 AM '94

LAW OFFICES OF
BAGATELOS & FADEM
THE INTERNATIONAL BUILDING
601 CALIFORNIA STREET
SUITE 1801
SAN FRANCISCO, CALIFORNIA 94108

BARRY FADEM
PETER A. BAGATELOS

TELEPHONE
(415) 982-7100
FAX
(415) 982-1085

RECEIVED
FEDERAL ELECTION COMMISSION
94 FEB 28 PM 3:36

February 15, 1994

Phil Wise, Esq.
General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3502

Dear Mr. Wise:

As you know the Federal Election Commission found reason to believe on April 17, 1992 with respect to the above referenced MUR 3502. Respondents in this matter are represented by both this firm and by Paul E. Sullivan, Esq.

We take notice that the D.C. Federal Court of Appeals in F.E.C. v. N.R.A. Political Victory Fund, et. al. ruled that the composition of the Federal Election Commission was found to be unconstitutional. We understand that the Commission has filed a writ of certerori for this decision to the United States Supreme Court. Pending resolution by the court, there are substantial issues remaining relating to the jurisdiction of the Federal Election Commission to have instituted MUR 3502 and to conduct any further investigation or make any further findings. This MUR was instituted well before the Court of Appeals decision was rendered, thereby raising doubt as to the legality of the Commission's actions ab initio.

Pending resolution of the Supreme Court's ruling on the FEC's jurisdiction on cases pending prior to the ruling, we are hereby noticing the Commission, on behalf of our client, of our objection to the lack of jurisdiction of the Federal Election Commission regarding this MUR. We do not waive the right to challenge at any time the authority of the FEC to have taken the original action on April 17, 1992, or any subsequent actions relative to the MUR, as well as any actions recently to revamp the composition of the Commission, ratify prior actions taken, or re-issue new enforcement decisions on the same subject matter. The original finding by the previous Commission substantially taints the entire process and raises serious Constitutional questions regarding the fairness and propriety of an action being brought in the first place and at all.

Please contact us if you have any questions or wish to provide any response.

Very truly yours,

Peter A. Bagatelos

Peter A. Bagatelos

cc: Paul Sullivan, Esq.
Clinton Reilly

reilly\215fec.ltr

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1994

County Clerk's Office
400 Van Ness Avenue
Room #167, City Hall
San Francisco, CA 94102

RE: MUR 3502
California Democratic
Voter Checklist

County Clerk:

The Federal Election Commission ("the Commission") pursuant to its authority under 2 U.S.C. § 437c to enforce the Federal Election Campaign Act of 1971, as amended ("the Act") request that you furnish certain materials in connection with an investigation.

The Commission request that you furnish a copy of any and all reports filed with your office by California Democratic Voter Checklist, 704 Sansome Street, San Francisco, 94111, File No. 139247. The documents furnished should include all reports of receipts and disbursements from the date of the California Democratic Voter Checklist's registration to present.

As per your telephone instructions on April 15, 1994, enclosed herein is a check for $5.00. Please mail all information to:

The Office Of The General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
Attention: MUR 3502
Phillip L. Wise

Should you have any questions, please contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

Enclosure
$5.00 Check

9804390168

[redacted]

1676

April 20 1994

65-109
550

PAY TO THE ORDER OF County Clerk $ 5.00

Five ~~xx~~ DOLLARS

SANDY SPRING NATIONAL BANK
of Maryland
17801 GEORGIA AVE., OLNEY, MARYLAND 20832

MEMO Fec info

Phillip L. Wrai

[redacted]

9804390016 9

06C 1145

Office of the
REGISTRAR OF VOTERS
City and County of San Francisco

GERMAINE Q WONG
Registrar of Voters

April 26, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 29 12 19 PM '94

Mr. Phillip L. Wise
The Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3502
California Democratic Voter Checklist

Dear Mr. Wise:

Enclosed, per your request, are copies of all of the campaign disclosure statements filed by the California Democratic Voter Checklist for the years 1990 through 1994. Prior to 1990, Clint Reilly was the responsible officer of another similarly named committee, the California Democratic Voter Manual, which was terminated in 1989. Please call me if you would like copies of this committee's statements.

I'm returning your check for $5.00. I'm not sure who you spoke with when you called, but we don't charge governmental agencies, especially an enforcement agency, for copies. Please call me at (415) 554-4396 if you have questions or need additional information.

Sincerely,

Naomi Nishioka

Naomi Nishioka
Campaign Services Manager

Enclosures

2304390017C

158 CITY HALL, SAN FRANCISCO, CA 94102-4691
Voice-415. 554. 4375; *FAX*-415. 554. 7344; *TDD*-415. 554. 4386
Recycled Paper

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 10, 1995

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR 3502

On pages 65 and 69 of the General Counsel's Report signed on April 28, 1995, this Office recommended that the Commission exercise its prosecutorial discretion and take no further action against both of the respondents and close the file in MUR 3502. After this report was submitted to the Commission information was brought to the attention of this Office by the Reports Analysis Division ("RAD") which now requires this Office to withdraw the foregoing recommendation and recommend that the Commission continue to pursue this matter. It appears that the report on this MUR was incorrect as to certain matters which were central to the recommendation.

In support of this Office's initial recommendation to cease pursuing this matter, the discussion of this MUR stated that recent reports indicate that this slate mailer no longer includes candidates who do not pay for the space. In addition, the report clearly implies that Mr. Reilly's capitalization of this slate mailer ceased, at the latest, some time in 1991. Upon reviewing the report, RAD informed this Office that RAD continues to have many concerns about the slate mailer's practices as reflected in its reports

RAD informed this Office that the 1993 Mid-Year Report filed by the California Democratic Voter Checklist ("the Checklist") discloses two receipts totaling $140,895.44 reported as capitalization from Clinton Reilly. RAD also points out that the Checklist's 1994 12 Day Pre-Primary discloses one receipt of $25,000.00 reported as capitalization from Clinton Reilly.

This Office reviewed the foregoing reports, with regard to capitalization, and discovered that the 1993 Mid-Year Report does in fact disclose two receipts totaling $140,895.44 - one receipt of $130,895.44 on 1/27/93 and the second receipt also on 1/23/93 in the amount of $10,000.00. We also note that the 1993 Mid-Year reports the repayment of $130,895.44 on the same day.

The reports filed with the Commission do not appear to indicate repayment of the remaining $10,000.00 receipt from Reilly.

The 1994 12 Day Pre-Primary Report indicates that the slate mailer received $25,000.00 from Reilly on 4/4/94. Although, the 1994 July Quarterly Report appears to indicate this amount was repaid on 5/20/94, approximately 46 days after receipt, a check of the cash-flow during the period between the $10,000.00 contribution and the repayment suggests strongly that the money was spent.

RAD also noted for this Office that the 1994 reports disclose receipts from both individuals and entities which do not appear to be either Federal or non-Federal committees reimbursing the Checklist for reported participation in slate mailers.[1/] While the Checklist reported these receipts as being for slate mailer purposes, there is some indication that the slate mailer routinely fills out that description for every entry on the report.[2/]

The Checklist is also attaching to its reports filed with the Commission a written statement. (Attachment 1). Although this statement indicates in one paragraph that all entities shown on Schedule A have paid for advertising space, the statement also indicates that non-paying federal candidates may be included in the slate mailers. The statement also implies that Clinton Reilly may be continuing to capitalize the slate mailer.

1/ Some examples follow:

The 1994 12 Day Pre-Primary discloses $22,000.00 from McNally Temple Associates, Inc.; $10,000.00 from PBN Company; and $162,750.00 from Townsend, Hermocillo, Raimundo & Usher.

The 1994 July Quarterly Report discloses $4,500.00 from Pol-Serv, Inc.

The 1994 30 Post-General Report discloses $5,700.00 from Adler Wilson Campaign Services, Inc.; $2,000.00 from George Barber McNally Temple Associates, Inc.; $1,725.00 from Robinson Communications, Inc.; $6,967.00 from Strategic Resources; and $4,445.00 from Western Pacific Research, Inc.

Many of the reports also disclose payments by individuals with no apparent association with a candidate committee.

2/ Indeed, one postage reimbursement from the United States Post Office is also identified as being for slate mailer purposes.

9004390172

RAD will be making a new submission to this Office, with regard to the continuing questionable activity by Clinton Reilly and the Checklist. This new information will be considered in the context of MUR 3502. Accordingly, we recommend that the Commission continue to pursue this matter.

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CALIFORNIA DEMOCRATIC VOTER CHECKLIST ID# C00244525

The California Democratic Voter Checklist (CDVC) is a sole proprietorship and business name of Clinton Reilly, an individual. It is a commercial business venture for profit whose only function is to produce a slate mailer which is mailed to voters. The slate mailer may include California candidates and measures, and Federal candidates.

All entities shown on Schedule A have paid for advertising space on the slate mailer to be produced. Expenses for producing the mailer are disclosed on Schedule B, and may include repayment to Clinton Reilly for capitalization previously provided.

While guidelines from the FEC are not clear as to the specific filing duties of Clinton Reilly, dba CDVC, this report is being filed in the interest of full disclosure inasmuch as Federal candidates may be included on the slate mailer who have not paid to participate and who have not authorized this mailing. The decision to include such candidates is made independently of such candidates. CDVC continues to file such reports in this way, consistent with advice given previously by the FEC Reports Analysis Division.

9004390174

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

91L-96

May 23, 1995

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: UPDATE TO THE CALIFORNIA DEMOCRATIC VOTER CHECKLIST REFERRAL

In Agenda Document #X95-39, titled 28 U.S.C. 2462 Statute of Limitations and dated April 28, 1995, the Office of General Counsel ("OGC") recommended that the Commission take no further action and close the file with respect to MUR 3502. Based upon additional information provided to OGC and further discussion between our offices, OGC made a substitute recommendation to continue to pursue this matter (see Agenda Documents #X95-39-A and B). This substitute recommendation was approved by the Commission on May 16, 1995. The following information is provided to your office to aid you in this matter.

Our original referral indicated that the California Democratic Voter Checklist ("the Committee"), a slate mailer committee, had received $476,149 in apparent excessive contributions in 1991-92 from Mr. Clinton Reilly. The Committee also made disbursements to Mr. Reilly during the same years totalling $854,923. It appeared that these receipts were for the "capitalization" of the Committee rather than the purchase of advertising in accordance with the decision of the United States District Court, Central District of California in MUR 1461.

Mr. Reilly is continuing to provide capitalization to the Committee during the 1993-94 election cycle. The Committee's 1993 Mid-Year Report discloses 2 receipts on January 27, 1993 totalling $140,895.44 from Clinton Reilly for the purpose of "Capitalization

of Slate Mail Program" (Attachment 2). One additional $25,000 receipt for the same purpose is disclosed on the 1994 12 Day Pre-Primary Report. The Committee further notes that this receipt of April 4, 1994 was "paid thru [sic] Union Bank" (Attachment 4).

One $130,895.44 disbursement to Union Bank for the "repayment [of] capitalization secured by Clinton Reilly" is disclosed on the 1993 Mid-Year Report. This was also made on January 27, 1993 (Attachment 2). Although no debts or loans are reported as owed by the Committee (including to Mr. Reilly), the 1994 April Quarterly Report discloses a $1,250 disbursement to Union Bank for "interest on credit line" (Attachment 3) and the 1994 July Quarterly Report discloses a $25,000 disbursement to Union Bank on May 20, 1994 to "payoff credit line" (Attachment 5).

Four (4) other disbursements totalling $445,000 are reported as made to either Mr. Reilly or Clinton Reilly Communications on the 1994 12 Day Pre-Primary, October Quarterly and Year End Reports. The purposes are listed as "count book production," "proceeds from slate mail" and "production services (Attachments 4, 6 and 8).

The 1994 reports also continue to disclose receipts from sources which do not appear to be committees (either non-Federal or Federal) reimbursing the Committee for participation in slate mailers. The sources include individuals, corporations and companies. Some examples are disclosed on the following reports:

(1) the 12 Day Pre-Primary Report (Attachment 4) -
  (a) $22,000 from McNally Temple Associates, Inc.,
  (b) $10,000 from PBN Company,
  (c) $162,750 from Townsend, Hermocillo, Raimundo & Usher,* and
  (d) $4,000 from Pol-Serv, Inc.,
  (e) $2,500 from James R. Covell and
  (f) $2,500 from David S. Ream;
(2) the July Quarterly Report (Attachment 5) -
  (a) $500 from Pol-Serv, Inc.,
  (b) $4,000 from Polistat and
  (c) $200 from Lee Ann Prifti;
(3) the October Quarterly Report (Attachment 6) -
  (a) $600 from Ross Vally Pharmacy and
  (b) $400 from Mary F. Stompe;
(4) the 30 Day Post-General Report (Attachment 7) -
  (a) $5,700 from Adler Wilson Campaign Services, Inc.,
  (b) $2,000 from George Barber McNally Temple Associates, Inc.,
  (c) $1,725 from Robinson Communications, Inc.,
  (d) $6,967 from Strategic Resources,

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(e) $4,450 from Western Pacific Research, Inc.,
(f) $250 from John C. Holt and
(g) $2,600 from Alberto S. Rocha.

Several of the 1994 reports include a statement attached to them (Attachments 2 and 5). It appears that Mr. Reilly may be continuing to capitalize the slate mailers.

The Reports Analysis Division has not sent any Requests for Additional Information to the Committee concerning the activity for the 1993-94 election cycle because of the open MUR 3502.

Please note that Mr. Reilly was previously treasurer of California Democratic Voter Manual / C00233742 ("the Manual"). The Manual registered in October 1988, filed two (2) reports (one of which was a Termination Report) and was terminated in May 1989 (Attachment 9). It primarily reported the receipt of contributions from individuals and insurance related proprietorships, partnerships and political action committees.

*A $441.17 disbursement for "commission on sale" is reported as made to this entity on the July Quarterly Report.

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FEDERAL ELECTION COMMISSION
1989-1990
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 23MAY95
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
CALIFORNIA DEMOCRATIC VOTER CHECKLIST				ID #C00244525	NON-PARTY NON-QUALIFIED	
CONNECTED ORGANIZATION: NONE						
1990	STATEMENT OF ORGANIZATION			7MAY90	2	90FEC/639/0053
	REQUEST FOR ADDITIONAL INFORMATION			30MAY90	1	90FEC/641/4217
	STATEMENT OF ORGANIZATION - AMENDMENT			12JUN90	2	90FEC/642/1357
	PRE-PRIMARY	147,191	123,035	1JAN90 -16MAY90	11	90FEC/641/3635
	MID-YEAR REPORT	527,600	548,939	17MAY90 -30JUN90	32	90FEC/650/0294
	OCTOBER QUARTERLY	460,275	165,574	1JUL90 -30SEP90	9	90FEC/664/4499
	POST-GENERAL	1,157,955	1,452,154	1OCT90 -26NOV90	56	90FEC/677/2864
	YEAR-END	6,084	8,796	27NOV90 -31DEC90	6	91FEC/686/3506
	TOTAL	2,299,005 0	2,298,498 0		119	TOTAL PAGES

All reports have been reviewed.
Ending cash-on-hand as of 12/31/90: $507
Outstanding debts and obligations owed as of 12/31/90: $0

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FEDERAL ELECTION COMMISSION
1991-1992
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 23MAY95
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
CALIFORNIA DEMOCRATIC VOTER CHECKLIST				ID #C00244525	NON-PARTY NON-QUALIFIED	
CONNECTED ORGANIZATION: NONE						
1991	MID-YEAR REPORT	146,649	141,460	1JAN91 -30JUN91	5	91FEC/708/3780
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN91 -30JUN91	6	91FEC/721/2292
	REQUEST FOR ADDITIONAL INFORMATION			1JAN91 -30JUN91	2	91FEC/716/0089
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN91 -30JUN91	3	91FEC/717/2907
	YEAR-END	0	4,539	1JUL91 -31DEC91	6	92FEC/743/1384
	NOTICE OF FAILURE TO FILE			1JUL91 -31DEC91	1	92FEC/740/3956
1992	24 HOUR CONTRIBUTION NOTICE			1JUN92	2	92FEC/752/4378
	24 HOUR CONTRIBUTION NOTICE			5NOV92	3	92FEC/802/1986
	24 HOUR CONTRIBUTION NOTICE			9NOV92	4	92SEN/028/0270
	APRIL QUARTERLY	0	0	1JAN92 -31MAR92	3	92FEC/749/2623
	PRE-PRIMARY	122,560	68,313	1APR92 -13MAY92	16	92FEC/756/2187
	JULY QUARTERLY	315,810	369,532	14MAY92 -30JUN92	26	92FEC/770/2196
	OCTOBER QUARTERLY	157,150	36,246	1JUL92 -30SEP92	11	92FEC/791/0731
	POST-GENERAL	942,520	761,976	1OCT92 -23NOV92	67	92FEC/814/1458
	YEAR-END	0	106,017	24NOV92 -31DEC92	7	93FEC/826/5714
	TOTAL	1,684,689 0	1,488,083 0		162	TOTAL PAGES

All reports have been reviewed.
Ending cash-on-hand as of 12/31/92: $197,112
Outstanding debts and obligations owed as of 12/31/92: $0

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FEDERAL ELECTION COMMISSION
1993-1994
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 23MAY95
PAGE 2

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
CALIFORNIA DEMOCRATIC VOTER CHECKLIST				ID #C00244525	NON-PARTY	NON-QUALIFIED
CONNECTED ORGANIZATION: NONE						
1993	MID-YEAR REPORT	143,895	154,845	1JAN93 -30JUN93	6	93FEC/856/0365
	REQUEST FOR ADDITIONAL INFORMATION			1JAN93 -30JUN93	2	94FEC/884/2903
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN93 -30JUN93	3	94FEC/886/4644
	YEAR-END	0	816	1JUL93 -31DEC93	4	94FEC/882/1472
1994	APRIL QUARTERLY	0	7,001	1JAN94 -31MAR94	5	94FEC/894/3510
	REQUEST FOR ADDITIONAL INFORMATION			1JAN94 -31MAR94	3	94FEC/898/2722
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN94 -31MAR94	4	94FEC/902/0493
	PRE-PRIMARY	809,174	114,443	1APR94 -18MAY94	30	94FEC/901/0616
	JULY QUARTERLY	318,641	482,087	19MAY94 -30JUN94	21	94FEC/915/4189
	NOTICE OF FAILURE TO FILE			19MAY94 -30JUN94	2	94FEC/915/3532
	OCTOBER QUARTERLY	108,701	659,602	1JUL94 -30SEP94	22	94FEC/933/4482
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL94 -30SEP94	5	95FEC/966/4905
	REQUEST FOR ADDITIONAL INFORMATION			1JUL94 -30SEP94	2	95FEC/955/1373
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL94 -30SEP94	3	95FEC/959/3234
	POST-GENERAL	435,638	214,062	10CT94 -28NOV94	48	94FEC/952/2802
	POST-GENERAL - AMENDMENT	459,838	238,262	10CT94 -28NOV94	5	95FEC/968/2895
	REQUEST FOR ADDITIONAL INFORMATION			10CT94 -28NOV94	2	95FEC/966/1289
	YEAR-END	1,000	179,001	29NOV94 -31DEC94	6	95FEC/964/3950
	TOTAL	1,841,249	0 1,836,057 0		173	TOTAL PAGES

All reports have been reviewed.
Ending cash-on-hand as of 12/31/94: $25,077
Outstanding debts and obligations owed as of 12/31/94: $0

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

1993 Mid-Year Report

ANY INFORMATION COPIED FROM SUCH REPORTS OR STATEMENTS MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES, OTHER THAN USING THE NAME AND ADDRESS OF ANY POLITICAL COMMITTEE TO SOLICIT CONTRIBUTIONS FROM SUCH COMMITTEE.

NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Kosel, Janice for BART 1801 Van Ness Ave., #350 San Francisco, CA 94109		01/20/93	2,000.00
RECEIPT FOR: General	OCCUPATION: Rapid Transit Director AGGREGATE YTD -- $ 2,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Clinton T. Reilly 704 Sansome St. San Francisco, CA 94111	Capitalization of Slate Mail Program	01/27/93	10,000.00
RECEIPT FOR: General	OCCUPATION: Consultant/Self AGGREGATE YTD -- $ 140,895.44		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Clinton T. Reilly 704 Sansome St. San Francisco, CA 94111	Capitalization of Slate Mail Program	01/27/93	130,895.44
RECEIPT FOR: General	OCCUPATION: Consultant/Self AGGREGATE YTD -- $ 140,895.44		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
SF MEASURE A SAN FRANCISCANS FOR EARTHQUAKE SAFETY 5 Third St., No. 725 San Francisco, CA 94103		03/15/93	1,000.00
RECEIPT FOR: General	OCCUPATION: YES on A AGGREGATE YTD -- $ 1,000.00		

TOTAL THIS PERIOD..... 143,895.44

-- ITEMIZED DISBURSEMENTS --
OPERATING EXPENDITURES

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
UNION BANK 370 California Street San Francisco, CA	REPAYMENT CAPITALIZATION SECURED BY CLINTON REILLY	01/27/93	130,895.44

FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Steve White, Friends of 918 W. Lincoln Anaheim, CA 92805	REFUND	01/25/93	1,800.00

TOTAL THIS PERIOD..... 154,845.44

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SCHEDULE B

LINE NUMBER 21

-- ITEMIZED DISBURSEMENTS --
OPERATING EXPENDITURES 1994 April Quarterly Report

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Karl Ketner 1051 Broadway San Francisco, CA 94133	ACCOUNTING	01/19/94	1,405.00
Karl Ketner 1051 Broadway San Francisco, CA 94133	DATABASE MANAGEMENT	03/01/94	3,000.00
Brian McGonigle 3075 California St. San Francisco, CA 94115	PROF SERVICES	03/23/94	1,250.00
UNION BANK 370 California Street San Francisco, CA	INTEREST ON CREDIT LINE	02/04/94	1,250.00

TOTAL THIS PERIOD..... 6,905.00

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CALIFORNIA DEMOCRATIC VOTER CHECKLIST ID# C00244525

The California Democratic Voter Checklist (CDVC) is a sole proprietorship and business name of Clinton Reilly, an individual. It is a commercial business venture for profit whose only function is to produce a slate mailer which is mailed to voters. The slate mailer may include California candidates and measures, and Federal candidates.

All entities shown on Schedule A have paid for advertising space on the slate mailer to be produced. Expenses for producing the mailer are disclosed on Schedule B, and may include repayment to Clinton Reilly for capitalization previously provided.

While guidelines from the FEC are not clear as to the specific filing duties of Clinton Reilly, dba CDVC, this report is being filed in the interest of full disclosure inasmuch as Federal candidates may be included on the slate mailer who have not paid to participate and who have not authorized this mailing. The decision to include such candidates is made independently of such candidates. CDVC continues to file such reports in this way, consistent with advice given previously by the FEC Reports Analysis Division.

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

1994 12 Day Pre-Primary Report

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
James R. Covell Unknown/Attempting CA	Participation in Slate Mail Program	04/26/94	2,500.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 2,500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Cynthia Murray for Supervisor 495 Willow Ct. Novato, CA 94945	Participation in Slate Mail Program	05/06/94	1,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Daley for School District 110 W. C St., #1407 San Diego, CA 92101	Participation in Slate Mail Program	05/16/94	900.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 900.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Dan Mazzella for Judge P.O. Box 33787 San Diego, CA 92163-3787	Participation in Slate Mail Program	05/09/94	3,500.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 3,500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
David Pandori & Friends 184 Hobson St. San Jose, CA 95110	Participation in Slate Mail Program	04/29/94	1,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Nick DePrisco 18930 Apple Valley, CA	Participation in Slate Mail Program	04/15/94	1,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Dina Hidalgo for City Council 300 Capitol Mall, #350 Sacramento, CA 95814	Participation in Slate Mail Program	05/05/94	500.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 500.00		

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Friends of Tom Mullen 300 Capitol Mall, #350 Sacramento, CA 95814 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,500.00	04/29/94	1,500.00
Friends of Tony Estremera 1650 Willow Lake Ln. San Jose, CA 95131 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,000.00	04/19/94	1,000.00
Gary Sandy Communications 608 1/2 Main St., #4 Woodland, CA 95695 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,250.00	05/16/94	1,250.00
Kerynn Gianotti 5402 McKee Rd. San Jose, CA 95127 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 500.00	04/21/94	500.00
Grace Ellis for Supervisor 1718 Via Del Verdes Concord, CA 94521 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 850.00	05/13/94	850.00
Gwen Moore Campaign P.O. Box 2238 Culver City, CA 90230-9998 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 32,500.00	05/18/94	32,500.00
Sylvia Hampton 12515 Spindletop Rd. San Diego, CA 92129 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 500.00	05/16/94	500.00

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
L. Pickard Campaign for State Senate 802-A Hollister St. San Diego, CA 92154	Participation in Slate Mail Program	05/16/94	1,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
La Jolla Group 8304 Claremont Mesa Blvd., #213 San Diego, CA 92111-1315	Participation in Slate Mail Program	05/12/94	100.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 1,850.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Lily Cervantes for Assembly P.O. Box 9426 Salinas, CA 93915	Participation in Slate Mail Program	04/28/94	3,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 3,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Liz Figueroa for Assembly 300 Capitol Mall, #350 Sacramento, CA 95814	Participation in Slate Mail Program	04/28/94	3,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 3,500.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Liz Figueroa for Assembly 300 Capitol Mall, #350 Sacramento, CA 95814	Participation in Slate Mail Program	05/10/94	500.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 3,500.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Maria Theresa Viramontes for Supervisor 2037 Coalinga Ave. Richmond, CA 94801	Participation in Slate Mail Program	04/18/94	2,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 2,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
McNally Temple Associates, Inc. 1817 Capitol Ave., #A Sacramento, CA 95814	Participation in Slate Mail Program	04/12/94	10,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 22,000.00		

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
McNally Temple Associates, Inc. 1817 Capitol Ave., #A Sacramento, CA 95814	Participation in Slate Mail Program	04/28/94	3,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 22,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
McNally Temple Associates, Inc. 1817 Capitol Ave., #A Sacramento, CA 95814	Participation in Slate Mail Program	04/28/94	4,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 22,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
McNally Temple Associates, Inc. 1817 Capitol Ave., #A Sacramento, CA 95814	Participation in Slate Mail Program	04/28/94	1,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 22,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
McNally Temple Associates, Inc. 1817 Capitol Ave., #A Sacramento, CA 95814	Participation in Slate Mail Program	05/04/94	4,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 22,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Metzler for Assembly P.O. Box 4512 Santa Ana, CA 92702	Participation in Slate Mail Program	05/17/94	1,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Mike Honda for Supervisor 300 Capitol Mall, #350 Sacramento, CA 95814	Participation in Slate Mail Program	04/29/94	2,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 2,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Mike McGowan for Senate 300 Capitol Mall, #350 Sacramento, CA 95814	Participation in Slate Mail Program	05/17/94	750.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 750.00		

-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
North City Property Owners Responsible 450 A St., 2nd Fl. San Diego, CA 92101 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 5,500.00	05/18/94	5,500.00
OPP for Education 5 Lincoln Irvine, CA 92714 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 8,500.00	05/02/94	8,500.00
Panizza for Supervisor P.O. Box 344 Stockton, CA 95201 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,000.00	04/10/94	1,000.00
PBN Company Three Embarcadero Center, #2210 San Francisco, CA 94111 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 10,000.00	05/13/94	10,000.00
People for Marty Stone P.O. Box 4791 Santa Barbara, CA 93140 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,500.00	05/16/94	1,500.00
Peter Mehas Fresno School Superintendent Unknown/Attempting CA RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 3,000.00	04/29/94	3,000.00
Petersen for Assessor Committee P.O. Box 1273 Soquel, CA 95073 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,500.00	05/16/94	1,500.00

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Scott P. Plotkin 2121 I St. Rio Linda, CA 95673 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 750.00	05/18/94	750.00
Pol-Serv, Inc. 3440 Sierra Rd. San Jose, CA 95132 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 4,500.00	05/17/94	4,000.00
John R. Putko 20592 Sitting Bull Rd. Apple Valley, CA 92308 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 300.00	05/17/94	150.00
Re-Elect Jim O'Brien Coroner Committee 785 Alamo Dr. Vacaville, CA 95688 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 600.00	05/18/94	600.00
Re-Elect Judge Zel Canter Committee 2401 Professional Pkwy. Santa Maria, CA 93455-1684 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 2,000.00	05/12/94	2,000.00
David S. Ream 2111 Wilson Blvd., #900 Arlington, VA 22201 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 2,500.00	05/02/94	2,500.00
Clinton T. Reilly 704 Sansome Street San Francisco, CA 94111 RECEIPT FOR: Primary	Capitalization of Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 25,000.00	04/04/94 PAID THRU UNION BANK	25,000.00

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Save Our Library 5337 College Ave., #123 Oakland, CA 94618 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,500.00	04/21/94	1,500.00
Schiff for Assembly 11783 Laurelcrest Dr. Studio City, CA 91604 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,000.00	05/05/94	1,000.00
SEIU Local 535 Political Action Fund 661 - 27th St. Oakland, CA 94612 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,000.00	05/13/94	1,000.00
Senator Ralph Dills Committee Unknown/Attempting CA RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 5,000.00	04/18/94	5,000.00
Kenneth R. Silk 14506 Benefit St. Sherman Oaks, CA 91403 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 500.00	05/18/94	500.00
Strategy & Campaign Mgt. Group, Inc. 2269 Chestnut St., #391 San Francisco, CA 94123 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,500.00	05/16/94	1,500.00
Tabash for Assembly 600 Wilshire Blvd., #1500 Los Angeles, CA 90017 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 6,000.00	04/12/94	6,000.00

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Thierbach for Judge Committee P.O. Box 1524 Riverside, CA 92502	Participation in Slate Mail Program	04/25/94	1,500.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 1,500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Tom McEnery for Congress 300 Capitol Mall, #350 Sacramento, CA 95814	Participation in Slate Mail Program	04/15/94	4,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 4,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Townsend, Hermocillo, Raimundo & Usher 1717 I St., #B Sacramento, CA 95814	Participation in Slate Mail Program	05/06/94	101,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 162,750.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Townsend, Hermocillo, Raimundo & Usher 1717 I St., #B Sacramento, CA 95814	Participation in Slate Mail Program	05/11/94	750.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 162,750.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Townsend, Hermocillo, Raimundo & Usher 1717 I St., #B Sacramento, CA 95814	Participation in Slate Mail Program	05/12/94	60,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 162,750.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Townsend, Hermocillo, Raimundo & Usher 1717 I St., #B Sacramento, CA 95814	Participation in Slate Mail Program	05/17/94	1,000.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 162,750.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
VanPelt For Open Space 2666 Vista Verde Dr. San Jose, CA 95148	Participation in Slate Mail Program	05/17/94	500.00
RECEIPT FOR: Primary	OCCUPATION: AGGREGATE YTD -- $ 500.00		

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

ATTACHMENT 4

Page 9 of 10

ANY INFORMATION COPIED FROM SUCH REPORTS OR STATEMENTS MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES, OTHER THAN USING THE NAME AND ADDRESS OF ANY POLITICAL COMMITTEE TO SOLICIT CONTRIBUTIONS FROM SUCH COMMITTEE.

NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Wally Knox for Assembly 145 S. Van Ness Los Angeles, CA 90004 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 8,000.00	05/02/94	8,000.00
We The People for Barry Frazier P.O. Box 2947 Sacramento, CA 95812-2947 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,000.00	05/18/94	1,000.00
Weber for Supervisor P.O. Box 2264 Lemon Grove, CA 91946 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 6,000.00	05/16/94	6,000.00
Western Pacific Research, Inc. 6900-12 Seapines Dr. Bakersfield, CA 93309 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 1,900.00	05/09/94	1,900.00
Yaroslavsky for Supervisor 8447 Wilshire Blvd., #106 Beverly Hills, CA 90211 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 8,500.00	04/28/94	8,500.00
Yes on Proposition A - 1994 126 Post St., 6th Fl. San Francisco, CA 94108 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 2,500.00	04/21/94	1,100.00
Yes on Proposition A - 1994 126 Post St., 6th Fl. San Francisco, CA 94108 RECEIPT FOR: Primary	Participation in Slate Mail Program OCCUPATION: AGGREGATE YTD -- $ 2,500.00	05/02/94	1,400.00

ATTACHMENT 4

-- ITEMIZED DISBURSEMENTS -- Page 10 of 10
OPERATING EXPENDITURES

LINE NUMBER 21

ANY INFORMATION COPIED FROM SUCH REPORTS OR STATEMENTS MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES, OTHER THAN USING THE NAME AND ADDRESS OF ANY POLITICAL COMMITTEE TO SOLICIT CONTRIBUTIONS FROM SUCH COMMITTEE.

NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
BELOW, TOBE & ASSOCIATES 4745 Alla Rd. Marina del Rey, CA 90292	PRINTING/PRODUCTION	05/12/94	19,000.00
Clinton Reilly Communications 704 Sansome San Francisco, CA	COUNT BOOK PRODUCTION	04/26/94	10,000.00
DCR, Inc. 7 Mark Drive San Rafael, CA 94903	COMPUTER RENTAL	04/02/94	1,384.46
Friends of Mike Woo Unknown/Attempting San Francisco, CA	REFUND	05/16/94	60,000.00
Chris B. Hansot 85 Toledo Way, #5 San Francisco, CA 94123	PROF SERVICES	04/29/94	1,337.04
Chris B. Hansot 85 Toledo Way, #5 San Francisco, CA 94123	PROF SERVICES	05/13/94	1,047.07
Kerrie Hillman 519 Barrett San Francisco, CA 94110	PROF SERVICES	04/15/94	618.93
Kerrie Hillman 519 Barrett San Francisco, CA 94110	PROF SERVICES	04/29/94	730.01
Kerrie Hillman 519 Barrett San Francisco, CA 94110	PROF SERVICES	05/13/94	730.01

SUB-TOTAL THIS PAGE 90,847.52

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Daniel McCrory 4924 Kester, #4 Sherman Oaks, CA 91403		05/19/94	300.00
RECEIPT FOR: Primary	OCCUPATION: Participation in Slate Mail Program AGGREGATE YTD -- $ 300.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
O'Connell for Judge P.O. Box 12613 Santa Ana, CA 92712		05/19/94	1,000.00
RECEIPT FOR: Primary	OCCUPATION: Participation in Slate Mail Program AGGREGATE YTD -- $ 2,250.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
O'Connell for Judge P.O. Box 12613 Santa Ana, CA 92712		05/25/94	1,250.00
RECEIPT FOR: Primary	OCCUPATION: Participation in Slate Mail Program AGGREGATE YTD -- $ 2,250.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Pol-Serv, Inc. 3440 Sierra Rd. San Jose, CA 95132		05/19/94	500.00
RECEIPT FOR: Primary	OCCUPATION: Participation in Slate Mail Program AGGREGATE YTD -- $ 4,500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Polistat 2600 Via Pacheco Palos Verdes Estates, CA 90274		05/23/94	4,000.00
RECEIPT FOR: Primary	OCCUPATION: Participation in Slate Mail Program AGGREGATE YTD -- $ 4,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Lee Ann Prifti 970 Duncan, #F206 San Francisco, CA 94131		05/20/94	200.00
RECEIPT FOR: Primary	OCCUPATION: Participation in Slate Mail Program AGGREGATE YTD -- $ 200.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
John R. Putko 20592 Sitting Bull Rd. Apple Valley, CA 92308		05/20/94	150.00
RECEIPT FOR: Primary	OCCUPATION: Participation in Slate Mail Program AGGREGATE YTD -- $ 300.00		

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Townsend, Hermocillo et al Unknown/Attempting	COMMISSION ON SALE	05/20/94	441.17
FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Andrew Trapp 2921 California St. San Francisco, CA 94115	PROF SERVICES	05/31/94	864.86
FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Andrew Trapp 2921 California St. San Francisco, CA 94115	PROF SERVICES	06/15/94	864.86
FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Andrew Trapp 2921 California St. San Francisco, CA 94115	PROF SERVICES	06/30/94	864.86
FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Michelle Truelson 735 -- 11th Ave., #1A San Francisco, CA 94122	REIMBURSEMENT	05/31/94 (ITEMIZATION FOLLOWS)	187.26
FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Alamo Car Rental P.O. Box 22776 Ft. Lauderdale, FL 33335		05/31/94 (memo/reference only)	58.26
FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
United Airlines SFO San Francisco, CA		05/31/94 (memo/reference only)	30.00
FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Parking Place SFO San Francisco, CA		05/31/94 (memo/reference only)	15.00
FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Michelle Truelson 735 -- 11th Ave., #1A San Francisco, CA 94122	MILEAGE	05/31/94 (memo/reference only)	84.00

SUB-TOTAL THIS PAGE 3,223.01

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-- ITEMIZED DISBURSEMENTS --
OPERATING EXPENDITURES

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NAME OF COMMITTEE (In Full): CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Michelle Truelson 735 -- 11th Ave., #1A San Francisco, CA 94122	PROF SERVICES	06/15/94	864.86
Michelle Truelson 735 -- 11th Ave., #1A San Francisco, CA 94122	PROF SERVICES	06/30/94	864.86
Michelle Truelson 735 -- 11th Ave., #1A San Francisco, CA 94122	PROF SERVICES	05/31/94	864.86
U.S. POSTAL SERVICE 1300 Evans Ave. San Francisco, CA 94124	POSTAGE	05/20/94	58.00
U.S. POSTAL SERVICE 1350 E. Chapman Ave. Fullerton, CA 92631	POSTAGE	05/25/94	89,000.00
U.S. POSTAL SERVICE 1350 E. Chapman Ave. Fullerton, CA 92631	POSTAGE	05/30/94	150,000.00
U.S. POSTAL SERVICE 1350 E. Chapman Ave. Fullerton, CA 92631	POSTAGE	06/01/94	4,500.00
U.S. POSTAL SERVICE 325 Merganser Suisun, CA 94585	POSTAGE	05/26/94	56,228.16
UNION BANK 370 California Street San Francisco, CA	PAYOFF CREDIT LINE	05/20/94	25,000.00

SUB-TOTAL THIS PAGE 327,380.74

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CALIFORNIA DEMOCRATIC VOTER CHECKLIST ID# C00244525

The California Democratic Voter Checklist (CDVC) is a sole proprietorship and business name of Clinton Reilly, an individual. It is a commercial business venture for profit whose only function is to produce a slate mailer which is mailed to voters. The slate mailer may include California candidates and measures, and Federal candidates.

All entities shown on Schedule A have paid for advertising space on the slate mailer to be produced. Expenses for producing the mailer are disclosed on Schedule B, and may include repayment to Clinton Reilly for capitalization previously provided.

While guidelines from the FEC are not clear as to the specific filing duties of Clinton Reilly, dba CDVC, this report is being filed in the interest of full disclosure inasmuch as Federal candidates may be included on the slate mailer who have not paid to participate and who have not authorized this mailing. The decision to include such candidates is made independently of such candidates. CDVC continues to file such reports in this way, consistent with advice given previously by the FEC Reports Analysis Division.

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-- ITEMIZED RECEIPTS -Page 1 of 2
OTHER RECEIPTS

1994 October Quarterly

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Robert Richardson for City Council 1001 1/2 W. 17th St. Santa Ana, CA 92706		09/27/94	300.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 300.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Ray J. Rodriguez P.O. Box 870 Newark, CA 94560		09/30/94	250.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 250.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Ross Valley Pharmacy 2 Bon Air Rd., #130 Larkspur, CA 94939		09/22/94	600.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 600.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Save Our Libraries 2635 Fresno St. Santa Cruz, CA 95062		09/08/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Mary F. Stompe 521 Cabrillo Ct. Petaluma, CA 94954		09/30/94	400.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 400.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Watchdog Committee, The 1530 Virginia St. Berkeley, CA 94703		09/30/94	400.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 400.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Raymond C. Wieser Unknown/Attempting CA		09/15/94	300.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 300.00		

TOTAL THIS PERIOD..... 108,200.00

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SCHEDULE B

-- ITEMIZED DISBURSEMENTS --
OPERATING EXPENDITURES

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NAME OF COMMITTEE (In Full): CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
PAYDAY 501 - 2nd St., #200 San Francisco, CA 94107	PAYROLL TAX WITHHOLDING	08/15/94	1,826.91
PAYDAY 501 - 2nd St., #200 San Francisco, CA 94107	PAYROLL TAX WITHHOLDING	07/29/94	1,043.63
PAYDAY 501 - 2nd St., #200 San Francisco, CA 94107	PAYROLL TAX WITHHOLDING	07/15/94	2,124.37
Clinton Reilly 704 Sansome St. San Francisco, CA 94111	PROCEEDS FROM SLATE MAIL	09/27/94	400,000.00
Remcho, Johansen & Purcell 220 Montgomery St., #800 San Francisco, CA 94104	LEGAL SERVICES	07/25/94	482.50
Rollins Truck Rental P.O. Box 6728 Oakland, CA 94603-0728	GEN OPERATIONS	08/26/94	659.64
Rollins Truck Rental P.O. Box 6728 Oakland, CA 94603-0728	GEN OPERATIONS	07/07/94	3,159.68
Andrew Trapp 2921 California St. San Francisco, CA 94115	PROF SERVICES	09/28/94	974.96
Andrew Trapp 2921 California St. San Francisco, CA 94115	PROF SERVICES	07/07/94	544.00

SUB-TOTAL THIS PAGE 410,815.69

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

1994 30 Day Post-General Report

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Adler Wilson Campaign Services, Inc. 23332 Mill Creek Dr., #155 Laguna Hills, CA 92653		10/03/94	1,500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Adler Wilson Campaign Services, Inc. 23332 Mill Creek Dr., #155 Laguna Hills, CA 92653		10/10/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Adler Wilson Campaign Services, Inc. 23332 Mill Creek Dr., #155 Laguna Hills, CA 92653		10/20/94	1,600.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,600.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Adler Wilson Campaign Services, Inc. 23332 Mill Creek Dr., #155 Laguna Hills, CA 92653		10/20/94	1,600.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,600.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Alice H. Creason on AC Transit 408 Blair Ave. Piedmont, CA 94611		10/18/94	800.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 800.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Andy Fox for City Council 33 W. Thousand Oaks Blvd. Thousand Oaks, CA 91360		10/14/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Anna Elefant for School Board 26 Avondale Lndg. Alameda, CA 94502		10/07/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 500.00		

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

ATTACHMENT 7

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
George M. Shirakawa for City Council 2609 Apollo Dr. San Jose, CA 95121		10/26/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Hargis & Associates P.O. Box 7151 Menlo Park, CA 94026		10/04/94	300.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 300.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Hilton for School Board 2038 Vista Hermosa Way El Cajon, CA 92019		10/12/94	350.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 350.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
John C. Holt P.O. Box 359 Idyllwild, CA 92549		10/13/94	250.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 250.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Tonia Izu 1434 Sierraville Ave. San Jose, CA 95132		10/14/94	200.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 200.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Jack Keally for 32nd Assembly District 790 N. Hamlin Way Lindsay, CA 93247		10/18/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Jackie Rose for Grant Union School Dist. P.O. Box 38583 Sacramento, CA 95838		10/17/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 500.00		

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-- ITEMIZED RECEIPTS --
OTHER RECEIPTS

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244535

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
George Barber McNally Temple Associates, Inc. 1817 Capitol Ave., #A Sacramento, CA 95814		10/17/94	2,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 2,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Melody Harding for School Board 2332 Glen Ellen Cir. Sacramento, CA 95822		10/26/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Mike McGowan for Senate 300 Capitol Mall, #350 Sacramento, CA 95814		10/26/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,750.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Glenn A. Miller 7990 Moss St. Fair Oaks, CA 95628		10/11/94	250.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 250.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Robin Irene Neveau Unknown/Attempting CA		10/24/94	400.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 400.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Pam Brady for School Board 601 Georgina Ave. Santa Monica, CA 90402		10/03/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 500.00		
FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Panizza for Supervisor P.O. Box 344 Stockton, CA 95201		10/28/94	800.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,800.00		

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Ramsey Campaigns 5633 Vesper Ave. Van Nuys, CA 91411		10/11/94	666.67
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 666.67		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Ready for Congress Committee Kevin Ready P.O. Box 2646 Ventura, CA 93002-2646		10/24/94	900.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,800.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Ready for Congress Committee Kevin Ready P.O. Box 2646 Ventura, CA 93002-2646		11/01/94	900.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,800.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
John Records Unknown/Attempting CA		10/04/94	375.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 375.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Richard A. Hall Co., The 3187-H Airway Ave. Costa Mesa, CA 92626		10/12/94	333.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 333.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Robinson Communications, Inc. 10050 N. Wolfe Rd., #SW1-283 Cupertino, CA 95014		10/13/94	345.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 345.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Robinson Communications, Inc. 10050 N. Wolfe Rd., #SW1-283 Cupertino, CA 95014		10/13/94	345.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 345.00		

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Robinson Communications, Inc. 10050 N. Wolfe Rd., #SW1-283 Cupertino, CA 95014		10/13/94	345.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 345.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Robinson Communications, Inc. 10050 N. Wolfe Rd., #SW1-283 Cupertino, CA 95014		10/13/94	345.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 345.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Robinson Communications, Inc. 10050 N. Wolfe Rd., #SW1-283 Cupertino, CA 95014		10/13/94	345.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 345.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Alberto S. Rocha Unknown/Attempting CA		10/14/94	2,600.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 2,600.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Rochelle T. Bastien, Ph.D. Committee 2988 Jamacha Rd. El Cajon, CA 92019		10/14/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Schiff for Assembly 11783 Laurelcrest Dr. Studio City, CA 91604		10/08/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Senator Ralph Dills Committee Unknown/Attempting CA		11/03/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 6,000.00		

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Sherard Election Committee P.O. Box 740901 San Diego, CA 92174-0901		10/15/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Shirley Dean for Mayor 934 Santa Barbara Ave. Berkeley, CA 94707		10/26/94	2,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 2,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Stockton Police Officers Association 22 E. Market St. Stockton, CA 95202-2876		10/28/94	1,150.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,150.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/05/94	250.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 250.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 500.00		

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	500.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 500.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	334.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 334.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	600.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 600.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	350.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 350.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	350.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 350.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/19/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/28/94	250.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 250.00		

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/28/94	250.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 250.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/28/94	250.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 250.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/28/94	233.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 333.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Strategic Resources 4555 N. Pershing Ave. Stockton, CA 95207		10/28/94	100.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 333.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Sue Braun for School Board 7801 Mission Center Ct., #102 San Diego, CA 92108		10/12/94	600.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 600.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Sumchai for Community College Committee Unknown/Attempting CA		10/31/94	1,000.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 1,000.00		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Suzanna Coxhead for Hospital Dist. Board P.O. Box 770 Tiburon, CA 94920		10/13/94	800.00
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 800.00		

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NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Western Pacific Research, Inc. 6900-12 Seapines Dr. Bakersfield, CA 93309		10/12/94	635.72
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 635.72		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Western Pacific Research, Inc. 6900-12 Seapines Dr. Bakersfield, CA 93309		10/12/94	635.72
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 635.72		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Western Pacific Research, Inc. 6900-12 Seapines Dr. Bakersfield, CA 93309		10/12/94	635.72
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 635.72		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Western Pacific Research, Inc. 6900-12 Seapines Dr. Bakersfield, CA 93309		10/12/94	635.71
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 635.71		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Western Pacific Research, Inc. 6900-12 Seapines Dr. Bakersfield, CA 93309		10/12/94	635.71
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 635.71		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Western Pacific Research, Inc. 6900-12 Seapines Dr. Bakersfield, CA 93309		10/12/94	635.71
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 635.71		

FULL NAME AND ADDRESS	EMPLOYER	DATE	AMOUNT
Western Pacific Research, Inc. 6900-12 Seapines Dr. Bakersfield, CA 93309		10/12/94	635.71
RECEIPT FOR: Slate Mail Program	OCCUPATION: AGGREGATE YTD -- $ 635.71		

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ATTACHMENT 8

SCHEDULE B

-- ITEMIZED DISBURSEMENTS --
OPERATING EXPENDITURES

LINE NUMBER 21

1994 Year End Report

ANY INFORMATION COPIED FROM SUCH REPORTS OR STATEMENTS MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES, OTHER THAN USING THE NAME AND ADDRESS OF ANY POLITICAL COMMITTEE TO SOLICIT CONTRIBUTIONS FROM SUCH COMMITTEE.

NAME OF COMMITTEE (In Full) CALIFORNIA DEMOCRATIC VOTER CHECKLIST -- C00244525

FULL NAME AND ADDRESS	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
American Data Management 1920 Old Middlefield Mountain View, CA 94043	PRODUCTION	11/30/94	22,078.99
American Lithographers, Inc. 21062 Forbes St. Hayward, CA 94545-1116	PRODUCTION/PRINTING	11/30/94	57,200.00
BELOW, TOBE & ASSOCIATES 4745 Alla Rd. Marina del Rey, CA 90292	PRODUCTION/PRINTING	12/13/94	22,500.00
Cal West Print Mail 30120 Ahern Ave. Union City, CA 94587	MAIL SERVICES	12/05/94	2,836.88
Cal West Print Mail 30120 Ahern Ave. Union City, CA 94587	MAIL SERVICES	12/07/94	1,260.00
Campaign Data Center, Inc. 1336 San Mateo Ave. So. San Francisco, CA	DATA PROCESSING	12/07/94	15,350.84
Clinton Reilly Communications 704 Sansome San Francisco, CA	PRODUCTION SERVICES	12/09/94	5,000.00
Clinton Reilly Communications 704 Sansome San Francisco, CA	PRODUCTION SERVICES	12/14/94	30,000.00
Diversified Mail Services P.O. Box 4234 Fullerton, CA	MAIL SERVICES	12/07/94	6,065.38

SUB-TOTAL THIS PAGE 162,292.09

ATTACHMENT 9

FEDERAL ELECTION COMMISSION
1987-1988
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 23MAY95

COMMITTEE DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			TYPE OF FILER		
CALIFORNIA DEMOCRATIC VOTER MANUAL			ID #C00233742	NON-PARTY	NON-QUALIFIED
CONNECTED ORGANIZATION: NONE					
1988 STATEMENT OF ORGANIZATION			20OCT88	2	88FEC/559/5559
48 HOUR CONTRIBUTION NOTICE			31OCT88	1	88FEC/564/0727
48 HOUR CONTRIBUTION NOTICE			2NOV88	3	88FEC/564/2031
48 HOUR CONTRIBUTION NOTICE			2NOV88	4	88FEC/564/2744
48 HOUR CONTRIBUTION NOTICE			4NOV88	1	88FEC/564/3490
24 HOUR CONTRIBUTION NOTICE			7NOV88	2	88FEC/564/4465
48 HOUR CONTRIBUTION NOTICE			9NOV88	1	88FEC/565/0913
REQUEST FOR ADDITIONAL INFORMATION			9NOV88	1	88FEC/565/0290
STATEMENT OF ORGANIZATION - AMENDMENT			8DEC88	2	88FEC/574/3146
REQUEST FOR ADDITIONAL INFORMATION 2ND			1DEC88	2	88FEC/566/1660
POST-GENERAL	116,165	110,159	1JAN88 -28NOV88	27	88FEC/574/3148
POST-GENERAL - AMENDMENT	116,165	110,159	1JAN88 -28NOV88	28	89FEC/586/2261
REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -28NOV88	4	89FEC/582/1470
REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN88 -28NOV88	5	89FEC/586/1068
YEAR-END - TERMINATED	300	6,306	29NOV88 -31DEC88	5	89FEC/584/0230
1989 TERMINATION APPROVAL			5MAY89	1	89FEC/594/2579
TOTAL	116,465 0	116,465 0		89	TOTAL PAGES
TERMINATED					

All reports have been reviewed.
Ending cash-on-hand as of 12/31/88: $0
Outstanding debts and obligations as of 12/31/88: $0

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RECEIVED
FEDERAL ELECTION
COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSIOOCT 25 10 06 AM '95

In the Matter of	)	
	)	
California Democratic Voter Checklist and Clinton Reilly, as Treasurer	)	MUR 3502
	)	
	)	
	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by a referral from the Reports Analysis Division (RAD) on December 23, 1991, of the California Democratic Voter Checklist and Clinton Reilly, as treasurer (Respondents or Checklist). The referral was based on the alleged receipt of five excessive contributions from Clinton Reilly in the form of draws on a line of credit obtained by him for start-up costs for the Checklist, a slate mailer operation, during the calendar years 1990 and 1991. The Checklist also made a total of $854,923.00 in 15 payments to Mr. Reilly during the same time frame. Although they have continuously maintained that the Checklist is not required to report to the Commission, Respondents, nevertheless, registered with the Commission on May 7, 1990, as an unauthorized committee, with Clinton Reilly as treasurer. See FEC v. Californians for Democratic Representation, No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986) (hereinafter, CDR).[1]

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1. The court in CDR, a suit filed by the Commission against Californians for Democratic Representation (CDR), a slate mailer operation, found the defendant was required to comply with the requirements of the Act applicable to political

On April 17, 1992, the Federal Election Commission found reason to believe the Checklist and Mr. Reilly, as treasurer, violated 2 U.S.C. § § 434(b) for misreporting alleged start-up costs, 434(c) for failing to file 24-hour independent expenditure reports, and 441a(f) for accepting excessive contributions. The Commission also found reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C) by making excessive contributions to the Checklist in the form of start-up costs. On April 27, 1992, Respondents were notified by letter of the Commission's findings. Said letter included the Factual and Legal Analysis, Interrogatories, and a Request for Production of Documents. Respondents did not respond to the requested discovery, arguing that the discovery was irrelevant because the Checklist is not a political committee pursuant to the definition of a political committee provided in the Act, and that the Commission had no jurisdiction over the activities of the Checklist. See Attachment 1 at p. 1. Respondents included

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(Footnote 1 continued from previous page)
committees. Specifically, the court found that: (1) the listing of candidates on a slate mailer who had not paid for the services constituted expenditures under the Act; (2) the amount of the expenditures involved in that case (over $1,000) exceeded the threshold for political committee status; (3) political committees which engage in commercial activity may only do so within the limitations or prohibitions of the Act; (4) payments made to the slate mailer for the purchase of advertising in the slate mailings did not constitute contributions to the slate mailer; (5) the provision of advertising that was not paid for did not constitute in-kind contributions from the purchasers of advertising. The court concluded that the slate mailer had violated 2 U.S.C. § § 433 and 434 for failure to register and report as a political committee and 2 U.S.C. § 441d for failure to indicate in a disclaimer whether named candidates had or had not authorized the mailing.

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in their response to the Commission's reason to believe findings Exhibit C, submitted in camera to our Office with the instruction that the information not be made public at any time. Exhibit C was returned to Respondents unopened.

On February 15, 1994, the General Counsel's Office received a letter from Respondents' counsel noting objections to past and continuing proceedings by the Commission in this matter due to the court's decision in FEC v. NRA, 6 F.3rd 821 (D.C. Cir. 1993), cert. denied 114 S.Ct 2703 (1994). On May 16, 1995, the Commission, in considering the possible statute of limitations implications of the court's decision in FEC v. National Republican Senatorial Committee, Civil Action No. 93-1612, (D.D.C. Feb. 24, 1995), voted to continue to pursue this matter in light of recent information provided by RAD which raises concerns about Respondents' practices as reflected in the 1993 and 1994 reports submitted on behalf of the Checklist. The reports indicate that Mr. Reilly continues to provide substantial funding to the Checklist directly or in the form of draws on a line of credit obtained by him from a bank. See Attachment 2. The Checklist appears to also be including non-paying federal candidates in the slate mailers. See Attachment 2 at p. 10. In addition, the reports filed by the Checklist disclose receipts from individuals and entities which do not appear to be either federal or non-federal candidates or committees and which appear to be making contributions to the Checklist for their participation in the Checklist's activities. Some of these entities are listed in the reports as

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corporations. E.g., Attachment 2 at p. 14, and 16.

This report contains recommendations to assure that this matter conforms to the court's opinion in NRA, and reviews the additional information recently provided by RAD pertaining to the Checklist which further supports the Commission's reason to believe findings. The report, together with the Factual and Legal Analyses, also addresses issues raised by Respondents in their response to the Commission's original reason to believe findings and recommends that the Commission approve the attached Interrogatories and Request for Production of Documents and issue to the Respondents the attached subpoena and order.

For the Commission's information, this Office has attached the certification in this matter, dated April 4, 1992. Attachment 3.

II. RECOMMENDATIONS ACTIONS IN LIGHT OF FEC V. NRA

Based on the Factual and Legal Analyses contained in attachment 5 and the information and discussion contained therein and consistent with the Commission's November 9, 1993, decisions concerning compliance with the NRA opinion, this Office recommends that the Commission revote its earlier determinations in MUR 3502 to:

1. Find reason to believe that California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. § § 434(b), 434(c) and 441a(f).

2. Find reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C).

Because the information obtained during the course of the original investigation changes the basis for this Office's

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initial recommendations, this Office is not asking the Commission to approve the original Factual and Legal Analyses submitted with the First General Counsel's Report, dated March 31, 1992.

III. RECOMMENDED ACTION IN LIGHT OF THIS OFFICE'S INVESTIGATION

As the next step in the discovery process in this matter, this Office recommends that the Commission issue to the Checklist and Mr. Reilly, as treasurer, the attached subpoenas and orders. The proposed Interrogatories and Request for Production of Documents (Attachment 4) are designed to obtain information which had been previously requested informally from Respondents and to which Respondents refused to respond. In addition, the original informal discovery request focused on the Checklist's activities during the 1990-1991 time frame. The proposed interrogatories and request for production of documents expand the scope of the inquiry into the activities engaged in by the Checklist and Mr. Reilly to include the 1992, 1993 and 1994 timeframe and the information included in RAD's most recent referral. After reviewing and analyzing this new material, this Office will be in a better position to assess Respondents' arguments and determine whether additional interrogatories and documentation are deemed necessary. This Office also recommends

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that the Commission approve the attached Factual and Legal Analyses.[2]

IV. RECOMMENDATIONS

1. Find reason to believe that California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. § § 434(b), 434(c) and 441a(f).

2. Find reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C).

3. Approve the attached Factual and Legal Analyses.

4. Approve the attached Subpoena to Produce Documents and Order to Submit Written Answers to be sent to Respondents.

5. Approve the appropriate letters.

Date 10/24/95

Lawrence M. Noble
General Counsel

Attachments
1. Response to Factual and Legal Analysis, dated August 14, 1992, and attachments
2. RAD Report dated May 23, 1995, and attachments
3. Certification dated April 7, 1992
4. Subpoena and Order
5. Factual and Legal Analysis (2)

Staff Assigned: Maria C. Fernandez

2. This Office will defer making any recommendations regarding possible corporate and excessive contributions pending further investigation of this matter.

9604390217

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS
COMMISSION SECRETARY

DATE: OCTOBER 30, 1995

SUBJECT: MUR 3502 - GENERAL COUNSEL'S REPORT DATED OCTOBER 24, 1995.

The above-captioned document was circulated to the Commission on Wednesday, October 25, 1995 at 4:00.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	XXX
Commissioner Elliott	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Potter	
Commissioner Thomas	

This matter will be placed on the meeting agenda for Tuesday, November 7, 1995.

Please notify us who will represent your Division before the Commission on this matter.

9904390021 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3502
California Democratic Voter	)	
Checklist and Clinton Reilly,	)	
as Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on November 7, 1995, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in MUR 3502:

1. Find reason to believe that California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b), 434(c), and 441a(f).

2. Find reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C).

3. Approve the Factual and Legal Analyses recommended in the General Counsel's October 24, 1995 report.

4. Approve the Subpoena to Produce Documents and Order to Submit Written Answers to be sent to Respondents as recommended in the General Counsel's October 24, 1995 report.

(continued)

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5. Approve the appropriate letters as recommended in the General Counsel's October 24, 1995 report.

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

Attest:

11-8-95
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter A. Bagatelos, Esquire
Law Offices of Bagatelos and Fadem
The International Building
601 California Street
Suite 1801
San Francisco, California 94108

RE: MUR 3502
California Democratic Voter Checklist
and Clinton Reilly, as Treasurer, and
Clinton Reilly

Dear Mr. Bagatelos:

On April 17, 1992, the Federal Election Commission found that there is reason to believe your clients, the California Democratic Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. § § 434(b), 434(c) and 44a(f). In addition, the Commission also found that there is reason to believe that your client, Clinton Reilly, violated 2 U.S.C. § 441a(a)(1)(C).

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. denied, 114 S.Ct 2703 (1994). The Commission has taken several actions to comply with the courts' decisions. The Commission, consistent with the opinions, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

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In this matter, on November 7, 1995, the Commission revoted to find reason to believe that your clients, the Checklist and its treasurer violated 2 U.S.C. § § 434(b), 434(c) and 441a (f), and Mr. Reilly violated 2 U.S.C. § 441a(a)(1)(C). The Commission also approved the enclosed Factual and Legal Analyses as the basis of the Commission's decision, and authorized the enclosed subpoena and order.

All responses to the enclosed Subpoena to Produce Documents and Order to Submit Written Answers must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional factual and legal materials or statements you wish to submit should accompany the response to the the Subpoena and Order.

If you have any questions, please contact Maria C. Fernandez, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Danny L. McDonald
Chairman

Enclosure
Subpoena and Order
2 Factual and Legal Analyses

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
California Democratic Voter Checklist and Clinton Reilly, as Treasurer	)	MUR 3502

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: The California Democratic Voter Checklist
and Clinton Reilly, Treasurer
704 Sansome Street
San Francisco, California 94111

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena. Legible copies which show both sides of the documents may be substituted for originals

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this 13th day of Nov., 1995.

For the Commission,

Danny L. McDonald
Chairman

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

Attachments
Instructions and Definitions
Request for Production of Documents and Interrogatories

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INSTRUCTIONS

In answering these interrogatories and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1990 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State whether the California Democratic Voter Checklist (herein, the Checklist) is or has ever been incorporated, and if so provide copies of the Articles of Incorporation and By-Laws.

2. If the Checklist is not incorporated, describe how it is organized.

3. List the number of persons employed by the California Democratic Checklist, and in what capacity they are employed. Indicate if they are employed full-time or part-time.

4. State how the Checklist is treated for federal income tax purposes; if a separate federal income tax return is filed by the Checklist, provide copies of the return for 1990, 1991, 1992, 1993, and 1994. Provide a copy of the 1995 federal income tax return once filed.

5. State whether the Checklist is part of an incorporated entity, or whether it operates under the auspices of an incorporated entity. If so name the entity, and describe how the entity is or has been associated or related with the Checklist from 1990 to the present. If the Checklist has operated or operates under the auspices of another entity, describe how it has so operated from 1990 to the present.

6. Describe the relationship, if any, which exists or existed between the Checklist and:

   a. Clinton Reilly Communications
   b. Clinton Reilly Campaigns
   c. Campaign Production Services

7. Describe the type of business engaged in by the entities listed in 6a, 6b, 6c. For all entities listed in 6a, 6b and 6c, describe the type of business organization (corporation, partnership, etc.). State what, if any, involvement Mr. Reilly has in these business entities.

8. Provide copies of all primary election and general election slate mailers produced by the Checklist during 1990, 1992, and 1994. Provide copies of any slate mailer materials distributed from 1994 to the present.

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9. For each slate mailer produced by the Checklist for the primary and general elections for 1990, 1992, 1994 and from 1994 to the present:

a. Provide an itemized list of the production cost of each slate mailer and the total number of each slate mailers produced and distributed for each year listed.

b. Provide information as to how each slate mailer produced was distributed (i.e., distribution by handbills, brochures, posters, broadcasting, newspapers, magazines, billboards). If direct mail was use as a form of distribution, identify source of the mailing list(s) used for each slate mailer so distributed, and provide the cost of mailing for each different slate mailer for each year specified.

c. Identify who determines the cost of each listing or slate mailer advertisement determined, as between candidates, as between ballot issues and candidates, as between ballot issues? State how the cost is determined. State what factors are used in determining the price of a listing or advertisement on the slate mailer.

d. Identify who from the Checklist or, from other sources on behalf of the Checklist, negotiates with paying candidates for listing or advertisement in the slate mailer. Provide blank agreement forms or contracts used to evidence agreement as to type of advertisement or listing.

e. Provide any and all writings distributed by the Checklist or on behalf of the Checklist to recruit or encourage candidates, committee, organizations or similar groups or individuals to participate in the Checklist's slate mailer program.

f. Provide any and all informational, or promotional, materials produced and distributed by the Checklist or on behalf of the Checklist to encourage participation in the slate mailer program.

g. Identify for each slate mailer produced and distributed in 1990, 1992, 1994 and from 1994 to the present, any and all paying and nonpaying candidates that have been clients of Mr. Reilly in his capacity as political consultant or who have been involved in any type of business or businesses in which Mr. Reilly has an interest or is associated.

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h. Explain the procedures employed in determining which nonpaying federal candidates are included in the slate mailer. Explanation should include whether candidates or committees are contacted with the view towards getting payment, and who is contacted.

i. List any and all federal candidates initially contacted as paying candidates but who were listed as nonpaying candidates in the slate mailer. Identify the slate listing or advertisement in which they appear.

10. Provide copies of any and all documents, to include agreements, notes, and bank statements, relating to the application, granting, use, and repayment of the line of credit obtained by Clinton Reilly with regard to the Checklist from 1990 to the present.

11. Provide a schedule listing all capitalization of the California Democratic Voter Checklist by Mr. Reilly to include dates of capitalization, source of funds used for capitalization and amounts.

12. Provide a schedule listing all reimbursements of funds extended to the Checklist by Mr. Reilly as capitalization to include dates of reimbursement, source of funds used for reimbursements and amounts reimbursed.

13. Describe any and all loans made to the Checklist by Clinton Reilly from 1990 to the present, to include date of loan, amount of loan, date and amount of repayment, and present outstanding balances, if any. Provide any and all documents evidencing such loans to include, but not limited to agreements, contracts, promissory notes, and liens.

14. Explain the following discrepancies and provide any and all documentation used or referenced in support of the explanation provided:

a. During 1990, the Checklist reported total capitalization receipts from Clinton Reilly of $335,000.00. The Checklist, however reported a partial repayment of capitalization to Mr. Reilly throughout 1990 totaling $713,774.00. In addition, the reports do not include any information pertaining to any loans from Clinton Reilly to the Checklist in this amount.

b. The 1990 reports disclose independent expenditures to nonpaying federal candidates of $19,000.00 with respect to the primary election and $21,500.00 with respect to the

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general election. Attached to the report pertaining to the primary election is a note indicating that the amount allocated for each candidate was based on the assumption that 3 percent of the value of the entire slate mail program was allocable to nonpaying candidates. The note included for the general election, however, indicates that the allocation was based on the assumption that 1.5 percent of the value was allocable.

c. The reports filed with the Commission by the Checklist in 1990 reveal itemized disbursements to Clinton Reilly as paid through the Union Bank on 5/25/90 for $1,024; on 6/25/90 for $1,959.00; on 6/29/90 for $9,069.00; on 7/31/90 for $1,267.00; on 8/1/90 for $100.00; on 8/31/90 for $1, 164.00; on 10/1/90 for $1,247.00; on 10/29/90 for $1,288.00; on 11/9/90 for $500,000.00; on on 11/21/90 for $45,000.00; and on 12/31/90 for $1,228.00. These payments are noted on the reports as partial repayments of capitalization. The reports do not include any information pertaining to loans, lines of credit or draw downs from a line or lines of credit either from Clinton Reilly and/or the Union Bank to the Checklist.

d. The reports filed with the Commission by the Checklist in 1990 reveal an itemized disbursements to Clinton Reilly on 7/31/90 for $1,250.00 and on 8/31/90 for $4,070.00 as partial repayment of capitalization. The reports do not include any information pertaining to loans, lines of credit or draw downs from a line or lines of credit from Clinton Reilly to the Checklist.

f. The reports filed with the Commission by the Checklist in 1991 reveal receipts from and disbursements to Mr. Reilly paid through Union Bank made to and by the Checklist on 3/15/91 for $7,068.00 and on 6/15/91 for $134,081.00. These payments are listed on the reports as partial repayments for capitalization. The reports do not include any information pertaining to loans, lines of credit or draw downs from a line or lines of credit either from Clinton Reilly and/or Union Bank to the Checklist.

g. The reports filed with the Commission by the Checklist in 1993 reveal two receipts from Clinton Reilly on 1/27/93 in the for $10,000.00 and $130,895.44 for capitalization of the slate mailer program. The reports also reveal a disbursement by the Checklist to Union Bank for $130,895.44 on the same day for repayment of capitalization secured by Clinton Reilly. The reports do not include any

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information pertaining to loans or draw downs from a line of lines of credit either from Clinton Reilly and/or the Union Bank to the Checklist.

h. The reports filed with the Commission by the Checklist in 1994 reveal a disbursement by the Checklist to the Union Bank on 2/4/94 for $1,250.00 for interest on credit line. The reports do not include any information pertaining to any line of credit from the Union Bank to the Checklist.

i. The reports filed with the Commission by the Checklist in 1994 reveal a disbursement by the Checklist to the Union Bank on 5/20/94 for $25,000.00 for payoff of credit line. The reports do not include any information pertaining to any line of credit from the Union Bank to the Checklist.

j. The Committee's 1993 Mid-year Report discloses 2 receipts on January 27, 1993, totaling $140,895.44 from Clinton Reilly to the Checklist for the purpose of capitalization of slate mail program. One additional $25,000.00 receipt for the same purpose is disclosed on the 1994, 12 Day Pre-Primary Report. The Checklist notes that this receipt of April 4, 1994 was paid through the Union Bank. Reports do not indicate an outstanding debt to the Union Bank.

k. The 1993 Mid-year Report disclosed a disbursement to Union Bank in the amount of $130,895.44 for the repayment of capitalization secured by Clinton Reilly. Although no debts or loans are reported as owed by the Checklist, the 1994 April Quarterly Report disclosed a $1,250.00 disbursement to Union Bank for interest on credit line and the 1994 July Quarterly report discloses a disbursement to Union Bank on May 20, 1994, in the amount of $25,000.00 to pay off credit line to Union Bank.

l. In 1990, the Checklist reported making $19,000.00 in independent expenditures on behalf of federal candidates for June 5, 1990, for the California primary election and $21,000.00 in independent expenditures on behalf of such candidates for the November 6, 1990, general election. The report filed by the Checklist for the independent expenditures identified the date of the expenditure as the same day as the date of the election even though the expenditures were for listings of these candidates in slate mailer which by their nature are prepared and distributed prior to election day.

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15. Explain the nature and purpose of the four disbursements totally $445,000.00 reported as made by the Checklist to either Mr. Reilly or Clinton Reilly Communications on the 1994 12 Day Pre-Primary, October Quarterly and Year End Reports. The purposes listed for these disbursements include "count book production" and "production services." Provide an explanation for these terms and the nature of the service(s) rendered which resulted in the disbursements.

16. For the following individuals and entities listed in 1994 disclosure reports submitted by the Checklist, explain the nature of the sources participation in the slate mailer program, the purpose of the receipt, and the identify of the source at the time of the making of the receipt (i.e., was the source an individual, a potential candidate, a committee, a political consultant, a corporation, a special interested organization, etc.):

a. The 12 Day Pre-Primary Report:

1.	James R. Covell	$ 2,500.00
2.	Nick DePrisco	1,000.00
3.	Gary Sandy Communications	1,250.00
4.	Kerynn Gianotti	500.00
5.	Sylvia Hampton	500.00
6.	McNally Temple Assoc. Inc.	22,000.00
7.	PBN Company	10,000.00
8.	Scott P. Plotkin	750.00
9.	POL-Ser, Inc.	4,000.00
10.	John R. Putko	150.00
11.	David S. Ream	2,500.00
12.	Kenneth R. Silk	500.00
13.	Strategy & Campaign Mgt Grp, Inc.	1,500.00
14.	Townsend, Hermocillo, Raimundo & Usher	162,750.00
15.	Western Pacific Research, Inc.	1,900.00

b. The July Quarterly Report:

1.	Pol-Serv, Inc.	500.00
2.	Polistat	4,000.00
3.	Lee Ann Prifti	200.00
4.	John R. Putko	300.00
5.	Townsend, Hermocillo, et al	441.17

c. The October Quarterly Report

1.	Ray J. Rodriguez	250.00
2.	Ross Valley Pharmacy	600.00
3.	Mary F. Stompe	400.00
4.	Raymond C. Wieser	300.00

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d. 30 Day Post-General Report:

1.	Adler Wilson Campaign Srv Inc.	1,500.00
2.	Adler Wilson Campaign Srv Inc.	1,000.00
3.	Adler Wilson Campaign Srv Inc.	1,600.00
4.	Adler Wilson Campaign Srv Inc.	1,600.00
5.	Hargis & Associates	300.00
6.	John C. Holt	250.00
7.	George Barber McNally Temple Associates, Inc.	2,000.00
8.	Glenn A. Miller	250.00
9.	Robin Irene Neveau	400.00
10.	John Records	375.00
11.	The Richard A. Hall Comp.	333.00
12.	Robinson Communications, Inc.	345.00
	" "	345.00
	" "	345.00
	" "	345.00
13.	Alberto S. Rocha	2,600.00
14.	Strategic Resources	250.00
	" "	1,000.00
	" "	1,000.00
	" "	500.00
	" "	500.00
	" "	334.00
	" "	600.00
	" "	350.00
	" "	350.00
	" "	1,000.00
	" "	250.00
	" "	250.00
	" "	250.00
	" "	233.00
	" "	100.00
15.	Western Pacific Research, Inc.	635.72
	" "	635.72
	" "	635.72
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17. Provide copies of all checks or other documents or instruments representing the deposit of the capitalization receipts for 1990 to the present in the Checklist's depository account, copies of all disbursement checks representing capitalization repayments or other documents showing to whom each repayment was made.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: California Democratic Voter Checklist and Clinton Reilly, as Treasurer

MUR 3502

This matter was generated by the Federal Election Commission on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2).

The California Democratic Voter Checklist (the Checklist) is a California-based slate mailer operation which Respondents represent is owned by Clinton Reilly as a sole proprietorship. The Checklist produces a "slate card" which Respondents describe as a piece of literature which contains the names, sometimes photos, of federal, state and local candidates. The slate card advocates the election or defeat of the listed candidates and may include ballot initiatives and referendums. Mr. Reilly, the Checklist's owner, is a political consultant of more than 20 years, who provides various services to his clients, to include media production, direct mail services and strategic advice.

The Checklist and Clinton Reilly, as treasurer, registered with the Commission on May 7, 1990, as an unauthorized committee located at 704 Sansome Street, San Francisco, California, with Clinton Reilly as treasurer and custodian of records at the same address. It listed its depository as the Union Bank of San Francisco. In an amended Statement of Organization, filed on June 12, 1990, the Checklist stated that it had no affiliated

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committees or connected organizations. The Checklist reported total receipts of $2,299,005.00 and total disbursements of $2,298,498.00 for 1990 with $507.00 in ending cash on hand with no debts owed by or to the committee.

In its first report filed with the Commission (the 12-Day Pre-Primary Report), the Checklist reported $147,191.00 in receipts as "other receipts" and $123,035.00 in operating expenditures. The $147,191.00 in "other receipts" included $50,191.00 in receipts identified as payments for "participation in slate mail program" and a $97,000.00 receipt from Clinton Reilly, the treasurer, identified as "capitalization of Calif. Democratic Voter Checklist." Reilly's capitalization was made on April 20, 1990. Attached to the first report was an explanatory note that read:

> This report is filed by California Democratic Voter Checklist, a private, sole proprietorship business entity in the sole business of publishing a slate card for which various candidates and ballot measures pay to appear. The sole proprietor is Clinton Reilly. On April 20, 1990, Mr. Reilly advanced the funds to capitalize the business.
>
> Federal candidates who are endorsed in the slate mailer will either pay their fair share or will be endorsed without payment or consultation, in which case their pro rata fair share will be shown on Schedule E as an independent expenditure. This reporting method is being utilized in order to comply with the Federal district court decision in FEC v. Californians for Democratic Representation. California Democratic Voter Checklist will make full disclosure of its receipts and expenditures in compliance with that court decision.

Through the remainder of 1990, the Checklist reported

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two additional capitalization receipts from Clinton Reilly of $105,000.00 on May 29, 1990, and $133,000.00 on August 3, 1990. Thus, the Checklist reported total capitalization receipts from Mr. Reilly of $335,000.00 in 1990. The Checklist also reported "partial repayment of capitalization" to Mr. Reilly throughout 1990, totaling $713,774.00[1] The 1990 reports also disclosed independent expenditures to nonpaying federal candidates of $19,000.00 with respect to the primary election and $21,500.00 with respect to the general election. Attached to the relevant reports was an explanatory note that the Federal Election Commission requires a portion of the value of the services provided to paying candidates to be allocated to nonpaying candidates. The note for the primary states that the allocated amount for each candidate was based on the assumption that three percent of the value of the entire slate mail program was allocable, while the note for the general election states that the allocation was based on the assumption that 1.5 percent of the value was allocable.

In 1991, the Checklist filed its Mid-Year Report that disclosed a total of $141,149.00 in capitalization receipts from Clinton Reilly and a total of $141,149.00 in repayments

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1. These total repayments include a $500,000 payment on November 9, 1990. Mr. Reilly was also the vendor for the Checklist; thus, this $500,000 payment may have included fees to him for his services as well as a repayment of capitalization. The discrepancy between the total reported capitalization receipts ($335,000) and the total repayments ($713,774) raises questions about the accuracy of the reporting of the November 9, 1990, payment.

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of capitalization to him. The Mid-Year Report disclosed total receipts of $146,649.00 and total disbursements of $141,460.00 with ending cash on hand of $5,696.00. In October 1991, the Report Analysis Division (RAD) sent the Checklist a Request for Additional Information (RFAI) asking about the $141,149.00 receipt and disbursement relating to capitalization and the absence of payments for administrative expenses.

On November 26, 1991, counsel for the Checklist responded to RAD's RFAI with a written letter, following two earlier telephone conversations with the RAD analyst. Regarding the capitalization question, counsel stated:

> Clinton Reilly arranged for a line of credit at Union Bank and these funds were used to pay the initial expenses of producing the slate mailer. Later, candidates and committees wishing to participate in the slate mailer paid CDVC[2] for the space utilized in the mailer. These persons and entities received advertising services equal in value to the amounts they paid. As funds became available to not only satisfy the costs of production, CDVC also paid down the line of credit with payments to Clinton Reilly and Union Bank. $141,149.00 was paid to Union Bank on behalf of Clinton Reilly to fully satisfy the amounts borrowed. All payments relating to this capitalization were reported on various reports filed since last year. . .
>
> With respect to the above explanation, you said that you checked with Lisa Stolaruk, who had checked with the Office of General Counsel (OGC) last year regarding reporting by such slate mail committees, and you advised that CDVC should keep reporting in the same way unless otherwise notified. You acknowledged that CDVC has been reporting the

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2. CDVC is the abbreviation Respondents use for the California Democratic Voter Checklist.

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> repayments on the capitalization since last year, which no one previously questioned, and your office did not see any issues or problems at this time. You stated we did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble.

Respondents continue to engage in type of capitalization activity found by the Commission to constitute excessive contributions to the Checklist by Mr. Reilly while the reports filed by the Checklist with the Commission still contain reporting errors which were found by the Commission to be violative of the Act. The 1993 Mid-Year Report filed by the Checklist discloses two receipts totaling $140,895.44 reported as capitalization from Mr. Reilly (one receipt is for $130,895.44 on 1/27/93 and the second receipt on 1/23/93 for $10,000.00). The Mid-Year Report reveals the repayment of $130,895.44 on the same day to Union Bank for "the repayment of capitalization secured by Clinton Reilly," but the reports do not disclose the repayment of the remaining $10,000.00. One $25,000.00 receipt for the same purpose is disclosed on the 1994 12-Day Pre-Primary Report as paid through Union Bank. Moreover, the 1994 April Quarterly Report discloses a $1,250.00 disbursement to the Union Bank on May 20, 1994, to payoff credit line. Significantly, no debts or loans are reported as owed by the Committee to Mr.

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Reilly or the Bank.[3]

The Federal Election Campaign Act of 1971, as amended (the Act), defines a political committee to include any committee, club, association, or other group of persons which receives contributions or makes expenditures aggregating in excess of $1,000.00 during a calendar year. 2 U.S.C. § 431(4)(A). The Act defines "contribution" to include any loan, advance, or deposit of money made by any person for the purpose of influencing a federal election. 2 U.S.C. § 431(8)(A)(i). Political committees under the Act must register with the Commission and file periodic reports of their receipts and disbursements. 2 U.S.C. § 433 and 434. The reporting requirements include a requirement that political committees report the amount and nature of any outstanding debt owed by the committee. 2 U.S.C. § 434(b)(8); 11 C.F.R. § 104.11. The Act and Commission regulations also require that political committees that make independent expenditures of $1,000.00 or more on behalf of federal candidates after the 20th day but more than 24 hours before an election to report such independent expenditures to the Commission within 24 hours of making them. 2 U.S.C. § 434(c); 11 C.F.R. § 104.5(g).

The Act further provides that no individual may contribute more than $5,000.00 per calendar year to a political committee that is not an authorized committee.

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3. 2 U.S.C. § 434b(8) requires a committee to report the amount and nature of outstanding debts and obligations owed by or to such political committee.

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2 U.S.C. § 441a(a)(1)(C). The Act further provides that no political committee or officer of a political committee may knowingly accept a contribution in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f).

The Act excludes from the definition of a contribution any loan of money by a state bank, a federally chartered depository institution, or an institution where the deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business. 2 U.S.C. § 431(8)(B)(vii). The Act further provides that such a loan shall also be considered a loan by each endorser or guarantor in the appropriate proportions, made on a basis that assures repayment, evidenced by a written instrument and subject to a due date or amortization schedule, and shall bear the usual and customary interest rate of the lending institution. Commission regulations further explain that a loan (other than a loan excluded from the definition of contribution) is a contribution at the time it is made and to the extent that it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B).

In FEC v. Californians for Democratic Representation, No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986) (CDR), the Commission filed suit against Californians for Democratic Representation (CDR), a slate mailer operation, for failure to comply with the requirements of the Act applicable to

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political committees. The court in CDR, found the defendant was required to comply with the requirements of the Act applicable to political committees. Specifically, the court found that: (1) the listing of candidates on a slate mailer who had not paid for the services constituted expenditures under the Act; (2) the amount of the expenditures involved in that case (over $1,000) exceeded the threshold for political committee status; (3) political committees which engage in commercial activity may only do so within the limitations or prohibitions of the Act; (4) payments made to the slate mailer for the purchase of advertising in the slate mailings did not constitute contributions to the slate mailer; (5) the provision of advertising that was not paid for did not constitute in-kind contributions from the purchasers of advertising. The court concluded that the slate mailer had violated 2 U.S.C. § § 433 and 434 for failure to register and report as a political committee and 2 U.S.C. § 441d for failure to indicate in a disclaimer whether named candidates had or had not authorized the mailing.

As noted, the court's order in CDR concluded that the slate mailer was a political committee that had to register and report and that political committees that engage in business or commercial activities had to do so within the limitations and prohibitions of the Act but that payments to purchase advertising in the slate mailer were not contributions under the Act. The reported entries and the statements by counsel for the Checklist indicate that Clinton

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Reilly obtained a line of credit from Union Bank and then provided the funds to the Checklist as capitalization. Mr. Reilly apparently continued to draw on this line of credit the Union Bank throughout 1990 into 1994.[4] The Checklist made repayments to Mr. Reilly and to the Bank throughout the same period. The amounts of some of these reported repayments (e.g., $1,024.00 or $1,288.00) suggest the payment of interest on the line of credit. Indeed, the 1994 April Quarterly Report disclosed a $1,250.00 disbursement to Union Bank for interest on credit line. The reported receipt of capitalization funds from Clinton Reilly are clearly not the payment for purchasing advertising. Thus, the CDR order does not provide any protection to slate mailer political committees for this type of receipt.

If the line of credit was made to Mr. Reilly personally and he then provided the funds to the Checklist, it would appear he has made a contribution under the Act to the Checklist in excess of the $5,000.00 annual contribution limitation. If the line of credit was made to the Checklist with Mr. Reilly as treasurer or its agent, then it may qualify as an exempt bank loan if it meets the requirements of the Act. The reporting entries and counsel's statement, however, raise some question whether the line of credit from the Union Bank was made to Mr. Reilly personally or to the

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4. The reported receipt of $141,191.00 in capitalization funds from Mr. Reilly in 1991 coupled with a like amount in repayments to him on the same day are inexplicable, since the Checklist was apparently in the process of winding down or terminating.

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Checklist with Mr. Reilly as treasurer or its agent. On their face, the representations made suggest that the line of credit was made to Mr. Reilly personally, and not to the Checklist.

In response to the reason to believe findings made by the Commission on April 17, 1992, pertaining to the Checklist and Mr. Reilly, as treasurer and in his individual capacity,[5] Respondents argued that because the Checklist is owned solely by Mr. Reilly, it fails to meet the two-prong definition of a political committee set out in the Act. The first prong of the definition requires the entity to be "a committee, club association or other group of persons." 2 U.S.C. § 431(4)(A) (emphasis added). Respondents insist that the Checklist does not consist of any additional entities or individuals, but rather, that Mr. Reilly is its sole owner and benefactor. Accordingly, they state, that because the Checklist is composed of a single person, it does not fit the first prong of the definition of a political committee and, therefore, it does not need to register with the Commission. The monies reported by the Checklist to the Commission as receipts from Mr. Reilly, Respondents conclude, do not constitute

5. The Commission found reason to believe the Checklist and Mr. Reilly, as treasurer, violated 2 U.S.C. § § 434(b) for misreporting alleged start-up costs, 434(c) for failing to file 24-hour independent expenditure reports, and 441a(f) for accepting excessive contributions. The Commission also found reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C) by making excessive contributions to the Checklist in the form of start-up costs. On April 27, 1992, Respondents were notified by letter of the Commission's findings.

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contributions or result in reporting irregularities as indicated by the Commission's findings.[6]

Respondents attempt to contrast their operation with that presented in AO 1980-126 and CDR to support their argument that the Checklist is not a political committee. Despite the Respondents' arguments to the contrary, the cited references tend to support the position that the Checklist is a political committee within the meaning of 2 U.S.C. § 431(4)(A).

In AO 1980-126, the Commission opined that an individual who had solicited and received funds to print and distribute pamphlets urging people to vote for candidates of a particular party was acting as a political committee under the provisions of 2 U.S.C. § 431(4). The Commission concluded that all the persons solicited for funds and who responded with contributions became part of the the organization. AO 1980-126. The Commission reasoned that by divesting themselves of control over any decision making relative to the making of expenditures by the organization, the contributors participated in the activities of the entity. Id. Accordingly, the Commission reasoned, these factors taken together indicate that the individual and all

6. Respondents also argue that they were misled by RAD that no enforcement action would result from information provided to them and that RAD's actions constitute a commencement of an investigation prior to a finding of reason to believe finding by the Commission. The inquiries by RAD in the form of RFAIs and the subsequent referral to this Office were generated by apparent irregularities in the reports submitted by Respondents.

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contributors to the entity came within the definition of a political committee as "any other group of persons" as set out in 2 U.S.C. § 431(4)(A). Id.

The Checklist's reports for 1993 and 1994 must be reviewed in light of AO 1980-126. In these reports, the Checklist discloses receipts from individuals and entities which do not appear to be candidates or candidate committees (either federal or non-federal). The listed sources for the receipts include individual, corporations and companies. Some examples of these receipts are as follows:

1. The 1994, 12 Day Pre-Primary report discloses $22,000.00 from McNally Temple Associates, Inc.; $10,000.00 from PBN Company; and $162,750.00 from Townsend, Hermocillo, Raimundo & Usher; $4,000.00 from Pol-Serv, Inc.; $2,500.00 from James R. Covell; and $2,500.00 from David S. Ream.

2. The 1994 July Quarterly Report discloses $500.00 from Pol-Serv, Inc.; $4,000.00 from Polistat and $200.00 from Lee Ann Prifti.

3. The 1994 October Quarterly Report discloses $600.00 from Ross Vally Pharmacy and $400.00 from Mary F. Stompe

4. The 1994 30 Day Post-General Report discloses $5,7000.00 from Adler Wilson Campaign Services, Inc.; $2,000.00 from George Barber McNally Temple Associates, Inc.; $1,725.00 from Robinson Communications, Inc., $6,967.00 from Strategic Resources; $4,450.00 from Western Pacific Research, Inc.; $250.00 from John C. Holt; and $2,600 from Alberto S. Rocha.

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While the Checklist reported these receipts as being for slate mailer purposes,[7] the reports disclose payments by individuals with no apparent association with a candidate or candidate committee. Indeed, if these sources are contributors to the Checklist, then Mr. Reilly's slate mailer activity would appear to meet the first prong of the definition in that the Checklist would be comprised of "a group of persons" as defined in the Act. The second prong of the definition of political committee would also be met since the totals represented in the above-cited disclosures certainly exceed the $1,000.00 threshold for receipt of contributions set out under the Act. Moreover, if the sums received are found to be contributions, some of these appear to be from corporate contributors and, as such, may constitute violations of 2 U.S.C. § 441b. In addition, if the receipts prove to be contributions, some of these appear to exceed the limitations set out in the Act and may constitute violations of 2 U.S.C. § 441a(f).

Respondents, in attempting to contrast the facts of CDR with those presented in this matter disregard that the court in CDR found the non-profit slate mailer in that case was a political committee. They also overlook that the court recognized that political committees, such as the Checklist, can engage in business activities but must do so within the limitations or prohibitions of the Act. FEC v. CDR, No.

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7. Indeed, one postage reimbursement from the United States Post Office is also identified as being for slate mailer purposes.

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85-2086-JMI (C.D. Cal Jan. 9, 1986). This is so even though the court found that payments made by the listed candidates to the slate mailer do not constitute contributions. It naturally follows that the paying candidates who are endorsed in the slate mailer produced by the Checklist are contacted by Mr. Reilly, who negotiates with them the cost for the space on the slate mailer.[8]

By paying the Checklist for being listed in the slate mailer, the candidates arguably become part of the slate mailer program even though the payments do not constitute contributions. In that event, the Checklist is no longer "an individual operating a for-profit non-incoporated business" as Respondents argue. On the contrary, the Checklist, together with the candidates listed on the slate mailer would appear to constitute an organization or "other group of persons" within the plain meaning of these terms. Accordingly, the activities of the Checklist would come within the definition of a political committee set out in 2 U.S.C. § 431(4)(A).

Although Respondents' stress the sole proprietorship nature of the Checklist as excluding it from the definition of a political committee, they have in the past provided

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8. It is interesting to note that Mr. Reilly negotiates the price to be charged for the space based upon his experience in the field and what the market place can bear. If the Checklist provides advertising services to federal candidates at less than the usual and normal charge for these services in the marketplace, this could possibly constitute a contribution to or an expenditure on behalf of the candidates by the Checklist. See 11 C.F.R. § 100.7(a)(1)(iii)(B) and 11 C.F.R. § 100.8(a)(1)(iv)(B); see also AO 1984-62.

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evidence which calls into question this representation. Mr. Reilly has previously advised the Commission that the Checklist is a for-profit entity operated under the auspices of Clinton Reilly Communications, a corporation.[9] It would appear that if the Checklist operates under the auspices of Clinton Reilly Communications, the Checklist may come within the definition of a political committee as set out in the Act in that it may not involve a single person but act in conjuction with a corporate entity. Moreover, the relationship between the Checklist and Clinton Reilly Communications may prove significant in light of the fact that Clinton Reilly Communications is a political campaign organization providing services for individuals campaigning for political office and groups representing campaign issues and that Mr. Reilly himself is a campaign consultant.[10]

Therefore, in light of all the above arguments, there appears to be reason to believe California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C.

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9. A recent check of Dunn and Bradstreet indicates that Clinton Reilly Communications is a for-profit California corporation incorporated in 1990 as a political campaign organization providing services for individuals campaigning for political office and groups representing campaign issues. The corporation is located at the same address as the Checklist.

10. In the 1994 12-Day Pre-Primary Report, the Checklist reports a disbursement on April 26, 1994, for $10,000.00 to Clinton Reilly Communications. The stated purpose of the disbursement is for "Count book production." This Office suggests that this disbursement requires further investigation as it may tend to establish improper channeling of contributions between the Checklist and candidates represented by Mr. Reilly and/or his corporation.

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§ 441a(f).

As noted, CDR clearly held that slate mailer political committees had to register and report as political committees under the Act if their expenditures on behalf of nonpaying candidates exceeded the statutory threshold. Thus, in addition to the above discussion, there are additional questions regarding the reporting by the Checklist that need to be addressed by Respondents. First, there is the obvious discrepancy between the amount of capitalization receipts from Mr. Reilly and the amount of repayments to him. In 1990, for example, the difference is $378,774.00. The reporting discrepancy most likely centers on the reported repayment of capitalization to Mr. Reilly of $500,000.00 on November 9, 1990. If this disbursement included payments to Mr. Reilly for services provided by him to the slate mailer or as his profit from the slate mailer operation, then it should have been reported by the Checklist as such rather than as a repayment of capitalization. In addition, if the Checklist made repayments or interest payments directly to Union Bank, as indicated by counsel's letter, then these disbursements should have shown the Bank as the payee and the purpose as interest payments, if that were the case.

Furthermore, whether the line of credit was given to Mr. Reilly who then provided the funds to the Checklist or the line of credit was given to the Checklist with Mr. Reilly as treasurer or agent, the Checklist should have reported a debt owed to either Mr. Reilly or Union Bank for the amount of the

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draw downs of the line of credit for the reporting periods in which they occurred on a separate Schedule C. The Checklist filed no schedules for its outstanding debt to either Mr. Reilly or Union Bank, and therefore, appears to have violated 2 U.S.C. § 434b(8).

Finally, the Checklist reported making $19,000.00 in independent expenditures on behalf of federal candidates for the June 5, 1990, California primary election and $21,500.00 in independent expenditures on behalf of such candidates for the November 6, 1990, general election. The Schedules E that the Checklist filed for these independent expenditures identified the date of the expenditure as the same day as the date of the election. By selecting the date of the election as the date of the independent expenditures, Respondents avoided filing 24 hour independent expenditure reports prior to the general election.

From a practical perspective, it is difficult to accept the Respondents' position that these expenditures were made on the day of the election. Slate mailers are designed to be mailed to voters so that they arrive shortly before an election. Moreover, the disbursements for the slate mailers would be made even earlier. The reports disclose that for the primary slate mailer the Checklist made payments to Below, Tobe & Associates totaling $417,624.00 for computer services, printing, and postage between 20 days and 24 hours before the primary election. For the general election, the Checklist made payments to Below, Tobe & Associates of

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$255,768.00 and payments of $330,594.00 for postage in the period between 20 days and 24 hours before the general election. Moreover, the Act defines "expenditure" to include a written contract, promise or agreement to make an expenditure. 2 U.S.C. § 431(a)(A)(ii).

Therefore, it appears that the Checklist has misreported the date of its independent expenditures and should have also reported these independent expenditures within 24 hours as required by the Act.

Accordingly, there is reason to believe the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b) and 434(c) with respect to the above reporting errors.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Clinton Reilly MUR 3502

This matter was generated by the Federal Election Commission on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2).

The California Democratic Voter Checklist (the Checklist) is a California-based slate mailer operation which Respondent represents is owned by him as a sole proprietorship. The Checklist produces a "slate card" described by Respondent as a piece of literature which contains the names, sometimes photos, of federal, state and local candidates. The slate card advocates the election or defeat of the listed candidates and may include ballot initiatives and referendums. Respondent, the Checklist's owner, is a political consultant of more than 20 years, who provides various services to his clients, to include media production, direct mail services and strategic advice.

The Checklist registered with the Commission on May 7, 1990, as an unauthorized committee located at 704 Sansome Street, San Francisco, California, with Clinton Reilly as treasurer and custodian of records. It listed its depository as the Union Bank of San Francisco. In an amended Statement of Organization, filed on June 12, 1990, the Checklist stated that it had no affiliated committees or connected organizations. The Checklist reported total receipts of $2,299,005.00 and total

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disbursements of $2,298,498.00 for 1990 with $507.00 in ending cash on hand with no debts owed by or to the committee.

In its first report filed with the Commission (the 12-Day Pre-Primary Report), the Checklist reported $147,191.00 in receipts as "other receipts" and $123,035.00 in operating expenditures. The $147,191.00 in "other receipts" included $50,191.00 in receipts identified as payments for "participation in slate mail program" and a $97,000.00 receipt from Respondent, identified as "capitalization of Calif. Democratic Voter Checklist." Respondent's capitalization was made on April 20, 1990. Attached to the first report was an explanatory note that read:

> This report is filed by California Democratic Voter Checklist, a private, sole proprietorship business entity in the sole business of publishing a slate card for which various candidates and ballot measures pay to appear. The sole proprietor is Clinton Reilly. On April 20, 1990, Mr. Reilly advanced the funds to capitalize the business.
>
> Federal candidates who are endorsed in the slate mailer will either pay their fair share or will be endorsed without payment or consultation, in which case their pro rata fair share will be shown on Schedule E as an independent expenditure. This reporting method is being utilized in order to comply with the Federal district court decision in FEC v. Californians for Democratic Representation. California Democratic Voter Checklist will make full disclosure of its receipts and expenditures in compliance with that court decision.

Through the remainder of 1990, the Checklist reported two additional capitalization receipts from Respondent of $105,000.00 on May 29, 1990, and $133,000.00 on August 3, 1990. Thus, the Checklist reported total capitalization

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receipts from Respondent of $335,000.00 in 1990. The Checklist also reported "partial repayment of capitalization" to Respondent throughout 1990, totaling $713,774.00[1] The 1990 reports also disclosed independent expenditures to nonpaying federal candidates of $19,000.00 with respect to the primary election and $21,500.00 with respect to the general election. Attached to the relevant reports was an explanatory note that the Federal Election Commission requires a portion of the value of the services provided to paying candidates to be allocated to nonpaying candidates. The note for the primary states that the allocated amount for each candidate was based on the assumption that three percent of the value of the entire slate mail program was allocable, while the note for the general election states that the allocation was based on the assumption that 1.5 percent of the value was allocable.

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1. These total repayments include a $500,000.00 payment on November 9, 1990. Respondent was also, and still appears to be, the vendor for the Checklist; thus, this $500,000.00 payment may have included fees to him for his services as well as a repayment of capitalization. The discrepancy between the total reported capitalization receipts ($335,000.00) and the total repayments ($713,774.00) raises questions about the accuracy of the reporting of the November 9, 1990, payment.

In 1991, the Checklist filed its Mid-Year Report that disclosed a total of $141,149.00 in capitalization receipts from Respondent and a total of $141,149.00 in repayments of capitalization to him. The Mid-Year Report disclosed total receipts of $146,649.00 and total disbursements of $141,460.00 with ending cash on hand of $5,696.00. In October 1991, the Report Analysis Division (RAD) sent the Checklist a Request for Additional Information (RFAI) asking about the $141,149.00 receipt and disbursement relating to capitalization and the absence of payments for administrative expenses.

On November 26, 1991, counsel for the Checklist and Respondent responded to RAD's RFAI with a written letter, following two earlier telephone conversations with the RAD analyst. Regarding the capitalization question, counsel stated:

> Clinton Reilly arranged for a line of credit at Union Bank and these funds were used to pay the initial expenses of producing the slate mailer. Later, candidates and committees wishing to participate in the slate mailer paid CDVC[2] for the space utilized in the mailer. These persons and entities received advertising services equal in value to the amounts they paid. As funds became available to not only satisfy the costs of production, CDVC also paid down the line of credit with payments to Clinton Reilly and Union Bank. $141,149.00 was paid to Union Bank on behalf of Clinton Reilly to fully satisfy the amounts borrowed. All payments relating to this capitalization were reported on various reports filed since last year. . .

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2. CDVC is the abbreviation Respondent uses for the California Democratic Voter Checklist.

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> With respect to the above explanation, you said that you checked with Lisa Stolaruk, who had checked with the Office of General Counsel (OGC) last year regarding reporting by such slate mail committees, and you advised that CDVC should keep reporting in the same way unless otherwise notified. You acknowledged that CDVC has been reporting the repayments on the capitalization since last year, which no one previously questioned, and your office did not see any issues or problems at this time. You stated we did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble.

Respondent continues to engage in the type of capitalization activity found by the Commission to constitute excessive contributions to the Checklist by Respondent which were found by the Commission to be violative of the Act. For example, the 1993 Mid-Year Report filed by the Checklist discloses two receipts totaling $140,895.44 reported as capitalization from Respondent (one receipt is for $130,895.44 on 1/27/93 and the second receipt on 1/23/93 for $10,000.00). The Mid-Year Report reveals the repayment of $130,895.44 on the same day to Union Bank for "the repayment of capitalization secured by Clinton Reilly," but the reports do not disclose the repayment of the remaining $10,000.00. One $25,000.00 receipt for the same purpose is disclosed on the 1994 12-Day Pre-Primary Report as paid through Union Bank. Moreover, the 1994 April Quarterly Report discloses a $1,250.00 disbursement to the Union Bank on May 20, 1994, to payoff credit line. Significantly, no debts or loans are

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U.S.C. § 441a(a)(1)(C). The Act further provides that no political committee or officer of a political committee may knowingly accept a contribution in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f).

The Act excludes from the definition of a contribution any loan of money by a state bank, a federally chartered depository institution, or an institution where the deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business. 2 U.S.C. § 431(8)(B)(vii). The Act further provides that such a loan shall also be considered a loan by each endorser or guarantor in the appropriate proportions, made on a basis that assures repayment, evidenced by a written instrument and subject to a due date or amortization schedule, and shall bear the usual and customary interest rate of the lending institution. Commission regulations further explain that a loan (other than a loan excluded from the definition of contribution) is a contribution at the time it is made and to the extent that it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B).

In FEC v. Californians for Democratic Representation, No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986) (CDR), the Commission filed suit against Californians for Democratic Representation (CDR), a slate mailer operation, for failure to comply with the requirements of the Act applicable to

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political committees. The court in CDR, found the defendant was, in fact, required to comply with the requirements of the Act applicable to political committees. Specifically, the court found that: (1) the listing of candidates on a slate mailer who had not paid for the services constituted expenditures under the Act; (2) the amount of the expenditures involved in that case (over $1,000) exceeded the threshold for political committee status; (3) political committees which engage in commercial activity may only do so within the limitations or prohibitions of the Act; (4) payments made to the slate mailer for the purchase of advertising in the slate mailings did not constitute contributions to the slate mailer; (5) the provision of advertising that was not paid for did not constitute in-kind contributions from the purchasers of advertising. The court concluded that the slate mailer had violated 2 U.S.C. § § 433 and 434 for failure to register and report as a political committee and 2 U.S.C. § 441d for failure to indicate in a disclaimer whether named candidates had or had not authorized the mailing.

As noted, the court's order in CDR concluded that the slate mailer was a political committee that had to register and report and that political committees that engage in business or commercial activities had to do so within the limitations and prohibitions of the Act but that payments to purchase advertising in the slate mailer were not contributions under the Act. The reported entries and the

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statements by counsel for the Checklist indicate that Respondent obtained a line of credit from Union Bank and then provided the funds to the Checklist as capitalization. Respondent apparently continued to draw on this line of credit the Union Bank throughout 1990 into 1994.[4] The Checklist made repayments to Respondent and to the Bank throughout the same period. The amounts of some of these reported repayments (e.g., $1,024.00 or $1,288.00) suggest the payment of interest on the line of credit. Indeed, the 1994 April Quarterly Report disclosed a $1,250.00 disbursement to Union Bank for interest on credit line. The reported receipt of capitalization funds from Respondent are clearly not the payment for purchasing advertising. Thus, the CDR order does not provide any protection to slate mailer political committees for this type of receipt.

If the line of credit was made to Respondent personally and he then provided the funds to the Checklist, it would appear he has made a contribution under the Act to the Checklist in excess of the $5,000.00 annual contribution limitation. If the line of credit was made to the Checklist with Respondent as treasurer or its agent, then it may qualify as an exempt bank loan if it meets the requirements of the Act. The reporting entries and counsel's statement, however, raise the question of whether the line of credit

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4. The reported receipt of $141,191.00 in capitalization funds from Respondent in 1991 coupled with a like amount in repayments to him on the same day are inexplicable, since the Checklist was apparently in the process of winding down or terminating.

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from the Union Bank was made to Respondent personally or to the Checklist with Respondent as treasurer or its agent. On their face, the representations made, however, suggests that the line of credit was made to Respondent personally, and not to the Checklist.

In response to the reason to believe findings made by the Commission on April 17, 1992, pertaining to the Checklist and Respondent, as treasurer and in his individual capacity,[5] Respondent argued that because he is the sole owner of the Checklist, it fails to meet the two-prong definition of a political committee set out in the Act. Specifically, he refers to the two elements of the definition, both of which must be fulfilled. The first prong of the definition requires the entity to be "a committee, club association or other group of persons." 2 U.S.C. § 431(4)(A) (emphasis added). Respondent insists that the Checklist does not consist of any additional entities or individuals, but rather, that he is its sole owner and benefactor. Accordingly, he concludes, that because the Checklist is composed of a single person, it does not fit the first prong of the definition of a political committee and, therefore, it

5. The Commission found reason to believe the Checklist and Respondent, as treasurer, violated 2 U.S.C. § § 434(b) for misreporting alleged start-up costs, 434(c) for failing to file 24-hour independent expenditure reports, and 441a(f) for accepting excessive contributions. The Commission also found reason to believe that Respondent violated 2 U.S.C. § 441a(a)(1)(C) by making excessive contributions to the Checklist in the form of start-up costs. On April 27, 1992, Respondent was notified by letter of the Commission's findings.

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does not need to register with the Commission. The monies reported by the Checklist to the Commission as receipts from Respondent would not, therefore, constitute contributions.

Respondent attempts to contrast the Checklist operation with that presented in AO 1980-126 and CDR to support his argument that the Checklist is not a political committee. Despite the Respondent's arguments to the contrary, the cited references tend to support the position that the Checklist is a political committee within the meaning of 2 U.S.C. § 431(4)(A).

In AO 1980-126, the Commission opined that an individual who had solicited and received funds to print and distribute pamphlets urging people to vote for candidates of a particular party was acting as a political committee under the provisions of 2 U.S.C. § 431(4). The Commission concluded that all the persons solicited for funds and who responded with contributions became part of the the organization. AO 1980-126. The Commission reasoned that by divesting themselves of control over any decision making relative to the making of expenditures by the organization, the contributors participated in the activities of the entity. Id. Accordingly, the Commission reasoned, these factors taken together indicate that the individual and all contributors to the entity came within the definition of a political committee as "any other group of persons" as set out in 2 U.S.C. § 431(4)(A). Id.

The Checklist's reports for 1993 and 1994 must be

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reviewed in light of AO 1980-126. In these reports, the Checklist discloses receipts from individuals and entities which do not appear to be candidates or candidate committees (either federal or non-federal). The listed sources for the receipts include individual, corporations and companies. Some examples of these receipts are as follows:

1. The 1994, 12 Day Pre-Primary report discloses $22,000.00 from McNally Temple Associates, Inc.; $10,000.00 from PBN Company; and $162,750.00 from Townsend, Hermocillo, Raimundo & Usher; $4,000.00 from Pol-Serv, Inc.; $2,500.00 from James R. Covell; and $2,500.00 from David S. Ream.

2. The 1994 July Quarterly Report discloses $500.00 from Pol-Serv, Inc.; $4,000.00 from Polistat and $200.00 from Lee Ann Prifti.

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4. The 1994 30 Day Post-General Report discloses $5,7000.00 from Adler Wilson Campaign Services, Inc.; $2,000.00 from George Barber McNally Temple Associates, Inc.; $1,725.00 from Robinson Communications, Inc., $6,967.00 from Strategic Resources; $4,450.00 from Western Pacific Research, Inc.; $250.00 from John C. Holt; and $2,600 from Alberto S. Rocha.

While the Checklist reported these receipts as being for slate mailer purposes,[6] the reports disclose payments by

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6. Indeed, one postage reimbursement from the United States Post Office is also identified as being for slate mailer purposes.

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individuals with no apparent association with a candidate or candidate committee. Indeed, if these sources are contributors to the Checklist, then the Checklist would appear to meet the first prong of the definition in that it would be comprised of "a group of persons" as defined in the Act. The second prong of the definition of political committee would also be met since the totals represented in the above-cited disclosures certainly exceed the $1,000.00 threshold for receipt of contributions set out under the Act. Moreover, if the sums received are found to be contributions, some of these appear to be from corporate contributors and, as such, may constitute violations of 2 U.S.C. § 441b. In addition, if the receipts prove to be contributions, some of these appear to exceed the limitations set out in the Act and may constitute violations of 2 U.S.C. § 441a(f).

Respondent, in attempting to contrast the facts of CDR with those presented in this matter disregards that the court in CDR found the non-profit slate mailer in that case was a political committee. He also overlooks that the court recognized that political committees, such as the Checklist, can engage in business activities but must do so within the limitations or prohibitions of the Act. FEC v. CDR, No. 85-2086-JMI (C.D. Cal Jan. 9, 1986). This is so even though the court found that payments made by the listed candidates to the slate mailer do not constitute contributions. It naturally follows that the paying candidates who are endorsed in the slate mailer produced by the Checklist are contacted

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by Respondent, who negotiates with them the cost for the space on the slate mailer. By paying the Checklist for being listed in the slate mailer, the candidates arguably become part of the slate mailer program even though the payments do not constitute contributions. In that event, the Checklist is no longer "an individual operating a for-profit non-incoporated business" as Respondent argues. On the contrary, the Checklist, together with the candidates listed on the slate mailer would appear to constitute an organization or "other group of persons" within the plain meaning of these terms. Accordingly, the activities of the Checklist would come within the definition of a political committee set out in 2 U.S.C. § 431(4)(A).

Moreover, although Respondent stresses the sole proprietorship nature of the Checklist as excluding it from the definition of a political committee, he has in the past provided evidence which calls into question this representation. Respondent has previously advised the Commission that the Checklist is a for-profit entity operated under the auspices of Clinton Reilly Communications, a corporation.[7] It would appear that if the Checklist operates under the auspices of Clinton Reilly Communications, the

7. A recent check of Dunn and Bradstreet indicates that Clinton Reilly Communications is a for-profit California corporation incorporated in 1990 as a political campaign organization providing services for individuals campaigning for political office and groups representing campaign issues. The corporation is located at the same address as the Checklist.

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Checklist may come within the definition of a political committee as set out in the Act in that it may not involve a single person but may act in conjuction with a corporate entity. Moreover, the relationship between the Checklist and Clinton Reilly Communications may prove significant in light of the fact that Clinton Reilly Communications is a political campaign organization providing services for individuals campaigning for political office and groups representing campaign issues and that Mr. Reilly himself is a campaign consultant.[8]

Therefore, in light of all the above arguments, there appears to be reason to believe Clinton Reilly, violated 2 U.S.C. § 441a(f) by making excessive contributions to the Checklist.

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8. In the 1994 12-Day Pre-Primary Report, the Checklist reports a disbursement on April 26, 1994, for $10,000.00 to Clinton Reilly Communications. The stated purpose of the disbursement is for "count book production." This Office suggests that this disbursement requires further investigation as it may tend to establish improper channeling of contributions between the Checklist and candidates represented by Mr. Reilly and/or his corporation.

Paul E. Sullivan, Esq.
Attorney-at-Law

The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DEC 15 5 02 PM '95

December 15, 1995

Ms. Maria C. Fernandez, Esq.
Federal Election Commission
General Counsel's Office
999 E Street, NW
Washington, DC 20463

RE: MUR 3502
California Democratic Voter Checklist and Clinton Reilly as Treasurer, and Clinton Reilly
Request for Extension of Time

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Dear Ms. Fernandez:

As co-counsel in the above-referenced matter, I have been requested by Peter Bagatelos, Esq. to request an extension of time to respond to the Commission and the subpoena to produce documents in the above-referenced matter. I am hereby making that request of you and seeking an extension to file a response no later than February 15, 1996.

The request for the extension of time is based on a number of factors. First, the Commission's subpoena and scope of interrogatories is rather broad and extending over a five-year period of time. The ability to assemble those documents and review them and make legal determinations regarding them has proven and will continue to prove to be a very time consuming process. In addition, Mr. Reilly, who is in possession of most of the documents to be reviewed and necessary in order to gain knowledge pertaining to the interrogatories, has been involved in a major political campaign in California which just concluded on December 12, 1995. The concentrated time has not been available from Mr. Reilly to review the interrogatories and document requests.

Third, typically I would only request a thirty day extension of time, however, given the Christmas and New Year's holidays which are upon us during the next two weeks, I do not anticipate that the necessary time will be available from Mr. Reilly and his staff to make that time period useful for generating a response to the Commission on this matter.

Thank you for your time and attention to this matter. You may confirm by letter the proposed extension of time directly to Mr. Bagatelos or to myself.

Very truly yours,

Paul E. Sullivan, Esq.

cc: Peter Bagatelos

Shaine

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 20, 1995

Paul E. Sullivan, Esquire
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RE: MUR 3502
California Democratic Voter Checklist
and Clinton Reilly, as treasurer
Clinton Reilly

Dear Mr. Sullivan:

I am writing to confirm the receipt of your letter of December 15, 1995 and to follow-up on your telephone conservation with Abigail Shaine on December 18, 1995.

In your letter you have requested an extension of time until February 15, 1996 to respond to the Commission's most recent findings of reason to believe in the above-cited matter, and to the subpoena and order enclosed with the letter informing your clients of these Commission determinations. The responses to the subpoena and order are overdue in that they should have been received by December 17, 1995.

As you were informed by Ms. Shaine during your conversation yesterday, the Office cannot grant even a portion of the extension of time requested without a representation that your clients intend to comply fully with the subpoena and order. In addition, this Office is only authorized to grant extensions of up to thirty days; any additional period of time must be approved by the Commission. Upon receipt of the required representation, this Office will address the portion of the request for extension within its authority and recommend Commission action with regard to the remainder.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Anne A. Weissenborn

Anne A. Weissenborn
Senior Attorney

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3502
California Democratic Voter	)	
Checklist and Clinton Reilly,	)	
as Treasurer	)	
	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated from information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On November 7, 1995, the Commission, revoting its earlier determinations, found reason to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b), 434(c), and 441a(f), and that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C). The Commission simultaneously approved the issuance of a Subpoena to Produce Documents and Order to Submit Written Answers to the respondents.

The respondents' responses to the subpoena and order were due in this Office on December 17, 1995. On December 15, two days prior to the due date, the respondents requested an extension of time until February 15, 1996, to respond to the Commission's reason to believe findings and the subpoena and order. The respondents have given three reasons for the request for an extension of time. They have asserted that the scope of the subpoena is "rather broad," extending over a five-year period, and that therefore the assembly and review of the requested documents will be a very time consuming process. The respondents also assert that Mr. Reilly, the treasurer of the committee, was involved

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in a major campaign that concluded on December 12, 1995 and has therefore not had the "concentrated time" to review the subpoena and order. Finally, the respondents stated that they have requested an extension of time greater than thirty days due to the Christmas and New Year's holidays, which they anticipated would not be a productive period for generating a response to the Commission.

Subsequently, during a telephone conversation, staff from this Office advised the respondents that this Office is authorized to grant extensions of time of only up to thirty days and that, in addition, this Office would not grant even a portion of the extension of time requested without a representation that the respondents intend to comply fully with the subpoena and order. The respondents stated that they cannot make such a representation.

Notwithstanding the respondents' refusal to represent that they intend to comply fully with the subpoena and order, we recommend that the Commission grant their request for an extension of time until the close of business on February 15, 1996, in light of the unique circumstances involving staffing issues currently facing this Office.[1] As it is likely that this Office will not have the resources to devote to this matter prior to mid-late February, granting the requested extension will not unduly delay the progress of this matter.

However, in the interest of avoiding any further delay in this matter, we also recommend that the Commission authorize this Office to file a civil suit against the

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[1] This case was previously assigned to Maria Fernandez. When Maria Fernandez was selected as an Assistant General Counsel, this case was transferred to Anne Weissenborn. With Ms. Fenandez' unexpected departure, Ms. Weissenborn is Acting Assistant General Counsel for Team Three.

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respondents to enforce the Commission's subpoena and order, contingent upon the respondents' failure to comply fully with the subpoena and order. We believe that obtaining contingent suit authority is strongly indicated in this case because not only have the respondents refused to represent that they intend to comply fully with the subpoena and order at issue, but earlier, during the course of the original investigation in this matter, the respondents failed to answer interrogatories and requests for documents that accompanied the Commission's letter notifying the respondents of its original reason to believe findings. Instead, after requesting two extensions of time to respond to the interrogatories and requests for documents, the respondents submitted a response to the reason to believe findings, asserting, inter alia, that the interrogatories and requests for documents were "not relevant."

II. RECOMMENDATIONS

1. Grant the respondents' request for an extension of time to comply with the subpoena and order approved by the Commission on November 7, 1995 until the close of business on February 15, 1996.

2. Authorize the Office of the General Counsel to file a civil suit for subpoena enforcement in the United States District Court against the California Democratic Voter Checklist and Clinton Reilly, as treasurer, contingent upon the respondents' failure to comply fully with the subpoena and order.

1/5/96
Date

Lawrence M. Noble
General Counsel

Staff Assigned: Tracey L. Ligon

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3502
California Democratic Voter	)	
Checklist and Clinton Reilly, as	)	
Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 23, 1996, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3502:

1. Grant the respondents' request for an extension of time to comply with the subpoena and order approved by the Commission on November 7, 1995 until the close of business on February 15, 1996.

2. Authorize the Office of the General Counsel to file a civil suit for subpoena enforcement in the United States District Court against the California Democratic Voter Checklist and Clinton Reilly, as treasurer, contingent upon the respondents' failure to comply fully with the subpoena and order.

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

Attest:

1-23-96
Date

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

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Copy

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 26, 1996

Paul Sullivan, Esquire
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

Dear Mr. Sullivan:

RE: MUR 3502
California Democratic Voter Checklist
and Clinton Reilly, as treasurer

This is in response to your letter dated December 15, 1995, requesting an extension of sixty days, until February 15, 1996, to respond to the Subpoena to Produce Documents and Order to Submit Written Answers issued by the Federal Election Commission on November 17, 1995 in the above-referenced matter. After considering the circumstances presented in your letter, the Commission has granted the requested extension. Accordingly, your clients' response is due in this Office by the close of business on February 15, 1996.

We further advise you that the Commission has also granted this Office the authority to file a civil suit for subpoena enforcement against your clients in the United States District Court in the event that your clients fail to respond fully to the subpoena and order by the close of business on February 15, 1996.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Tracey L. Ligon
Attorney

cc: Peter A. Bagatelos, Esquire

Paul E. Sullivan, Esq.
Attorney-at-Law

The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RECEIVED
FEDERAL ELECTION
COMMISSION
PUBLIC DISCLOSURE
DIVISION

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

FEB 20 5 15 PM '96

February 16, 1996

Ms. Anne A. Weissenborn, Esq.
Senior Attorney
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 3502
California Democratic Voter Checklist and Clinton Reilly, as Treasurer; and Clint Reilly Individually
Response to Interrogatories and
Production of Documents

Dear Ms. Weissenborn:

Enclosed please find the Response to Interrogatories and Production of Documents in the above-captioned matter.

If you have any questions, please contact me directly at (202) 682-4725.

Very truly yours,

Paul E. Sullivan, Esq.
Co-Counsel for Respondents

cc: Commissioner's Office
Peter Bagatelos, Esq.

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BEFORE THE FEDERAL ELECTION COMMISSION

IN RE: California Democratic Voter Checklist and Clint Reilly as Treasurer, and Clint Reilly, Individually	)	MUR 3502 Response to Interrogatories and Production of Documents Motion to Quash

California Democratic Voter Checklist and Clint Reilly as Treasurer, ("CDVC") and Clint Reilly, individually, ("Reilly"), collectively referred to herein as "Respondents," file this Motion in response to the Federal Election Commission ("FEC" or "Commission") letter dated November 13, 1995, notifying Respondents of a reason to believe finding accompanied by Interrogatories and a subpoena to produce documents.

For the reasons stated below, Respondents hereby submit that the Commission lacks jurisdiction pursuant to 28 U.S.C. § 2462 to pursue the matters prior to 1991 which are alleged in the RTB Finding; Respondents object to several of the Interrogatories and Request to Produce Documents based on the fact that they have previously been asked and answered; and the Interrogatories and Request for Documents pertaining to matters subsequent to 1991, are being sought without proper procedural notice for a RTB Finding pursuant to 11 C.F.R. §1119.2, and are precluded on an equitable estoppel basis.

Respondents general objections are as follows and shall be specified below where applicable:

1. **Objection 1:** Respondents object pursuant to 26 U.S.C. §2462 to those Interrogatories and Request for Document Production pertaining to activities for 1991 and the

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preceding years. Specifically, this general five-year statute of limitations precludes the Commission from pursuing both penalties and equitable action. Based on this statutory provision, Respondents submit that the Commission lacks jurisdiction to seek responses or documents for the period of 1991 and the years preceding. (See 3M v. Browner 17 Fed. 3rd, 1453, (DC, Cir., 1994); Federal Election Commission v. National Republican Senatorial Committee, 1995 WL 83006, (D.D.C., 1995); Federal Election Commission v. National Right to Work Committee, (C.V. 90-0571(T.P.J.), February 15, 1996, J. Jackson, D.C. District Court.)) This objection will specifically be referred to as "Statute of Limitation Objection" when listed below herein.

2. **Objection 2:** Many of the Interrogatories requested have previously been asked and answered. This objection will be noted as "Asked and Answered" with a specific reference below where appropriate.

3. **Objection 3:** The Commission has not found reason to believe pertaining to Interrogatories and Request for Documents pertaining to transactions and activities from 1992 through 1994. The Commission's original April 17, 1992 RTB Finding pertained to transactions and activities confined to Respondents' undertakings during 1990 and 1991. The action taken by the Commission on November 7, 1995 was to "re-vote to find reason to believe" thereby limiting its new RTB Finding only to those allegations proffered in the original RTB Finding. No specific RTB Finding was made pertaining to post-1991 activities by Respondents; this procedural defect precludes the Commission from expanding its scope of inquiry beyond 1991. This will be referenced as the "Re-Vote Objection."

Objection 4: The Commission lacks "clean hands" to allege that activities subsequent to 1991 by the Respondents are eligible for further alleged violations by the Commission. With each

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disclosure report filed by California Democratic Voter Checklist, a statement was filed stating that the reports are being filed consistent with and at the advice previously given to Respondents by the FEC Report Analysis Division. Respondents have never been notified by Reports Analysis Division, General Counsel's Office, or any other entity at the Commission prior to this latest attempt to bootstrap those activities to the April 17, 1992 RTB Finding. The Commission's failure to reject the notice filing provided with each report by Respondent, or issue a standard Request for Further Information letter, provided Respondents with the reliance, to their detriment, that the filings were properly being undertaken by Respondents. This objection will be referenced as "Clean Hands" objection.

Objection 5: Respondents further object on the basis that the Commission now attempts to enlarge the scope of this investigation from a period expanding from 1990 through 1995. The original scope of this investigation was for 1990 to 1991. Notwithstanding that rather narrow period of time, the Commission has taken an inexcusable length of time to respond to Respondents' original RTB Brief. The Commission's failure to timely prosecute the original provisions of this complaint precludes them on an equitable basis from enlarging the scope of this investigation and the demands placed upon Respondent and its counsel.

This matter commenced with a Reason to Believe Finding made by the Commission on April 17, 1992. On August 14, 1992, Respondents filed an RTB Response Brief in addition to Response to Interrogatories and Production of Documents. From that August 14, 1992 date up until November 13, 1995, Respondents received no communication whatsoever from the Commission pertaining to this case. No follow-up inquiries pertaining to Response Briefs, no further Interrogatories propounded, no further request for documents. The Commission let this

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case sit for 39 consecutive months -- 3 years and 3 months -- without communicating with Respondents' counsel or making further inquiries as to arguments or responses filed with the Commission in August of 1992. Commission even failed to return a telephone inquiry initiated by Respondents' counsel.

Respondents submit that the Commission's failure to prosecute this case timely precludes them from pursuing this matter any further and similarly precludes them from its attempts to expand the scope of this investigation. Mandating that Respondents incur the time and legal expense of complying with the new time parameters of this complaints specifically encompassing 1991 through 1994, is unconscionable given the Commission's failure to resolve the issues of its initial investigation during the preceding 3½ years.

The information requested by the Commission in its November 1995 set of Interrogatories and Request for Production of Documents is not relevant to the legal issue as to the proper fashion by which a slate card mailing group is to register and operate with the Commission. Rather, these additional questions and the increased scope of this investigation which the Commission is now attempting to pursue is relevant only to the amount of funds which would be found to be lawful or impermissible. However, that issue only becomes relevant once the Commission addresses the benign legal issue pertaining to the structure and operation of the slate card mailing committee and its operation. That legal issue in and of itself does not require the Commission to examine it for a period of 3½ years.

For these reasons, Respondents contend that due to this failure to prosecute, the Commission is not only precluded from bootstrapping new allegations covering three additional

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years but mandates this matter be closed out. This objection will be referenced as "Failure to Prosecute."

In addition to the aforementioned general objections on jurisdictional grounds, the Respondents specifically respond as follows:

Interrogatories 1 and 2: ***Objection:*** Asked and Answered - April 21, 1992, Interrogatory No 1; responded to in Respondent's RTB Brief pages 1, 3, Mr. Reilly's declaration, paragraph 5 at Attachment B thereof; ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 3: ***Objection:*** Statute of Limitations. Also ambiguous as to the time period encompassed by the call of the question.

Interrogatory 4: ***Objection:*** Asked and Answered - Respondent's RTB Brief Attachment B, Reilly declaration paragraph 5; ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 5: ***Objection:*** Asked and Answered - Respondent's RTB Brief, page 3; ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 6: ***Objection:*** Asked and Answered - Respondent's RTB Brief, pages 1, 3; ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 7: ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 8: ***Objection:*** Asked and Answered - April 1992 Interrogatories, Question 3; ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

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Interrogatory 9: ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 10: ***Objection:*** Asked and Answered - April 1992 Commission Interrogatories No. 3, No. 5; ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 11: ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 12: ***Objection:*** Asked and Answered - Commission's April 1992 Interrogatories No. 5 and No. 6; ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 13: ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatory 14: ***Objection:*** Statute of Limitations; ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Interrogatories 15, 16, 17: ***Objection:*** Failure to Prosecute; ***Objection:*** Re-Vote.

Based upon the foregoing objections, Respondents hereby request that the Commission quash the November 13, 1995 subpoena to Produce Documents and its Order to Submit Written Answers.

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In addition, for the foregoing stated jurisdictional objections, Respondents submit that the Commission no longer has jurisdiction over the activities alleged as to have constituted a violation of the FECA, and on that basis moves that the Commission make a finding in this matter of no further action and close the matter pertaining to Respondents.

Respectfully submitted,

BAGATELOS AND FADEM

by:

Peter A. Bagatelos, Esq.

and

Paul E. Sullivan, Esq., Co-Counsel

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RECEIVED
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3502
California Democratic Voter Checklist	)	
and Clinton Reilly, as Treasurer	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated from information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). On November 7, 1995, the Commission, revoting its earlier determinations, found reason to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b), 434(c), and 441a(f), and that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C). The Commission simultaneously approved the issuance of a Subpoena to Produce Documents and Order to Submit Written Answers to the respondents. On January 23, 1996, the Commission granted the respondents' December 15, 1995 request for an extension of time to comply with that subpoena. The Commission granted respondent an extension of time to respond to the subpoena until February 15, 1996.

On February 16, 1996, respondents submitted a Motion to Quash the subpoena together with a document entitled Response to Interrogatories and Production of Documents. (Attachment 1) This Office recommends that the Commission deny Respondents' Motion to Quash the subpoena in question. Pursuant to 11 C.F.R. § 111.15, respondents were required to file any such motion within five days of receipt of the subpoena. The certified mail receipt indicates that respondents received the Commission's Subpoena on November 17, 1995. Thus,

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respondents' motion in this matter was not timely filed, as it was not submitted to the Commission until approximately two months after respondents had received the subpoena.

When the Commission granted respondents' request for an extension in January, the Commission also authorized this Office to file civil suit in the event that respondents failed to fully comply with the Commission's subpoena. The letter to respondents notifying them of their extension stated that this Office had such contingent suit authority. For the Commission's information, should the Commission deny the respondents' Motion to Quash, this Office will forward this matter to the Litigation Division for subpoena enforcement. Respondents failed to answer any of the seventeen interrogatories and document requests. Instead, respondents stated several general objections which should have been addressed in a properly filed Motion to Quash, and objected to each individual interrogatory and document request on the basis of some or all of those general objections.

Respondents' first objection states that the information sought pertains to activity in 1991 or earlier and, therefore, is not discoverable pursuant to the statute of limitations. In fact, as indicated in the Factual and Legal Analyses submitted to the respondents in November, 1995, immediately after the Commission revoted its earlier determinations, respondents' reports filed with the Commission since 1991 suggest that more recent violations may have occurred. The more recent reports also contain information that is necessary to clarify in order for the Commission to properly evaluate respondents' assertion that the Checklist is financed entirely by Clinton Reilly. Further, although the statute of limitations may be relevant to whether the Commission can ultimately obtain a civil penalty, it should have no impact upon the Commission's ability to obtain information in discovery.

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Respondents' second objection states that certain interrogatories were already "asked and answered." Respondents refer primarily to their August 14, 1992, submission. This document, entitled "Response to RTB and Request for Documents and Interrogatories," is actually a brief, which contains some information responsive to the Commission's April 21, 1992 discovery requests, but is not a sworn, comprehensive response to the Commission's formal discovery.[1]

Respondents' third objection states that the Commission lacks "clean hands" to allege that activities subsequent to 1991 may be considered violations because respondents had not previously been notified that information contained in their reports since 1991 could become part of this MUR.[2] Respondents further claim that because the Commission neither rejected their reports nor issued a Request for Additional Information, they relied to their detriment on their assumption that their reports were properly filed.

Because the Commission has been considering how to treat slate mailers in general and this slate mailer in particular, RAD has not sent out RFAIs to the California Democratic Voter Checklist in the same way that they routinely send RFAIs to other reporting entities. Nor is the Commission required under its procedures to send out RFAIs to clarify a report before the information in a report can be considered in connection with an ongoing Commission investigation. Indeed, the Commission's procedures permit the Office of General Counsel to ask

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[1] Respondents' brief included an Exhibit C, which was provided in a sealed envelope with the directions that it was being submitted *in camera* and that it not be made public "at any time in the future." Exhibit C was returned to respondents unopened, with an explanation that if it proved relevant to the matter, this Office could not prevent it from being made part of the public record. This Office has never reviewed that document and respondents have not resubmitted it. This Office cannot determine whether Exhibit C included respondents' discovery responses.

[2] "Clean hands" is an equitable doctrine which denies relief to a party seeking relief if that party is itself a wrongdoer and if that party's wrongdoing would benefit that party's position in seeking such relief. This doctrine has been rejected, however, "where Congress authorizes broad equitable relief to serve important national policies. [The United States Supreme Court has] rejected the unclean hands defense 'where a private suit serves important public purposes.'" *McKennon v. Nashville Banner Pub. Co.*, 115 S. Ct. 879, 885 (1995) (*quoting Perma Life Mufflers, Inc. v. Int'l Parts Corp.*, 392 U.S. 134, 138 (1968)..

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that RAD not send out an RFAI if this Office believes that the RFAI in question might impede an ongoing investigation. With regard to respondents' reports for 1993 and 1994, respondents disclosed receipts from individuals and entities which do not appear to be candidates or candidate committees. As discussed in the Factual and Legal Analyses approved by the Commission on November 7, 1995, these receipts bear further investigation.

Respondents' last objection states that the Commission's failure to timely prosecute the original referral precludes it from expanding the scope of this matter to include more recent activity.[3] While there was some delay in pursuing the potential violations first identified in the referral, the Commission, in connection with complying with *FEC v. NRA Political Victory Fund*, 6 F.3d 821 (D.C. Cir. 1993), *cert. denied*, 114 S. Ct. 2703 (1994), revoted its original findings and included the potential violations that came to its attention since the initial referral.[4] Even if the Commission's delay in addressing the earlier violations affects the Commission's ability to obtain civil penalties in connection with the slate mailer's conduct in the early 1990s, the Commission needs to ascertain whether the Checklist must continue to report as a political committee, and the Commission may still pursue civil penalties for the more recent violations.

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[3] Respondents appear to be asserting the equitable defense of laches, which states that where plaintiff's delay was inexcusable or unreasonable, and prejudicial to the defendant, his action against the defendant is barred. The analysis as to whether the laches defense is applicable is both fact-based and discretionary. *National Wildlife Fed'n v. Burford*, 835 F.2d 305, 318 (D.C. Cir. 1987). In this matter, however, the Commission is not seeking equitable relief.

[4] In *FEC v. Legi-Tech, Inc.*, No. 95-5085 (D.C. Cir. filed Feb. 16, 1996), the United States Court of Appeals for the District of Columbia Circuit held that the Commission's "post-reconstitution ratification of its prior decisions [is] an adequate remedy for the *NRA* constitutional violation." *Id.* at 9.

In their response to the Commission's written discovery, respondents have stated a number of objections which close examination reveal to be largely baseless, and have provided absolutely no information..

II. RECOMMENDATIONS

1. Deny Respondents' Motion to Quash the Subpoena

2. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

3/8/96
Date

BY: LGL
Lois G. Lerner
Associate General Counsel

Staff Assigned: Caryn L. Zimmerman

Attachment
Respondents' February 16, 1996 Response to Discovery Requests

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA R. DAVIS
COMMISSION SECRETARY

DATE: MARCH 13, 1996

SUBJECT: MUR 3502 - GENERAL COUNSEL'S REPORT DATED MARCH 8, 1996.

The above-captioned document was circulated to the Commission on MONDAY, MARCH 11, 1996 at 11:00 a.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	XXX
Commissioner McDonald	
Commissioner McGarry	
Commissioner Potter	
Commissioner Thomas	

This matter will be placed on the meeting agenda for TUESDAY, MARCH 19, 1996.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3502
California Democratic Voter	)	
Checklist and Clinton	)	
Reilly, as Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 19, 1996, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in MUR 3502:

1. Deny Respondents' Motion to Quash the Subpoena.

2. Approve the appropriate letter as recommended in the General Counsel's March 8, 1996 report.

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

Attest:

3/19/96
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 20, 1996

Paul E. Sullivan, Esq.
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RE: MUR 3502
California Democratic Voter Checklist
and Clinton Reilly, as Treasurer; and
Clinton Reilly, Individually

Dear Mr. Sullivan:

On March 19, 1996, the Federal Election Commission voted to deny your clients' Motion to Quash the Subpoena issued on November 7, 1995. You were previously notified that the Commission granted this Office the authority to file a civil suit for subpoena enforcement against your clients in the United States District Court in the event that your clients failed to respond fully to the subpoena and order by the close of business on February 15, 1996. As the response you submitted on February 16 was inadequate, this Office will institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to resolve this matter prior to suit, please contact Stephen Hershkowitz, Assistant General Counsel, at (202) 219-3400, within five days of your receipt of this letter.

Sincerely,

Caryn Zimmerman

Caryn L. Zimmerman
Enforcement Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 18, 1996

VIA FAX (202) 682-4707

Paul E. Sullivan, Esq.
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

RE: MUR 3502
California Democratic Voter Checklist
and Clinton Reilly, as Treasurer; and
Clinton Reilly, Individually

Dear Mr. Sullivan:

Rob Bonham of this office has informed me of your recent telephone conversation. As I am handling the underlying enforcement matter, MUR 3502, I wish to discuss with you the possibility of reaching a compromise before Mr. Bonham files a civil suit in federal district court against your client for the enforcement of our subpoena. While I cannot guarantee that we can avoid filing the civil suit, the sooner you and I reach an understanding, the more time you and your client will have to fulfill the requirements of any compromise.

Please call me at (202) 219-3400 immediately. I plan to ask Mr. Bonham to file the court papers if you and I have not reached some understanding by close of business today.

Very truly yours,

Caryn L. Zimmerman
Enforcement Attorney

REMCHO, JOHANSEN & PURCELL
ATTORNEYS AT LAW

555 Capitol Mall, Suite 625
Sacramento, CA 95814
916/264-1818 FAX: 916/264-1824

FAX COVER SHEET

TO: Robert Bonham
Caryn Zimmerman

DATE: June 21, 1996

FAX#: (202) 219-3923

CL/MTR. NO.: 730-3

FROM: Karen Getman

NO. OF PAGES: 2
(including cover page)

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN 24 7 35 AM '96

COMMENTS:

Attached is the signed Statement of Designation of Counsel from Clint Reilly. I'll send one with the original signature by mail.

☐ Original Will NOT Follow

☑ Original Will Follow By:
- ☑ Regular Mail
- ☐ Federal Express
- ☐ Hand Delivery
- ☐ Overnight Mail

Esther Aviva
Fax Operator

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3502

NAME OF COUNSEL: Joseph Remcho & Karen Getman

FIRM: Remcho, Johansen & Purcell

ADDRESS: 220 Montgomery Street, Suite 800
San Francisco, CA 94104

TELEPHONE: (415) 398-6230

FAX: (415) 398-7256

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OFFICE OF GENERAL
COUNSEL
JUN 24 7 35 AM '96

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/21/96
Date

Signature

RESPONDENT'S NAME: Clinton Reilly and the California Democratic Voter Checklist

ADDRESS: 704 Sansome Street
San Francisco, CA 94111

TELEPHONE: HOME (415) 668-0737

BUSINESS (415) 397-0431

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 8, 1996

VIA FAX 916-322-1932

Attn: Lorna
Fair Political Practices Commission
428 J Street
Sacramento, CA 95814

Re: Public Records Request
Clint Reilly
California Democratic Voter Checklist

Dear Lorna:

Pursuant to our telephone conversation earlier today, please consider this letter a Public Records Request for the Settlement Agreement recently reached between the Fair Political Practices Commission and Clint Reilly and/or the California Democratic Voter Checklist. I understand that Melody Anderson was the attorney assigned to the enforcement matter that lead to the settlement. If possible, I would like the settlement agreement faxed to me at (202) 219-3923.

Thank you for your attention to this matter.

Sincerely,

Caryn Zimmerman

Caryn L. Zimmerman

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 9 11 07 AM '96

DARRYL E. EAST
MELODEE A. ANDERSON
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 800
Sacramento, California 95814
Telephone: (916) 322-5441

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of CALIFORNIA DEMOCRATIC VOTER CHECKLIST and CLINTON REILLY Respondents.	FPPC No. 92/687 STIPULATION, DECISION AND ORDER

The complainant, Acting Executive Director of the Fair Political Practices Commission, Robert Tribe, and Respondents California Democratic Voter Checklist and Clinton Reilly hereby agree that this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondents.

Respondents understand and hereby knowingly and voluntarily waive any and all procedural rights under Cal. Gov. Code Sections 83115.5, 11503 and 2 Cal. Code of Regs. Section 18361, including but not limited to the issuance and receipt of an accusation, and the right to appear personally in any administrative hearing held in this matter, to confront and cross-

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examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

Respondents further understand and hereby acknowledge that this Stipulation is not binding upon any other law enforcement agency and does not preclude the Commission from referring this matter to, cooperating with, or assisting any such other agency with regard to this or any other related matters.

It is further stipulated and agreed that Respondents have violated the Political Reform Act as described in Exhibit 1, attached hereto and incorporated herein by reference, which is a true and accurate summary of the facts in this matter.

Respondents agree to the issuance of the Decision and Order and imposition by the Commission of a fine in the amount of Forty Two Thousand ($42,000.00), and a cashier's check in said amount, payable to the "General Fund of the State of California," is submitted herewith to be held by the Commission until it issues its Decision and Order.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within five (5) working days after the Commission meeting at which the Stipulation is rejected, all payments tendered shall be returned to the Respondents. Respondents further stipulate and agree that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, no member of the Commission shall be disqualified because of prior consideration of this Stipulation.

Dated: Sep 23, 1996

Robert Tribe, Acting Executive Director
Fair Political Practices Commission
Complainant

Dated: Sept 4, 1996

Clinton Reilly, individually and for the
California Democratic Voter Checklist,
Respondents

Dated: 9/4/96

Peter A. Bagatelos, Esq.
Bagatelos & Fadem
Attorneys for Respondents

* * * * *

IT IS SO ORDERED, effective upon execution by the Chairman of the Fair Political Practices Commission at Sacramento, California.

Dated: 10-4-96

Ravinder Mehta, Chairman
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

The California Democratic Voter Checklist (hereafter referred to as "CDVC") is a slate mailer organization located in San Francisco which primarily endorses Democratic candidates and ballot measures in local, state and federal elections. The CDVC produces and distributes slate mailers which endorse candidates and measures which have paid for an appearance in the slate mailer. At times, some candidates and ballot measure endorsements are included in the slate mailer without charge to complete the "slate". Clinton Reilly, an experienced political campaign consultant, is the treasurer and responsible officer of the CDVC.

For purposes of this Stipulation, the violations of the Political Reform Act (Act)[1] are as follows:

COUNT 1: Failure to timely file a preelection campaign statement for the reporting period from October 1, 1992 through October 17, 1992, on or before October 22, 1992, in violation of Section 84218(b).

COUNTS 2-30: Failure to file 29 late payment reports for payments of $2,500 or more received in the late reporting period prior to the November 3, 1992 General Election, in violation of Section 84220 and 84203.

COUNTS 31-41: Failure to file 11 late payment reports for payments of $2,500 or more received in the late reporting period prior to the November 8, 1994 General Election, in violation of Section 84220 and 84203.

RESPONDENTS: California Democratic Voter Checklist and Clinton Reilly

SUMMARY OF THE LAW
COUNTS 1 - 41

Government Code Section 82048.4(a) defines a slate mailer organization as any person who, directly or indirectly, is involved in the production of one or more slate mailers, exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers, and receives or is promised payments totaling five hundred dollars ($500) or more in a calendar year for the production of one or more slate mailers. Section 82048.3 defines a "slate mailer" as a mass mailing which supports or opposes a total of four or more candidates or ballot measures.

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[1] The Political Reform Act is contained in Government Code Sections 81000 through 91015. All statutory references contained in this document are to the Government Code unless otherwise indicated.

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Section 81002(a) establishes a campaign reporting system in order to provide full and truthful disclosure of campaign receipts and expenditures. Section 84218 sets forth the circumstances under which slate mailer organizations must file campaign statements. Section 84219 further provides that the campaign statements filed by slate mailer organizations must disclose all payments made to and money expended by a slate mailer organization during the period covered by the campaign statement, as well as information concerning the candidates and measures supported or opposed in the slate mailers.

Section 84218(b) provides that, in addition to the semiannual statements required by subdivision (a), slate mailer organizations shall file preelection statements. Pursuant to subsection (b)(1), any slate mailer organization which produces a slate mailer supporting or opposing candidates and measures being voted on in an election held upon the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in Section 84200.7 if, during the period covered by the preelection statement, the slate mailer organization receives payments totaling five hundred dollars ($500) or more from any person for the support or opposition to candidates or ballot measures in one or more slate mailers, or expends five hundred dollars ($500) or more to produce one or more slate mailers.

Section 84200.7(b) states that preelection campaign statements for November elections in even-numbered years shall be filed: (1) no later than October 5, for the period ending September 30; and (2) for the period ending 17 days before the election, a statement must be filed 12 days before the election.

SUMMARY OF FACTS
COUNTS 1 - 41

Count 1:

A second preelection campaign statement for the reporting period from October 1, 1992 through October 17, 1992 was due October 22, 1992. The respondents did not file this statement until November 6, 1992, 3 days after the November 3, 1992 General Election. The statement disclosed that the CDVC received payments totaling $487,989 and made payments totaling $160,184 during this period.

The CDVC was assessed a fine by the Secretary of State's office in the amount of $140 for this late filing.

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Counts 2-30:

The late reporting period prior to the November 3, 1992 General Election was from October 18, 1992 through November 2, 1992. During this time period, the CDVC received late payments from candidates and committees who appeared in their slate mailer productions. For payments of $2,500 or more, the CDVC was required to file late payment reports with the Secretary of State, Los Angeles County Registrar/Recorder and the San Francisco Registrar of Voters.

The total dollar amount of the late payments not reported for this period was $316,975. The amount was not reported until January 30, 1993. Twenty nine separate late payment reports were due and were not filed for this late reporting period as follows:

COUNT	PAYER/LOCATION	ELECTION	DATE	AMOUNT
2	Ahmad Anderson Richmond	Bart Board	10/21	$2,500
3	Bank America Corporation San Francisco	No on 164	10/23	12,500
4	Bank America Corporation San Francisco	No on 166	10/23	12,500
5	Sue Bierman for Supervisor San Francisco	Supervisor	10/23	9,000
6	Citizens Coalition for Traffic Relief Santa Clara	Yes on Meas. A	10/19	22,000
7	Citizens - Safe Neighborhood Parks Los Angeles	Yes on Prop. A	10/27	5,000
8	Committee to Elect Angie Fa San Francisco	School Board	10/22	3,500
9	Committee to Elect Angie Fa San Francisco	School Board	10/27	3,500

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FPPC No. 92/687, California Democratic Voter Checklist
Exhibit 1
Page 4

COUNT	PAYER/LOCATION	ELECTION	DATE	AMOUNT
10	Terry Friedman Beverly Hills	State Assembly	10/19	3,300
11	Ralph Hernandez San Bernardino	Supervisor	10/19	2,500
12	Hongisto for Supervisor San Francisco	Supervisor	10/27	10,000
13	Paul Horcher Costa Mesa	State Assembly	10/27	3,000
14	Friends of Diane Jacob La Mesa	Supervisor	10/19	2,500
15	Muriel Johnson Sacramento	Supervisor	10/20	2,500
16	Willie Kennedy Campaign Comm. San Francisco	Supervisor	10/21	10,000
17	Janice Kosel for Bart San Francisco	Rapid Transit Director	10/23	2,500
18	Enola Maxwell San Francisco	School Board	10/22	2,500
19	Enola Maxwell San Francisco	School Board	10/26 10/27	1,500 1,000
20	Measure U Stockton	Ballot measure	10/30	2,500
21	Maria Monet San Francisco	College Board	10/27	7,500
22	Peter Navarro San Diego	Mayor	10/27	5,000

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FPPC No. 92/687, California Democratic Voter Checklist
Exhibit 1
Page 5

COUNT	PAYER/LOCATION	ELECTION	DATE	AMOUNT
23	Yes on Proposition 162 Sacramento	Ballot measure	10/26	15,000
24	Yes on Proposition C San Diego	Ballot measure	10/19	5,000
25	Yes on Proposition K	Ballot measure	10/21	5,000
26	Resid. Rental Property Owners San Francisco	No on Prop. H	10/20	20,000
27	Dan Richard for Bart Board San Francisco	Rapid Transit Director	10/20	2,800
28	Pam Slater San Diego	Supervisor	10/19	2,500
29	Taxpayers for Clean Water Studio City	Ballot measure	10/30	3,000
30	Cal. for Jobs, Not More Taxes	Ballot measure	11/02	139,375
			TOTAL:	$316,975

Counts 31-41:

The late reporting period for the November 8, 1994 General Election was from October 23, 1994 to November 7, 1994. During this time period, the CDVC received late payments of $2,500 or more from 11 candidates or committees who appeared on slate mailer productions. Late payment reports were not filed during this late reporting period. The total amount of late payments not reported for this period was $104,000. This amount was not reported until February 6, 1995. The eleven late payment reports which were not filed are as follows:

COUNT	PAYER/LOCATION	ELECTION	DATE	AMOUNT
31	Annmarie for Supervisor San Francisco	Supervisor	10/24	$20,000

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FPPC No. 92/687, California Democratic Voter Checklist
Exhibit 1
Page 6

COUNT	PAYER/LOCATION	ELECTION	DATE	AMOUNT
32	Bruce Quan for Supervisor San Francisco	Supervisor	11/02	5,500
33	Building Industry of No. Cal. San Ramon	Frank Mellon East Bay MUD	11/01	3,000
34	Building Industry of No. Cal. San Ramon	Kathy Foulkes East Bay MUD	11/01	3,000
35	Calif. v. $700 Million Tax Burlingame	Prop. 185	10/31	30,000
36	Comm. to Elect Mitchell Block Los Angeles	Superior Court	10/24	10,000
37	Taxpayers vs. A & B Sacramento	Ballot measure	10/28	3,500
38	Terry Friedman for Superior Court Beverly Hills	Superior Court	10/31	10,000
39	Terry Friedman for Superior Court Beverly Hills	Superior Court	11/03	10,000
40	Townsend, Hermocillo, et al. Sacramento	Robert Presley State BOE	10/24	4,000
41	Yes on 181 San Francisco	Ballot measure	11/02	5,000
			TOTAL:	$104,000

FACTORS IN AGGRAVATION

The total amount of untimely disclosure, and the number and frequency of the violations, is high. Due to the respondents failure to timely file a second preelection campaign statement and file any late payment reports prior to the November 3, 1992 General Election, respondents failed to publicly disclose that they had received payments totaling $804,964 and

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made payments totaling $160,184. Due to the failure to file any late payment reports prior to the November 8, 1994 General Election, respondents failed to timely disclose that they had received late payments totaling $104,000.

Clinton Reilly has extensive experience and knowledge with state and local campaigns. He is familiar with the slate mailer organization reporting requirements of the Political Reform Act. He is the founder of CDVC and directs and controls its activities. Respondents had filed late payment reports in the past, including 1992 and 1994 June Primary Elections, and therefore, knew of the requirement to file late payment reports.

FACTORS IN MITIGATION

All of the CDVC's campaign activity was reported on post-election statements which were timely filed. Respondent paid the Secretary of State's office a fine of $140 for the October 1992 second preelection statement which was not timely filed.

There is no evidence that the violations were intentional in nature.

Because he has experience with the reporting requirements of the Act, respondent Reilly had instituted procedures and retained professional personnel to ensure that the late payment reports were properly and timely filed. These procedures were followed on other occasions, including the 1992 and 1994 Primary Elections. For unknown reasons, these procedures failed in the General Elections of those years without Mr. Reilly's direct knowledge. Mr. Reilly is not required to sign the late payment reports. Due to the intense activity in the several weeks and days prior to the 1992 and 1994 General Elections, when the bulk of the activity for the preparation and distribution of the slate mailers and collection of payments occurs, Mr. Reilly was not aware that the procedures had broken down and the late payment reports had not been filed. Nevertheless, Mr, Reilly accepts responsibility for this breakdown.

The respondents voluntarily provided available records concerning the late payments received in 1994. The respondents have no enforcement fine history with the Commission.

CONCLUSION

This matter consists of forty one counts which carry a maximum possible penalty of eighty two thousand dollars.

The facts of this case, including the mitigating and aggravating factors discussed above, justify imposition of the agreed upon penalty of forty two thousand dollars ($42,000.00).

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ROGERS, JOSEPH, O'DONNELL & QUINN
Lawyers • Professional Corporation

Robert Dollar Building
311 California Street
San Francisco, CA 94104
(415) 956-2828

Telecopier (415) 956-6457

October 28, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 29 9 52 AM '96

Robert W. Bonham, III
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: FEC v. Reilly MUR 3502

Dear Rob:

Enclosed is another copy of Clint Reilly's October 25, 1996 declaration, with exhibits.

In the course of compiling the exhibits, I realized that we made a mistake in how we characterized the 1990 capitalization of the slate card, which resulted in an overstatement of the amount capitalized. I will send you another statement of the 1990 capitalization within a short time.

Sincerely,

Karen A. Getman

KAG:
Enc.

cc: J. Remcho

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ROGERS, JOSEPH, O'DONNELL & QUINN
Karen A. Getman, State Bar No. 136285
311 California Street, 10th Floor
San Francisco, CA 94104
Telephone: (415) 956-2828

REMCHO, JOHANSEN & PURCELL
Joseph Remcho, State Bar No. 54400
220 Montgomery Street, Suite 800
San Francisco, CA 94204
Telephone: (415) 398-6230

Attorneys for Respondents,
California Democratic Voter Checklist,
et al.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FEDERAL ELECTION COMMISSION, Petitioner, vs. CALIFORNIA DEMOCRATIC VOTER CHECKLIST, et al., Respondents.	Case No. C-96-1712 DLJ DECLARATION OF CLINTON REILLY IN RESPONSE TO CONSENT ORDER AND JUDGMENT

I, Clinton Reilly, declare:

1. The Consent Order and Judgment in this case calls for the production of additional information in response to the FEC's subpoena. That additional information is provided through this declaration and the attached exhibits.

2. Request No. 3 in the FEC's subpoena states: "List the number of persons employed by the California Democratic Checklist, and in what capacity they are employed. Indicate if they are employed full-time or part-time."

The Checklist is not an ongoing business entity, but rather is in operation only during the periods when it is producing slate mailers for a particular election. When producing the 1990 and 1992 slate mailers, the Checklist had no employees, but instead contracted out for the services it needed.

In producing the 1994 slate mailers, the CDVC employed the following people:

Name	Position	Full or Part Time
Brian McGonigle	Director, slate mail operations	Full time
Edwin Metcalf	Sales associate (primary only)	Full time
Andrew Trapp	Sales associate	Full time
Michelle Truelson	Production assistant	Full time
Chris Hansot	Sales associate	Full time
Kerrie Hillman	Administrative assistant	Full time

3. Request No. 4 asks for copies of the CDVC's federal income tax returns for the years 1990 through 1995.

Copies of the Schedule C's that I filed in 1990, 1992, 1993, 1994 and 1995 to report Checklist income and expenses are attached as Exhibit A to this Response. To the best of my recollection, there was no Schedule C or other income tax return filed for the CDVC in 1991 because my accountant advised me that the Checklist had no taxable activity that year.

4. Request No. 8 asks for copies of "all primary election and general election slate mailers produced by the Checklist during 1990, 1992, and 1994" and for any such materials produced since 1994.

Attached as Exhibit B to this Response are those samples I still possess of the slate cards I produced in the 1990, 1992 and 1994 election cycles. I have duplicates of some of the samples being produced here, and will produce them if so requested.

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5. Request No. 9.a. asks for an "itemized list of the production cost of each slate mailer and the total number of each slate mailer produced and distributed" for the primary and general elections in 1990, 1992 and 1994.

I have spent a good deal of time and money trying to provide as complete an answer as possible to this question. Unfortunately, I no longer have every business record for the Checklist for the years in question; the records I do have are in some cases incomplete or inconsistent. I have been unsuccessful in my attempts to obtain back up information from vendors. Some of the companies that I contracted with to provide production services have closed, while others cannot provide the information for other reasons. For example, the Below, Tobe firm, which did much of the production work in the early years of the slate, merged with another company, consolidated and moved out of the state. In the process the firm apparently threw away or stored many of their old records, making it unable to respond to my requests for back up information. What follows is my best attempt to reconstruct the production costs of the slate mailers. The numbers in some cases are approximated; in all cases they are based solely on the records I have, and I cannot tell with certainty whether there are other missing records that would change the figures. The numbers generally comport with my recollection of the production costs.

I assume the FEC uses the term "production costs" in the manner it is used in the industry, to mean the costs of actually producing a slate card or a slate mailer. In that sense, the term does not include costs unconnected to the actual production of the cards, such as administrative expenses, overhead, cost of sales, delivery and profit. Ordinarily postage is not thought of as a production expense, but the financial records I have sometimes include postage in the production costs. With that understanding, my best approximation of the production costs of the slate mailers is as follows:

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For the June 1990 primary election slate mailers, CDVC paid $552,624 to Below, Tobe for mail house and mail list services, printing, and lasering, and an additional $222,200 in postage costs. The total production and postage cost for the slate mailers that election was approximately $774,824. CDVC mailed approximately 2,222,000 pieces of slate mail, for a per piece cost of approximately 35 cents.

For the November 1990 general election slate mailers, CDVC paid $504,284 to Below, Tobe for mail house and mail list services, printing, artwork and lasering, and an additional $322,783 in postage costs. The total production and postage cost for the slate mailers was $827,067. The records I have show that CDVC mailed 3,277,313 pieces of slate mail, for a per piece cost of approximately 25 cents.

For the June 1992 primary election, CDVC paid Below, Tobe $272,808 for production costs, including printing, lasering, mail house, mail list, and postage, and an additional $1,766 for art work, for a total production cost of $274,574. The total number of pieces mailed was approximately 1,000,000 with a production cost of approximately 27 cents per piece.

For the November 1992 general election, CDVC paid $333,814 for printing and lasering; $6,473 for mail house and mail list; $5,565 for art work; and $266,897 for postage. Total production costs were $612,749. Approximately 2.2 million pieces of slate mail were mailed, at a per piece cost of approximately 28 cents.

For the June 1994 primary, CDVC paid a total of $590,794 in production costs. That includes $240,975 for printing and lasering; $4,300 for art work; $258 for mail house; $37,891 for mail list; and $307,370 for postage. Approximately 2.2 million pieces were mailed, for a per piece production cost of approximately 27 cents.

For the November 1994 general election, CDVC paid a total of $354,143 in production costs. Printing and lasering came to $193,478; mail house was $3,396; postage was $135,852; and mail list was $21,416. Approximately 1.2 million pieces of slate mail were sent, at a production cost of 29.5 cents per piece.

6. Request No. 9.b. asks that I "identify the source of the mailing list(s) used for each slate mailer . . . [and] the cost of mailing for each different slate mailer" for the primary and general elections in 1990, 1992 and 1994.

In every election except the November, 1994 general election, the CDVC obtained its mailing lists from Below, Tobe & Associates. For November 1994, we obtained mailing lists from Campaign Data Center, Inc. and American Data Management.

The total postage costs and number of pieces mailed are provided above in paragraph 5 of this declaration. With respect to postage, we paid the lowest rate we could, but obviously those rates were set by the U.S. Postal Service and changed during the five year period at issue. We tried to use carrier route pre-sort when possible, which cost as little as approximately 10 cents per piece. We could not use that in rural areas, however, and in those situations we were forced to pay as much as 16 cents per piece. My recollection is that the average per piece postage cost was approximately 13 cents, which is the figure I gave in my August, 1996 declaration in this case.

7. Request No. 9.d. asks for the identity of persons from the CDVC who negotiated with candidates for listing in the slate mailer.

In addition to myself, as best I can recollect the following persons negotiated with candidates, committees and consultants for listings:

1990: Jim McGrath; Karl Ketner; Marie Clark; Jolie Stokes; John Whitehurst; Phyllis Nelson; Maggie Muir.

1992: Karl Ketner; Marie Clark; Maureen Early; Michael Tarbox; Carolyn Burkhardt; Lisa Pisani; Jolie Stokes.

1994: Brian McGonigle; Edwin Metcalf; Andrew Trapp; Michelle Truelson; Chris Hansot.

Attached as Exhibit C to this Response are copies of "blank agreement forms or contracts used to evidence agreement as to type of advertisement or listing" for the primary and general elections in 1990, 1992 and 1994.

8. Request No. 9.e. asks for "any and all writings distributed by the Checklist or on behalf of the Checklist to recruit or encourage candidates, committees, organizations or similar groups or individuals to participate in the Checklist's slate mailer program." Request No. 9.f. similarly seeks "any and all informational , or promotional, materials produced and distributed by the Checklist or on behalf of the Checklist to encourage participation in the slate mailer program."

Materials responsive to those requests are attached as Exhibit D to this Response.

9. Requests Nos. 10 and 13 call for production of documents relating to the line of credit obtained by Clinton Reilly for the CDVC.

Attached as Exhibit E to this Response is a copy of the loan application, submitted in 1990, and additional documents related to the granting of the lines of credit.

10. Requests Nos. 11-12 ask for information concerning capitalization of the CDVC. That information already has been provided, with one exception. I have not previously produced information on the 1992 capitalization because my records of it were very hard to find, and incomplete. I have asked the bank that provided the line of credit to help me reconstruct its use in 1992, but the bank has told me it does not have the records by which it could do so. What follows

is my best attempt to provide information on how the CDVC was capitalized in 1992.

I believe I drew the following sums from the line of credit for the purpose of capitalizing the CDVC in 1992: $15,000 on April 24, 1992 and another $15,000 on August 14, 1992. The total amount of capitalization that year appears to have been $30,000.

I believe I paid an application fee for the line of credit, but I cannot be sure of the date or amount.

I made the following interest payments (there may be others as well): $94.07 on July 29, 1992; $93.64 on August 24, 1992; $232.61 on September 29, 1992; $187.29 on October 28, 1992; $1,132.55 on December, 1992.

I repaid principal and some interest on the loan on January 27, 1993.

11. Request No. 14.b. asks for an explanation of how the CDVC arrived at the amount allocated for each nonpaying federal candidate in the 1990 primary and general elections.

I cannot answer this question with certainty as the person who prepared the 1990 reports retired many years ago. However, I believe the percentages may have been based on the amount of space on the cards devoted to federal candidates, compared with the amount of space devoted to state and local candidates and ballot measures. In 1990, only one federal candidate appeared on any given slate card; all other space was taken by state and local candidates and issues. The one federal candidate would have been the Democratic candidate for Congress in the particular district where the slate card was being mailed. There was no senatorial election that year. Not all the slate cards had federal candidates; some slate cards had no federal candidates that year, particularly in the primary election.

9 3 0 4 3 9 0 0 3 1 1

12. Requests Nos. 14.g, 14.j. and 14.k. ask for an explanation of certain sums received by the CDVC from me on 1/27/93 and reported as capitalization funds. It also asks for an explanation of a payment made on that same date and reported as repayment of capitalization.

Here again, I must repeat the caveat made earlier in this declaration that my records from this time period are incomplete, and the bank has been unable to provide any additional records. With that in mind, I believe the $10,000 received by the CDVC on 1/27/93 was a payment from my personal checking account. As best I can recollect, I believed at the time that the CDVC needed an infusion of cash to meet possible expenses, although it appears from my records that most of the $10,000 remained in the CDVC account through 1993.

The $130,895.44 that is reported as having been received by the CDVC on 1/27/93 and paid out to Union Bank on that same day pertains to repayment of the line of credit. Approximately $30,000 was related to repayment of funds drawn from the line of credit to capitalize the CDVC. Approximately $100,000 was used to repay the line of credit for money I drew from it personally on or about November 16, 1992 to finance a personal real estate acquisition. On January 27, 1993 I paid the CDVC $130,895.44 from my personal checking account. The CDVC then wrote a check to Union Bank for $130,895.44. I believe the $895.44 may have been payment of interest on the line of credit. Again, I was the source of the funds used to make that payment.

13. Request No. 17 asks for "copies of all checks or other documents or instruments representing the deposit of the capitalization receipts for 1990 to the present in the Checklist's depository account, copies of all disbursement checks representing capitalization repayments or other documents showing to whom each repayment was made."

9 0 0 4 3 9 0 0 3 1 2

Attached as Exhibit F to this Response are copies of all checks from the CDVC depository account representing payments of principal, interest or fees pertaining to the line of credit, and other documents we found relating to capitalization of the CDVC or repayment of capitalization funds.

Attached as Exhibit G to this Response are copies of the bank statements for the CDVC depository account. Some of those statements reflect deposits or withdrawals related to the line of credit. Some of the transactions relating to the line of credit were done by electronic transfer.

Attached as Exhibit H to this Response are copies of the bank statements for the line of credit. I have asked Union Bank for copies of any additional statements they have for the line of credit account. I have been told that no such records exist.

14. Attached as Exhibit I to this declaration is an additional copy of the declaration I submitted in August 1996. I have resigned and notarized the declaration.

With this declaration and my earlier submissions to the FEC, I believe that I have provided all responsive documents and information in my possession, custody and control pertaining to the FEC's subpoena dated November 13, 1995.

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9 3 0 4 3 9 0 0 3 1 3

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at San Francisco, California.

DATED: October 25, 1996

CLINTON REILLY

State of California)
County of SAN FRANCISCO) ss.
)

Subscribed and sworn to (or affirmed) before me on OCTOBER 25, 1996.

Signature of Notary

(Seal of Notary)

PAUL F. CHEW
Commission # 1066588
Notary Public — California
San Francisco County
My Comm. Expires Feb 10, 2000

9904390U314

CALIFORNIA DEMOCRATIC VOTER ☑ CHECKLIST

NO on 118 & 119

"Don't be fooled! These 'reforms' are really Republican reapportionment power grabs."
--LIEUTENANT GOVERNOR LEO MCCARTHY
--ATTORNEY GENERAL JOHN VAN DE KAMP

Governor
JOHN VAN DE KAMP*
The officially endorsed candidate of the California Democratic Party

Lieutenant Governor
LEO T. McCARTHY

Secretary of State
MARCH FONG EU

Controller
GRAY DAVIS

Treasurer
KATHLEEN BROWN

Attorney General
IRA REINER *

Insurance Commissioner
BILL PRESS *
Cut auto rates, stop redlining, and deliver affordable health care

State Board of Equalization
BRAD SHERMAN *
ENDORSED BY THE CA. DEMOCRATIC PARTY AND SUPERVISORS ALIOTO, MAHER AND BRITT.

U.S. Congress
NANCY PELOSI

State Senator
JAMES WACHOB

State Assembly
JOHN L. BURTON

Central Committee
ROBERT J. BOILEAU *
STEVEN KREFTING
IRIT LEVI
MARIA MARTINEZ *
STEVE NEUBERGER *
ALICIA WANG *
LAWRENCE WONG *

Judge of the Superior Court
#3 ALEX SALDAMANDO *
#5 KAY TSENIN *
#15 JEROME T. BENSON *

Judge of the Municipal Court
#1 ELLEN CHAITIN *
#3 LILLIAN K. SING *

Supt. of Public Instruction
BILL HONIG

Assessor
RICHARD D. HONGISTO *

State Ballot Measures

#107 YES

#108 YES *
Extend BART to SFO, Improve MUNI

#109 YES
#110 YES

#111 YES *
Extend BART to SFO, Widen 101

#112 YES
#113 YES
#114 YES

#115 YES *
Let's stop endless trial delays

#116 YES *
#117 NO *

#118 NO *
#119 NO *

#120 YES
#121 YES
#122 YES
#123 YES

County Measures

A. YES	F. YES	K. YES
B. NO *	G. YES	L. YES
C. YES	H. NO	N. YES
D. YES	I. YES	O. YES

NO on 117

It's a Health and Environmental Disaster!

California Democratic Voter Checklist, PO Box 957, Brisbane, CA 94005
Not Authorized by Pelosi For Congress Committee

9 8 0 4 3 9 0 0 3 1 6

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

JOHN VAN DE KAMP GOVERNOR

Message for Democrats:
The California Democratic Party has evaluated both candidates and officially endorsed John Van de Kamp for Governor because of his superior record on Environment, Crime, Consumer Protection, Choice, Ethics, and Education.

BILL PRESS
Insurance Commissioner

Officially Endorsed Candidate of
The California Democratic Party

BRAD SHERMAN
State Board of Equalization

CPA, endorsed by the CA Dem. Party, will fight corporate tax loopholes.

☑ NO on Prop 118 **☑ NO** on Prop 119

Stop the Republican Power Grab. It's a Fraud!

Vote YES on 111 & 108

KATHLEEN BROWN
Treasurer

Infrastructure renewal and true political reform are crucial to California's continued progress. Vote:

Yes on 108 & 111

No on 118 & 119

BULK RATE
U.S. POSTAGE
PAID
California
Democratic
Voter Checklist

YOU VOTE AT ➡

THE
HOUSE
AT
221 FAIR OAKS ST

TO:

CAR-RT SORT ** CR 02

Mr. Anthony Dougherty
1139 Dolores Street
San Francisco, CA 94110

THIS DOCUMENT WAS PREPARED BY THE CALIFORNIA DEMOCRATIC VOTER CHECKLIST, NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

VOTE

NO on 118 & 119

"Prop 118...is not real reapportionment reform. Prop 119...is so complicated and clumsy...that it is almost certain to fail"
SACRAMENTO BEE EDITORIAL, 5/9/1990

Governor
JOHN VAN DE KAMP*
The officially endorsed candidate of the California Democratic Party

Lieutenant Governor
LEO T. McCARTHY

Secretary of State
MARCH FONG EU

Controller
GRAY DAVIS

Treasurer
KATHLEEN BROWN

Attorney General
IRA REINER *

Insurance Commissioner
BILL PRESS *
Cut auto rates, stop redlining, and deliver affordable health care

State Board of Equalization
WILLIAM M. BENNETT

U.S. Congress
ERWIN E. RUSH

State Senator
C. MICHAEL THOMPSON*

State Assembly
#1 ARLIE E. CAUDLE
#3 LON S. HATAMIYA

Supt. of Public Instruction
BILL HONIG

Superintendent of Schools
JERRY SIMMONS

Supervisor
#2 JANE DOLAN
#3 KEVIN CAMPBELL

District Attorney
GEORGE ROBISON *

Sheriff-Coroner
MICK GREY

Tax Collector-Treasurer
DICK PUELICHER

State Ballot Measures

#107 YES

#108 YES *
Endorsed by CA Taxpayers Assoc.

#109 YES
#110 YES

#111 YES *
Endorsed by CA Taxpayers Assoc.

#112 YES
#113 YES
#114 YES

#115 YES *
Let's stop endless trial delays

#116 YES *
#117 NO *

#118 NO *
#119 NO *

#120 YES
#121 YES
#122 YES
#123 YES

George Robison
District Attorney
Dedicated to meeting your needs

THE CA LABOR FEDERATION
has carefully examined the issues and their impact on working people. It recommends:
Vote NO on 118 and 119
Vote YES on 108 and 111

NO on 117
It's a Health and Environmental Disaster!

California Democratic Voter Checklist, PO Box 957, Brisbane, CA 94005

BU001001 08268

Not Authorized by Rush For Congress Committee

9 3 0 4 3 9 0 0 3 1 7

California Democratic Voter ✓ Checklist

DEMOCRATS AGREE!

NO on 131 & 140

These schemes will help Republicans.

Don't Be Lured Into The Term Limit Trap!

Governor
DIANNE FEINSTEIN

Lieutenant Governor
LEO T. McCARTHY

Secretary of State
MARCH FONG EU

Controller
MATT FONG *
A Tradition of Honesty!

Treasurer
KATHLEEN BROWN
California's economic health is her Top Priority!

Attorney General
ARLO SMITH
An experienced prosecutor who will protect our rights

Insurance Commissioner
JOHN GARAMENDI

State Board of Equalization
WILLIAM BENNETT
The only Elected Official in CA who refuses all Campaign Contributions

U.S. Congress
NORMAN Y. MINETA

State Assembly
DOMINIC L. CORTESE

County Board of Education
MARIA Y. FERRER

College Board
TONY ESTREMERA *

Supervisor
MIKE HONDA *

Mayor
SUSAN HAMMER *

Guide To State Ballot Measures

#124	YES*	#137	YES*
#125	YES	#138	YES*
#126	YES*	#139	NO
Money to schools		#140	NO*
#127	YES	#141	YES
#128	NO*	#142	YES
#129	NO	#143	YES
#130	NO*	#144	YES
#131	NO*	#145	YES*
#132	NO*	#146	YES
#133	NO	#147	YES
#134	NO*	#148	YES
#135	YES*	#149	YES
#136	YES*	#150	YES
		#151	YES

Local Measures
YES on G *
YES on H,J,K,and L
YES on M,V and W

Mayor – San Jose
SUSAN HAMMER
Supports City Council Term Limits and Tougher Ethics Laws

YES on G and H
for GIANTS Baseball
Our Giant opportunity for jobs San Jose's economy, and our kids

"Prop. 128 ***will not*** protect your health. I urge you to *VOTE NO* on Prop. 128." *C. Everett Koop, Former Surgeon General*

Yes on Prop 138 - No on 130: Save Taxpayers Billions while protecting Forests and Wildlife.

SC020001 00002

San Francisco Democratic Voter ✓ Checklist

GUIDE TO SAN FRANCISCO PROPOSITIONS

No on Mission Bay

NO ON PROP. I

Vote Against Mission Bay

"Mission Bay's 4.8 million square feet of office development will cost taxpayers $1 Billion Dollars and rob scarce police, fire, and Muni services from your neighborhood. Mission Bay is a Bad Deal for your neighborhood."

Coalition for San Francisco Neighborhoods

Stop Waterfront Hotels

YES ON PROP. H

"Yes" on Proposition H will stop development of two hotels on the San Francisco shoreline -- the first step toward hotel row on our waterfront. *Prop H assures balanced, multi-purpose uses along the bay shore.*

SC020001 00082

BULK RATE
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Democratic
Voter Checklist

YOU VOTE AT ➡

THE
HOUSE
AT
404 SANTA MESA DR

TO:

CAR-RT SORT ** CR 09

Mr-Mrs Robert L. Fleury
428 Santa Mesa Drive
San Jose, CA 95123

NOTICE TO VOTERS

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California Democratic Voter Checklist
433 Kearny St. Box #366, San Francisco, CA 94108
Not Authorized by Mineta For Congress Committee

Dianne Feinstein–Leo McCarthy

San Mateo County Democrats need a dynamic team in Washington to end the recession and restore economic health to California & the nation!

President
BILL CLINTON

U.S. Senate
LEO McCARTHY *

U.S. Senate (short term)
DIANNE FEINSTEIN *

State Senator
FRANK TRINKLE

State Assembly
BYRON SHER

ELECTION DAY
JUNE 2

VOTE
DEMOCRATIC

Superior Court Judge
GEORGE TAYLOR *

Supervisor
RUBEN BARRALES *

State Measures
YES on 152 YES on 153*
YES on 154

County Measures
YES on A
No Recommendation on B

RUBEN BARRALES
FOR SUPERVISOR

New leadership with vision and energy to take us into the next century.

One hundred percent Pro-Choice.

Elect Commissioner
GEORGE TAYLOR

Past President of the San Mateo County Bar Assoc. Superior Court Commissioner Experienced attorney in civil and criminal law.

Superior Court Judge

PROP 153 brings needed improvements to state universities and colleges. The **California Democratic Party, California Taxpayers Association,** and **California State PTA** all agree! **Vote YES on 153.**

Dianne Feinstein–Leo McCarthy

San Mateo County Democrats need a dynamic team in Washington to end the recession and restore economic health to California & the nation!

President
BILL CLINTON

U.S. Senate
LEO McCARTHY *

U.S. Senate (short term)
DIANNE FEINSTEIN *

State Assembly
JACKIE SPEIER

Central Committee
MERRILL BOBELE *

ELECTION DAY
JUNE 2

VOTE
DEMOCRATIC

Superior Court Judge
GEORGE TAYLOR *

Supervisor
RUBEN BARRALES *

City Council
MICHAEL CAMPBELL *

State Measures
YES on 152 YES on 153*
YES on 154

County Measures
YES on A
No Recommendation on B

RUBEN BARRALES
FOR SUPERVISOR

New leadership with vision and energy to take us into the next century.

One hundred percent Pro-Choice.

Elect Commissioner
GEORGE TAYLOR

Past President of the San Mateo County Bar Association. Superior Court Commissioner. Experienced attorney in civil and criminal law.

Superior Court Judge

PROP 153 brings needed improvements to state universities and colleges. The **California Democratic Party, California Taxpayers Association,** and **California State PTA** all agree! **Vote YES on 153.**

California Democratic Voter ✓ Checklist

U.S. SENATE DIANNE FEINSTEIN

...for new direction, new ideas and a voice for change.

- Endorsed by law enforcement
- Strong fiscal record
- She will fight for California

A Senator Californians can be proud of! A proven leader for Seniors, Families, & women!

U.S. SENATE LEO McCARTHY

...for proven integrity and a record of accomplishment.

- Endorsed by labor
- Strong environmental record
- An experienced and effective leader

Seniors! Leo McCarthy is endorsed by the CA Council of Seniors! Protect Social Security and Medicare!

THE DEMOCRATIC TEAM FOR U.S. SENATE

▶ Having reviewed all candidates and measures for the June 1992 ballot, the persons or positions contained herein are strongly recommended

YES on 153

Prop 153 improves State Universities and Colleges, creates JOBS, and makes California more COMPETITIVE with NO NEW TAXES! Make California #1 Again in Higher Educational Excellence.

Major School Construction at the Lowest Possible Cost

Over 65,000 New Jobs

YES ON PROPS 152 & 153

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist

YOU VOTE AT ➡

PACIFIC MANOR SCHOOL
411 OCEANA BL

TO:

CAR-RT SORT ** CR 27

Mr. J. Paxton Pottenger
524 Miller Avenue
Pacifica, CA 94044

Notice to Voters

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CALIFORNIA DEMOCRATIC VOTER CHECKLIST
210 Columbus Ave., #226, San Francisco, CA 94133
Not Authorized by Clinton for President Committee

California Democratic Voter ✓ Checklist

U.S. SENATE DIANNE FEINSTEIN

...for new direction, new ideas and a voice for change.

- Endorsed by law enforcement
- Strong fiscal record
- She will fight for California

A Senator Californians can be proud of! A proven leader for Seniors, Families, & women!

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...for proven integrity and a record of accomplishment.

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Major School Construction at the Lowest Possible Cost

Over 65,000 New Jobs

YES ON PROPS 152 & 153

BULK RATE
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California Democratic Voter Checklist

YOU VOTE AT ➡

ST. AMBROSE EPIS CHURCH
900 EDGEWATER BL

TO:

CAR-RT SORT ** CR 39

Mrs. Mary Ann Harper
1184 Essex Lane
Foster City, CA 94404

Notice to Voters

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CALIFORNIA DEMOCRATIC VOTER CHECKLIST
210 Columbus Ave., #226, San Francisco, CA 94133
Not Authorized by Clinton for President Committee

9 8 0 4 3 9 0 0 3 2 2

CALIFORNIA DEMOCRATIC VOTER ☑ CHECKLIST

JOHN VAN DE KAMP ☑ GOVERNOR

Message for Democrats:
The California Democratic Party has evaluated both candidates and officially endorsed John Van de Kamp for Governor because of his superior record on Environment, Crime, Consumer Protection, Choice, Ethics, and Education.

BILL PRESS
Insurance Commissioner

Officially Endorsed Candidate of
The California Democratic Party

BILL HONIG
Sup. Of Public Instruction

"Fighting For Educational Excellence"

☑ **NO** on Prop 118 ☑ **NO** on Prop 119

Stop the Republican Power Grab. It's a Fraud!

Vote YES on 111 & 108

KATHLEEN BROWN
Treasurer

Infrastructure renewal and true political reform are crucial to California's continued progress. Vote:

Yes on 108 & 111

No on 118 & 119

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist
BU059001 08268

YOU VOTE AT ➡

THE FIRE STATION AT 14164 SKYWAY

TO:

CAR-RT SORT ** LS 09

Mr. Philip C. Silbernagel
P.O. Box 967
Magalia, CA 95954

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BILL PRESS
Insurance Commissioner

Officially Endorsed Candidate of
The California Democratic Party

BILL HONIG
Sup. Of Public Instruction

"Fighting For Educational Excellence"

✔ NO on Prop 118 ✔ NO on Prop 119 *Stop the Republican Power Grab. It's a Fraud!*

KATHLEEN BROWN
Treasurer

Infrastructure renewal and true political reform are crucial to California's continued progress. Vote:

Yes on 108 & 111

No on 118 & 119

Vote YES on 111 & 108

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist
HU071001 00003

YOU VOTE AT ➡ Call (707) 445-7678 for your polling place.

TO:

CAR-RT SORT ** RR 01

The Willis Family
7025 Berta Road
Eureka, CA 95501

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BILL PRESS
Insurance Commissioner

Officially Endorsed Candidate of
The California Democratic Party

BILL HONIG
Sup. Of Public Instruction

"Fighting For Educational Excellence"

✔ NO on Prop 118 ✔ NO on Prop 119 *Stop the Republican Power Grab. It's a Fraud!*

KATHLEEN BROWN
Treasurer

Infrastructure renewal and true political reform are crucial to California's continued progress. Vote:

Yes on 108 & 111

No on 118 & 119

Vote YES on 111 & 108

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist
HU071001 00061

YOU VOTE AT ➡ Call (707) 445-7678 for your polling place.

TO:

CAR-RT SORT ** RR 01

Mr. Herbert S. Rogers
7544 Elk River Court
Eureka, CA 95501

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CALIFORNIA DEMOCRATIC VOTER ☑ CHECKLIST

VOTE

NO on 118 & 119

"Don't be fooled! These 'reforms' are really Republican reapportionment power grabs."
--ATTORNEY GENERAL JOHN VAN DE KAMP

Governor
JOHN VAN DE KAMP*
The officially endorsed candidate of the California Democratic Party

Lieutenant Governor
LEO T. McCARTHY

Secretary of State
MARCH FONG EU

Controller
GRAY DAVIS

Treasurer
KATHLEEN BROWN

Attorney General
IRA REINER *

Insurance Commissioner
BILL PRESS *
Cut auto rates, stop redlining, and deliver affordable health care

State Board of Equalization
WILLIAM M. BENNETT

U.S. Congress
DOUGLAS H. BOSCO

State Senator
BARRY KEENE

State Assembly
DAN HAUSER

Supt. of Public Instruction
BILL HONIG

Superintendent of Schools
LOUIS BUCHER

Assessor
RAYMOND FLYNN

Auditor–Controller
NEIL F. PRINCE

Coroner–Public Administrator
GLEN SIPMA

County Clerk
LINDSEY MCWILLIAMS *

County Recorder
JACQUELINE MOTTAZ *

District Attorney
TERRY FARMER

Sheriff
DAVE RENNER

Tax Collector–Treasurer
STEPHEN A. STRAWN

State Ballot Measures

#107 YES

#108 YES *
Extend Lt Rail–Folsom, E. Grove

#109 YES
#110 YES

#111 YES *
Extend Lt Rail, Widen 5,16,80,99

#112 YES
#113 YES
#114 YES

#115 YES *
Let's stop endless trial delays

#116 YES *
#117 NO *

#118 NO *
#119 NO *

#120 YES
#121 YES
#122 YES
#123 YES

County Measures
YES on "A,B,C"

NO on 117

It's a Health and Environmental Disaster!

HU002001 00061

California Democratic Voter Checklist, PO Box 957, Brisbane, CA 94005
Not Authorized by Bosco For Congress Committee

CALIFORNIA DEMOCRATIC VOTER ☑ CHECKLIST

VOTE

NO on 118 & 119

"Don't be fooled! These 'reforms' are really Republican reapportionment power grabs."
--ATTORNEY GENERAL JOHN VAN DE KAMP

Governor
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The officially endorsed candidate of the California Democratic Party

Lieutenant Governor
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GRAY DAVIS

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IRA REINER *

Insurance Commissioner
BILL PRESS *
Cut auto rates, stop redlining, and deliver affordable health care

State Board of Equalization
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U.S. Congress
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State Senator
BARRY KEENE

State Assembly
DAN HAUSER

Supt. of Public Instruction
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Superintendent of Schools
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RAYMOND FLYNN

Auditor–Controller
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Coroner–Public Administrator
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JACQUELINE MOTTAZ *

District Attorney
TERRY FARMER

Sheriff
DAVE RENNER

Tax Collector–Treasurer
STEPHEN A. STRAWN

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Extend Lt Rail–Folsom, E. Grove

#109 YES
#110 YES

#111 YES *
Extend Lt Rail, Widen 5,16,80,99

#112 YES
#113 YES
#114 YES

#115 YES *
Let's stop endless trial delays

#116 YES *
#117 NO *

#118 NO *
#119 NO *

#120 YES
#121 YES
#122 YES
#123 YES

County Measures
YES on "A,B,C"

NO on 117

It's a Health and Environmental Disaster!

HU002001 00003

California Democratic Voter Checklist, PO Box 957, Brisbane, CA 94005
Not Authorized by Bosco For Congress Committee

CALIFORNIA DEMOCRATIC VOTER ☑ CHECKLIST

NO on 118 & 119
"Don't be fooled! These 'reforms' are really Republican reapportionment power grabs."
--CONGRESSWOMAN BARBARA BOXER
--ATTORNEY GENERAL JOHN VAN DE KAMP

Governor
JOHN VAN DE KAMP*
The officially endorsed candidate of the California Democratic Party

Lieutenant Governor
LEO T. McCARTHY

Secretary of State
MARCH FONG EU

Controller
GRAY DAVIS

Treasurer
KATHLEEN BROWN

Attorney General
IRA REINER *

Insurance Commissioner
BILL PRESS *
Cut auto rates, stop redlining, and deliver affordable health care

State Board of Equalization
WILLIAM M. BENNETT

U.S. Congress
BARBARA BOXER

State Assembly
VIVIEN BRONSHVAG

Central Committee
#1 ESTHER W. HERSH
#2 LAUREL REINER GOLDIN
#4 LYNN LORDEN
#5 RANDEL L. OYLER

Supt. of Public Instruction
BILL HONIG

Superintendent of Schools
BYRON W. MAUZY

Supervisor
BOB ROUMIGUIERE

Assessor-Recorder
JAMES D. BON

County Clerk
HOWARD HANSON

District Attorney
EDWARD TORRICO

State Ballot Measures

#107 YES
#108 YES * Endorsed by CA Taxpayers Assoc.
#109 YES
#110 YES
#111 YES * Endorsed by CA Taxpayers Assoc.
#112 YES
#113 YES
#114 YES
#115 YES * Let's stop endless trial delays
#116 YES *
#117 NO *
#118 NO *
#119 NO *
#120 YES
#121 YES
#122 YES
#123 YES

County Measures
YES on "A"

THE CA LABOR FEDERATION
has carefully examined the issues and their impact on working people. It recommends:
Vote NO on 118 and 119
Vote YES on 108 and 111

Prop 115 has the overwhelming support of California's District Attorneys, Police Chiefs and Sheriffs.

YES on 115

California Democratic Voter Checklist, PO Box 957, Brisbane, CA 94005
Not Authorized by Boxer For Congress Committee

CALIFORNIA DEMOCRATIC VOTER ☑ CHECKLIST

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"Don't be fooled! These 'reforms' are really Republican reapportionment power grabs."
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#1 ESTHER W. HERSH
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#5 RANDEL L. OYLER

Bring this checklist to the polls with you.

Polls Open 7AM to 8PM

State Ballot Measures

#107 YES
#108 YES * Endorsed by CA Taxpayers Assoc.
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#112 YES
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#114 YES
#115 YES * Let's stop endless trial delays
#116 YES *
#117 NO *
#118 NO
#119 NO
#120 YES
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#122 YES
#123 YES

County Measures
YES on "A"

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NO on 118 & 119
YES on 108 & 111

Prop 115 has the overwhelming support of Calif's District Attorneys, Police Chiefs and Sheriffs.

YES on 115

California Democratic Voter Checklist, PO Box 957, Brisbane, CA 94005

CALIFORNIA DEMOCRATIC VOTER ☑ CHECKLIST

JOHN VAN DE KAMP ☑ GOVERNOR

Message for Democrats:
The California Democratic Party has evaluated both candidates and officially endorsed John Van de Kamp for Governor because of his superior record on Environment, Crime, Consumer Protection, Choice, Ethics, and Education.

BILL PRESS
Insurance Commissioner

Officially Endorsed Candidate of
The California Democratic Party

BILL HONIG
Sup. Of Public Instruction

"Fighting For Educational Excellence"

✔ NO on Prop 118 ✔ NO on Prop 119

Stop the Republican Power Grab. It's a Fraud!

KATHLEEN BROWN
Treasurer

Infrastructure renewal and true political reform are crucial to California's continued progress. Vote:

Yes on 108 & 111

No on 118 & 119

Vote YES on 111 & 108

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist

YOU VOTE AT ➡

THE LUTHERAN CHURCH AT MIDWAY&SO. NOVATO

TO:

CAR-RT SORT ** CR 29

Mr. and Mrs. Dennis Degard
115 Shevelin Road
Novato, CA 94947

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JOHN VAN DE KAMP ☑ GOVERNOR

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Insurance Commissioner

Officially Endorsed Candidate of
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Yes on 108 & 111

No on 118 & 119

Vote YES on 111 & 108

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist

YOU VOTE AT ➡

THE DEL MAR SCHOOL AT 105 AV MIRA FLORES

TO:

CAR-RT SORT ** CR 03

Mr-Mrs Robert R. Gelardin
30 Pine Terrace
Tiburon, CA 94920

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California Democratic Voter ✓ Checklist

Dianne Feinstein–Leo McCarthy

Los Angeles County Democrats need a dynamic team in Washington to end the recession and restore economic health to California & the nation!

President
BILL CLINTON

U.S. Senate
LEO McCARTHY *

U.S. Senate (short term)
DIANNE FEINSTEIN *

State Senator
HERSCHEL ROSENTHAL

State Assembly
TERRY FRIEDMAN

Superior Court Judge
JOYCE ANN KARLIN *

District Attorney
ROBERT K. TANENBAUM*

State Measures
YES on 152 YES on 153*
YES on 154

County Measures
YES on A *

Local Measures
YES on K and L

ELECTION DAY
JUNE 2

VOTE
DEMOCRATIC

Major School Construction at the Lowest Possible Cost!

OVER 65,000 NEW JOBS

YES on
PROPS 152 & 153

PROP 153 brings needed improvements to state universities and colleges. The **California Democratic Party, California Taxpayers Association,** and **California State PTA** all agree! **Vote YES on 153.**

9804590 0327

California Democratic Voter ☑ Checklist

U.S. SENATE DIANNE FEINSTEIN

...for new direction, new ideas and a voice for change.

- Endorsed by law enforcement
- Strong fiscal record
- She will fight for California

A Senator Californians can be proud of! A proven leader for Seniors, Families, & women!

U.S. SENATE LEO McCARTHY

...for proven integrity and a record of accomplishment.

- Endorsed by labor
- Strong environmental record
- An experienced and effective leader

Seniors! Leo McCarthy is endorsed by the CA Council of Seniors! Protect Social Security and Medicare!

THE DEMOCRATIC TEAM FOR U.S. SENATE

▶ Having reviewed all candidates and measures for the June 1992 ballot, the persons or positions contained herein are strongly recommended

YES on 153

Prop 153 improves State Universities and Colleges, creates JOBS, and makes California more COMPETITIVE with NO NEW TAXES!

Make California #1 Again in Higher Educational Excellence.

BOB TANENBAUM

for District Attorney

Endorsed by the DAILY NEWS, KNX News Radio and leaders throughout Los Angeles

He won't play politics with peoples' lives!

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist

YOU VOTE AT ➡ SHOWROOM
1719 SN MONICA BL

TO:

CAR-RT SORT ** CR 01

Ms. Judith W. Chodos
1323 14th Street, #G
Santa Monica, CA 90404

Notice to Voters

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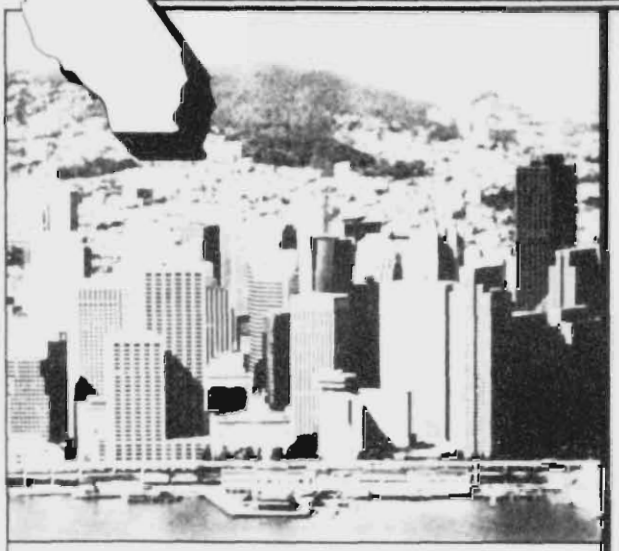
CALIFORNIA DEMOCRATIC VOTER CHECKLIST
210 Columbus Ave., #226, San Francisco, CA 94133
Not Authorized by Clinton for President Committee

California Democratic Voter Checklist

San Francisco Edition

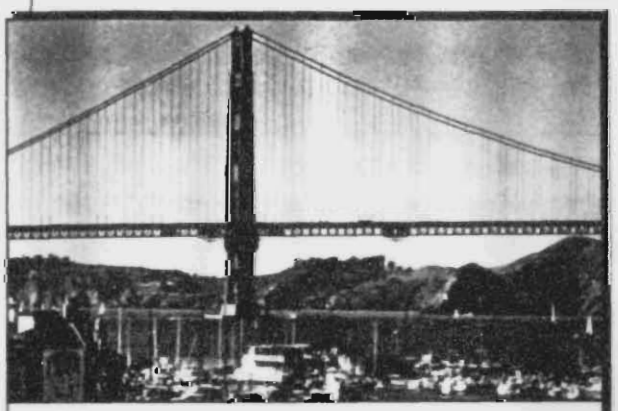


Stop Mission Bay

No on Prop I

"No on Mission Bay"

- Join the Coalition for San Francisco Neighborhoods and vote *NO* on this 4.8 million square feet office development masquerading as a new neighborhood.
- Join 29 neighborhood organizations in opposing Mission Bay.
- Join Senator Quentin Kopp and Supervisor Richard Hongisto in voting *NO* on Prop I.



No Waterfront Hotels

Yes on Prop H

"Stop Hotels on the Waterfront"

- Stop "hotel row" on our San Francisco shoreline. Vote to protect our waterfront.
- A "YES" vote for Prop. H is a vote to keep highrise hotels off our bay shore and embarcadero waterfront.

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist

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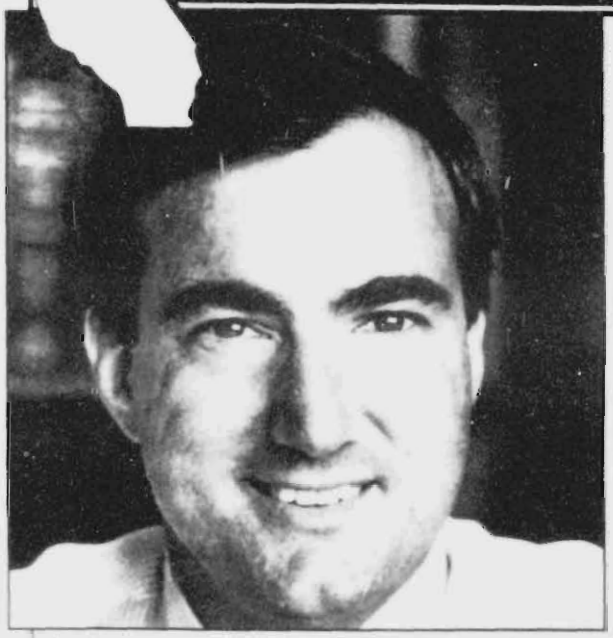
For San Francis



Jim Lazarus

✓

Native San Franciscan, Deputy City Attorney, Legislative Counsel to the Board of Supervisors, the City's Employee Relations Director, Executive Deputy to Mayor Feinstein, President of San Francisco's largest neighborhood organization.

Fifteen years ago Jim Lazarus began his public service as Deputy City Attorney. Since then he has served as the Board of Supervisor's Legislative Counsel, the City's labor relations consultant, and executive deputy Mayor to the Feinstein Administration.

He drafted landmark rent stabilization legislation, campaign spending controls, conflict-of-interest provisions and other major areas of City law. He also represented San Francisco before the League of California Cities, state and federal government.

As a father of four children, Jim Lazarus is active in his neighborhood and is currently the president of the Planning Association for the Richmond.

PREPARED TO LEAD

"As a former Deputy City Attorney and Deputy Mayor, Jim Lazarus knows the law, the City Charter and local government. He comes to the Board prepared to deal with the tough problems."
Dianne Feinstein

"Jim Lazarus has prepared himself to be a leader on the Board of Supervisors."
Speaker Willie L. Brown Jr.

"Jim Lazarus brings balance to the Board of Supervisors. He works for the interest of the small business community and at the same time serves as president of San Francisco's largest neighborhood association, the Planning Association for the Richmond."
Congresswoman Nancy Pelosi

o Supervisor

Carole Migden

Carole Migden is San Francisco Democratic Party Chair and a leader with a record of effectiveness on all levels of government. A former community health agency director, Carole understands how the well-being of our City depends on the availability of superior health services for all San Franciscans – and she will restore cuts in health and other vital programs.

Kevin Shelley

A common sense new leader, Kevin Shelley will work hard to reverse the decline in the everyday aspects of our quality of life. The son of former Mayor Jack Shelley, Kevin has already served the people of San Francisco for over a decade. Whether as top aide to Congressional Reps. Phil and Sala Burton, or as an Earthquake Relief Coordinator, Kevin has proven he is a leader who gets things done.

Bill Maher *Incumbent*

Eight-year board veteran Bill Maher is known for his practical and fiscally responsible solutions to complex issues. His long standing commitment to fighting crime in San Francisco has earned him the endorsements of the San Francisco Police Officers, the Deputy Sheriff's, and the District Attorney's Associations.

Doris M. Ward *Incumbent*

Doris Ward has been setting the pace in City government for the past ten years. She is widely respected for her ability to bring people together from different backgrounds in order to fashion City policies with which we can all live. That's why Doris is best known for her "open door policy," her compassion, and her pragmatism.

San Francisco Ballo

No on Mission Bay

No on Prop I

Reject Mission Bay

Mission Bay's Developers are calling it a new Neighborhood. In fact – Mission Bay is a new Downtown – with 4.8 million square feet of office space. Mission Bay's developers want to build the equivalent of 9 Transamerica buildings worth of new office space. Police, fire, and Muni service to this new downtown will rob vital services from your neighborhood at a time when every neighborhood is experiencing painful cutbacks. San Francisco Taxpayers are being asked to pay out over 1 billion dollars for a development that will return only 600 million dollars in revenues. That shortfall will rob vital city services from your neighborhood.

NO ON PROPOSITION I

MISSION BAY IS A BAD DEAL FOR YOUR NEIGHBORHOOD

SAN FRANCISCO NEIGHBORHOOD LEADERS OPPOSE MISSION BAY

Coalition for San Francisco Neighborhoods
Anza Vista Civic Improvement Club
Beidaman Neighborhood Group
Eureka Valley Promotion Association
Eureka Valley Trails and Arts Network
Haight-Ashbury Neighborhood Council
Inner Sunset Action Committee
Neighbors of the Excelsior
North Mission Association
Presidio Avenue Assoc. of Concerned Neighbors
Richmond Community Association
Richmond Democratic Club
Richmond Residents Council
Sunset Parkside Education and Action Council
Sunset Residents Association
Sunset Neighbors United
Twin Peaks Council and Open Space Conservancy
Tenderloin Times Newspaper
North Mission News
Haight-Ashbury Newspaper
Potrero View Newspaper
Proposition M Steering Committee
San Francisco Tomorrow
San Francisco Tenants Union
San Franicsco Bay Guardian
Coalition on Homelessness
Residential Builders Association
Citizens for Representative Government
San Francisco Housing Coaltion

Propositions ✓

No on E
Nuclear Free Zone Initiative ✓

"Say NO to a new bureaucracy and its $7 million price tag"

Join the San Francisco Labor Council, the San Francisco Medical Society, and the San Francisco Democratic Party in saying "NO" to this new elected commission. We are for Peace, not Politicians.

Yes on H
Waterfront Land Use Plan ✓

"Stop hotels on the waterfront"

A Yes on Prop. H will stop two downtown-style hotels on the San Francisco shoreline, the first step toward "hotel row" on our waterfront. Let's guarantee sound waterfront development that includes a balance of maritime uses, commercial activity, recreation access, preservation and restoration of the bay.

Yes on K
Domestic Partners ✓

"It's a question of fairness"

Prop. K allows committed couples to register their relationships. Prop. K is a question of fairness, with no cost to the City or impact on City services.

Yes on Prop. A ✓
Correctional Facilities Improvement Bonds

No on Prop. B ✓
Residential Detention Centers

Yes on Prop. C ✓
Port Revenue Bond Procedures

No on Prop. D ✓
Mandatory Police and Fire Contract Arbitration

Yes on Prop. F ✓
Airport Police Retirement Benefits

Yes on Prop. J ✓
Housing Affordability Fund

San Francisco Assessor

Richard D. Hongisto ✓

Richard Hongisto is the only candidate for Assessor with the management experience required to assure that this vital City office is running smoothly. The Assessor is responsible for the largest single source of City revenue. If the Assessor's office is not well run, vital services will be threatened. Of the candidates only Hongisto has the skill and experience to manage this complex office.

9 8 0 4 3 9 0 0 3 3 3

San Francisco School Board

Board of Education

Rosario Anaya · *Incumbent*

A Past Board President with 20 years of experience, Rosario Anaya is committed to continuing her work toward an educational system that demands high performance and discipline.

Ben Tom ·

With twelve years experience on the City's School board, Ben Tom has the strong support of Senator Quentin Kopp, Assembly Speaker Willie Brown, a majority of our Supervisors, community leaders and parents.

Myra G. Kopf · *Incumbent*

A two-term board president and educator with a proven record of leadership, Myra Kopf has been elected President of the National Council of Great City Schools, and President of the Association of California Urban School Districts.

Community College Board

John Riordan · *Incumbent*

Incumbent John Riordan has delivered a strong budget, merit appointments and improved student services. He brings together broad experience and a conservative fiscal approach that add up to a sound educational program.

Alan S. Wong · *Incumbent*

As two-term president of the Community College Board, Alan Wong has a proven record that assures the district can maintain its high level of instruction. He brings his extensive expertise as a community activist and arbitrator to the needs of the district.

Robert E. Burton · *Incumbent*

One of the original members of the Community College Board, Robert Burton was selected twice to serve as Board President. He has an extraordinary record of service to minorities, the disabled, and working families and is a leader in expanding adult education services.

District 8 BART Director

James Fang

James Fang will bring BART to the Airport.

Native San Franciscan; Attended Lowell High School, City College, University of California at Berkeley, Hastings College of Law; Law Clerk, United States Attorney's Office; businessman; Financial Planner; Corporate Controller.

An accessible, efficient and safe BART system not only improves the quality of life in San Francisco, but has a direct positive effect on our efforts to prevent environmental degradation, reduce traffic problems, and make City living more efficient. James Fang, a native San Franciscan and business owner, stresses the urgency of extending BART to SFO and into San Mateo county, and for greater regional cooperation between BART and the various regional transit systems.

James Fang is the only candidate to speak before the Metropolitan Transportation Commission and the San Francisco Airport Commission on bringing BART directly into San Francisco International Airport.

"We have evaluated all the candidates for BART Board and James Fang is far and away the superior candidate."

Congresswoman Nancy Pelosi
State Senator Milton Marks
Supervisor Angela Alioto
Supervisor Terence Hallinan
Supervisor Wendy Nelder
Supervisor Tom Hsieh
Supervisor Willie Kennedy
Supervisor Bill Maher

San Francisco Police Officers Assn.
The Chinese-American Democratic Club
The Black Leadership Forum
The Mexican-American Political Assn.
The Coalition for S.F. Neighborhoods
Mike Hennessy, Sheriff
Mike Bernick, BART Director
The San Francisco Independent

Dianne Feinstein
Governor

Leo T. McCarthy
Lieutenant Governor

March Fong Eu
Secretary of State

Matt Fong*
Controller

Arlo Smith
Attorney General

Kathleen Brown
Treasurer

John Garamendi
Insurance Commissioner

Brad Sherman
Board Of Equalization

Nancy Pelosi
5th Congressional District

Willie L. Brown, Jr.
17th State Assembly District

Barbara Boxer
6th Congressional District

Jackie Speier
19th State Assembly District

John L. Burton
16th State Assembly District

Quentin Kopp
8th State Senate District

DEMOCRATIC VOTER CHECKLIST

Clinton – Boxer – Feinstein

Los Angeles County women need this dynamic Democratic team in Washington to protect a woman's right to choose!

President
BILL CLINTON

U.S. Senator
BARBARA BOXER

U.S. Senator (Short Term)
DIANNE FEINSTEIN

State Assembly
DEBRA BOWEN *

District Attorney
GIL GARCETTI *

Supervisor
DIANE WATSON *

County Measure
YES on A *

Local Measures
NO on K *
Stop the airport takeover!
YES on L * **and M** *
NO on N *

More than 12 tax increases!
Vote NO
on Prop 167
Californian's Need Jobs
NOT more taxes!

State Measures
NO on 155
Teachers Not Buildings
YES on 156 *
End Gridlock & Pollution
YES on 157
YES on 158 *
YES on 159 *
YES on 160
NO on 161 *
YES on 162 *
YES on 163 *
NO on 164 *
Reform Congress not California's Clout
NO on 165 *
NO on 166 *
NO on 167 *

Some People Talk Change

Diane Watson Delivers!

She Delivers on Education, Child Care, Fighting Crime, Jobs, Health Care, and the Environment

NO on 161
A deadly proposal without safeguards!

NO on 167
California needs jobs not MORE TAXES!

CALIFORNIA DEMOCRATIC VOTER CHECKLIST, 268 Bush St., San Francisco, CA 94104

9804390337

9 0 0 4 3 9 0 0 3 3 0

DEMOCRATIC VOTER CHECKLIST

Bill Clinton
President

Barbara Boxer
U.S. Senate

Dianne Feinstein
U.S. Senate

NO on 167 California needs jobs, not MORE TAXES. With over 12 separate tax increases, Prop. 167 would hit families with higher insurance premiums, gas prices and rents – while risking 100,000 jobs statewide.

NO on 161 Prop. 161 is a deadly proposal with no protections against misdiagnosis, no witnesses and no time allotted for reconsideration. Doctors should be saving lives. Don't make every doctor a "Dr. Death."

"Join me and Police Chief Willie Williams and Vote YES on PROPOSITION A for safe neighborhoods."
– Richard J. Riordan
former L.A. Parks Commissioner

1992 is the Year of the Woman! Elect Barbara Boxer and Dianne Feinstein to the U.S. Senate!

BULK RATE
U.S. POSTAGE
PAID
California
Democratic
Voter Checklist

YOU VOTE AT

MARK TWAIN JR HIGH SCHOOL
2224 WALGROVE AV

To:

CAR-RT SORT ** CR 66

MS. APRIL R. CARTER
12521 VICTORIA AVENUE
LOS ANGELES, CA 90066

"Jobs! Health Care! Social Security! Safety!"

NOTICE TO VOTERS

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President/U.S. Senate paid for by CDVC, not authorized by any candidate or candidate's committee.

DEMOCRATIC FAMILY CHECKLIST

Clinton – Boxer – Feinstein

Los Angeles County families need this dynamic Democratic team in Washington to end the recession and restore prosperity to the nation!

President
BILL CLINTON

U.S. Senator
BARBARA BOXER

U.S. Senator (Short Term)
DIANNE FEINSTEIN

State Assembly
BARBARA FRIEDMAN

District Attorney
GIL GARCETTI *

County Measure
YES on A *

Local Measures
NO on K *
Stop the airport takeover!
YES on L * **and M** *
NO on N *

More than 12 tax increases!

Vote NO on Prop 167

Californian's Need Jobs NOT more taxes!

State Measures
NO on 155
Teachers Not Buildings
YES on 156 *
End Gridlock & Pollution
YES on 157
YES on 158 *
YES on 159 *
YES on 160
NO on 161 *
YES on 162 *
YES on 163 *
NO on 164 *
Reform Congress not California's Clout
NO on 165 *
NO on 166 *
NO on 167 *

Repeal the snack tax!

Vote Yes on Prop 163

Put an end to the unfair and arbitrary tax on foods and bottled water.

NO on 161
A deadly proposal without safeguards!

NO on 167
California needs jobs not MORE TAXES!

CALIFORNIA DEMOCRATIC VOTER CHECKLIST, 288 Bush St., San Francisco, CA 94104

9 0 0 4 3 9 0 1 3 4 0

DEMOCRATIC FAMILY CHECKLIST

Bill Clinton
President

Barbara Boxer
U.S. Senate

Dianne Feinstein
U.S. Senate

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– Richard J. Riordan
former L.A. Parks Commissioner

Democratic Leadership Under Clinton, Boxer & Feinstein means Economic Progress for American Families!

BULK RATE
U.S. POSTAGE
PAID
California
Democratic
Voter Checklist

YOU VOTE AT

RESIDENCE
13830 CUMPSTON ST

To:

CAR-RT SORT ** CR 18

MR. AND MRS. DAVID SIMON
13828 ALBERS STREET
VAN NUYS, CA 91401

"A Strong Economy for Strong Families!"

NOTICE TO VOTERS

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BILL CLINTON

U.S. Senator
BARBARA BOXER

U.S. Senator (Short Term)
DIANNE FEINSTEIN

U.S. Congress
Joan Milke Flores *
The local Republican candidate.
Endorsed by Peter Ueberroth!

State Senator
BRIAN FINANDER

State Assembly
BETTY KARNETTE *

District Attorney
GIL GARCETTI *

Supervisor
DEANE DANA *

DEANE DANA
For Supervisor

Fighting to reduce government paid perks!
Helping Seniors.
Supporting A Woman's Right To Choose.

Water Replenishment Dist.
RICHARD McGINLEY*

County Measure
YES on A *

Local Measures
NO on K *
Stop the airport takeover!
YES on L * **and M** *
NO on N *

State Measures
NO on 155
Teachers Not Buildings
YES on 156 *
End Gridlock & Pollution
YES on 157
YES on 158 *
YES on 159 *
YES on 160
NO on 161 *
YES on 162 *
YES on 163 *
NO on 164 *
Reform Congress not California's Clout
NO on 165 *
NO on 166 *
NO on 167 *

Vote NO on Prop 161
A deadly proposal

NO on 161
A deadly proposal without safeguards!

NO on 167
California needs jobs not MORE TAXES!

CALIFORNIA DEMOCRATIC VOTER CHECKLIST, 268 Bush St., San Francisco, CA 94104

9 0 0 4 3 9 0 0 3 4 2

DEMOCRATIC FAMILY CHECKLIST

Bill Clinton
President

Barbara Boxer
U.S. Senate

Dianne Feinstein
U.S. Senate

NO on 167 California needs jobs, not MORE TAXES. With over 12 separate tax increases, Prop. 167 would hit families with higher insurance premiums, gas prices and rents – while risking 100,000 jobs statewide.

NO on 161 Prop. 161 is a deadly proposal with no protections against misdiagnosis, no witnesses and no time allotted for reconsideration. Doctors should be saving lives. Don't make every doctor a "Dr. Death."

"Join me and Police Chief Willie Williams and Vote YES on PROPOSITION A for safe neighborhoods."
– Richard J. Riordan
Former L.A. Parks Commissioner

Democratic Leadership Under Clinton, Boxer & Feinstein means Economic Progress for American Families!

BULK RATE
U.S. POSTAGE
PAID
California
Democratic
Voter Checklist

YOU VOTE AT

FIFTEENTH ST ELEM SCHOOL
01527 S MESA ST

To: CAR-RT SORT – CR 06

MR. AND MRS. JOHN G. CREB
362 W 13TH STREET
SAN PEDRO, CA 90731

"A Strong Economy for Strong Families!"

NOTICE TO VOTERS

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DEMOCRATIC FAMILY CHECKLIST

Clinton – Boxer – Feinstein

Los Angeles County families need this dynamic Democratic team in Washington to end the recession and restore prosperity to the nation!

President
BILL CLINTON

U.S. Senator
BARBARA BOXER

U.S. Senator (Short Term)
DIANNE FEINSTEIN

U.S. Congress
Joan Milke Flores *
The local Republican candidate.
Endorsed by Peter Ueberroth!

State Senator
BRIAN FINANDER

State Assembly
BETTY KARNETTE *

Supervisor
DEANE DANA *

Water Replenishment Dist.
RICHARD McGINLEY*

More than 12 tax increases!

Vote NO on Prop 167

Californian's Need Jobs NOT more taxes!

County Measure
YES on A *

State Measures
NO on 155
Teachers Not Buildings
YES on 156 *
End Gridlock & Pollution
YES on 157
YES on 158 *
YES on 159 *
YES on 160
NO on 161 *
YES on 162 *
YES on 163 *
NO on 164 *
Reform Congress not California's Clout
NO on 165 *
NO on 166 *
NO on 167 *

DEANE DANA
For Supervisor

Fighting to reduce government paid perks!

Helping Seniors.

Supporting A Woman's Right To Choose.

NO on 161
A deadly proposal without safeguards!

NO on 167
California needs jobs not MORE TAXES!

CALIFORNIA DEMOCRATIC VOTER CHECKLIST, 268 Bush St., San Francisco, CA 94104

9 8 0 4 3 2 0 0 3 4 4

DEMOCRATIC FAMILY CHECKLIST

Bill Clinton
President

Barbara Boxer
U.S. Senate

Dianne Feinstein
U.S. Senate

NO on 167 California needs jobs, not MORE TAXES. With over 12 separate tax increases, Prop. 167 would hit families with higher insurance premiums, gas prices and rents – while risking 100,000 jobs statewide.

NO on 161 Prop. 161 is a deadly proposal with no protections against misdiagnosis, no witnesses and no time allotted for reconsideration. Doctors should be saving lives. Don't make every doctor a "Dr. Death."

"Join me and Police Chief Willie Williams and Vote YES on PROPOSITION A for safe neighborhoods."
– Richard J. Riordan
former L.A. Parks Commissioner

Democratic Leadership Under Clinton, Boxer & Feinstein means Economic Progress for American Families!

BULK RATE
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California
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Voter Checklist

YOU VOTE AT

MARGATE SCHOOL
02161 VIA OLIVERA

To:

CAR-RT SORT ** CR 10

MR-MRS ROBERT N. GREEN
2537 VIA RIVERA
PALOS VERDES EST, CA 90274

"A Strong Economy for Strong Families!"

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DEMOCRATIC FAMILY CHECKLIST

Clinton – Boxer – Feinstein

Orange County families need this dynamic Democratic team in Washington to end the recession and restore prosperity to the nation!

President
BILL CLINTON

U.S. Senator
BARBARA BOXER

U.S. Senator (Short Term)
DIANNE FEINSTEIN

State Senator
SAMUEL EIDT

State Assembly
PAUL GARZA, Jr.

High School District
JOE MERLO

State Measures

NO on 155
Teachers Not Buildings
YES on 156 *
End Gridlock & Pollution
YES on 157
YES on 158 *
YES on 159 *
YES on 160
NO on 161 *
YES on 162 *
YES on 163 *
NO on 164 *
Reform Congress not California's Clout
NO on 165 *
NO on 166 *
NO on 167 *

More than 12 tax increases!

Vote NO on Prop 167

Consumers would pay higher insurance premiums, utility bills, gas prices and rents. Experts say 167 would cost 130,000 jobs. No guarantee $5.5 billion tax increase would be spent on essential services.

Repeal the snack tax!

Vote Yes on Prop 163

Put an end to the unfair and arbitrary tax on foods and bottled water.

NO on 161
A deadly proposal without safeguards!

NO on 167
California needs jobs not MORE TAXES!

CALIFORNIA DEMOCRATIC VOTER CHECKLIST, 268 Bush St., San Francisco, CA 94104

9 8 0 4 3 9 0 0 3 4 6

DEMOCRATIC FAMILY CHECKLIST

Bill Clinton
President

Barbara Boxer
U.S. Senate

Dianne Feinstein
U.S. Senate

NO on 167

California needs jobs, not MORE TAXES. With over 12 separate tax increases, Prop. 167 would hit families with higher insurance premiums, gas prices and rents – while risking 100,000 jobs statewide.

NO on 161

Prop. 161 is a deadly proposal with no protections against misdiagnosis, no witnesses and no time allotted for reconsideration. Doctors should be saving lives. Don't make every doctor a "Dr. Death."

NO on 165

Stop Pete Wilson's Power grab from stealing vital programs from families!

NO on 155

We need quality teachers not more buildings & bureaucrats!

Democratic Leadership Under Clinton, Boxer & Feinstein means Economic Progress for American Families!

BULK RATE
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Democratic
Voter Checklist

YOU VOTE AT

NICOLAS JR HIGH SCHOOL
1100 OLIVE AVE

To: CAR-RT SORT ** CR 05

THE VANAALST FAMILY
1119 W OLIVE AVENUE
FULLERTON, CA 92633

"A Strong Economy for Strong Families!"

NOTICE TO VOTERS

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President/U.S. Senate paid for by CDVC, not authorized by any candidate or candidate's committee.

DEMOCRATIC SENIOR CHECKLIST

Clinton – Boxer – Feinstein

Madera County seniors need this dynamic Democratic team in Washington to defend Social Security and extend quality health care to all!

President
BILL CLINTON

U.S. Senator
BARBARA BOXER

U.S. Senator (Short Term)
DIANNE FEINSTEIN

U.S. Congress
RICK LEHMAN *

State Assembly
Margaret E. Snyder

More than 12 tax increases!

Vote NO on Prop 167

Consumers would pay higher insurance premiums, utility bills, gas prices and rents. Experts say 167 would cost 100,000 jobs. No guarantee $5.5 billion tax increase would be spent on essential services.

State Measures

NO on 155
Teachers Not Buildings
YES on 156 *
End Gridlock & Pollution
YES on 157
YES on 158 *
YES on 159 *
YES on 160
NO on 161 *
YES on 162 *
YES on 163 *
NO on 164 *
Reform Congress not California's Clout
NO on 165 *
NO on 166 *
NO on 167 *

Repeal the snack tax!

Vote Yes on Prop 163

Put an end to the unfair and arbitrary tax on foods and bottled water.

NO on 161
A deadly proposal without safeguards!

NO on 167
California needs jobs not MORE TAXES!

CALIFORNIA DEMOCRATIC VOTER CHECKLIST, 268 Bush St., San Francisco, CA 94104

9 8 0 4 3 9 0 0 3 4 7

9 6 0 4 3 9 0 0 3 4 8

DEMOCRATIC SENIOR CHECKLIST ✓

Bill Clinton
President

Barbara Boxer
U.S. Senate

Dianne Feinstein
U.S. Senate

NO on 167 Prop. 167 breaks the record for most tax increases and threatens to break the state – with higher insurance premiums, utilities and rents for small businesses, families and seniors.

NO on 161 Prop. 161 is a deadly proposal with no protections against misdiagnosis, no witnesses and no time allotted for reconsideration. Doctors should be saving lives. Don't make every doctor a "Dr. Death."

NO on 165

Stop Pete Wilson's Power grab from stealing vital programs from seniors!

NO on 155

We need quality teachers not more buildings & bureaucrats!

Democratic Leadership Under Clinton, Boxer & Feinstein will Preserve Social Security and Health Care for Seniors!

BULK RATE
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Democratic
Voter Checklist

YOU VOTE AT

OAKHURST COMMUNITY CTR
39800 ROAD 425B

To:

CAR-RT SORT ** HC 82

MR-MRS EDWARD D. MC ROBERTS
48522 VICTORIA LANE, #1A
OAKHURST, CA 93644

"Protect Social Security for Seniors"

NOTICE TO VOTERS

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SAN FRANCISCO EDITION

DEMOCRATIC VOTER CHECKLIST

✓ Tom Hsieh

Supervisor Tom Hsieh stands out as the most competent and effective member of the Board of Supervisors.

Supervisor Tom Hsieh stands out as one of our city's most respected leaders and most effective international advocates. His commitment to a safe and clean environment, affordable health care and earthquake safety combined with his fearless opposition to insider politics show he's there — standing up for us. His ability to listen to all sides for fair, responsible solutions to the city's most complex problems makes Tom Hsieh a truly outstanding Supervisor.

✓ Maria Monet

Maria Monet's fiscal know-how makes her the most qualified candidate for the Community College Board.

A successful attorney, investment banker and financial manager, Maria Monet has what it takes to secure funds for crucial education and career training programs and to foster partnerships with the business community. San Francisco needs Maria Monet's fiscal expertise on the Community College Board to manage the City College budget, eliminate bureaucratic waste and guard essential classes and teachers from cutbacks.

NO on Prop. H

Prop H Hurts Homeowners & Renters

Increased pass-through costs under Prop. H will cause neighborhood decay, mortgage foreclosures, property loss and HIGHER RENTS.

YES on Prop. A

Earthquake Safety

Help San Francisco survive the next earthquake. Prop. A has won nearly universal endorsement for its ability to save lives, jobs, housing and businesses.

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SAN FRANCISC

Tom Hsieh * Incumbent

Tom Hsieh's leadership and experience make him an outstanding Supervisor.

Since coming to this country over 40 years ago, Tom Hsieh has stood out in everything he's done. After graduating from UCBerkeley, he went on to become one of the foremost architects in the nation specializing in senior housing. He was the first Asian to serve on both the Public Utilities Commission and the Police Commission. Now Tom serves San Francisco as our most outstanding Supervisor.

Leadership

- Developed an earthquake safety program for seismically unsafe buildings.
- Supported AIDS Early Intervention.
- Sponsored Early Retirement for City Employees, saving millions.
- Eliminated Deputy Mayors.
- Supported a two-term limit for Supervisors.
- Sponsored legislation to ensure access for disabled people.
- Supported additional affordable housing for Mission Bay Development.
- Supported Domestic Partners Law.

Experience

- Appointed to the San Francisco Board of Supervisors by Dianne Feinstein in 1986 and re-elected in 1988, he is our only Asian Supervisor — representing over 200,000 Asian San Franciscans.
- Former Vice-Chairman of California Democratic Party.
- Current Director on the Board of the Golden Gate Bridge Transit District.
- Founded the Regional Advisory Committee on the Medically Uninsured and Underinsured.

Sue Bierman *

Sue Bierman is a woman for our time. As a citizen activist since the early 1960's and a Planning Commissioner for 16 years, Sue has helped expand affordable housing, increase AIDS care, improve MUNI service, protect our neighborhoods and promote economic development in lower income communities. Her balanced judgment and deep concern have won Sue respect and support throughout the city. We can count on Sue Bierman to be an advocate for us.

9 3 0 4 3 9 0 0 3 5 C

O SUPERVISOR

Richard Hongisto *

Richard Hongisto has dedicated more than 32 years to serving the people of San Francisco. A decorated Police Officer, San Francisco Sheriff for 6 years, Supervisor for 8 years and former Assessor and former Police Chief, he has extensive experience in ensuring public safety and finding sound solutions to the city's problems. His commitment to public service, his comprehensive knowledge of how the city works and his varied skills make Richard Hongisto a leader who can get results on the Board of Supervisors.

Barbara Kaufman *

Barbara Kaufman is a problem solver with vigor and fresh ideas for a comprehensive plan to reorganize government, improve health care and reduce homelessness. Founder and Director of KCBS Radio's Call for Action, Kaufman's problem-solving experience arms her to put an end to the annual budget madness in City Hall, protect public safety, preserve our neighborhoods and enhance public services.

Terence Hallinan * Incumbent

Terence Hallinan offers direction and vision for a better San Francisco. He's protecting vital services like health care & MUNI by cutting waste and eliminating perks for top bureaucrats. Please join Nancy Pelosi, Doris Ward, Kevin Shelley and Roberta Achtenberg in supporting Terence Hallinan.

Willie B. Kennedy * Incumbent

Willie Kennedy has fought tirelessly for public safety, education, jobs, senior services and childcare — while demanding fiscal accountability from city departments. Her legislation has improved ambulance response time, provided support for families victimized by violence and protected the character of our neighborhoods. Serving on the Board of Supervisors since 1981, Willie Kennedy is the Board's lone voice for African-Americans.

SCHOOL BOARD

✓ Rev. Amos Brown *

Rev. Amos Brown has made great strides to bring people of diverse communities together to improve education. He's developed tutorial programs, an accredited summer school 14 years in the running and has served as Vice-President on the San Francisco College Board to ensure quality and accessibility for all.

✓ Carol Kocivar *

As a mother of two, a 9-year public school volunteer, and a business attorney, Carol Kocivar has the skills and energy to provide real educational reform. Endorsed by State Senator Kopp and United Educators of San Francisco among many others, she is an A+ choice for the School Board.

✓ Enola Maxwell *

For 30 years, Enola Maxwell has been a pioneer in educational improvements in the city. One of the original drafters of S.F. Head Start, a tutor to learning disabled students, a drug counselor and the Director of the Potrero Hill Neighborhood House, Enola helps children through life's hardships to a productive adulthood.

✓ Angie Fa *

The only candidate for the School Board with firsthand classroom experience, Angie Fa has a deep commitment to strengthening basic education by enhancing curriculums to reflect the city's cultural diversity, improving teaching methods and implementing her plan for a mentor program to work with and support at-risk students.

BART DIRECTOR DISTRICT 7

✓ Ahmad Anderson *

Representing a New Generation of Leadership.

Ahmad Anderson will fight rate increases to ensure wide ridership and push a plan to bring BART into SFO. Endorsed by Assemblyman Tom Bates, Senator Kopp, the District 7 Democratic Club among many others, Ahmad Anderson will bring new leadership to the task.

COLLEGE BOARD

✓ Maria Monet •

The most qualified candidate for the Community College Board — Fiscal Know-How

Maria is the daughter of Portuguese immigrants. Through hard work and scholarships, she was graduated from Radcliffe and Boston University Law School. She has come to regard a college education as the gateway to opportunity for future generations. With her dedication and fiscal know-how, she will ensure every San Franciscan has access to quality, affordable public education.

Maria Monet has won the endorsements of:

- Congresswoman Nancy Pelosi
- Mayor Frank Jordan
- The National Women's Political Caucus
- Former Mayors Art Agnos and Dianne Feinstein
- Supervisor Angela Alioto
- Supervisor Anne Marie Conroy
- Supervisor Kevin Shelley
- Supervisor Bill Maher
- N.O.W., *among many others.*

Fiscal Know-How

- Former Chief Financial Officer of one of the nation's largest service companies (Ogden Corporation), Maria managed the budget and investments in excess of $300 million.
- Named "Woman of the Year" by the Financial Women's Association (1991).

A Vision for Educational Reform

- Protect critical education programs and rebuild aging infrastructure.
- Increase support services to students, including counseling and childcare.
- Support the City College Foundation in fundraising for new programs and facilities.

Congresswoman Barbara Boxer is working with Maria Monet for solutions to our education crisis.

Nancy Pelosi has given Maria Monet her enthusiastic support.

Former Mayor Dianne Feinstein has endorsed Maria Monet for Community College Board.

BART DIRECTOR DISTRICT 9

✓ Mike Bernick • Incumbent

Mike Bernick has pushed to extend BART hours, fought for renovations and beefed up security in high crime stations. His commitment to gender parity and domestic partnership benefits has won him numerous endorsements. And Mike Bernick supports taking BART directly into SFO.

SAN FRANCISCO B

No on Prop. H
No on Higher Rents

Prop. H would have serious consequences for homeowners and renters. By imposing an unnatural ceiling on rent increases 40% below inflation rates, Prop. H would force homeowners to choose between putting off necessary property repairs — causing MASSIVE DETERIORATION of our neighborhoods and passing on costs to renters — resulting in HIGHER RENTS.

Prop. H jeopardizes the earthquake safety program promoted by Prop. A. Add to this the losses due to urban decay, mortgage foreclosures, reductions in the rental stock and skyrocketing rents and you know why Prop. H is a losing proposition — WE ALL WOULD LOSE. Vote No on Prop. H.

Yes on
Jail Bonds

Yes on
Fire Departme

Yes on
Health Departi
Financing

Yes on
Collective Bar
Start Date

Yes on
Retirement Al
Increase

Yes on
Retirement Pl

YES ON PROP. J

Stop Aggressive Panhandling!

Stop the hounding and harassment by aggressive panhandlers. Protect visitors to our city from unwanted intimidation. Make our streets safe and secure again. Vote Yes on Prop. J.

YES O

San Francisco neec

Prop. K answers the city's urgent need
overcrowding and promotes preventative
Democratic clubs and unions, Prop. H is a
for all San Franciscans.

LLOT PROPOSITIONS

Yes on Prop. A *
Earthquake Safety

op. B ✓

op. C ✓
nds

op. D ✓
Lease

op. E ✓
ng

op. F ✓
nce

rop. G ✓
ransfer

Help San Francisco survive the next earthquake. Prop. A will fund efforts to strengthen unreinforced brick buildings to avoid untold destruction and prevent deaths, injuries, job and business losses and homelessness.

- protects 45,000 jobs.
- preserves affordable housing and prevents more homelessness.
- creates 3,000-4,000 new jobs for San Franciscans.
- is a loan program, not a grant.

Join the following in support of Prop. A:
Supervisor Tom Hsieh, Mayor Frank Jordan, All 11 Supervisors, the Democratic and Republican Parties, the Green Party, Lt. Governor Leo McCarthy, State Senator Milton Marks, Coalition for Seismic Safety, and the Chamber of Commerce.

PROP. K ·

more space for HMO's!

health care facilities, helps alleviate HMO

. Endorsed by numerous neighborhood groups,

in the direction of providing sound health care

✓

NO ON PROP. L ·

Cast your vote for affordable housing!

Vote No on Prop. L and transform a neighborhood eyesore into affordable housing for San Franciscan families, increase our economic base and preserve the Farmer's Market.

✓

164*
165*
166*

SAN FRANCISCO EDITION

DEMOCRATIC VOTER CHECKLIST

Bill Clinton
President

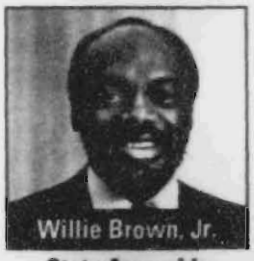
Barbara Boxer
U.S. Senate

Dianne Feinstein
U.S. Senate

Tom Lantos
U.S.Congress 12th District

Nancy Pelosi
U.S. Congress 8th District

STATE OFFICES



Willie Brown, Jr.
State Assembly
13th District

John Burton
State Assembly
12th District

Milton Marks
State Senate
3rd District

STATE PROPS

✓ **No on Prop. 167** ***California needs jobs not MORE TAXES.***

✓ **No on Prop 161** ***A deadly proposal with inadequate safeguards.***

✓ No on Prop. 155
✓ Yes on Prop.156*
✓ Yes on Prop. 157
✓ Yes on Prop. 158*
✓ Yes on Prop. 159*
✓ Yes on Prop. 160
✓ Yes on Prop. 162*
✓ Yes on Prop. 163*
✓ No on Prop. 164*
✓ No on Prop. 165*
✓ No on Prop. 166*

California Democratic Voter Checklist 268 Bush Street, San Francisco, CA 94104

DEMOCRATIC VOTER CHECKLIST

KATHLEEN BROWN FOR GOVERNOR – To revive California's economy and restore hope for our future.

SENATOR DAVID ROBERTI FOR TREASURER – To free up critical funds to put more police on our streets.

Governor
KATHLEEN BROWN *

Lieutenant Governor
GRAY DAVIS

Secretary of State
GWEN MOORE *

Controller
JOHN "RUSTY" AREIAS *

State Treasurer
DAVID ROBERTI *

Attorney General
TOM UMBERG *

Insurance Commissioner
ART TORRES *

State Board of Equalization
ROBERT PRESLEY *

United States Senate
DIANNE FEINSTEIN

U.S. Congress
JAMES H. GILMARTIN

State Assembly
JAMES L. HUTCHINS

State Supt. of Public Instruction
DELAINE EASTIN *

Sheriff
ROBERT IRMAS *

Judge of the Superior Court
 # 2 TERRY B. FRIEDMAN *
 # 4 TERI SCHWARTZ *
#23 MARLENE KRISTOVICH*
#39 RONALD COEN *
#93 DONALD BARNETT *

Judge of the Municipal Court
PAMELA R. ROGERS *

Assessor
KENNETH P. HAHN *

State Measures

YES on 1A *
Rebuilds and strengthens bridges and creates 40,000 new jobs

YES on 1B

YES on 1C *
Create jobs now, training opportunities later

YES on 175
YES on 176
YES on 177
NO on 178
YES on 179
YES on 180

TERRY FRIEDMAN
for Superior Court Judge

Law Enforcement "highly recommends" Terry Friedman for Judge.

Stop the wave of violent juvenile crime!
Vote Tom Umberg

GWEN MOORE
SECRETARY OF STATE

DELAINE EASTIN
SUPERINTENDENT OF PUBLIC INSTRUCTION

RUSTY AREIAS
CONTROLLER

California Democratic Voter Checklist, P.O. Box 191467, SF, CA 94119

90045900357

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CALIFORNIA EDITION

DEMOCRATIC VOTER CHECKLIST

FOR GOVERNOR ✓ KATHLEEN BROWN

AMERICA'S BEST TREASURER TO REVIVE AMERICA'S WORST ECONOMY

- Earned taxpayers a record $4 billion
- Financed projects that created over 200,000 jobs
- Kept California solvent during Wilson's recession

FOR TREASURER ✓ DAVID ROBERTI

THE MAN WHO BANNED ASSAULT WEAPONS

- Called "a man of courage" by Sarah Brady
- Passed the nation's first assault weapons ban
- Mandated a 15-day waiting period for gun purchases
- Beat the N.R.A. recall

FOR ATTORNEY GENERAL ✓ TOM UMBERG

Citizen Prosecutor to overhaul our failed crime control system.

INSURANCE COMMISSIONER ✓ ART TORRES

Nationally recognized leader for health care reform.

Bulk Rate
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California
Democratic
Voter Checklist

YOU VOTE AT:

QUARTZ HILL MOBILE HOME PARK
5711 W AVENUE M

To:

CR-RT SORT **** CR66

MRS BERNICE M HAMM
5711 W AVENUE M #25
QUARTZ HILL, CA 93536

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*Federal candidates not appearing with an * paid for by CDVC, not authorized by any candidate or candidate's committee.*

CALIFORNIA EDITION

DEMOCRATIC VOTER CHECKLIST

✓ KATHLEEN BROWN FOR GOVERNOR

America's Best Treasurer to Revive America's Worst Economy

As California's Treasurer, Kathleen Brown earned a record $4 billion for taxpayers. Her innovative financial programs have earned taxpayers a high return while making necessary investments in the future of our state. She has secured funds to build new schools, colleges and hospitals, in the process creating 210,000 new jobs. As Governor, Kathleen Brown will fight to create one million jobs. Her economic agenda will revive California's recession-torn economy and restore hope for the future to California's working families.

✓ DAVID ROBERTI FOR TREASURER

The Man Who Banned Assault Weapons

Called "a man of courage" by Sarah Brady, Senator David Roberti wrote the nation's first law banning assault weapons. Senator Roberti recently defeated an NRA-backed recall attempt, inspiring both the U.S. House and Senate to pass a federal law banning assault weapons.

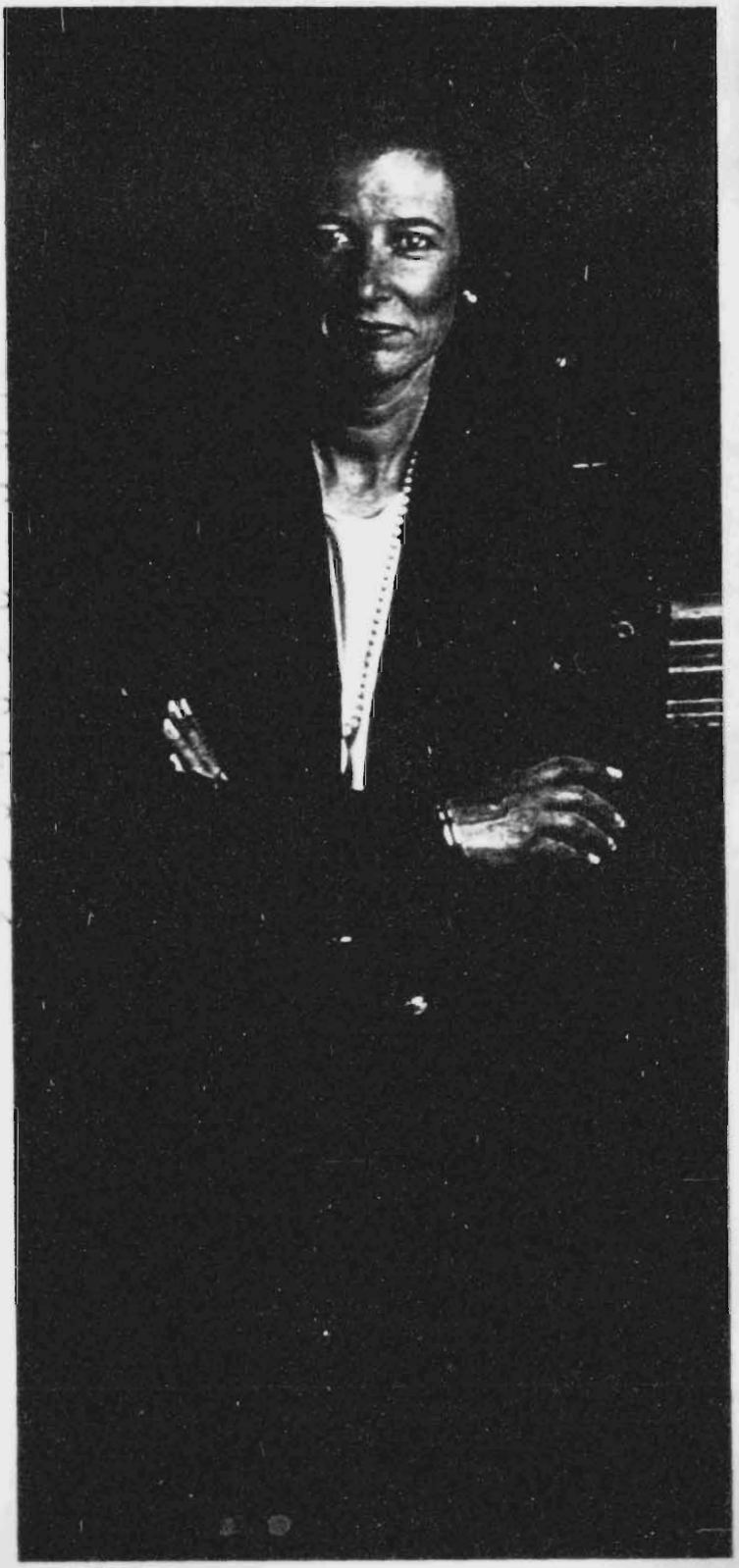
✓ TOM UMBERG FOR ATTORNEY GENERAL

Citizen Prosecutor

As Attorney General, Tom Umberg will lead California's war against crime and violence. A former federal prosecutor, Umberg will take back our streets for families and law-abiding citizens.

CALIFORNIA DEM

FOR GOVERNOR ✓ KATHLEEN BROWN*



REVIVE OUR ECONOMY

In the last four years, 550,000 Californians have lost their jobs. 54,000 businesses have failed. Today, we have the slowest rate of job growth in America. To end our recession, Kathleen Brown is fighting to create one million new jobs. As Governor, she will end the disastrous policies of Republican Pete Wilson and revive our economy.

AMERICA'S BEST TREASURER

In the midst of economic crisis, Treasurer Kathleen Brown earned a record $4 billion for California taxpayers, secured financing for $12 billion in voter-approved projects–building new classrooms, prisons and health care facilities–and created over 200,000 jobs. Kathleen Brown acted decisively to refinance bonds, saving us $249 million. And through the worst of Wilson's fiscal fiascos, Kathleen Brown defended our credit rating and kept California solvent.

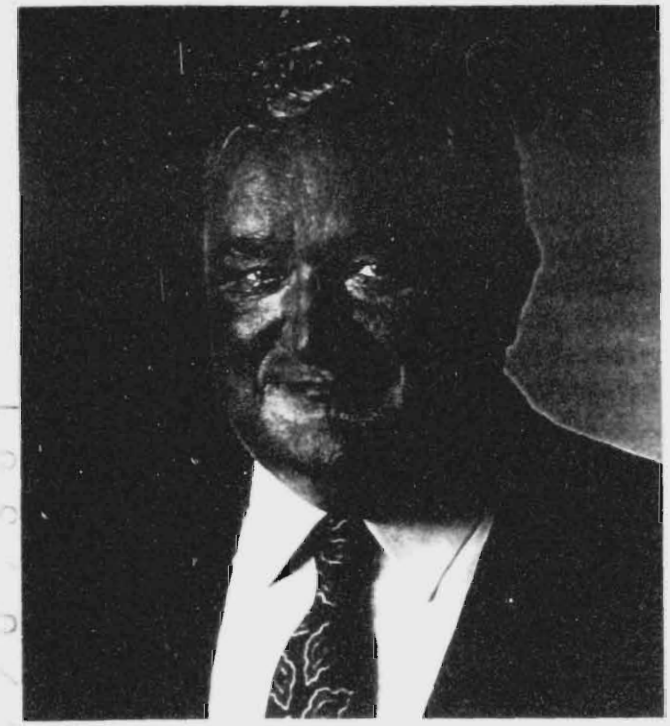
TO REVIVE AMERICA'S WORST ECONOMY

Kathleen Brown's fight for economic revival focuses on creating one million new jobs by 1998. Her program calls for California to:

- Rebuild our infrastructure.
- Invest in education and job training.
- Provide tax incentives for job creation and business investment.
- Break the regulatory gridlock that chokes job creation.
- Stop the exodus of jobs and businesses to other states.
- Adopt "California First" policies that give priority to California workers and businesses for state-contracted projects.

CRATIC VOTER CHECKLIST

FOR TREASURER ✓ DAVID ROBERTI*



THE MAN WHO BANNED ASSAULT WEAPONS

Armed with courage and determination, Senator David Roberti fought assault weapon extremists and triumphed. He passed the nation's first assault weapons ban and defeated a recall campaign funded by the National Rifle Association. Today, David Roberti continues the fight for an even more comprehensive ban on these deadly firearms.

A TREASURER WITH COURAGE

Throughout his 27-year career, Senator David Roberti has demonstrated the courage of his conscience — no matter how powerful the opposition. National anti-gun advocate Sarah Brady called him "a man of courage."

Confronting gang violence, he fought to slap an additional seven-year sentence on felony convicts who use automatic weapons. To keep guns out of the hands of dangerous felons and psychopaths, he mandated a 15-day waiting period for the purchase of guns.

He tackled the auto, oil and chemical corporations to make California air quality laws the toughest in the nation. And he stood up for the middle class so they wouldn't be forced to bear the burden of Wilson tax hikes.

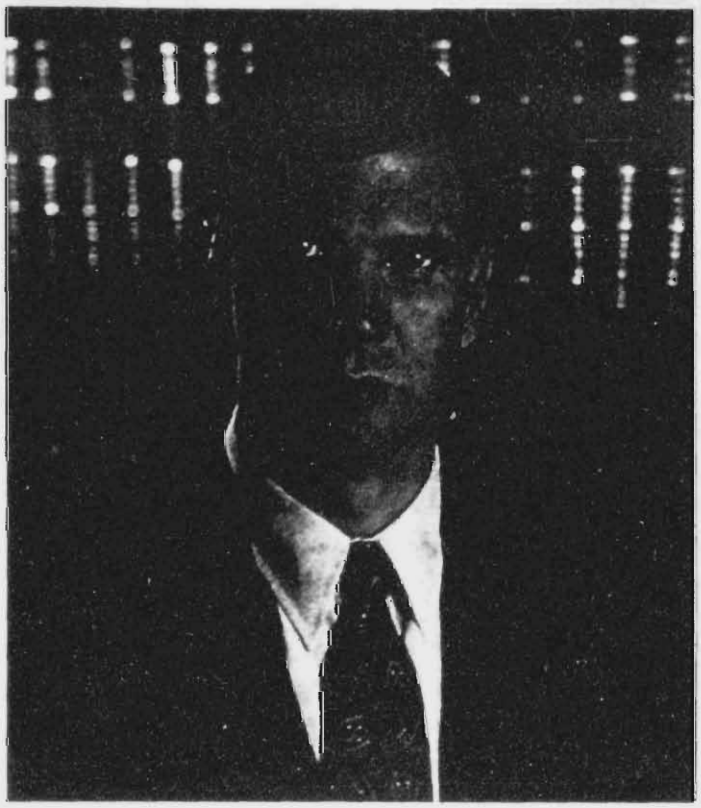
A TREASURER WHO FIGHTS CRIME

As Treasurer, Senator David Roberti will continue to fight for a more comprehensive ban on assault weapons and the deadly ammunition used to kill and maim innocent victims. He'll also work to free up critical funds to put more police on the streets and to enhance anti-drug and crime control programs.

ON JUNE 7, CAST YOUR VOTE FOR DAVID ROBERTI FOR TREASURER. THE MAN WHO BANNED ASSAULT WEAPONS.

CALIFORNIA DEM

FOR ATTORNEY GENERAL ✓ TOM UMBERG*



CITIZEN PROSECUTOR

In the last five years, the number of violent crimes committed by juveniles has increased by 63.7%. In 1992 alone, Californians were plagued by over 340,000 rapes, murders, robberies and assaults. It's time that California had an Attorney General — our top crime-fighting official — who can turn the tide against violent crime.

TAKING COMMAND

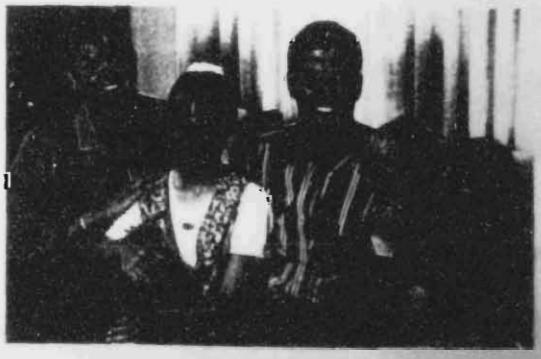
Orange County Assemblyman Tom Umberg has the experience, the ability and the will to rally Californians and lead the war against crime.

As a Military Prosecutor, Tom Umberg convicted rapists, violent felons and murderers. As Assistant U.S. Attorney, he prosecuted drug kingpins, perpetrators of hate crimes, and con artists who prey on senior citizens–and never lost a case. In the State Assembly, he authored the "three strikes you're out" law endorsed by prosecutors and police. As our Attorney General, Tom Umberg will mount a comprehensive attack on crime and the flawed system that has failed to protect us.

THE UMBERG AGENDA

As Attorney General, Tom Umberg will fight to:

- Halt the drastic escalation of violent juvenile crime.
- Completely ban military-style assault weapons.
- Build and operate more state prisons so three-time violent offenders get the punishment they deserve.
- Create boot camps for first-time offenders.
- Enforce the death penalty.



CRATIC VOTER CHECKLIST

INSURANCE COMMISSIONER ✓ ART TORRES*

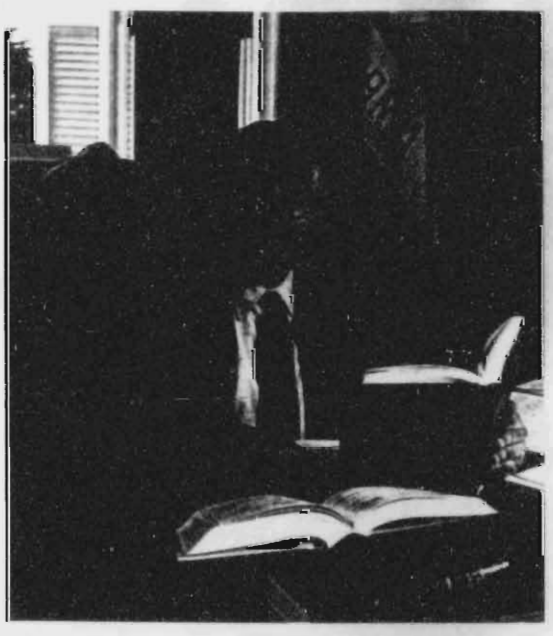
HEALTH CARE FOR ALL CALIFORNIANS

Senator Art Torres' first concern is for the health and welfare of Californians. He's not afraid to take on insurance companies and demand equitable treatment and full coverage for all Californians. Senator Art Torres stands for fairness. He refuses to accept any campaign contributions from the insurance industry.

TORRES HEALTH CARE PLAN: A NATIONAL MODEL

Art Torres has led the fight for universal health care for all Californians. He has:

- Worked to meet the needs of seniors, women and children.
- Demanded full coverage of Long Term Care for the elderly.
- Fought the insurance companies' unequal treatment of women.
- Authored legislation barring insurance companies from denying treatments to patients with life-threatening illnesses, like breast cancer.



So thorough was Art Torres' plan for universal coverage in California, President Clinton made it a model for his National Health Security Act.

THE ART TORRES BILL OF RIGHTS

Following the 1989 Loma Prieta earthquake and the 1991 Oakland Hills fire, Art Torres stood with Californians who were unable to relocate or rebuild their homes due to unfair insurance tactics. His Homeowners' and Renters' Bill of Rights will protect Californians from insurance company abuses. As Insurance Commissioner, Art Torres will fight to enact his Bill of Rights.

CALIFORNIA DEMO

SECRETARY OF STATE ✓ GWEN MOORE*

ADVOCATE FOR REFORM

Gwen Moore has always been a public advocate. She is a former teacher, probation officer and Community College Trustee, and is now in the State Legislature where she has authored more than 300 laws.

CHAMPION OF REFORM

Gwen Moore will use the authority of the Secretary of State's office to champion reforms. She will provide citizens with greater access to the election process through her plans for simplified voter registration, vote-by-mail and computer generated information about candidates and ballot issues.

ECONOMIC LEADERSHIP

As an advocate for attracting new businesses to California, Gwen Moore will lead the fight to:

- Cut red tape by streamlining the business permitting process.
- Assist businesses in the electronic transmission of information.
- Take an active role in the California World Trade Commission.

Gwen Moore is endorsed by the California Federation of Labor/AFL-CIO, National Organization for Women, National Women's Political Caucus, Latino Democratic Club, Los Angeles County Professional Peace Officers Association among many others.

BOARD OF EQUALIZATION

✓ JOHAN KLEHS*

District 1: Northern California

As Chair of the Assembly Revenue and Taxation Committee, Klehs relieved the tax burden on low and middle income taxpayers. Johan Klehs will consolidate the State Franchise Tax Board and the Board of Equalization, saving money and improving efficiency of tax collection in California.

✓ ROBERT PRESLEY*

District 2: Central California

Robert Presley was voted "Overall Best State Senator" by the California Journal for his effectiveness, integrity and intelligence. He has worked aggressively to build a stable economic environment and encourage businesses to reinvest in California's future.

✓ BRAD SHERMAN*

District 4: Los Angeles Area

As Chairman of the Board of Equalization, Brad Sherman fought Wilson's outrageous "snack tax." He joined forces with President Clinton to block a $4 billion tax rip off by giant multinationals and re-wrote tax laws to encourage high-wage manufacturing jobs without reducing state revenues.

ORATIC VOTER CHECKLIST

CONTROLLER ✓ RUSTY AREIAS*

BUSINESS SENSE AND FISCAL KNOW-HOW

Rusty Areias is the only candidate for Controller with both the skills and the experience to manage government like a business. A managing partner of one of the State's largest dairy businesses for 23 years, Rusty Areias is now in the State Legislature where he spearheaded earthquake recovery efforts and pushed for reform of California's finances.

THE AREIAS PLAN FOR REFORM

Smart management, not increased costs to taxpayers, is the key to restoring economic opportunity. Rusty Areias has a detailed plan to make government more efficient and less dependent on taxes. His plan calls for:

- Strict auditing procedures.
- Measures to eliminate bureaucratic red tape.
- An assessment of the necessity and expense of boards and commissions.
- Efficient management of state lands.

Rusty Areias is endorsed by the California Teachers Association, California's Pro-Choice Women/CARAL, the Contra Costa Times and all of the major police officer organizations in California.

SUPERINTENDENT OF PUBLIC INSTRUCTION ✓ DELAINE EASTIN*

RESCUING A SCHOOL SYSTEM IN CRISIS

Delaine Eastin is the state's strongest advocate for education reform. Following a successful career as a community college teacher and businesswoman, Delaine Eastin was elected to the Assembly in 1986. In her first term, Delaine Eastin was named "Rookie of the Year" by California Journal Magazine. Four years later, she was named chair of the Assembly Education Committee.

DELAINE EASTIN'S LEGISLATIVE HIGHLIGHTS

- California Public School Library Protection Act '93 – assists K-12 pubic schools in purchasing core literature, library materials and media technology.
- Financial Accountability for Schools '92 – sets standards of financial management and oversight to prevent school failures.
- Streamlining the School Construction Process '91– cuts bureaucratic permitting maze to expedite school construction.
- Lottery Funds for Special Schools – helps fund the California School for the Deaf and the California School for the Blind.

Delaine Eastin is endorsed by the California Teachers Association, American Federation of Teachers-College Guild, California Federation of Teachers, California Faculty Association, National Organization of Women, California Abortion Rights Action League, California Federation of Labor/AFL-CIO, California Organization of Police and Sheriffs.

CALIFORNIA EDITION

DEMOCRATIC VOTER CHECKLIST

DAVID ROBERTI
TREASURER

KATHLEEN BROWN
GOVERNOR

TOM UMBERG
ATTORNEY GENERAL

ART TORRES
INSURANCE COMMISSIONER

GWEN MOORE
SECRETARY OF STATE

DELAINE EASTIN
SUPERINTENDENT OF PUBLIC INSTRUCTION

RUSTY AREIAS
CONTROLLER

JOHAN KLEHS
BOARD OF EQUALIZATION
DISTRICT 1: NORTHERN CALIFORNIA

ROBERT PRESLEY
BOARD OF EQUALIZATION
DISTRICT 2: CENTRAL CALIFORNIA

BRAD SHERMAN
BOARD OF EQUALIZATION
DISTRICT 4: LOS ANGELES AREA

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Tom Umberg *

Insurance Commissioner
Art Torres *

U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
Delaine Eastin *

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YES ON 189 YES ON 191

Board of Equalization
Johan Klehs *

A.C. Transit Dist, At Large
Alberto S. Rocha *

County Measure
Yes on V

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CALIFORNIA EDITION

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YOU VOTE AT:

Garage
3469 Virgil Cir Pl
Phone No..(510) 462-0148

For

CR-RT SORT **** C027

Ms. Diane Davidson
3222 Glenda Ct
Pleasanton, CA 94588

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Dianne Feinstein

Superintendent of Pub Instruction
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NO ON 190 *
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Board of Equalization
Johan Klehs *

County Measure
Yes on B *

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California Democratic Voter Checklist, P.O. Box 191487, SF, CA 94119

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YOU VOTE AT:

For Your Polling Place Information, Call (510) 646-4166

To:

Miss Lisa C. Boeger
1066 Bollinger Canyon Rd
Moraga, CA 94556

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Board of Equalization
Johan Klehs *

U.S. Representative
Lynn Woolsey

Assessor-Recorder
Joan Thayer *

Hospital District
Suzanna Coxhead *
Paul Lofholm *
Nancy P. McCarthy *

Joan Thayer
for Assessor
Protector of Your Property Rights

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and her plan to create jobs, improve schools and fight crime.

Senator Art Torres
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He fought the insurance companies' unequal treatment of women.

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YOU VOTE AT:

For Your Polling Place Information, Call (415) 499-6442

To:

CR-RT SORT **** C041

Ms. Lucrecia H. Osadchuk
940 Del Ganado Rd
San Rafael, CA 94903

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YOU VOTE AT:

For Your Polling Place Information, Call (707) 527-1800

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The Bertolucci Family
430 Anza Dr
Sonoma, CA 95476

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Steve Clute

State Senate
Kay Ceniceros *

State Assembly
David Hendrick

Supervisor
Tom Mullen *

Kay Ceniceros
for State Senator
An Independent Democrat.
Endorsed by Law Enforcement Leaders.

Tom Mullen
for Supervisor
Law Enforcement's Choice.
Endorsed by Senator Robert Presley.

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YOU VOTE AT:

American Legion Hall
600 S D St
Perris, Ca 92570

TO:

CR-RT SORT **** C003

The Jones Family
1606 Edgefield St
Perris, CA 92571

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U.S. Representative
Brett Williamson

Mayor
Tom Daly *

City Council
Leonard Lahtinen *
Bob Zemel *

School District
Steve Staveley *

Anaheim Union High School Dist
R.A. "Molly" McGee *
Joanne L. Stanton *
Beverly J. Yourstone *

County Measure
No on A *

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Vote Tuesday!

NO ON PROP 187

- IT WON'T BEEF UP OUR BORDERS OR ENFORCE THE LAWS WE ALERADY HAVE.
- IT WILL CAUSE A $1,600 ANNUAL TAX INCREASE FOR CALIFORNIA FAMILIES.
- IT WILL PUT 300,000 KIDS ON THE STREETS – MORE CRIME AND GANGS.

California Democratic Voter Checklist, P.O. Box 191467, SF, CA 94119

9904370377

9 8 0 4 0 9 0 0 3 7 0

CALIFORNIA EDITION

DEMOCRATIC WOMEN'S CHECKLIST

✓ FOR GOVERNOR KATHLEEN BROWN

As Treasurer, her tough management kept California solvent through fiscal crisis.

As Governor, Kathleen Brown will enact her written economic plan that starts by cutting $5 billion in government waste, creates one million new private sector jobs, freezes college tuition and improves our schools. Read her plan and see the difference!

FOR U.S. SENATE ✓ DIANNE FEINSTEIN

- Won a nationwide ban on semi-automatic assault weapons.
- Passed a landmark law to expel students who bring guns to school.

INSURANCE COMMISSIONER ✓ ART TORRES

- Unlike his opponent, Art doesn't accept money from insurance companies.
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Bulk Rate
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Voter Checklist

YOU VOTE AT:

Casa Hermosa Clubhouse
525 N Gilbert St
Anaheim, Ca 92801

To:

CR-RT SORT **** C004

Miss Laurie Dominick
525 N Gilbert St # 31
Anaheim, CA 92801

NOTICE TO VOTERS

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Governor
Kathleen Brown *

Lieutenant Governor
Gray Davis

Secretary of State
Tony Miller

Attorney General
Tom Umberg *

Insurance Commissioner
Art Torres *

U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
Delaine Eastin *

State Measures

YES ON 181 *
Reduce Traffic Congestion

NO ON 185 *
Taxes are too high now. Stop the $700 million a year tax hike.

NO ON 186 *
Stop Government-Run Health Care

NO ON 187 *
It Just Makes A Bad Situation Worse

YES ON 188 *
Statewide Smoking Restrictions

NO ON 190 *
Keep Politicians Out of the Courts

YES ON 183 YES ON 184 *
YES ON 189 YES ON 191

Board of Equalization
Robert Presley *

U.S. Representative
Don Rusk *

Assessor
Donald E. Williamson *

Don Williamson
for Assessor
Over 30 Years
Experience has
Earned Your Vote.

Don Rusk
for Congress
Endorsed by
Assemblyman Joe Baca.

Vote for Kathleen Brown
and her plan to create jobs,
improve schools and fight crime.

Senator Art Torres
for Insurance Commissioner
He fought the insurance companies'
unequal treatment of women.

Vote Democrat!

Vote Tuesday!

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CALIFORNIA EDITION

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YOU VOTE AT:

Coons Residence
1740 N Ohio St
Phone No..(909) 335-9214

To:

CR-RT SORT **** CR04

The Arzaga Family
407 W Baldwin Av
Redlands, CA 92374

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Secretary of State
Tony Miller

Attorney General
Tom Umberg *

Insurance Commissioner
Art Torres *

U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
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YES ON 183 YES ON 184 *
YES ON 189 YES ON 191

Board of Equalization
Johan Klehs *

State Senate
Bill Lockyer *

State Assembly
Liz Figueroa *

Superior Court Judge
Rene Navarro *

Assessor
Larry Stone *

East Side High School Board
Lyman "Chip" Guest *
Patricia Martinez-Roach *
Rodney G. Moore *

City Measure
Yes on D *

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and her plan to create jobs, improve schools and fight crime.

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for Insurance Commissioner
He fought the insurance companies' unequal treatment of women.

Vote Democrat!

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YOU VOTE AT:

Red Carpet Realty Office
At Mckee Rd. & Capitol Ave.
311 N Capitol Ave.-E

Bulk Rate
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To:

Cr-Rt Sort **** C028

Ms. Sherlyn M. Takacs
2811 McKee Rd # 209
San Jose, CA 95127

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Gray Davis

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Tony Miller

Attorney General
Tom Umberg *

Insurance Commissioner
Art Torres *

U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
Delaine Eastin *

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YES ON 183 YES ON 184 *
YES ON 189 YES ON 191

Board of Equalization
Robert Presley *

U.S. Representative
Rick Lehman *

State Senate
Tony Hagopian

Rick Lehman

for Congress
He stands up for the valley.
He got us more cops,
more prison cells and
more drug enforcement money.

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YOU VOTE AT:

Cole Residence
673 E Ellery
Btwn Bullard And Sierra

To:

CR-RT SORT **** C036

Ms. Julie C. Ford
6276 N Callisch
Fresno, CA 93710

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Gray Davis

Secretary of State
Tony Miller

Attorney General
Tom Umberg *

Insurance Commissioner
Art Torres *

U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
Delaine Eastin *

State Measures

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NO ON 187 *
It Just Makes A Bad Situation Worse

YES ON 188 *
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NO ON 190 *
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YES ON 183 YES ON 184 *
YES ON 189 YES ON 191

Board of Equalization
Robert Presley *

U.S. Representative
Rick Lehman *

State Senate
Jim Costa

State Assembly
Cruz Bustamante

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9 0 0 4 3 9 0 1 3 8 6

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YOU VOTE AT:

Olivet Baptist Church
3721 E Olive And Millbrook
Social Hall +

To:

CR-RT SORT **** C016

Ms. Justine S. Miller
3948 E Olive
Fresno, CA 93702

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Attorney General
Tom Umberg *

Insurance Commissioner
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U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
Delaine Eastin *

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NO ON 187 *
It Just Makes A Bad Situation Worse

YES ON 188 *
Statewide Smoking Restrictions

NO ON 190 *
Keep Politicians Out of the Courts

YES ON 183 YES ON 184 *
YES ON 189 YES ON 191

Board of Equalization
Johan Klehs *

U.S. Representative
Anna Eshoo

Hospital District
Robert F. Sawyer *
Susan S. Smith *

Harbor District
Donald W. Sherer *

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and her plan to create jobs, improve schools and fight crime.

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for Insurance Commissioner

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YOU VOTE AT:

For Your Polling Place Information, Call (415) 312-5222

TO:

Cr-Rt Sort **** B001

Mrs. Kathleen A. Barkenhus
PO Box 71
San Mateo, CA 94401

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U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
Delaine Eastin *

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YES ON 189 YES ON 191

Board of Equalization
Johan Klehs *

U.S. Representative
Pete Stark

State Senate
Bill Lockyer *

Municipal Utility Dist (EBMUD)
Frank Mellon *

A.C. Transit Dist, At Large
Alberto S. Rocha *

A.C. Transit District, Ward 4
John Griego *

Eden Hospital District
Suzanne Barba *
Bruce Barnes *
Ralph Howard *

County Measure
Yes on V

Regional Park Dist, Short Term
L. Darryl Gray *

City Measure
Yes on Q *

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for Insurance Commissioner
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CALIFORNIA EDITION

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YOU VOTE AT:

For Your Polling Place Information, Call (510) 272-6973

To:

CR-RT SORT **** B009

Mrs. Maria C. Bibby
P O Box 56070
Hayward, CA 94545

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YES ON 189 YES ON 191

U.S. Representative
Esteban E. Torres *

State Senate
Hilda Solis

State Assembly
Martin Gallegos *

Appellate Court
Vote Yes To Confirm All Justices *

Superior Court Judge
Terry B. Friedman #2 *
Teri Schwartz #4 *
Mitchell Block #93 *

TERRY FRIEDMAN
FOR SUPERIOR COURT.

Respected lawmaker.
Experienced law professor.
L.A. Times says Friedman will be "an excellent judge."

Kathleen Brown

is fighting for quality schools and safe neighborhoods for California's families.

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He fought the insurance companies' unequal treatment of women.

Vote Democrat!

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CALIFORNIA EDITION

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Bulk Rate
U.S. POSTAGE
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Democratic
Voter Checklist

To:

0670139A 34 24 57 04 RH

Mrs. Rosita M. Diesman
14041 Don Julian Rd
La Puente, CA 91746

NOTICE TO VOTERS

*THIS DOCUMENT WAS PREPARED BY THE CALIFORNIA DEMOCRATIC VOTER CHECKLIST, NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.*

*Federal candidates not appearing with an * paid for by CDVD, not authorized by any candidate or candidate's committee.*

CALIFORNIA EDITION

DEMOCRATIC FAMILY CHECKLIST

✓ FOR GOVERNOR KATHLEEN BROWN

As Treasurer, her tough management kept California solvent through fiscal crisis.

As Governor, Kathleen Brown will enact her written economic plan that starts by cutting $5 billion in government waste, creates one million new private sector jobs, freezes college tuition and improves our schools. Read her plan and see the difference!

FOR U.S. SENATE ✓ DIANNE FEINSTEIN

- Won a nationwide ban on semi-automatic assault weapons.
- Passed a landmark law to expel students who bring guns to school.

INSURANCE COMMISSIONER ✓ ART TORRES

- Unlike his opponent, Art doesn't accept money from insurance companies.
- Art will make sure that Californians with life-threatening diseases like breast cancer get the treatment they need.

VOTER ALERT! Wilson gave a huge tax break to the rich. Cut school funding. Raised taxes by $7 billion and drove California into bankruptcy. Your vote is crucial to defeating Wilson and getting California back on track!

YOU VOTE AT:

Bulk Rate
U.S. POSTAGE
PAID
California
Democratic
Voter Checklist

LATIN AMERICAN BIBLE INST
CLASSROOM/BLDG 2

To:

0670140A 34 24 57 04 RH

The Reeves Family
13702 Alanwood Rd
La Puente, CA 91746

NOTICE TO VOTERS

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Federal candidates not appearing with an * paid for by CDVD, not authorized by any candidate or candidate's committee.

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

TO: Levis for Judge Campaign
c/o Judge John Gallegher
529 East Hillard
Fresno, CA 93704

INVOICE #: 1033

Second Notice

Time is running short for the preparation, printing, proofing and dropping of this complex piece. Please mail your check in today.

DATE	ITEM	COST
5/9/90	Listing space on June Primary slate card	300.00

The spelling and office desired will be listed as follows:

JUDGE OF THE MUNICIPAL COURT DISTRICT #1
W. KENT "BUCK" LEVIS, JR.

Any changes to the name or office must be made at time of payment. Any changes after payment date may not be incorporated. IN NO CASE can changes be accepted after May 15, 1990.

TOTAL DUE $300.00

Balance is due on receipt. Please make your check payable to the "California Democratic Voter Checklist."

Thank you if your check has already been sent.

9804390393

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

MEMORANDUM OF UNDERSTANDING

The Brad Sherman for State Board of Equalization, District 2 Committee (hereinafter SHERMAN COMMITTEE) agrees to pay California Democratic Voter Checklist (hereinafter CHECKLIST) $100,000 in return for the following Slate Mail Program:

1. CHECKLIST will list Brad Sherman as the sole reccomended candidate for the position of MEMBER, STATE BOARD OF EQUALIZATION for the 2d District.

2. CHECKLIST agrees to mail a minimum of 550,000 pieces to targeted Democratic Households in the 2d District. The targeting, where available from County Registrar files, shall consist of a consistent Primary Election voter history.

3. If the number of units mailed by the CHECKLIST falls below 550,000 pieces, the SHERMAN COMMITTEE shall be refunded the amount of 9.1¢ per piece for every piece under 2.2 million mailed.

3. CHECKLIST agrees to make available to the SHERMAN COMMITTEE the computer print-out of the Carrier Route Report as a means of verifying that the threshold number of units has been mailed.

4. NO on 118 and 119 will be given featuring on each of the cards equal to approximately xx words of text. The SHERMAN COMMITTEE shall be involved in the drafting of this feature and shall have final approval rights.

5. CHECKLIST agrees that all mail will be dropped in Los Angeles by Thursday May 31, 1990 or at the appropriate Regional Post Office by Friday June 1, 1990.

Date:_____ Date:_____

_____ _____

Brad Sherman

Clinton Reilly
California Democratic Voter Checklist

9 8 0 4 3 9 0 0 3 9 4

AGREEMENT FOR SLATE MAILER LISTINGS AND RELATED SERVICES

This agreement is made and entered into this 22nd day of August, 1990, in the City of Sacramento, County of Sacramento, State of California, and is between the CALIFORNIA DEMOCRATIC VOTER CHECKLIST, a sole proprietorship owned by Clinton Reilly and CALIFORNIANS FOR NEW FORESTRY(State ID#892085).

SECTION 1

1.1 CALIFORNIA DEMOCRATIC VOTER CHECKLIST (hereinafter "CDVC") is a slate mailer organization headquartered at 704 Sansome Street, San Francisco, California. CDVC is producing a statewide slate mailer to a target of 3 million households of probable gubernatorial voters in the November 1990 general election.

1.2 CALIFORNIANS FOR NEW FORESTRY(hereinafter "CNF") is a political organization whose primary objective is the passage of Proposition 138 and the defeat of Proposition 130 in the November 1990 General Election. CNF is an organization headquartered at 1303 J Street, Suite 770, Sacramento, California.

SECTION 2

As the authorized representative for the Yes on 138/No on 130 campaign and as publisher of a November 1990 statewide slate card, the representative of CNF and CDVC hereby agree as follows:

2.1 CDVC agrees to:

2.1 (a) Provide, on the front of the slate card,. one half of a 4-1/2" x 2" space in which the following recommendations will appear:

YES on 138

NO on 130

2.1 (b) Use three (3) colors on the front of the slate card: red, green and black;

2.1 (c) CDVC also agrees to provide special highlights on the actual slate of propositions that appear on the back of the card for the following recommendations:

YES on 138

NO on 130

2.1 (d) CDVC further agrees to provide CNF with one half of a 1" x 5" rectangular box at the bottom of the back of the card.

2.1 (e) CDVC agrees to work closely with CNF regarding all wording on the card that pertains to their campaign.

2.2 In consideration of the provisions of section 2.1 above, CNF agrees as follows:

2.2 (a) CNF agrees that the Yes on 138/No on 130 campaign will pay CDVC a total of $300,000.00. Payment will be made in the following installments: $75,000.00 on August 15, 1990; $50,000.00 on September 15, 1990; $75,000.00 on October 1, 1990; and $100,000.00 on October 15, 1990.

2.2 (b) CNF further agrees to use their best efforts to help CDVC secure an additional minimum of $150,000.00 from the "Careful Initiative" (Yes on 135). The Yes on 135 campaign is managed by Lee Stitzenberger of the Dolphin Group.

2.2 (c) CNF will assist where possible to encourage other campaigns to participate in the slate card. In general CNF agrees to collaborate closely with CDVC to ensure a successful card.

2.3 In recognition of the efforts of CNF, and in consideration of the payments described in section 2.2(a), above, CDVC agrees to pay CNF representative commissions totalling $45,000.00. These commissions will be paid in the following installments: $11,250.00 on September 15, 1990; $7,500.00 on October 1, 1990; and $26,250.00 on October 15, 1990.

SECTION 3

3.1 This Agreement constitutes the entire understanding of the parties. There are no representations, warranties, or covenants other than those herein specifically set forth.

3.2 No modification of this agreement or any part thereof shall be effective unless in writing and duly executed by both parties.

3.3 If any provision of this Agreement is held invalid or unenforceable, the remainder of the Agreement shall nevertheless remain in full force and effect. Furthermore, any provisions of this contract deemed invalid or unenforceable will be renegotiated to comply with existing regulations in such a way that the intent and substantive effect on both parties remains intact.

3.4 The waiver by any party or specific breach of, or default under this Agreement shall not be deemed a waiver of any subsequent breach or default.

3.5 If this Agreement is executed by the parties on different dates, the effective date of the Agreement shall be on the date of execution of the last person signing the Agreement.

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

BY: _____ DATED: Aug 23 1990.

Clinton Reilly

CALIFORNIANS FOR NEW FORESTRY

BY: _____ DATED: _____

CNF Authorized Representative

9004390039 7

** CALIFORNIA DEMOCRATIC VOTER CHECKLIST **

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

TO: CARLOS BATARA
FRIENDS OF CARLOS BATARA
395 H STREET SUITE B
CHULA VISTA, CA 92010

INVOICE #:1293

*** BALANCE IS DUE AND PAYABLE UPON RECEIPT ***

SPACE ORDER WILL NOT BE PROCESSED UNTIL PAYMENT IS RECEIVED.

IF PAYMENT IS NOT RECEIVED IN FULL BY 10/19/90 YOUR SPACE ON THE SLATE WILL NOT BE RESERVED.

Please provide the campaign's State I.D. #, and make your check payable to "California Democratic Voter Checklist."

DATE	ITEM	COST
10/17/90	Listing space on November Election slate card	$850.00

** Please advise if any of the following information is incorrect:

CARLOS BATARA
CITY COUNCIL
CHULA VISTA

Any changes to the name or office must be made at time of payment. Changes made after payment date are NOT guaranteed. IN NO CASE can changes be accepted after 10/19/90.

NOTE: Deposit is NOT refundable.

TOTAL DUE **$850.00**

CDVC-1293 1/SD/CC 1465

9 8 0 4 3 9 0 0 3 9 8

** CALIFORNIA DEMOCRATIC VOTER CHECKLIST **

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

PAID 5-16

TO: Richard Allman
109 Gates St.
San Francisco, CA 94110

INVOICE #:9205087

*** THIS BILL IS DUE AND PAYABLE UPON RECEIPT ***

AND IS PAST DUE ON 05/18/92

DATE	ITEM	COST
05/08/92	Listing space on June Election slate card	$500.00

** Listing will include the following information:

CENTRAL COMMITTEE, 13TH A.D.
Richard Allman, #108

Any changes to the name or office must be made at time of payment. Changes made after payment are NOT guaranteed, and in NO CASE can changes be accepted after 05/15/92.

FULL PAYMENT is required to PROCESS orders, and deposits are NOT refundable.

TOTAL DUE **$500.00**

Make check payable to "California Democratic Voter Checklist"
(FEC# C00244525 - FPPC# 590004)
Please provide your campaign Political ID#

CDVC-9205087 3/SF/DC 85

9 8 0 4 3 9 0 0 3 9 9

** CALIFORNIA DEMOCRATIC VOTER CHECKLIST **

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

TO: Annette Hopkins
Ross Communications
1700 L. Street
Sacramento, CA 95814

ATTN: Richie Ross

INVOICE #:9409236

*** THIS BILL IS DUE AND PAYABLE UPON RECEIPT ***

DATE	ITEM	COST
09/23/94	Listing space on November Election slate card	$1,700.00

** Listing will include the following information:

SUPERVISOR
Annette Hopkins

Any changes to the name or office must be made at time of payment. Changes made after payment are NOT guaranteed, and in NO CASE can changes be accepted after 10/01/94.

FULL PAYMENT is required to PROCESS orders, and deposits are NOT refundable.

TOTAL DUE $1,700.00

Make check payable to "California Democratic Voter Checklist"
(FEC# C00244525 - FPPC# 590004)
Please provide your campaign Political ID#

CDVC-9409236 /SU/SUP 117

9 8 0 4 3 9 0 0 4 0 0

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

FACT SHEET

The California Democratic Voter Checklist is a Democratic endorsement "slate card" mailed to likely voters throughout the state. The card endorses candidates and measures at all levels -- from statewide to local districts -- and is a clear, easy-to-follow election-day guide.

What's more, the card is specifically targeted to voters who are likely to turn out for the upcoming November 3rd election. Great care is taken to identify voters with a consistent history of voting in general elections -- so these are the voters you know are most likely to cast ballots on election day.

These targeted voters receive the card within days of the election -- and the attractive, multi-colored piece includes top-quality laser printing of the voter's name and address, as well as the voter's polling location on the front of the card.

The card measures 8.5" x 5.5", is on card stock, and is a two-sided self-mailer. The front of the card contains candidates and measures at the top of the statewide and/or regional ticket. The flip side contains a custom-designed lasered listing of local candidates and measures. Both sides also feature special advertising or messages about key races.

Special messages or advertisements are of the highest quality print or laser graphic production, and include photos, and variable type sizing.

By purchasing a listing on the card, your campaign is provided an inexpensive way to mail one last ID-piece to voters -- for a fraction of the cost of writing, printing, and mailing your most modest campaign brochure.

Over 50% of California voters bring some sort of voter guide to the polls. And, the California Democratic Voter Checklist has been an established and effective mailer in each of the last four statewide elections.

But time is running out -- contact us soon to reserve your space on the California Democratic Voter Checklist. It could make the difference for you this November 3rd!

CALL US AT 415/397-0431 TO RESERVE YOUR SPACE TODAY!

9 8 0 4 3 9 0 0 4 0 1

California Democratic Voter Checklist

FACT SHEET

The California Democratic Voter Checklist is a Democratic endorsement "slate card" mailed to likely voters throughout the state. The card endorses candidates and measures at all levels -- from statewide to local districts -- and is a clear, easy-to-follow election day guide.

Effective Targeting: The card is specifically targeted to voters who are most likely to turn out for the November election. Great care is taken to identify voters with a consistent history of voting in General as well as Primary elections --those voters most likely to cast ballots on election day. Four special versions of the card include custom graphics to create a personalized message for seniors, families, single women and single men.

Timely Delivery: The targeted voters receive the Voter Checklist just days before the election. Over 50% of California voters bring some sort of voter guide to the polls. The California Democratic Voter Checklist has been an established and effective mailer in each of the last six elections.

Highest Quality: The Voter Checklist is an 8.5"X 5.5" two-sided, multi-colored self-mailer printed on high quality card stock. The front of the card includes top quality laser printing of the voter's name and address, as well as the voter's polling location. This side also contains candidates and measures at the top of the statewide and/or regional ticket. The flip side includes a custom-designed listing of local candidates and measures in a ballot format.

Special Advertising: Both sides also offer the additional benefit of special advertising or messages about key races. Featured messages are of the highest quality print or laser graphic production, and include photos and variable type sizing.

Inexpensive: By purchasing a listing on the Voter Checklist, your campaign is provided an inexpensive way to mail one last ID-piece to voters -- for a fraction of the cost of writing, printing and mailing your most modest campaign brochure.

Don't miss the chance to include your name on the California Democratic Voter Checklist, call us at (415) 394-8650. It could make the difference for you this November 8th!

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

California Democratic Voter Checklist

FACT SHEET

The California Democratic Voter Checklist is a direct mail program targeted to likely Democratic voters throughout San Francisco. The mailers endorse candidates and measures at all levels -- from statewide to local districts -- and are clear, easy-to-follow election day guides.

Effective Targeting: The Voter Checklist is specifically targeted to voters who are most likely to turn out for the November election. Great care is taken to identify voters with a consistent history of voting in General elections --those voters most likely to cast ballots on election day. The Voter Checklist will reach over 90% of the San Francisco Democrats who will actually vote on November 8th.

Timely Delivery: The targeted voters receive the Voter Checklist at three strategic times before the election. All three pieces will be mailed to the same highly targeted voters. A large brochure will be delivered first, with a smaller brochure reaching voters approximately a week later. This leaves the third piece, the slate card, to land just days before the election. Over 50% of California voters bring some sort of voter guide to the polls. The California Democratic Voter Checklist has been an established and effective mailer in each of the last seven elections.

Highest Quality: The California Democratic Voter Checklist program for San Francisco is comprised of an 8.5" X 11" 8-page, four color glossy brochure, an 8.5" X 5.5" 8-page four color glossy brochure and the 8.5" X 5.5" two-sided, three color slate card printed on high quality card stock. The brochures provide the opportunity for color photos and fully catered text. The slate card includes top quality laser printing of the voter's name and address, as well as the voter's polling location. Candidates are listed in a ballot style section designed to help voters follow along with their ballot.

Special Advertising: All three pieces offer a variety of options for highlighting and additional space to draw added attention to your candidacy. The card offers opportunities for variable type sizing and special fonts.

Drop Off: This year's ballot is long and confusing. Most people will be voting for their choice for Governor and the "drop off" problem on the other races and issues could be a serious one. The Voter Checklist helps Democratic voters get through the entire ballot.

Inexpensive: By purchasing a listing on the Voter Checklist, your campaign is provided an inexpensive way to mail three ID-pieces to voters -- for a fraction of the cost of mailing your most modest campaign brochure.

Don't miss the chance to be a part of the California Democratic Voter Checklist program. To reserve space, call Michelle Truelson at (415) 394-8650. It could make the difference for you this November 8th!

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

Invoice Worksheet

County_____ Office_____

District City_____ District_____

Seats Open_____ Price $_____

ID #_____ Sold By_____

Candidate Name/Measure_____

Committee Name_____

Contact_____

Address_____

_____

_____

Candidate Address_____

_____

_____

Phone 1(___)_____ Phone 2(___)_____Fax(___)_____

Listing as it will Appear:

Comments:_____

_____

_____

Date Invoice Sent_____

Correspondence Worksheet

Sales Person_____ Date_____

County_____ Seat/District_____

Candidate_____ Office_____

Contact Person_____

Address_____

_____

_____

Phone _____ Fax_____

Please check one:

____Introduction Letter date posted_____

____Estimate Letter date posted_____

____Invoice date posted_____

____Thank You Letter date posted_____

____Congratulations Letter date posted_____

Please include:_____

_____

Notes:

9004390405

Via Fax to: (916)441-0760 April 1, 1994

Lisa Gasperoni
Richie Ross

Dear Lisa:

Thank you for your interest in the California Voter Checklist. As you know, the Voter Checklist provides an inexpensive yet highly effective means of getting your candidates' names out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card listings for your June 7th campaigns.

Candidate	Approximate # pieces	Cost
~~Johan Klehs~~	~~320,000 brochures~~	~~$55,000~~ 35,000
BOE-1	350,000 cards	
~~Liz Figueroa, AD-20~~ Event	~~21,600 cards~~	~~$ 3,500~~
~~Lily Cervantes, AD-28~~	~~16,900 cards~~	~~$ 3,000~~
~~Bill Mabie, AD-45~~	~~13,700 cards~~	~~$ 3,000~~
check ~~Diane Martinez, AD-49~~	~~17,210 cards~~	~~$ 2,000~~
~~Valerie Shaw, AD-47~~	~~30,000 cards~~	~~$ 5,000~~
check ~~Martin Gallegos, AD-57~~ Dawn	~~11,000 cards~~	~~$ 2,500~~
check ~~Tom McEntee, CD-16~~	~~33,000 cards~~	~~$ 4,000~~
check ~~Ralph Dills, SD-28~~	~~43,250 cards~~	~~$ 5,000~~
~~Steve White, DA-Sac~~	~~78,350 cards~~	~~$10,000~~
check ~~Maria Viramontes, Sup-CC~~	~~14,126 cards~~	~~$ 2,000~~
~~Kay Albiani, Sup-Sac~~ Town Stud	~~13,430 cards~~	~~$ 2,000~~
~~Mike Honda, Sup-Clara~~	~~17,640 cards~~	~~$ 2,000~~
~~Shirley Weber, Sup-SD-4~~	~~30,000 cards~~	~~$ 4,000~~
~~A. Estremera, City-SJ-5~~	~~3,640 cards~~	~~$ 1,000~~
~~Joyce Allegro, City-SJ-9~~	~~5,100 cards~~	~~$ 1,200~~
~~Bruce Pomer, City-Sac-30~~	~~4,175 cards~~	~~$ 1,000~~
~~Dina Hidalgo, City-Sac~~	~~3,470 cards~~	~~$ 1,000~~
~~Yes on T, Sac City~~	~~27,000 cards~~	~~$ 4,000~~
David Pandori City-SJ-3	3,100 cards	$ 1,000

40,000 from Presley

offer to Richie

offer to Richie

offer to Richie

offer to Richie

offer to Richie

As you know, we are also speaking to other candidates in these races, so if you would like to reserve space and/or discuss the possibility of highlighting your races on the card, please contact me at your earliest convenience.

~~Richard Polanco SD-22~~ 19,000 cards ~~$ 3,500~~ offer to Richie

Good luck with the campaigns!

Elihu Harris ?

Sincerely,

Brian L. McGonigle

- Debra Ortiz 4,000 ✓ Sac Council-5 $2,100 Quote from Eric on King
- SC Hawk A 3,500 Yes on A
- SC Open Space Advisory Co-Co 3,500 Peter Carrillo

9804390 0406

Via Fax to (213) 465-1731 April 1, 1994

Dear Park:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your candidates' names out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card listings for the June 7th primary

Candidate	Office/District	Approximate # pieces	Cost	
Brad Sherman	BOE-4	325,000 brochures 350,000 cards	$60,000	$30,000 / 15,000
Teri Schwartz	LA Sup Ct-4	360,000 cards	$40,000	10,000
H. R. Hamptman	LA Sup Ct-23	360,000 cards	$40,000	10,000
* ~~Hilda Solis~~	~~SD-24~~	~~26,600 cards~~	~~$ 3,500~~	~~2,000~~
~~James Hutchins~~	~~AD-36~~	~~13,200 cards~~	~~$ 1,000~~	
* ~~A. Villaraigosa~~	~~AD-45~~	~~10,800 cards~~	~~$ 3,500~~	1,500
* ~~Adam Schiff~~	~~AD-43~~	~~12,900 cards~~	~~$ 2,500~~	1,000
* Abbie Land	AD-42	25,800 cards	$ 5,000	2,000
* ~~Sheila Kuehl~~	~~AD-41~~	~~27,000 cards~~	~~$ 5,700~~	~~2,500~~
~~Debra Bowen~~	~~AD-53~~	~~22,936 cards~~	~~$ 1,500~~	500

We are also speaking to other candidates in these races, so if you would like to reserve space and/or discuss the possibility of highlighting your candidates on the card, please contact me at your earliest convenience

Good luck with the campaigns!

Sincerely,

Brian L. McGonigle

9804390407

Via Fax to (916) 447-6326 April 1, 1994

Lisa Haynes
McNally & Temple Associates

Dear Lisa:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your candidates' names out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for slate card listings for the June 7th primary

Candidate	Office/District	Approximate # pieces	Cost
~~John Dougherty~~ STEVE WHITE (RICHIE)	~~Sac-DA~~	~~75,000 cards~~	~~$ 9,000~~ ✓
~~Robbie Waters~~ DINA HIDALGO (RICHIE)	~~Sac City Cnsl-7~~	~~3,500 cards~~ 3,176	~~$ 750~~ 600
~~Barbara Zuniga~~ DOUGLAS CUNNINGHAM	~~Contra-Sup Ct~~	~~59,250 cards~~	~~$ 6,500~~ 6,500
~~Baxter Dunn~~ JACK TORTURICI	~~Joaquin-Sheriff~~	~~28,000 cards~~	~~$ 3,000~~ 3,000
~~George Barber~~ DEBRA MILLER (ADLER)	~~Joaquin Sup-4~~	~~5,000 cards~~ 4500	~~$ 1,000~~ 1,000
Haydee Tillotson LINDA PATTERSON (ADLER)	Orange Sup-2	21,000 cards	$ 2,500 *
~~Dan Flynn~~ CHARLES WEIS	~~Ventura Pub Ed~~	~~33,150 cards~~ 33,000	~~$ 4,000~~ 4,000 *

Get ID #'s

As you know, we are also speaking to other candidates in these races, so if you would like to reserve space and/or discuss the possibility of highlighting your candidates on the card, please contact me at your earliest convenience

Good luck with the campaign!

* ASK ABOUT STATE PROP. 1B, "YES ON B" School Construction

Sincerely,

Brian L. McGonigle

NW
R. Waters (Ross)
G Barber (Adler)
Schools - Leg.

Via Fax to (714) 588-1829 April 4, 1994

NW
- Huth-Paterson (Carmody)
- Debra Miller (Carmody)
- Betty Karnette
- Tavaloni

Attn: Jeff Adler

Dear Jeff:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your candidates' names out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for slate card listings for your June 1994 campaigns.

Candidate	Off/Dist	Approx. #	Cost
Coryl Lee (Seburg) Brown	W Muni in Orange	18,500 cards	~~14,000~~ 2,000 - 2500
Betty Karnette	AD-54	19,000 cards	$1,500 - Pick
Linda Patterson (Haynes)	Orange Sup-2	17,800 cards	$2,500 - Clint call - 1,000
~~Debra Miller (Haynes~~	~~Joaquin Sup-4~~	~~4,500 cards~~	~~$1,000*~~ - 1,500 Give to Haynes
No on C	Placer Prop	10,200 cards	$2,000
No on D	Placer Prop	10,200 cards	$2,000
No on E	Placer Prop	10,200 cards	$2,000
2nd Sup J. Tavaloni	Riverside	8,600 cards	$1,500 - $2,000 11 candidates

More Placer

We are also speaking to other candidates in these races, so if you would like to reserve space and/or discuss the possibility of highlighting your races on the card, please contact me at your earliest convenience.

Dana Point - Concerned Taxpayers Dana Point

Good luck with your campaigns!

Karen Llorda

Harold Kaufman

Bill Shepard

Sincerely,

Brian L. McGonigle

9304390409

Via Fax to (415) 495-5733 April 4, 1994

Attn: Mary Hughes
Amy Carta

530 Howard St
Suite 200
94105

Dear Mary:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your candidates' names out to likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card listing for the June 7th primary

Candidate	Office/District	Approximate # pieces	Cost
Delaine Eastin	Sup. of Public Instruction	1 million brochures 1-1.2 million cards	$120,000
Chuck Warner	Sup Ct-Monterey	~~15,000 cards~~	~~$ 2,000~~

The brochure is an 8-page, 4-color, 8.5" X 11" production highlighting the statewide candidates. Each listing will include a full page of space in which to convey a message to our high propensity voters.

We are also speaking to other candidates in these races, so if you would like to reserve space and/or discuss the possibility of further highlighting your candidates on the card, please contact me at your earliest convenience

Good luck with the campaigns!

Sincerely,

Brian L. McGonigle

Via Fax to (916) 448-7859 April 4, 1994

Luke Breit
Anderson Breit Consultants

Dear Luke:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your candidates' names out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card listings for the June 7th primary

Candidate	Office/District	Approximate # pieces	Cost
Maureen DiMarco	Sup Public Instr.	1 million brochures 1-1.2 million cards	$120,000
~~Marc Scalzo~~	~~AD-30~~	~~8,600 cards~~	~~$ 1,500~~
Pete ~~Fabiano~~ Foppiano	Sonoma Sup-4	6,000 cards	$ 1,000 ✓
Cynthia Murray	Marin Sup-5	3,000 cards	$ 1,000 ✓

The brochure is an 8-page, 4-color, 8.5" X 11" production highlighting the statewide candidates. Each listing will include a full page of space in which to convey a message to our high propensity voters.

We are also speaking to other candidates in these races, so if you would like to reserve space and/or discuss the possibility of further highlighting your candidates on the card, please contact me at your earliest convenience

Good luck with the campaign!

Sincerely,

Brian McGonigle

Brian McGonigle

NW

Block, Moriarity, Jacobs - Culver, Simpson - Glendale, Dist Ct Appeals "Yes/No" on 12 Judges

Via Fax to: (213) 466-8653 April 5, 1994

Mr. Hal Dash
Cerrell Associates

Dear Hal:

Thank you for your interest in the California Voter Checklist. As you know, the Voter Checklist provides an inexpensive yet highly effective means of getting your candidates' names out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card listings for your June 7th campaigns.

Candidate	Approximate # pieces		Cost	
Judge Ronald Coen LA Sup Ct-39	360,000	6,000	$29,000	
Judge Irving Shimer LA Sup Ct-51	360,000	6,000	$29,000 ✓	(Thompson Group) Candidate Stuart $12,000 Hirsh
~~John Moriarity~~ ~~LA Sup Ct-2~~	~~360,000~~		~~$33,000~~ ✓	~~Acebo, Schirn~~
			← 25,000	
Thomas Parrott LA Sup Ct-4	360,000	15,000	$33,000 ✓	Park - Switz
Marlene Kristovich LA Sup Ct-23	360,000		$33,000 ✓	Park $15,000
~~Mitchell Block~~ ~~LA Sup Ct-93~~	~~360,000~~	18,000	$33,000	Jason Bryant Dieison, Shock $5,000
~~Craig Kamansky~~ (Rees) ~~SB Sup Ct-7~~	~~49,600~~		~~$ 5,000~~	X Sold ($6,000)
Robert Wallerstein LA Muni Ct-16	134,600 2,294,600	3,000	$13,000	Goldberg
X Abe Khan LA Muni Ct-11	134,600 ~~2,429,200~~	.09 =	$14,000 217,000	.08 = $194,336 .07 = 170,044 .06 = 150,000
Deborah Andrews LB Muni Ct	15,700	750	$ 2,000	
Roy Paul Downey Muni Ct	9,000	550	$ 1,000	

2,000

9304390041 2

Paul Jacobs Culver Muni Ct	3,400		$ 500
James Simpson Glendale Muni Ct	5,200	400	$ 750
Elizabeth Delgado Santa Anita Muni Ct	3,400 36,700	300	$ 500 5,000
TOTAL	2,515,540		$226,500

As you know, we are also speaking to other candidates in these races, so if you would like to reserve space and/or discuss the possibility of highlighting your races on the card, please contact me at your earliest convenience.

Good luck with the campaigns!

Sincerely,

Brian L. McGonigle

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

Via Fax to: (916) 446-7300 April 7, 1994

Mr. Rob Stutzman
No on 1A

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your message out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card listing for the June 7th Primary. I am also enclosing a fact sheet and a copy of the card for your review.

Pieces	Price	
1 million brochures	$.11/piece	= $110,000
1-1.2 million cards	$.09/piece	= $ 90,000
	Total	= $200,000

The brochure piece is an 8-page, 8.5" X 11", 4-color production highlighting statewide races. Placement includes a picture and 1/3-1/2 page of space for each statewide initiative. The card listing will include special highlighted space on the front for "Yes on 1A" and a message, and a "Yes on 1A" listing on the back side in a ballot style section. Special highlighting in other spaces on the brochure and card are also available.

As you know, we are also speaking to other propositions regarding these listings, so if you would like to reserve space or explore the possibility of further highlighting your initiative, please contact me at your earliest convenience.

Good luck with the campaign!

Sincerely,

Brian L. McGonigle

Via Fax to: (916) 737-1809

April 8, 1994

To: Phil Giarrizzo
From: Brian McGonigle

Dear Phil:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive yet highly effective means of getting your message out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card listings for the June 7th primary.

Campaign	Approximate # pieces	Cost
Bryn Batrich AD #30	8,600	$1,000. Rec
Margaret Snyder AD #25	11,000	$1,000.
Yes on Recall Westminster	3,500	$3,000.
T. Wishnick AD #10	15,000	$1,500.
Edmond Foglia AD #24	18,000	$1,500.

Sent 4/8

We are also speaking to other campaigns, so if you would like to reserve space and/or discuss the possibility of highlighting your cadidates and Initiatives on the card, please contact me at your earliest convenience.

Good luck with the campaigns!

Sincerely,
Brian McGonigle

9304390041 5

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

Via Fax to: (510) 649-7642

April 8, 1994

To: Alex Evans
From: Brian McGonigle

Dear Alex:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive yet highly effective means of getting your candidates' names out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card and brochure listings for the June 7th primary.

Candidate	Approximate # pieces	Cost
Bob Livengood AD #20	21,000	$3,500. -> Told him Richie for this price
Mark Takano CD #43	21,200	$3,000. $1,000
Robert Irmas Sheriff, LA	360,000	$30,000. checking it $20,000
Al Koch BOE-4	360,000 Brochure 360,000 Slate Card	$50,000. checking it

We are also speaking to other candidates in these races, so if you would like to reserve space and/or discuss the possibility of highlighting your races on the card, please contact me at your earliest convenience.

Good luck with the campaigns!

Sincerely,
Brian McGonigle

NW
Takano

Contra Costa
Community Clay Board
Local I

CD Peter Matthews 38
CD Brad Usthmon 45
Mary Jacobs 2
Gary Condit ~~25~~ 18

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

April 15, 1994

Attn: Albert Robels
Fax#: (213) 249-4365

Dear Mr. Robels:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive yet highly effective means of getting your name out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and price for the slate card listing for the June 7th primary.

Candidate	Approximate # pieces	Cost
Albert Robels BOE-4	360,000 Brochures	$20,000.
	360,000 Cards	$10,000.
	Total	$30,000.

We are also speaking to other candidates in this race, so, if you would like to reserve space and/or discuss the possibility of highlighting your race on the card, please contact me at your earliest convenience.

Good luck with the campaign!

Sincerely,

Brian McGonigle

9804390041 7

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

Via Fax to: (415) 434-3229 April 18, 1994

Mr. Mike Muir
Ambrosino & Muir
Rusty Areias for State Controller

Dear Mike:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your candidate's name out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate listing for the June 7th Primary.

Pieces	Price	
1 million brochures	$.08/brochure	= $80,000
1-1.2 million cards	$.04/card	= $40,000
	Total	**=$120,000**

The brochure piece is an 8-page, 8.5" X 11", 4-color production highlighting statewide races. Placement includes a picture and a full page listing for each statewide candidate. The card listing will include a photo on the front side and your candidate's name on the back side in a ballot style section.

If you would like to reserve space or explore the possibility of further highlighting Mr. Areias' candidacy, please contact me at your earliest convenience.

Good luck with the campaign!

Sincerely,

Brian L. McGonigle

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CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

Via Fax to: (916) 444-0382 April 18, 1994

Mr. Max Besler
Glenn Craig for Sacramento Sheriff

Dear Max:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your candidate's name out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and price for Mr. Craig's listing for the June 7th Primary.

Pieces	Price
65,000	$5,000

If you would like to reserve space or explore the possibility of further highlighting Mr. Craig's candidacy, please contact me at your earliest convenience.

Good luck with the campaign!

Sincerely,

Brian L. McGonigle

9604390419

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

Via Fax to: (510) 658-7302

April 20, 1994

To: Catherine Lew
From: Brian McGonigle

Dear Catherine:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive yet highly effective means of getting your message out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and prices for the slate card listings for the June 7th primary.

Campaign	Approximate # pieces	Cost
Nate Miley Oak. City Council #6	4,000	$1,000. — Moorhead
Dick Spees Oak. City Council #4	3,500	$1000. 1,000/200 — Michael, Sharon Bell $200
John Russo Oak. City Council #2	2,500	$750. words $500 —
Oak Bond Measure Library Bond	26,000	$3,500. $1,500 * Ask her what is the letter *
Wilma Chan County Sup. Alameda #3	13,000	$2,500. 1,200 [illegible] Betterment
Ron Greenburg Muni Ct. Judge Alameda Off. 2	11,000	$1,500. 2,500
Michael Gressett DA Contra Cost	50,000	$6,000.
Jim Beall Santa Clara Co. Sup. #4	15,000	$2,500. 1,800
SF Prop A ~~Library~~ Bond School	50,000	$6,000. 3,000

9804390042C

We are also speaking to other campaigns, so if you would like to reserve space and/or discuss the possibility of highlighting your candidates and initiatives on the card, please contact me at your earliest convenience.

Good luck with the campaigns!

Sincerely,

Brian McGonigle

9304390421

CALIFORNIA DEMOCRATIC VOTER CHECKLIST

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

Via Fax to: (510) 658-7302 April 21, 1994

Catherine Lew
Tramatola Company
Don Perata for State Controller

Dear Catherine:

Thank you for your interest in the California Democratic Voter Checklist. As you know, the Voter Checklist provides an inexpensive but highly effective means of getting your candidate's name out to the likely June voters.

Below is the information you requested regarding the approximate number of pieces and price for Mr. Perata's slate card listing for the June 7th Primary.

Pieces	Price	
1 million brochures	$.08/brochure	= $80,000
1-1.2 million cards	$.04/card	= $40,000
	Total	=$120,000

The brochure piece is an 8-page, 8.5" X 11", 4-color production highlighting statewide races. Placement includes a picture and a full page listing for each statewide candidate. The card listing will include a photo on the front side and Mr. Perata's name on the back side in a ballot style section.

If you would like to reserve space or explore the possibility of further highlighting Mr. Perata's candidacy, please contact me at your earliest convenience.

Good luck with the campaign!

Sincerely,

Brian L. McGonigle

FAXED 8/11
(510) 658-7303

California Democratic Voter Checklist

Via Fax to (510) 658-7302

Catherine Lew
Vice President
Tramutola & Company

Dear Catherine,

I hope your summer was at least a little bit relaxing. However, August is here and it is time to gear up for a busy season. The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your November races.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
Wilma Chan	AL Sup-3	25,423	$ 3,500 3,000/2,500
Tony Thompson	Bay Muni	23,454	$ 3,000 2,[illegible]
Tommy Ammiano	SF Supervisor	315,000 total 105,000 8"X 11" brochures 105,000 5.5"X 8" brochures 105,000 slate cards	$25,000
Albany Assessment	Lighting Landscape	2,200	$ 500
Local Measure	Oakland Schools	49,455	$ 6,000

I am enclosing a copy of the fact sheet which provides a detailed description of the San Francisco program. I realize that Tommy has not raised a lot of money, but we can try to work out a compromise which can include him. Hopefully the fundraising will pick up in early September.

As you know, we are also speaking to other candidates in some of these races, so lets get together and talk as soon as you have a good idea how each campaign is shaping up.

Thanks.

Brian McGonigle

Mike Wallace : Washington Twp Hospital Dist
22,300 pieces - $1,500

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

Faxed 8/25
Faxed 5th 9/13
(714) 581-1484

California Democratic Voter Checklist

Via Fax to (714) 588-1829
Jeff Adler

Dear Jeff,

Here is the updated list of candidates and measures. The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
Betty Karnette	AD-54	32,733	$ 4,000
John Tavaglione	RS Sup-2	14,278	$ 2,500
No on El Toro Airport	County Measure	134,736	$15,000
Carol Lee	West Muni	38,654	$ 4,500
City of Dana Point	Local Measure	2,435	$ 500
Yes on B, Library	CC County Measure	80,245	$ 8,000
Wendy Reid	SMUD Ward IV	16,000	$ 1,600

As you know, we are also speaking to other candidates in some of these races, so if you would like to reserve space and /or discuss the possibility of highlighting your candidates on the card, please contact me at your earliest convenience.

Good luck this fall!

Oceanside CC (Rep) - Gwen Price 750 piece
Goal one Dem $750

Sincerely,

Brian L. McGonigle

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

(510) 559-1776

California Democratic Voter Checklist

Via Fax to (510) 559-1770

Alex Evans
Evans McDonough

Dear Alex:

Congratulations on your candidacy for Community College Board. You know your old and settled when you start running for office.

The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your November races. If we can stay with these numbers, I am sure we can find a way to slip Alex Evans for Community College Board into the program.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
Mark Takano	CD-43	38,687	$3,000 (Chamber) Cottons (509) 688-8545
~~Peter Matthews~~	~~CD-38~~	~~44,732~~	~~$3,000~~
Brett Williamson	CD-45	32,745	$2,500 strong
Gary Condit	CD-18	31,688	$2,000

Give me a call after you have had a chance to review these numbers. If you are interested in further highlighting your candidates on the card, please contact me at your earliest convenience because space for special advertising will be an issue.

Thanks.

Alex = Community College : 19,500 pieces

Sincerely,

Brian L. McGonigle

764 Gilman St
Berkeley CA 94710

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

FAXED 8/11

(213) 465-3773

California Democratic Voter Checklist

Via Fax to (213) 465-1731

Park Skelton
Skelton Grover

Dear Park,

Thanks for your assistance with the San Gabriel Valley office for the Brown Campaign. Hilda's contact was very helpful. I hope your summer has been at least a little bit relaxing. It is August and time to gear up for a busy fall. The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your November races.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
Teri Schwartz	LA Sup Ct-4	624,946	~~$35,000~~
Debra Bowen	AD-53	30,690	$ 3,500
Sheila Kuehl	AD-41	37,366	$ 4,000
Adam Schiff	AD-43	21,242	$ 2,500
George Brown	CD-42	41,940	$ 3,000
Jane Harman	CD-36	43,975	$ 3,000
Brad Sherman	BoE-4	574,213 Brochures 574,213 Cards	$50,000*

As you know, we are also speaking to other candidates in some of these races, so if you would like to reserve space or discuss the possibility of highlighting your candidates on the card, please contact me at your earliest convenience.

Good luck this fall!

* Santa Monica Renters' Rights
Slate of candidates as a package

Sincerely,

Brian L. McGonigle

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

California Democratic Voter Checklist

Via Fax to (916) 441-0760

Richie Ross & Lisa Gasperoni
Ross Communications

Dear Richie and Lisa:

It has been tough to get in touch with you two lately so here is a hard copy update on the prices for your candidates. As you know we are close to our deadline (Mon 5/10), so we need to get these races buttoned up as soon as possible.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
Dina Hidalgo	Sac CC-7	5,804	$ 500
~~Kay Albiani~~(w/message)	Sac Sup-5	19,437	$ 2,000
~~Steve White~~(w/message)	Sac-DA	102,554	$ 8,000
Elihu Harris	AL-Oakland Mayor	45,495	$ 2,500
Annette Hopkins(sold)	San Cruz Sup-3	8,900	$ 1,700
Johan Klehs	BoE-1	480,422	$ 2,000
Kate Foulks	East Bay MUD Ward III	24,800	$ 3,000
Frank Mellon	East Bay MUD Ward VII	18,615	$ 3,000

As you can see, these prices represent a real bargain. It is obvious that we would like to work with your candidates. We are under some serious cost pressure right now so we are asking you to pay a small amount for everyone. We want Dina as opposed to her opponent so we can go $500 on that one. Kay's race is very competitive so $2,000 is more than fair. Similarly, Steve is in a tight race but we want to work with him. The $8,000 price includes a .6"-.8" box for a message. Clint wants to go with Elihu so he authorized this price of $2,500. Again, that price is extremely reasonable. I am not planning on including BoE candidates as picks so we are asking Johan for a $2,000 gesture to help cover costs. Bob Presley is paying $4,000. The two EBMUD races are very hot and I am hearing it from the local Dems about Foulks. We need to review your position on these two.

Candidate	Office	Pieces	Price
Ralph Dills(w/message)	SD-28	57,850	$ 1,000
Martin Gallegos	AD-57	20,558	$ 500
Lily Cervantes	AD-28	27,090	$ 500
Liz Figeroa	AD-20	32,669	$ 500
Richard Polanco(sold)	SD-22	34,445	$ 500
Diane Martinez(sold)	AD-49	27,564	$ 500

We are asking all CD, SD, & AD candidates to pay $500 to cover costs. We will be doing limited picks this fall so the $500 will guarantee space. The $1,000 for Ralph includes a message box to help him out in his new district. Richard Polanco and Diane Martinez have both agreed to pay the $500. We would like to offer the same arrangement for Martin, Lily & Liz.

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

With regard to our friend Tom Umberg. I spoke with Tom last night at the Rock the Vote event in San Francisco. I know that money is tight and I want to see him do well as badly as you guys do. Here is what we would like to offer Tom:

Tom Umberg	**AG**	***1.3 million**	**$25,000**

* Tom would be on the cover of the card with photo and text and on the back cover off all San Francisco brochure pieces. This price is less than $.02/piece. The real deal with Tom is that my staff spent part of their summer working on his crime plan and op research. They feel very close to Tom and want very much to do what they can to help him win. Chris Hansot of my staff walked over to the unity dinner to bring Tom down to the Rock the Vote event because he wanted to spent some time with him. Michelle Truelson of my staff took Tom around to work the room at the event. As you can see, they have great respect for Tom and feel very strongly about him both as a person and a candidate.

Please give me a ring as soon as you have had time to review this information. Unfortunately, we are running out of time so we need to bring closure to this as soon as possible.

Thanks.

Sincerely,

Brian L. McGonigle

Faxed update 8/29

California Democratic Voter Checklist

Via Fax to (916) 441-0760

Lisa Gasperoni
Ross Communications

Dear Lisa:

I hope your summer was at least a little bit relaxing. It is August and time to gear up for a busy fall. The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your November races.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
Antonio Estremera	SJ CC-5	6,416	$ 2,000
Joyce Allegro	SJ CC-9	8,478	$ 2,500
Dina Hidalgo	Sac CC-7	5,804	$ 1,400
Kay Albiani	Sac Sup-5	22,437	$ 3,500
~~Maria Viramontes~~	CC Sup-1	22,645	$ 3,500
Elihu Harris	AL-Oakland Mayor	52,495	$ 7,000
Steve White	Sac-DA	120,554	$15,000
Ralph Dills	SD-28	57,850	$ [illegible]
Annette Hopkins	San Cruz Sup-3	8,900	$ 2,500
Johan Klehs	BoE-1	612,622	$80,000
Kate Foulks	East Bay MUD Ward VII	~~612,622~~ 17,820	$ 3,000
Frank Mellon	East Bay MUD Ward VII	18,615	$ 3,000

These were not on your list but were clients of yours in the spring. I am including them just in case you need the numbers later:

Martin Gallegos	AD-57	20,558	$ 1,500
Lily Cervates	AD-28	27,090	$ 3,500
Liz Figeroa	AD-20	32,669	$ 4,000
Richard Polanco	SD-22	34,445	$ 2,000
Diane Martinez	AD-49	27,564	$ 2,000

As you know, we are also speaking to other candidates in some of these races, so if you would like to reserve space and /or discuss the possibility of highlighting your candidates on the card, please contact me at your earliest convenience.

Good luck this fall!

Sincerely,

Brian L. McGonigle

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

(916) 447-886
faxed 5/14, 45 min!

California Democratic Voter Checklist

Via Fax to (916) 447-6326

Rick Vanusberg
McNally Temple

Dear Rick:

Thank you for your interest in the California Democratic Voter Checklist. The Voter Checklist will be mailed to 2 million high propensity Democrats this fall. The select will focus on middle class conservative Dems who will make up the swing vote this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your races. These are the only two races on your list that we are free to consider this fall. There are several others that I would normally like to consider, however, our hands are somewhat tied this time around.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
George Barber	Joaquin Sup-4	8,756	$2,000
Cynthia Crothers	RS Sup-5	18,329	$3,500

Jim Pinkerton
Tom Mullen

As you know, we are also speaking to the other candidate in these races, so if you would like to reserve space and /or discuss the possibility of highlighting your candidate on the card, please contact me at your earliest convenience.

Good luck this fall!

Sincerely,

Brian L. McGonigle

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

Fax August 18th
(916) 447-8186

California Democratic Voter Checklist

Via Fax to (916) 447-6326

Lisa Haynes
Tony Russo
McNally Temple

Dear Lisa and Tony:

I understand that McNally has some other candidates for the fall. I will add their information to the estimate section as you feed their names to me. The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your client's race.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
George Barber	Joaquin Sup-4	8,756	$2,000
Cynthia Crothers	RS Sup-5	18,329	$3,500

Hutten w/ [illegible]

As you know, we are also speaking to the other candidate in this race, so if you would like to reserve space and /or discuss the possibility of highlighting your candidate on the card, please contact me at your earliest convenience.

Good luck this fall!

Sincerely,

Brian L. McGonigle

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

FAXED 8/11
(916) 447-8186

California Democratic Voter Checklist

Via Fax to (916) 447-6326

Lisa Haynes
McNally Temple

Dear Lisa:

I hope your summer was at least a little bit relaxing. It is August and time to gear up for a busy fall. The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and price for Mr. Barber's race.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
George Barber	Joaquin SUP-4	8,756	$2,000

As you know, we are also speaking to the other candidate in this race, so if you would like to reserve space and /or discuss the possibility of highlighting your candidate on the card, please contact me at your earliest convenience.

Good luck this fall!

Sincerely,

Brian L. McGonigle

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

9904390432

3 Faxed

California Democratic Voter Checklist

Via Fax to 495-5733

Mary Hughes
Staton-Hughes

Dear Mary,

As always, it was fun talking with you on Tuesday. I appreciate your efforts with regard to the payment for June. Having the money come in over the next few weeks will certainly assist me in my conversations with Clint regarding Delaine.

The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your November races.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
Delaine Eastin	Sup Public Inst	2 million brochures 2 million cards	$175,000 ($.04/piece)
Anna Eshoo	CD-14	51,519	$ ~~8,000~~ 500
Kerry Mazzoni	AD-6	47,746	$ ~~5,000~~ 3,500
Byron Sher	AD-21	35,703	$ ~~2,000~~ 500
Susan Leal	SF Supervisor	105,000 8.5 X 11 brochure 105,000 5.5 X 8.5 brochure 105,000 cards	$ 15-25,000* *highlighted space
Shirley Dean	Mayor, Berkeley	18,409	$ 2,000 ✓
2 ~~3~~ candidates	Peninsula Hospital Dist	16,213/candidate = 48,639	$ ~~3,600~~ 2,400 ✓ $750

Mary McMillan

Need check

As you know, we are also speaking to other candidates in some of these races, so if you would like to reserve space or discuss the possibility of highlighting your candidates on the card, please contact me at your earliest convenience.

Fax card copy

Good luck this fall.

Brian

Brian

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

California Democratic Voter Checklist

August 18, 1994

Attn: Phil Giarrizzo
Fax#: (916) 737-1809

Dear Phil:

Thank you for your past participation and continued interest in the California Democratic Voter Checklist. Once again our program will offer many benefits to candidates running in the November 8th general election.

This year, the Voter Checklist will reach two million Democratic households in California. We will be using the most sophisticated database to identify those voters who have the highest probability of turning out for the election. This makes it possible for us to reach over 76% of the Democrats who will actually vote on November 8th.

Below is the estimate you requested for the November program:

CANDIDATE	APPROX. NUMBER OF PIECES	COST
T. Kathleen Wishnick AD 10	33,000 pieces	$3,000.
Margaret Snyder AD 25	24,500 pieces	$2,000.
Bryan Batrich AD 30	16,700 pieces	$1,000.
Rene Navarro Sup. Court Judge Santa Clara	120,000 pieces	$10,000.

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

9304390043 4

This year's ballot is long and confusing. Most people will be voting for their choice for Governor and the "drop off" problem on the other races and issues could be a serious one. The Voter Checklist helps Democratic voters get through the entire ballot. In fact, many have come to use it as a guide in the polling booth.

If you are interested in reserving space on the Voter Checklist, please let me know at your earliest convenience. I am happy to answer any questions you may have regarding the program, prices and deadlines. You can reach me at (415) 394-8650.

Thanks again for your interest. Good luck in November!

Sincerely,

Andy Trapp

Andy Trapp

9 3 0 4 3 9 0 0 4 3 5

OFFICER'S INITIALS ▸ by

OPTIONAL ADVANCE PROMISSORY NOTE

NO. 1278-767400

$ 250,000.00 San Francisco, California April 16, 19 90

FOR VALUE RECEIVED, the undersigned ("Debtor") promises to pay to the order of UNION BANK ("Bank") on demand or, if no demand is made, as indicated below, the principal sum of Two Hundred Fifty Thousand and No/100* Dollars ($ 250,000.00), or, if less, the principal sum of all advances made by Bank hereunder, together with interest on the outstanding principal amount of each advance made by Bank hereunder from the date of such advance at a per annum rate equal to:

☐ _____ percent (_____ %).

☒ The Reference Rate plus One and Twenty Five one hundredths * * percent (*1.25 %), such per annum rate to change as and when the Reference Rate shall change.

☐ _____

Provided, however, that Debtor shall pay aggregate interest hereunder of not less than $100. As used herein, the term "Reference Rate" shall mean the rate publicly announced by Union Bank from time to time at its Head Office as its "Reference Rate." The Reference Rate is determined by Bank from time to time as a means of pricing credit extensions to some customers and is neither directly tied to any external rate of interest or index nor necessarily the lowest rate of interest charged by Bank at any given time for any particular class of customers or credit extensions. All computations of interest under this note shall be made on the basis of a year of 360 days, for actual days elapsed (where an interest computation basis of 365 days is indicated, a basis of 366 days shall be used during any leap year).

1. PAYMENTS AND PREPAYMENTS

(a) **Principal Payments.** Debtor shall pay principal as indicated below:

☒ The outstanding principal amount of all advances in full on July 31, 19 90

☐ The outstanding principal amount of each advance _____ days after the date of such advance, but no later than _____, 19 _____, on which date all principal amounts outstanding hereunder shall be payable in full.

☐ _____

(b) **Interest Payments.** Debtor shall pay accrued interest upon prepayment (to the extent thereof), at maturity (whether by acceleration or otherwise), and, if one of the following boxes is checked, as indicated below:

☒ On the last day of each month (commencing May 31, 19 90)

☐ All interest on each advance on the date the principal amount of such advance is payable hereunder.

☐ _____

(c) **Other Payment Terms.** Debtor shall pay all amounts due under this note in lawful money of the United States at Bank's San Francisco Main office. Debtor may prepay this note in full or in part, provided (1) that Debtor shall pay all unpaid accrued interest on any amount prepaid at the time of such prepayment, (2) that Debtor shall have paid aggregate interest under this note of $100 or more at or prior to the time of any prepayment in full and (3) if the interest rate on this note is a fixed rate, then upon any prepayment whether or not made pursuant to Bank's demand, Debtor will pay Bank an additional amount equal to the amount (if any) by which the interest Bank would have received had the principal not been prepaid exceeds the interest which the Bank would have received had the Bank invested the prepaid amount in a United States Treasury Security for a period similar to the period of the remaining scheduled maturity of such amount, plus any other of the Bank's costs associated with the investment of such amount or incurred as a result of the payment prior to the scheduled maturity date. In the event of such a prepayment, the Bank shall provide the Debtor with a statement of the amount payable because of the prepayment and such statement shall be a conclusive and binding determination of the additional amount owed by Debtor. All payments made by Debtor under this note may, at Bank's option, and without limiting Bank's rights to apply payments in a different order, be applied first to any costs, expenses or charges then payable by Debtor (including without limitation any late charges), second to accrued interest then due, and then to outstanding principal.

2. MAKING ADVANCES. Debtor authorizes Bank to make advances under this note upon the request (whether oral, written, or otherwise) of (a) any person executing this note; (b) the person(s) designated in any borrowing resolution, borrowing authorization, or other similar document delivered by Debtor to Bank; or (c) any other person purporting to act on behalf of Debtor if advances requested by such person are credited to a deposit account maintained by Debtor with Bank, whether or not any party other than Debtor has authority to withdraw funds from such account. Unless otherwise directed, Bank may deposit any advance under this note to Debtor's deposit account No. 27-167003. BANK SHALL HAVE NO OBLIGATION TO MAKE ANY ADVANCE UNDER THIS NOTE AND MAY, IN ITS SOLE DISCRETION, MAKE OR REFUSE TO MAKE ANY ADVANCE REQUESTED HEREUNDER.

3. RECORD OF ADVANCES AND PAYMENTS. Debtor authorizes Bank to note on a schedule attached hereto or to otherwise evidence in Bank's records, including computer records, the date and amount of each advance made by Bank and each payment made by Debtor hereunder as well as such other information pertaining to the advances. All such notations made by Bank shall constitute prima facie evidence of the matters noted.

4. LATE PAYMENTS. Debtor shall pay interest on all amounts (including both principal and interest) outstanding under this note after maturity (whether by acceleration or otherwise) at a per annum rate which is equal to the interest rate specified in the initial paragraph of this note plus 4% until all such amounts are paid in full.

(OVER)

FORM 436 (REV. 4/89) P.S.

9804392004436

5. **ACCELERATION OF TIME FOR PAYMENT**

(a) **Optional Acceleration.** Bank may declare all principal and interest outstanding under this note immediately due and payable in full upon the occurrence of any of the following: (1) the failure of Debtor to make any payment required under this note when due; (2) any breach, misrepresentation or other default by Debtor or any guarantor of this note ("Guarantor") under any security agreement, note, guaranty or other agreement between Bank and Debtor or any Guarantor, including without limitation the failure of Debtor or any Guarantor to pay any other indebtedness to Bank when due; (3) the insolvency of Debtor or any Guarantor or the failure of Debtor or any Guarantor generally to pay Debtor's or such Guarantor's debts as such debts become due; (4) the failure of Debtor or any Guarantor to comply with any order, judgment, injunction, decree, writ or demand of any court or other public authority; (5) any material adverse change in the financial condition of Debtor or any Guarantor; or (6) the termination of existence or death of Debtor or any Guarantor.

(b) **Automatic Acceleration.** All principal and interest outstanding under this note shall be immediately due and payable in full, without demand or notice of any kind, upon the occurrence of any of the following: (1) the commencement by or against Debtor or any Guarantor of any case under the federal bankruptcy laws or any other proceeding under any other laws relating to bankruptcy, insolvency, reorganization, arrangement, debt adjustment or debtor relief; (2) any assignment by Debtor or any Guarantor for the benefit of Debtor's or such Guarantor's creditors; (3) the appointment, or commencement of any proceedings for the appointment, of a receiver, trustee, custodian or similar official for all or substantially all of Debtor's or any Guarantor's property; (4) the commencement of any proceeding for the dissolution or liquidation of Debtor or any Guarantor; (5) the filing or recording against Debtor or any Guarantor, or the property of Debtor or any Guarantor, of any notice of levy, notice to withhold, or other legal process for taxes other than property taxes; or (6) the issuance against Debtor or any Guarantor, or the property of Debtor or any Guarantor, of any writ of attachment, execution, or other judicial lien.

(c) **Acceleration On Transfer of Real Property Security.** If the payment of amounts due under this note is secured by a deed of trust under which Bank is the beneficiary, in addition to the other rights of acceleration granted to Bank in this note, on the sale, conveyance, alienation, lease, succession, assignment or other transfer (other than to the spouse of the trustor or to an intervivos trust in which the trustor is a beneficiary) of all or any part of the property subject to the deed of trust without the prior written consent of Bank, Bank shall have the right to declare all principal and interest outstanding under this note and all other sums secured by the deed of trust immediately due and payable.

6. **RELEASE OF CREDIT INFORMATION.** Debtor authorizes Bank to release information concerning Debtor's credit record to merchants, other creditors, credit bureaus, consumer reporting agencies, and other credit reporters.

7. **ADDITIONAL AGREEMENTS OF DEBTOR.** If any amounts owing under this note are not paid when due, Debtor promises to pay all costs and expenses, including attorneys' fees, incurred by Bank in the collection or enforcement of this note. Debtor and any endorsers of this note, for the maximum period of time and to the full extent permitted by law, (a) waive diligence, presentment, demand, notice of nonpayment, protest, notice of protest, and notice of every kind; (b) waive the right to set up the defense of any statute of limitations to any debt or obligation hereunder; and (c) consent to renewals and extensions of time for the payment of any amounts due under this note. If this note is signed by more than one party, the term "Debtor" includes each of the undersigned and any successors in interest thereof. The liability of the undersigned if more than one shall be joint and several. The term "Bank" includes, without limitation, any holder of this note. The term "Guarantor" includes, without limitation, any party other than Debtor providing security for this note. This note shall be construed in accordance with and governed by the laws of the State of California. Section and paragraph headings in this note are for convenience only and shall not affect the construction hereof.

[ ] **By initialing this box, Debtor authorizes Bank, at Bank's option, to debit Debtor's account No.** _____ **with Bank from time to time without further notice to Debtor for all payments when due hereunder.**

8. **SECURITY AND RELATED DOCUMENTS.** The payment of amounts due under this note is, as the case may be, secured by, guaranteed by, or issued pursuant to the following:

(a) A Continuing Guaranty and Agreement dated April 16, 1990, and executed by Clinton Reilly Campaigns, Inc.

(b) A Continuing Guaranty and Agreement dated April 16, 1990, and executed by Production Complex, Inc. * * * * * * * * * * * * * *

(c) _____

(This section is for reference only and, whether or not a specific agreement, instrument or other document is referred to herein, shall in no way limit the rights of Bank under any agreement, instrument or document not specifically referred to herein or any rights otherwise granted to Bank.)

(Individual)

X [signature]

Typed Name: Clinton T. Reilly

Address: 704 Sansome Street
San Francisco, CA 94111

X _____

Typed Name: _____

Address: _____

(Corporation or Partnership - Type Name Below)

_____

Address: _____

By: X _____

Title: _____

By: X _____

Title: _____

AUTHORIZED SPECIAL DISTRIBUTION INSTRUCTIONS

DDA 27-167003

AUTHORIZED BY SIGNATURE

[signature]

FOR BANK USE ONLY

AUG - 1 1990

BR. LOAN SUPPORT CENTER
BR. LOAN SUPPORT CENTER

9804390 0437

OFFICER'S INITIALS ▸ [handwritten initials]

OPTIONAL ADVANCE PROMISSORY NOTE

NO 1278-769462

$ 250,000.00 San Francisco , California July 31 ,19 90

FOR VALUE RECEIVED, the undersigned ("Debtor") promises to pay to the order of UNION BANK ("Bank") on demand or, if no demand is made, as indicated below, the principal sum of Two Hundred Fifty Thousand and No/100* Dollars ($250,000.00), or, if less, the principal sum of all advances made by Bank hereunder, together with interest on the outstanding principal amount of each advance made by Bank hereunder from the date of such advance at a per annum rate equal to:

☐ ______ percent (______ %).

☒ The Reference Rate plus One and Twenty Five one hundredths * * percent (*1.25 %), such per annum rate to change as and when the Reference Rate shall change

☐ ______

Provided, however, that Debtor shall pay aggregate interest hereunder of not less than $100. As used herein, the term "Reference Rate" shall mean the rate publicly announced by Union Bank from time to time at its Head Office as its "Reference Rate." The Reference Rate is determined by Bank from time to time as a means of pricing credit extensions to some customers and is neither directly tied to any external rate of interest or index nor necessarily the lowest rate of interest charged by Bank at any given time for any particular class of customers or credit extensions. All computations of interest under this note shall be made on the basis of a year of 360 days, for actual days elapsed (where an interest computation basis of 365 days is indicated, a basis of 366 days shall be used during any leap year).

1. PAYMENTS AND PREPAYMENTS

(a) **Principal Payments.** Debtor shall pay principal as indicated below:

☒ The outstanding principal amount of all advances in full on December 31 , 19 90

☐ The outstanding principal amount of each advance ______ days after the date of such advance, but no later than ______, 19 ______, on which date all principal amounts outstanding hereunder shall be payable in full.

☐ ______

(b) **Interest Payments.** Debtor shall pay accrued interest upon prepayment (to the extent thereof), at maturity (whether by acceleration or otherwise), and, if one of the following boxes is checked, as indicated below:

☒ On the last day of each month (commencing August 31 ,19 90).

☐ All interest on each advance on the date the principal amount of such advance is payable hereunder.

☐ ______

(c) **Other Payment Terms.** Debtor shall pay all amounts due under this note in lawful money of the United States at Bank's San Francisco Main office. Debtor may prepay this note in full or in part, provided (1) that Debtor shall pay all unpaid accrued interest on any amount prepaid at the time of such prepayment, (2) that Debtor shall have paid aggregate interest under this note of $100 or more at or prior to the time of any prepayment in full and (3) if the interest rate on this note is a fixed rate, then upon any prepayment whether or not made pursuant to Bank's demand, Debtor will pay Bank an additional amount equal to the amount (if any) by which the interest Bank would have received had the principal not been prepaid exceeds the interest which the Bank would have received had the Bank invested the prepaid amount in a United States Treasury Security for a period similar to the period of the remaining scheduled maturity of such amount, plus any other of the Bank's costs associated with the investment of such amount or incurred as a result of the payment prior to the scheduled maturity date. In the event of such a prepayment, the Bank shall provide the Debtor with a statement of the amount payable because of the prepayment and such statement shall be a conclusive and binding determination of the additional amount owed by Debtor. All payments made by Debtor under this note may, at Bank's option, and without limiting Bank's rights to apply payments in a different order, be applied first to any costs, expenses or charges then payable by Debtor (including without limitation any late charges), second to accrued interest then due, and then to outstanding principal.

2. **MAKING ADVANCES.** Debtor authorizes Bank to make advances under this note upon the request (whether oral, written, or otherwise) of (a) any person executing this note; (b) the person(s) designated in any borrowing resolution, borrowing authorization, or other similar document delivered by Debtor to Bank; or (c) any other person purporting to act on behalf of Debtor if advances requested by such person are credited to a deposit account maintained by Debtor with Bank, whether or not any party other than Debtor has authority to withdraw funds from such account. Unless otherwise directed, Bank may deposit any advance under this note to Debtor's deposit account No. 27-167003 . BANK SHALL HAVE NO OBLIGATION TO MAKE ANY ADVANCE UNDER THIS NOTE AND MAY, IN ITS SOLE DISCRETION, MAKE OR REFUSE TO MAKE ANY ADVANCE REQUESTED HEREUNDER.

3. **RECORD OF ADVANCES AND PAYMENTS.** Debtor authorizes Bank to note on a schedule attached hereto or to otherwise evidence in Bank's records, including computer records, the date and amount of each advance made by Bank and each payment made by Debtor hereunder as well as such other information pertaining to the advances. All such notations made by Bank shall constitute prima facie evidence of the matters noted.

4. **LATE PAYMENTS.** Debtor shall pay interest on all amounts (including both principal and interest) outstanding under this note after maturity (whether by acceleration or otherwise) at a per annum rate which is equal to the interest rate specified in the initial paragraph of this note plus 4% until all such amounts are paid in full.

(OVER)

5. **ACCELERATION OF TIME FOR PAYMENT**

(a) **Optional Acceleration.** Bank may declare all principal and interest outstanding under this note immediately due and payable in full upon the occurrence of any of the following: (1) the failure of Debtor to make any payment required under this note when due; (2) any breach, misrepresentation or other default by Debtor or any guarantor of this note ("Guarantor") under any security agreement, note, guaranty or other agreement between Bank and Debtor or any Guarantor, including without limitation the failure of Debtor or any Guarantor to pay any other indebtedness to Bank when due; (3) the insolvency of Debtor or any Guarantor or the failure of Debtor or any Guarantor generally to pay Debtor's or such Guarantor's debts as such debts become due; (4) the failure of Debtor or any Guarantor to comply with any order, judgment, injunction, decree, writ or demand of any court or other public authority; (5) any material adverse change in the financial condition of Debtor or any Guarantor; or (6) the termination of existence or death of Debtor or any Guarantor.

(b) **Automatic Acceleration.** All principal and interest outstanding under this note shall be immediately due and payable in full, without demand or notice of any kind, upon the occurrence of any of the following: (1) the commencement by or against Debtor or any Guarantor of any case under the federal bankruptcy laws or any other proceeding under any other laws relating to bankruptcy, insolvency, reorganization, arrangement, debt adjustment or debtor relief; (2) any assignment by Debtor or any Guarantor for the benefit of Debtor's or such Guarantor's creditors; (3) the appointment, or commencement of any proceedings for the appointment, of a receiver, trustee, custodian or similar official for all or substantially all of Debtor's or any Guarantor's property; (4) the commencement of any proceeding for the dissolution or liquidation of Debtor or any Guarantor; (5) the filing or recording against Debtor or any Guarantor, or the property of Debtor or any Guarantor, of any notice of levy, notice to withhold, or other legal process for taxes other than property taxes; or (6) the issuance against Debtor or any Guarantor, or the property of Debtor or any Guarantor, of any writ of attachment, execution, or other judicial lien.

(c) **Acceleration On Transfer of Real Property Security.** If the payment of amounts due under this note is secured by a deed of trust under which Bank is the beneficiary, in addition to the other rights of acceleration granted to Bank in this note, on the sale, conveyance, alienation, lease, succession, assignment or other transfer (other than to the spouse of the trustor or to an intervivos trust in which the trustor is a beneficiary) of all or any part of the property subject to the deed of trust without the prior written consent of Bank, Bank shall have the right to declare all principal and interest outstanding under this note and all other sums secured by the deed of trust immediately due and payable.

6. **RELEASE OF CREDIT INFORMATION.** Debtor authorizes Bank to release information concerning Debtor's credit record to merchants, other creditors, credit bureaus, consumer reporting agencies, and other credit reporters.

7. **ADDITIONAL AGREEMENTS OF DEBTOR.** If any amounts owing under this note are not paid when due, Debtor promises to pay all costs and expenses, including attorneys' fees, incurred by Bank in the collection or enforcement of this note. Debtor and any endorsers of this note, for the maximum period of time and to the full extent permitted by law, (a) waive diligence, presentment, demand, notice of nonpayment, protest, notice of protest, and notice of every kind, (b) waive the right to set up the defense of any statute of limitations to any debt or obligation hereunder; and (c) consent to renewals and extensions of time for the payment of any amounts due under this note. If this note is signed by more than one party, the term "Debtor" includes each of the undersigned and any successors in interest thereof. The liability of the undersigned if more than one shall be joint and several. The term "Bank" includes, without limitation, any holder of this note. The term "Guarantor" includes, without limitation, any party other than Debtor providing security for this note. This note shall be construed in accordance with and governed by the laws of the State of California. Section and paragraph headings in this note are for convenience only and shall not affect the construction hereof.

[ ] **By initialing this box, Debtor authorizes Bank, at Bank's option, to debit Debtor's account No. _____ with Bank from time to time without further notice to Debtor for all payments when due hereunder.**

8. **SECURITY AND RELATED DOCUMENTS.** The payment of amounts due under this note is, as the case may be, secured by, guaranteed by, or issued pursuant to the following:

(a) A Continuing Guaranty and Agreement dated April 16, 19 90, and executed by Clinton Reilly Campaigns, Inc.

(b) A Continuing Guaranty and Agreement dated April 16, 19 90, and executed by Production Complex, Inc. * * * * * * * * * * * * * *

(c) _____

(This section is for reference only and, whether or not a specific agreement, instrument or other document is referred to herein, shall in no way limit the rights of Bank under any agreement, instrument or document not specifically referred to herein or any rights otherwise granted to Bank.)

(Individual)

x [signature]

Typed Name: Clinton T. Reilly

Address: 704 Sansome Street
San Francisco, CA 94111

x _____

Typed Name: _____

Address: _____

(Corporation or Partnership - Type Name Below)

_____

Address: _____

By: x _____

Title: _____

By: x _____

Title: _____

AUTHORIZED SPECIAL DISTRIBUTION INSTRUCTIONS

This is to renew note 1278-767400, CM001 which matured on 7-31-1990.

AUTHORIZED BY (SIGNATURE)

x [signature]

FOR BANK USE ONLY

RECEIVED

9804390439

(DO NOT DETACH THIS STUB UNTIL AFTER THE FRONT OF THIS FORM HAS BEEN COMPLETED)

BANK-DEPOSITOR AGREEMENT
Sole Proprietorship Or Partnership

Union Bank

To: **UNION BANK** Date: 4/17/90

By signing this Bank-Depositor Agreement, I open a checking account _____ with you. I will maintain this account in compliance with your policies and practices now or hereafter adopted by you.

I am doing business under the trade name and style of:

California Democratic Voter Checklist and

☒ I certify that I am the sole owner of this business or

☐ We certify that we are owners of this business as co-partners and constitute all of the general partners of the partnership.

OWNERS: 1. CLINTON T. REILLY x

2.

3.

4.

TITLE: CALIFORNIA DEMOCRATIC VOTER CHECKLIST

ACCOUNT NO. [redacted]

You may:

- Pay out funds with any 1 of the signatures below.
- Checks are to be signed by authorized signature numbers 1 and countersigned by N/A. **In the event of conflicting demands you may require all our signatures.**
- Endorse checks for me which are received for deposit.
- ☒ MAIL ☐ HOLD all statements or notices. If I don't call for them in 60 days, you may mail them to me.

I agree that you are not responsible for items or statements lost or stolen while not in your possession. You or I can end our banking relationship at any time, with or without notice. My signature below indicates that I have received as part of this Agreement a disclosure statement for this type of account.

AUTHORIZED SIGNATURES

1. 3.

2. 4.

FORM 332 (Rev. 11/88) 12420A1

ACCOUNT TITLE

ACCOUNT NO.

NUMBER OF SIGNATURES REQUIRED: 1	SIGNATURES (Sign in black ink only.)
CHECKS TO BE SIGNED BY NUMBERS: 1	1. x
CHECKS TO BE COUNTERSIGNED BY NUMBERS: N/A	2.
DATE: 4/17/90	3.
	4.

FORWARD TO ACCOUNT SERVICES

9304392044C

NOTE: Detach this portion BEFORE inserting the back of this signature card into the IBM 4720 printer.

ACCOUNT TITLE		ACCOUNT NO.
California Democratic Voter Checklist		[redacted]
Street Address	704 Sansome Street San Francisco, CA 94111	
Telephone	(415) 397-0431	
Mailing Address	same as above	
Type of Business	slate mailer organization-sole proprietorshp	
Taxpayer Identification Number	[redacted]	Dun and Bradstreet No.
Previous Bank Branch/Office		Disburse interest to:
Address Change (Date)		
Fictitious Name Certificate Received on:		Checking Services:
Identification		Bank Reference Sent: Rec'd:
Other Union Accounts		

Date Opened	Opened By	Opening Deposit	Cycle	Reviewed By
Date Closed	Closed By	Closing Balance	Cycle	Date Purged
Reason Closed				Reviewed By

9 8 0 4 3 9 0 0 4 4 1

I, Clinton Reilly, declare:

1. Since the time of my last submission to the Federal Election Commission I have been able to gather additional information responsive to the FEC's November, 1995 interrogatories and request for production. My supplemental responses follow.

2. Question 1 is "State whether the California Democratic Voter Checklist (herein, the Checklist) is or has ever been incorporated, and if so provide copies of the Articles of Incorporation and By-Laws." Question 2 is "If the Checklist is not incorporated, describe how it is organized."

The Checklist is not and never has been incorporated. It is a dba, registered with San Francisco authorities. I have previously provided to the Commission a copy of the fictitious business name registration for the Checklist. The Checklist always has been operated by me as a sole proprietorship.

3. Question 3 states: "List the number of persons employed by the California Democratic Checklist, and in what capacity they are employed. Indicate if they are employed full-time or part-time."

My attorneys have repeatedly asked the FEC to explain the relevance of this question, especially at this stage of the investigation, but have not been provided any response other than a blanket statement that the Commission wants the information. The Checklist is not an ongoing business, but rather starts up with each election cycle, and shuts down at the end of each election cycle. There currently are no Checklist employees, and there is no one whom the Checklist employed for the entire period of 1990-1994. Each person who received a payment from the Checklist for professional services, consulting, etc. was listed on the reports filed with the FEC and with the state Fair Political Practices Commission.

The following persons were employed by the Checklist during the 1994 election cycle: Brian McGonigle, director; Edwin Metcalf, sales; Andrew Trapp, sales; Michelle Truelson, production; Chris Hansot, sales; Kerrie Hillman,

9 0 0 4 3 9 0 4 4 2

administrative assistant.

I do not have readily available the names of the persons who were employed by the Checklist during the 1990 and 1992 election cycles.

4. Question 4 asks that I "State how the Checklist is treated for federal income tax purposes; if a separate federal income tax return is filed by the Checklist, provide copies of the return for 1990, 1991, 1992, 1993, and 1994. Provide a copy of the 1995 federal income tax return once filed."

The Checklist has never filed a separate federal income tax return. It is a sole proprietorship; its income is income to me personally and is reported on a Schedule C Profit and Loss from Business (Sole Proprietorship) that I file each year as part of my personal income tax return. Although it is not called for by this request, since 1992 I have offered to provide copies of my 1990 Schedule C to confirm the manner in which the Checklist income has been reported so long as my tax return is subject to a protective order securing my right of privacy in my personal federal income tax return and ensuring that the Schedule C will not be released to any other person or agency and will not become part of the public record in this investigation.

5. Question 5 asks: "State whether the Checklist is part of an incorporated entity, or whether it operates under the auspices of an incorporated entity. If so name the entity, and describe how the entity is or has been associated or related with the Checklist from 1990 to the present. If the Checklist has operated or operates under the auspices of another entity, describe how it has operated from 1990 to the present."

The Checklist is a separate, unincorporated business entity which neither operates nor is operated under the auspices of any other entity, whether incorporated or not.

6. Question 6 asks that I "Describe the relationship, if any, which exists or existed between the Checklist and: a. Clinton Reilly Communications b. Clinton

Reilly Campaigns c. Campaign Production Services." Question 7 asks that I "Describe the type of business engaged in by the entities listed in 6a, 6b, 6c. For all entities listed in 6a, 6b and 6c, describe the type of business organization (corporation, partnership, etc.). State what, if any, involvement Mr. Reilly has in these business entities."

Clinton Reilly Campaigns is an incorporated business of which I am the sole shareholder and only officer. Clinton Reilly Campaigns is a dba for Clinton Reilly Communications. That entity is my political consulting business, through which I provide media and campaign strategy to candidates, ballot measure groups, etc.

Campaign Production Services is a separate incorporated business as to which again I am the sole shareholder and officer. It differs from Clinton Reilly Campaigns in that it focuses on the production needs of campaigns: printing, mailing, trucking, etc.

Clinton Reilly Campaigns/Communications and Campaign Production Services have provided services to the Checklist, and have been paid by the Checklist for those services. Some of the payments have been for overhead expenses: Clinton Reilly Campaigns leases the building out of which the Checklist is produced, and the Checklist pays Clinton Reilly Campaigns rent and a share of such expenses as food, equipment, etc. Other costs are related to services provided to the Checklist, such as art work, consulting on mailing lists, trucking, etc. Payments to these other entities have been listed on the Checklist's FEC and FPPC filings as payments for production services.

I am the sole owner and sole shareholder of Clinton Reilly Campaigns and Campaign Production Services. I am the only person authorized to make major decisions regarding those corporations, and I am the only person who receives the profits from them.

7. Question 8 asks that I "Provide copies of all primary election and general election slate mailers produced by the Checklist during 1990, 1992, and

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1994. Provide copies of any slate mailer materials distributed from 1994 to the present."

The Checklist has not produced any slate mailer since the November, 1994 election. As to earlier elections, with my June, 1996 declaration I provided the FEC a sample of the various documents produced by the Checklist. It is impossible to provide copies of *all* slate mailer materials produced by the Checklist in 1990, 1992, and 1994. I do not have on hand a copy of every slate mailer I published, as they number in the *thousands*. A brief description of each type of slate mailer material produced by the Checklist should help explain.

The Checklist produces three types of publications. The first is a glossy, 8 ½" x 11", eight page book containing a list of candidates and ballot measures, pictures of candidates, endorsements, etc. That book was distributed primarily in San Francisco, although I believe at least one time it had a wider circulation through the state. A copy of one such book was included as an exhibit to my June, 1996 declaration. I also published a 5 ½" x 8 ½" version of the glossy book, which was distributed in San Francisco. A sample of that smaller book was included with my June, 1996 declaration. Finally, I published the actual slate card, which is a two-sided document that can be carried into the ballot box. There were many different versions of that card -- e.g., the Democratic Seniors Checklist, the Democratic Women's Checklist, the Democratic Family Checklist, and the California Democratic Voters Checklist. Each version had a number of variations geared toward the specific voter who received it, in that it listed the state and local candidates and initiatives that would appear on that voter's ballot. In California, there are approximately 2,200 ballot groups -- that is, there will be 2,200 different versions of the ballot printed for the upcoming November election. All will have the same candidates for President, for any statewide offices that are at issue in the election (such as Governor, Superintendent of Public Instruction, etc.) and for statewide initiatives. But there will be different candidates listed for Congressional

races, state Senate and Assembly races, and the myriad local offices such as county board of supervisors, city council member, mayor, school district board member, water district board member, etc., depending on the geographic location of the particular voter's residence. Because the Checklist's slatecard was intended to list candidates for as many of those local offices as possible, I published approximately 2,200 variations for each election -- one for each ballot group in the state. Thus there were 2,200 slightly different California Democratic Voter Checklist slatecards published for the June, 1994 primary plus up to 2,200 different Democratic Women's Checklist slatecards, another 2,200 Democratic Family Checklists, etc.

I keep some samples of my Checklist publications to show prospective clients, etc. My best guess is that I have 4 or 5 shelves' worth of Checklist publications from the six elections at issue here. I do not have a copy of every Checklist publication I sent out over those six elections. Indeed, I cannot tell how many different publications I still have without looking at each document closely to see whether there are variations in local candidates or ballot measures. I object to undertaking that extremely burdensome process.

8. Question 9 makes a series of requests pertaining to "each slate mailer produced by the Checklist for the primary and general elections for 1990, 1992, 1994 and from 1994 to the present." Question 9.a. asks: "Provide an itemized list of the production cost of each slate mailer and the total number of each slate mailers produced and distributed for each year listed."

The FEC and FPPC filings give gross figures for production costs. I do not have readily available an "itemized list" of those costs. Putting such a list together would require an enormous amount of work tracking down invoices, payments and the like. I object to having to do this burdensome and intrusive listing until the FEC or the court determines whether the Checklist falls within the FEC's jurisdiction.

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9. Question 9.b. asks that I "Provide information as to how each slate mailer produced was distributed (i.e., distribution by handbills, brochures, posters, broadcasting, newspapers, magazines, billboards). If direct mail was used as a form of distribution, identify source of the mailing list(s) used for distribution, identify source of the mailing list(s) used for each slate mailer so distributed, and provide the cost of mailing for each different slate mailer for each year specified."

The slate mailers were distributed solely through the U.S. mail. The mailing lists were bought from one of two companies: Below, Tobe and Associates or American Data Management.

In addition, Clinton Reilly Campaigns assisted with the count book production, a function related to compiling a mailing list. Count book production involves deciding which 1-2 million of the 12 million voters in California should receive copies of the Checklist publications. My campaign organization would analyze various demographic characteristics of voters -- e.g. age, sex, propensity to vote, home ownership, party affiliation, etc. -- and decide which voters were best to target and which version of the slate card to send.

The postage cost of mailing each slate card publication was 13 cents per piece.

10. Question 9.c. asks that I "Identify who determines the cost of each listing or slate mailer advertisement determined, as between candidates, as between ballot issues and candidates, as between ballot issues? State how the cost is determined. State what factors are used in determining the price of a listing or advertisement on the slate mailer."

The cost of each listing ultimately is decided by me, in conjunction with my staff. I determine cost based on what I believe the market will bear, taking into account a host of factors, including the nature of the office being sought; the closeness of the race; whether it is a candidate or ballot measure; the size of the target audience; whether the listing is large or small, highlighted or not; whether

other candidates for the same office are vying for a position on the slate; whether the candidate is part of a package group put together by the larger consulting firms; and my personal political beliefs.

Costs can vary widely. Perhaps the best example comes from the statewide initiatives listed on the November, 1994 slatecards. The "Yes on 188" group paid me $80,000 for a listing for its smoking initiative. The "No on 185" group was listed at a price of $30,000. But I accepted only $500 for a listing opposing Proposition 187, the anti-immigration initiative.

11. Question 9.d. asks that I "Identify who from the Checklist or, from other sources on behalf of the Checklist, negotiates with paying candidates for listing or advertisement in the slate mailer. Provide blank agreement forms or contracts used to evidence agreement as to type of advertisement or listing."

My staff handled most of the negotiations with candidates or their consultants for each listing. My answer to Question 3 above identifies my staff for 1994.

When a candidate had signed on we would send an invoice indicating the cost of the listing and the actual wording. A sample of such an invoice is attached as Exhibit A to this declaration.

12. Question 9.e. asks that I "Provide any and all writings distributed by the Checklist or on behalf of the Checklist to recruit or encourage candidates, committee, organizations or similar groups or individuals to participate in the Checklist's slate mailer program." Question 9.f. asks that I "Provide any and all informational, or promotional, materials produced and distributed by the Checklist or on behalf of the Checklist to encourage participation in the slate mailer program."

The vast majority of the Checklist's listings were solicited by telephone. One of my employees would get from the Secretary of State a list of all candidates who had qualified for the ballot throughout the state, and a list of all ballot measures

that had qualified for the particular election. Those lists were distributed to my sales staff, who would "cold-call" candidates and ballot measure committees to ask whether they were interested in appearing on the slate. As the Checklist became well known and successful, an increasing number of candidates, committees and consultants began to initiate the contacts with the Checklist staff.

I am not aware of any "mass mailing" advertisements, but my files contain copies of certain form letters which appear to have been sent primarily to political consultants. A representative sample of such letters from 1994 is attached as Exhibit B to this declaration.

13. Question 9.g. asks that I "Identify for each slate mailer produced and distributed in 1990, 1992, 1994 and from 1994 to the present, any and all paying and nonpaying candidates that have been clients of Mr. Reilly in his capacity as political consultant or who have been involved in any type of business or businesses in which Mr. Reilly has an interest or is associated."

None of my political consulting clients appeared on the 1990 slate mailers. In 1992, the slate mailers had listings for the following clients of mine: Tom Hsieh, candidate for San Francisco Board of Supervisors; and Maria Monet, candidate for San Francisco Community College Board. The 1994 slates had listings for the following of my clients: Ann Marie Conroy, candidate for San Francisco Board of Supervisors; Tom Umberg, candidate for Attorney General; Kathleen Brown, candidate for Governor; and David Roberti, candidate for Treasurer. To the best of my recollection I had no federal candidates as clients during the elections at issue here.

14. Question 9.h. asks that I "Explain the procedures employed in determining which nonpaying federal candidates are included in the slate mailer. Explanation should include whether candidates or committees are contacted with the view towards getting payment, and who is contacted." Question 9.i. asks that I "List any and all federal candidates initially contacted as paying candidates but

who were listed as nonpaying candidates in the slate mailer. Identify the slate listing or advertisement in which they appear."

The Checklist is primarily directed toward state and local candidates. Federal candidates are included only to make the slate complete. During the years of the Checklist's operation, many Democratic Congressional and Senate candidates were uncontested within their party, and would not have paid any money to appear on my slate card. I generally contacted only those federal candidates who had contested elections. For example, of the 30 or so federal candidates listed on the 1994 general election slates, only 10 or 11 paid money for their appearance. By contrast, in the 1994 general election I listed upwards of 319 paying state and local candidates and ballot measures.

It is possible that I or my staff initially contacted certain federal candidates hoping they would pay for a listing, and upon learning they would not, decided to put them on the slate anyway. I am not aware of any records that would confirm whether such conversations took place, and I cannot recall any such conversations.

15. Question 10 asks that I "Provide copies of any and all documents, to include agreements, notes, and bank statements, relating to the application, granting, use, and repayment of the line of credit obtained by Clinton Reilly with regard to the Checklist from 1990 to the present." Question 13 asks that I "Describe any and all loans made to the Checklist by Clinton Reilly from 1990 to the present, to include date of loan, amount of loan, date and amount of repayment, and present outstanding balances, if any. Provide any and all documents evidencing such loans to include, but not limited to agreements, contracts, promissory notes, and liens."

I have already provided the FEC with copies of the loan documents. To the best of my recollection I received no separate bank statement for the lines of credit. There is no outstanding balance on any of the loans. Repayment information is given below in response to Question 11.

I have offered to provide a copy of the loan application for 1990 pursuant to a protective order. As my attorneys have explained to the FPPC, the initial 1990 loan application contains my personal financial balance sheet, a list of my personal assets, and similar information as to which I have a legitimate privacy interest. I do not wish to have that information become part of the public record by virtue of my having released it to the FEC.

16. Question 11 asks that I "Provide a schedule listing all capitalization of the California Democratic Voter Checklist by Mr. Reilly to include dates of capitalization, source of funds used for capitalization and amounts." Question 12 asks that I "Provide a schedule listing all reimbursements of funds extended to the Checklist by Mr. Reilly as capitalization to include dates of reimbursement, source of funds used for reimbursements and amounts reimbursed."

All of the funds used to capitalize the Checklist came from the four loans (lines of credit) I took out for that purpose -- one for the June 1990 election, one for the November 1990 election, one for both 1992 elections and one for both 1994 elections. All funds used to repay the line of credit came from the proceeds of the Checklist, which means they came from payments made by candidates, consultants and committees for a listing on the Checklist.

In 1990 I drew the following sums from the line of credit: $47,000 on 4/20/90; $25,000 on 4/30; $25,000 on 5/7; $105,000 on 5/29; and $133,000 on 8/3. The total amount of capitalization that year was $335,000. Sometime between May and June of 1990 I paid a $1,250 application fee for the line of credit. I then made the following payments of principal and interest on the loans: $1,024 on 5/25/90; $1,959 on 6/25; $69,000 on 6/29; $1,267 on 7/31; $100 on 8/1; $1,164 on 8/31; $1,250 on 7/31; $133,000 on 8/31; $1,247 on 10/1; $1,288 on 10/29; $1,247 on 11/21; $1,228 on 12/31; $7,068 on 3/15/91; and a final payment of $134,081 on 6/15/91. Payments related to the line of credit totaled $354,923.

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In 1994, I drew from the line of credit only once: for $25,000 on 4/4/94. I paid back the $25,000 on 5/20/94. In addition, I made two interest payments: $126.22 on 6/1 and $140.10 on 5/24. I also paid an application fee of $1,250.

I have not yet completed an accurate accounting of the capitalization for 1992. It appears that, for each of the elections at issue here, certain payments to or from me were reported as "capitalization" when in fact they were payments made for other purposes. I can reiterate, however, that the only funds used to capitalize the slate were the funds I provided through the lines of credit, and that those loans were repaid in full from Checklist proceeds. No one other than me put money into the Checklist for any reason other than to pay for a listing.

17. Question 14 asks that I explain a number of so-called "discrepancies" in my FEC filings. Question 14.a. asks that I explain the following: "During 1990, the Checklist reported total capitalization receipts from Clinton Reilly of $335,000.00. The Checklist, however, reported a partial repayment of capitalization to Mr. Reilly throughout 1990 totaling $713,774.00. In addition, the reports do not include any information pertaining to any loans from Clinton Reilly to the Checklist in this amount."

My response to Question 11 above should clarify the amount of money used to repay capitalization. The additional payment to me of $500,000 on 11/9/90 was for my profit from the Checklist operations. It was reported as a "fee" on my state FPPC filings. I do not know why it was incorrectly reported as "partial repayment of capitalization" on my FEC filings.

18. Question 14.b. asks that I explain the following: "The 1990 reports disclose independent expenditures to nonpaying federal candidates of $19,000.00 with respect to the primary election and $21,500.00 with respect to the general election. Attached to the report pertaining to the primary election is a note indicating that the amount allocated for each candidate was based on the assumption that 3 percent of the value of the entire slate mail program was

allocable to nonpaying candidates. The note included for the general election, however, indicates that the allocation was based on the assumption that 1.5 percent of the value was allocable."

From my point of view, it is virtually impossible to ascertain the true value of a free listing for a candidate who would not have paid for a listing under any circumstance, particularly when, as described in my response to Question 9.c., the "value" of a particular listing, if value is deemed equivalent to the cost of the listing, varies greatly depending on a number of factors. It is precisely for those reasons that the state Fair Political Practices Commission only requires that the Checklist identify any candidate who is listed for free and does not require that I come up with some arbitrary figure for the "value" of any free listing. I only did so for the federal reports because I was informed by my attorneys that doing so was required under federal law.

The particular allocation formulas were worked out by the persons who prepared my FEC reports. It was my understanding that the formulas were consistent with advice given by the FEC to another slate card operation run by Berman & D'Agostino. I do not know why those formulas resulted in 3% or 1.5%.

19. Questions 14.c. through 14.k. ask a series of questions about Checklist receipts or expenditures that are identified on my reports as pertaining to capitalization or repayment of capitalization. For each of those questions the issue appears to be that the reports "do not include any information pertaining to loans, lines of credit or draw downs from a line or lines of credit either from Clinton Reilly and/or the Union Bank of the Checklist."

As explained more fully above in response to Question 11, the only loans made to the Checklist were the lines of credit I used to capitalize the business. The repayments of capitalization were payments used to pay down the line of credit, either as payments of principal or payments of interest on the loan. Capitalization funds came solely from the lines of credit. The FEC reports do have some errors in

what is listed as capitalization or repayment of capitalization. The correct figures are those given here in response to Question 11.

20. Question 14.l. asks that I explain the following: "In 1990, the Checklist reported making $19,000.00 in independent expenditures on behalf of federal candidates for June 5, 1990, for the California primary election and $21,000.00 in independent expenditures on behalf of such candidates for the November 6, 1990, general election. The report filed by the Checklist for the independent expenditures identified the date of the expenditure as the same day as the date of the election even though the expenditures were for listings of these candidates in slate mailer which by their nature are prepared and distributed prior to election day."

It is true that the slate mailers were prepared and distributed prior to election day. If the FEC or the court ultimately decides that I must file reports for the Checklist, I will ask my attorneys to research whether I need to amend my prior reports to correct the dates.

21. Question 15 asks that I "Explain the nature and purpose of the four disbursements totally $445,000.00 reported as made by the Checklist to either Mr. Reilly or Clinton Reilly Communications on the 1994 12 Day Pre-Primary, October Quarterly and year End Reports. The purposes listed for these disbursements include "count book production" and "production services." Provide an explanation for these terms and the nature of the service(s) rendered which resulted in the disbursements."

The $400,000 payment to me was my profit from the slate card operation; $10,000 was a payment for count book production services provided by Clinton Reilly Campaigns; $35,000 in payments were made for other production services provided by Clinton Reilly Campaigns. In this declaration I have provided further information about the count book production process in response to Question 9.b., and about other production services in response to Question 6.

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22. Question 16 asks: "For the following individuals and entities listed in 1994 disclosure reports submitted by the Checklist, explain the nature of the sources participation in the slate mailer program, the purpose of the receipt, and the identity of the source at the time of the making of the receipt (i.e., was the source an individual, a potential candidate, a committee, a political consultant, a corporation, a special interested organization, etc.)." The answer is as follows:

a. The 12 Day Pre-Primary Report

1. James R. Covell $2,500

Mr. Covell's payment was made to list himself as a candidate for the office of Assessor.

2. Nick DePrisco $1,000

Mr. DePrisco's payment was made to list himself as a candidate for Municipal Court judge.

3. Gary Sandy Communications $1,250

Gary Sandy Communications is a political consulting firm which paid for a listing for Mark Pappas, a candidate for District Attorney.

4. Kerynn Gianotti $500

Ms. Gianotti paid for space for John Russo, a candidate for Oakland City Council. Checklist records do not indicate the nature of the relationship between Ms. Gianotti and Mr. Russo.

5. Sylvia Hampton $500

Ms. Hampton and Bill Hampton have a joint checking account which was used to pay for a listing for Bill Hampton, a candidate for County Board of Education.

6. McNally Temple Assoc. Inc. $22,000

McNally Temple Associates is a political consulting firm which paid for listings for John Dougherty, candidate for District Attorney; George Barber, candidate for San Joaquin Board of Supervisors; Dan Flynn, candidate for Ventura School

Superintendent; Barbara Zuniga, candidate for Superior Court judge; and Baxter Dunn, candidate for Sheriff-Coroner.

7. PBN Company $10,000

PBN Company is a political consulting firm whose payment was for a listing for "Yes on State Measure 1C."

8. Scott P. Plotkin $750

Mr. Plotkin's payment was for a listing for Patricia Thiel, candidate for County Board of Education. Checklist records do not indicate the nature of the relationship between Mr. Plotkin and Ms. Thiel.

9. Pol-Serv, Inc. $4,000

Pol-Serv is a political consulting firm which paid for a listing for Pete McHugh, candidate for Santa Clara County Assessor.

10. John R. Putko $150

Mr. Putko made two payments of $150 each on 5/17, one to list himself as a candidate for Central Committee and one to list Richard Turnbull as a candidate for Central Committee.

11. David S. Ream $2,500

Mr. Ream is one of the signatories to a personal checking account which paid for a listing for Bob Ream, candidate for State Assembly. Checklist records do not indicate the nature of the relationship between Mr. David Ream and Mr. Bob Ream.

12. Kenneth R. Silk $500

Mr. Silk paid to list himself as a candidate for Central Committee.

13. Strategy & Campaign Mgt. Grp., Inc. $1,500

Strategy & Campaign Management Group is a political consulting firm which paid for a listing for Rene Navarro, candidate for Superior Court judge.

14. Townsend, Hermocillo, Raimundo & Usher $162,750

The Townsend firm is a political consulting firm which paid for listings for Art

Torres, candidate for Insurance Commissioner; Robert Presley, candidate for State Board of Equalization; the No on U campaign, a local Sacramento measure; Garry Ichikawa, candidate for Supervisor; and Glenn Craig, candidate for Sheriff.

15. Western Pacific Research, Inc. $1,900

Western Pacific Research is a political consulting firm which paid for listings for Jon Stuebbe, candidate for Municipal Court judge and Conni Brunni, candidate for Supervisor.

b. The July Quarterly Report:

1. Pol-Serv, Inc. $500

Pol-Serv is a political consulting firm which paid for a listing for Fadi Sabi, candidate for Open Space Assessor.

2. Polistat $4,000

Polistat is a political consulting firm which paid for a listing for Larry Stirling, candidate for District Attorney.

3. Lee Ann Prifti $200

Ms. Prifti paid to list herself as a candidate for Democratic County Central Committee.

4. John R. Putko $300

See response to a.10 above (Mr. Putko made payments totaling $300 only; it appears one payment was accidentally reported twice)

5. Townsend, Hermocillo et al. $441.17

This was a payment made by the Checklist to the Townsend political consulting firm as a sales commission for the firm's role in securing candidate listings.

c. The October Quarterly Report

1. Ray J. Rodriguez $250

Mr. Rodriguez paid to list himself as a candidate for School Board.

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2. Ross Valley Pharmacy $600

Ross Valley pharmacy paid for a listing for Paul Lofholm, candidate for Hospital District. Checklist records do not indicate the relationship between the pharmacy and Mr. Lofholm, but it appears that Mr. Lofholm signed the Ross Valley Pharmacy check.

3. Mary F. Stompe $400

Ms. Stompe paid to list herself as a candidate for City Council.

4. Raymond C. Wieser $300

Mr. Wieser paid to list himself as a candidate for Mayor.

d. 30 Day Post-General Report

1. Adler Wilson Campaign Service Inc. $1,500

Adler Wilson is a political consulting firm which paid for a listing for a local ballot measure in Contra Cost county, "Yes on Measure B."

2. Adler Wilson Campaign Service Inc. $1,000

Adler Wilson is a political consulting firm which paid for a listing for John Tavaglione, candidate for County Supervisor.

3. Adler Wilson Campaign Service Inc. $1,600

Adler Wilson is a political consulting firm which paid for a listing for a local ballot measure in the City of Dana Point, "Yes on Measure C."

4. Adler Wilson Campaign Service Inc $1,600

Adler Wilson is a political consulting firm which paid for a listing for a local ballot measure in the City of Dana Point, "Yes on Measure D."

5. Hargis & Associates $300

Hargis & Associates paid for a listing for Steve Blanton, candidate for City Council. Checklist records do not indicate the nature of the business engaged in by Hargis & Associates, but do indicate that Ken Hargis was connected with the Friends of Steve Blanton committee.

6. John C. Holt $250

John Holt paid to have himself listed as a candidate for School District board.

7. George Barber-McNally Temple Assoc., Inc. $2,000

McNally Temple Associates is a political consulting firm which paid for a listing for George Barber, candidate for County Supervisor.

8. Glenn A. Miller $250

Glenn Miller paid to have himself listed as a candidate for Water District board.

9. Robin Irene Neveau $400

Robin Neveau paid to have herself listed as a candidate for Hospital District board.

10. John Records $375

John Records paid to have himself listed as a candidate for Hospital District board.

11. The Richard A. Hall Company $333

Richard Hall Company paid for a listing for Steve Dicterow, candidate for City Council. Checklist records do not indicate the nature of the business engaged in by the Richard A. Hall Company, but do indicate that the Dicterow listing was arranged for by a political consulting firm, Campaign Strategies.

12. Robinson Communications, Inc. $345 x 4

Robinson Communications is a political consulting firm which paid $345 each for the following to be listed: Carol Klatt, candidate for City Council; Madolyn Agrimonti, candidate for City Council; Donald Sherer, candidate for Harbor District; Aldyth Parle, candidate for City Council; Michael Guingona, candidate for City Council.

13. Alberto S. Rocha $2,600

Alberto Rocha paid for himself to be listed as a candidate for AC Transit District.

14. Strategic Resources $250; $1,000; $1,000; $500; $500; $334; $600; $350; $350; $1,000; $250; $250; $250; $233; $100

Strategic Resources is a political consulting firm whose payments were for listings for the following candidates: Guy Houston, candidate for Mayor ($250); Ann

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Johnston, candidate for City Council ($1,000); Victor Mow, candidate for City Council ($1,000); No on Measure K ($500); No on Measure N ($500); Hugh Campbell, candidate for Water District ($334); Ted Simas, candidate for Community College Board trustee ($600); Carlon Perry, candidate for Mayor ($350); Greg Flora, candidate for City Council ($350); Duane Isetti, candidate for City Council ($1,000); Mark Stoup, candidate for City Council ($250); Laura Tilrico, candidate for City Council ($250); Dan Bilbrey, candidate for Mayor ($250); Loralee McGaughey, candidate for Water District ($233 and $100).

15. Western Pacific Research, Inc. $635.72 x 3; $635.71 x 4

Wester Pacific Research is a political consulting firm which paid for the following listings: Conni Brunni, candidate for County Supervisor ($635.72); Ken Mettler, candidate for School District ($635.72); Karen DeWalt, candidate for School District ($635.72); Craig Henderson, candidate for School District ($635.71); Pat Smith, candidate for City Council ($635.71); Kevin McDermott, candidate for City Council ($635.71); Mark Heiller, candidate for City Council ($635.71).

23. Question 17 asks that I "Provide copies of all checks or other documents or instruments representing the deposit of the capitalization receipts for 1990 to the present in the Checklist's depository account, copies of all disbursement checks representing capitalization repayments or other documents showing to whom each repayment was made."

It is my recollection that many of the capitalization deposits were made by bank transfer. Repayments were made to Union Bank, which gave me the loans. It is possible that some repayments were made by me personally and then I was reimbursed by the Checklist account.

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I would have to go through every Checklist check for the entire 6 year period, and through other financial documents as well, to ascertain which checks relate to capitalization. I object being put through that burdensome process at this stage of the proceedings.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at San Francisco, California.

DATED: August 23, 1996

Clinton Reilly

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Re-executed at San Francisco, California this 25th day of October, 1996.

CLINTON REILLY

State of California)
County of SAN FRANCISCO) ss.

Subscribed and sworn to (or affirmed) before me on OCTOBER 25, 1996.

Signature of Notary

(Seal of Notary)

PAUL F. CHEW
Commission # 1066585
Notary Public — California
San Francisco County
My Comm. Expires Feb 10, 2000

49515.1

** CALIFORNIA DEMOCRATIC VOTER CHECKLIST **

704 Sansome Street
San Francisco, CA 94111
(415) 397-0431

TO: Tonia Izu
A.V. Associates
3440 Sierra Road
San Jose, CA 95132

ATTN: Victor Ajlouny

INVOICE #:94100310

*** THIS BILL IS DUE AND PAYABLE UPON RECEIPT ***

DATE	ITEM	COST
10/03/94	Listing space on November Election slate card	$200.00

** Listing will include the following information:

SCHOOL BOARD
Tonia Izu

Any changes to the name or office must be made at time of payment. Changes made after payment are NOT guaranteed, and in NO CASE can changes be accepted after 10/01/94.

FULL PAYMENT is required to PROCESS orders, and deposits are NOT refundable.

TOTAL DUE $200.00

Make check payable to "California Democratic Voter Checklist"
(FEC# C00244525 - FPPC# 590004)
Please provide your campaign Political ID#

CDVC-94100310 /SC/SB 812

9 8 0 4 3 9 0 4 6 3

FAXED 8/11
(916) 447-8186

California Democratic Voter Checklist

Via Fax to (916) 447-6326

Lisa Haynes
McNally Temple

Dear Lisa:

I hope your summer was at least a little bit relaxing. It is August and time to gear up for a busy fall. The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and price for Mr. Barber's race.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
George Barber	Joaquin SUP-4	8,756	$2,000

As you know, we are also speaking to the other candidate in this race, so if you would like to reserve space and /or discuss the possibility of highlighting your candidate on the card, please contact me at your earliest convenience.

Good luck this fall!

Sincerely,

Brian L. McGonigle

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

(916) 447-8866
faxed 9/14, 9am!

California Democratic Voter Checklist

Via Fax to (916) 447-6326

Rick Vanuberg
McNally Temple

Dear Rick:

Thank you for your interest in the California Democratic Voter Checklist. The Voter Checklist will be mailed to 2 million high propensity Democrats this fall. The select will focus on middle class conservative Dems who will make up the swing vote this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your races. These are the only two races on your list that we are free to consider this fall. There are several others that I would normally like to consider, however, our hands are somewhat tied this time around.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
George Barber	Joaquin Sup-4	8,756	$2,000
Cynthia Crothers	RS Sup-5	18,329	$3,500

As you know, we are also speaking to the other candidate in these races, so if you would like to reserve space and /or discuss the possibility of highlighting your candidate on the card, please contact me at your earliest convenience.

Good luck this fall!

Sincerely,

Brian L. McGonigle

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

Fax 5/11
(510) 658-7303

California Democratic Voter Checklist

Via Fax to (510) 658-7302

Catherine Lew
Vice President
Tramutola & Company

Dear Catherine,

I hope your summer was at least a little bit relaxing. However, August is here and it is time to gear up for a busy season. The California Democratic Voter Checklist will be mailed to 2 million high propensity Democrats this fall. I hope your candidates will once again join us as part of this valuable direct mail program.

Below is the information you requested regarding pieces and prices for your November races.

CANDIDATE	OFFICE/DISTRICT	APPROX # PIECES	COST
Wilma Chan	AL Sup-3	25,423	$ 3,500 3,000/2,50
Tony Thompson	Bay Muni	23,454	$ 3,000 2,500
Tommy Ammiano	SF Supervisor	315,000 total 105,000 8"X 11" brochures 105,000 5.5"X 8" brochures 105,000 slate cards	$25,000
Albany Assessment	Lighting Landscape	2,200	$ 500
Local Measure	Oakland Schools	49,455	$ 6,000

I am enclosing a copy of the fact sheet which provides a detailed description of the San Francisco program. I realize that Tommy has not raised a lot of money, but we can try to work out a compromise which can include him. Hopefully the fundraising will pick up in early September.

As you know, we are also speaking to other candidates in some of these races, so lets get together and talk as soon as you have a good idea how each campaign is shaping up.

Thanks.

Brian McGonigle

Mike Wallace : Washington Twp Hospital Dist
22,300 pieces - $1,500

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

California Democratic Voter Checklist

FACT SHEET

The California Democratic Voter Checklist is a direct mail program targeted to likely Democratic voters throughout San Francisco. The mailers endorse candidates and measures at all levels -- from statewide to local districts -- and are clear, easy-to-follow election day guides.

Effective Targeting: The Voter Checklist is specifically targeted to voters who are most likely to turn out for the November election. Great care is taken to identify voters with a consistent history of voting in General elections --those voters most likely to cast ballots on election day. The Voter Checklist will reach over 90% of the San Francisco Democrats who will actually vote on November 8th.

Timely Delivery: The targeted voters receive the Voter Checklist at three strategic times before the election. All three pieces will be mailed to the same highly targeted voters. A large brochure will be delivered first, with a smaller brochure reaching voters approximately a week later. This leaves the third piece, the slate card, to land just days before the election. Over 50% of California voters bring some sort of voter guide to the polls. The California Democratic Voter Checklist has been an established and effective mailer in each of the last seven elections.

Highest Quality: The California Democratic Voter Checklist program for San Francisco is comprised of an 8.5" X 11" 8-page, four color glossy brochure, an 8.5" X 5.5" 8-page four color glossy brochure and the 8.5" X 5.5" two-sided, three color slate card printed on high quality card stock. The brochures provide the opportunity for color photos and fully catered text. The slate card includes top quality laser printing of the voter's name and address, as well as the voter's polling location. Candidates are listed in a ballot style section designed to help voters follow along with their ballot.

Special Advertising: All three pieces offer a variety of options for highlighting and additional space to draw added attention to your candidacy. The card offers opportunities for variable type sizing and special fonts.

Drop Off: This year's ballot is long and confusing. Most people will be voting for their choice for Governor and the "drop off" problem on the other races and issues could be a serious one. The Voter Checklist helps Democratic voters get through the entire ballot.

Inexpensive: By purchasing a listing on the Voter Checklist, your campaign is provided an inexpensive way to mail three ID-pieces to voters -- for a fraction of the cost of mailing your most modest campaign brochure.

Don't miss the chance to be a part of the California Democratic Voter Checklist program. To reserve space, call Michelle Truelson at (415) 394-8650. It could make the difference for you this November 8th!

704 Sansome Street, San Francisco, CA 94111 (415) 394-8650 Fax (415) 397-1904

Fair Political Practices Commission Issues Fine Against Clinton Reilly

MUR 3502

– by June Gin –

At its October meeting, the Fair Political Practices Commission handed down its monthly decisions regarding enforcement actions taken against violators of the Political Reform Act.

The largest fine that the FPPC levied was a decision against long-time political consultant Clinton Reilly and the California Democratic Voter Checklist. Clinton Reilly was issued a $42,000 fine for 41 counts of failure to timely file pre-election campaign statements and late payment reports during the 1992 General Election.

According to Darryl East and Melodee Anderson of the FPPC's enforcement staff, the Democratic Voter Checklist, a slate mailer organization in San Francisco that endorses Democratic candidates and ballot measures for which Clinton Reilly serves as treasurer, failed to make a number of late contribution reports that were due during the 1992 and 1994 general elections.

According to Government Code Section 82048.4, a slate mailer organization is any person who is involved in the production of the mailers, exercises control over the endorsements, and receives payments totaling $500 or more in a calendar year for the slate mailers.

Section 81002 establishes a campaign reporting system in order to provide full disclosure of the campaign receipts and expenditures, which slate mailer organizations must file. Statements from slate mailer organizations must disclose all payments and expenditures during the appropriate filing periods.

According to Section 84218, slate mailer organizations must file pre-election statements. A slate mailer organization that receives $500 or more for any endorsement or spends $500 or more for a slate mailer is required to file pre-election statements for the appropriate time period.

Clinton Reilly and the Democratic Voter Checklist did not comply with the requirements that the statements be filed on time, according to FPPC enforcement staff. The Democratic Voter Checklist was fined by the Secretary of State's office for late filing. The Democratic Voter Checklist received late payments totaling $316,975 from candidates and committees in the fall of 1992 that went unreported until January 1993.

Late payment reports that were required but not filed on time during the 1992 election included mostly contributions from candidates for the Bay Area Rapid Transit Board, committees advocating positions on local initiatives, and supervisorial candidates. The payments in question for slate mailer endorsements also came from state assembly and supervisorial candidates and local ballot measure committees in southern California and Sacramento.

The late payment period during the 1994 election ran from October 23 until the date of the election, during which contributions totaling $104,000 that were not timely reported came from local supervisorial candidates and committees supporting local utility district candidates and local initiatives.

According to East and Anderson, the violation was aggravated by the total amount that was reported after the deadline. The number of individual counts of violations that occurred in two separate general elections, which they said aggravated the violation.

"The respondents failed to publicly disclose that they had received payments totaling $804,964 and made payments totaling $160,184," according to the enforcement staff.

In addition, they noted that "Clinton Reilly has extensive experience and knowledge of state and local campaigns and is familiar with the requirements of the Political Reform Act." Because Clinton Reilly is the founder of the Democratic Voter Checklist, directs and controls its activities and had filed late payment reports in the past, including 1992 and 1994, the FPPC concluded that he knew of the requirement that late payment reports be filed.

The violation was, however, mitigated by the fact that the Democratic Voter Checklist reported its campaign activity on post-election statements that were filed on time. Staff did not find any evidence indicating that the violations were intentional.

In addition, the FPPC staff noted that Clinton Reilly, being experienced with the Act, had instituted procedures that were followed to ensure the proper filing of late payment reports. They could not figure out why the procedures failed in the instances in question, noting that even Reilly was not aware of the failure of his procedures to ensure timely filing. FPPC staff concluded that the intense activity during the time prior to the elections may have contributed to Reilly's lack of knowledge about the breakdown of his system, for which he accepted full responsibility.

The FPPC also levied a $4,500 file against Anita King, a respondent who had failed to file statements of economic interest for a number of years. According to Deanne Canar of the FPPC enforcement staff, King had ignored repeated letters from local election authorities and the FPPC calling for her to file the required statements.

King was a member of the Colorado River Board of California, a gubernatorial appointee. She failed to file statements of economic interest for three consecutive years.

Appointed public officials, according to the Political Reform Act, should perform their duties in an impartial manner. Thus, Section 87300 requires that all agencies adopt a Conflict of Interest Code. The Conflict of Interest Code of the Colorado River Board required King to file annual Statements of Economic Interest on April 1 of each year, which she repeatedly neglected to file.

The FPPC levied its last fine of $4,500 against Marvin Goldsmith, a respondent who had made decisions in which he had a financial interests. According to Canar, Goldsmith should have recused himself from certain decisions while working for the Department of Justice on a sensitive case.

Goldsmith had served as a Senior Assistant Attorney General at the Department of Justice. He violated the Political Reform Act in his capacity as section chief by recommending that the agency employ and pay for the services of a law firm that had donated a gift to him on January 4, 1993, within a year of his decision. While working in the Tort and Condemnation Section of the Civil Law Division of the Department of Justice, Goldsmith had statewide responsibility for the management of the section.

In 1993, Goldsmith had formally requested that the Berger & Wedner law firm be paid and that a contract to retain the firm to represent the State in two legal matters be approved, with subsequent amendments to the contract included additional cases. He authored a lengthy memorandum to his supervisor, recommending that the firm be employed to handle additional litigation matters for the state.

Three months after receiving the gift,

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Goldsmith also wrote to the Chubb Insurance Group, which was funding the State's defense in the pertinent case, formally requesting that the group pay the costs of the firm's legal services.

According to Section 87100, public officials are prohibited from participating in a governmental decision in which they know they have a financial interest. An official is determined to have a "financial interest" in a decision if the decision will have a material effect on the donor of a gift to the official. "Participating in a governmental decision" occurs when a public official, acting within the authority of his position, advises a decision-maker.

For more information, the Fair Political Practices Commission may be reached by calling (916) 322-5737.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 8, 1997

Peter A. Bagatelos, Esquire
Bagatelos & Fadem
601 California Street, Suite 1801
San Francisco, CA 94108

Paul Sullivan, Esquire
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

Joseph Remcho, Esquire
Karen Getman, Esquire
Remcho, Johansen & Purcell
220 Montgomery Street, Suite 800
San Francisco, CA 94104

Re: MUR 3502
California Democratic Voter Checklist
and Clinton Reilly, as Treasurer
Clinton Reilly

Dear Counsel:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by your clients, on November 7, 1995, the Federal Election Commission found reason to believe that your clients, the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 441a(f), 434(b), and 434(c), and that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C). The Commission accordingly instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that violations have occurred.

The Commission may or may not approve the General Counsel's recommendations. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be

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forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3502
California Democratic Voter Checklist and Clinton Reilly, as Treasurer	)	
	)	
Clinton Reilly	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was generated from information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On November 7, 1995, the Commission found reason to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer ("the Checklist"), violated 2 U.S.C. § 441a(f) for accepting excessive contributions; 434(b) for various instances of misreporting; and 434(c) for failing to file 24-hour independent expenditure reports. The Commission also found reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C) by making excessive contributions to the Checklist.

In this brief, the General Counsel sets forth the factual and legal issues in this matter, and his recommendation regarding whether there is probable cause to believe that such violations occurred. See 11 C.F.R. § 111.16 (a).

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II. INTRODUCTION

This matter involves the question of whether the Checklist, a slate mail operation, is a political committee under the Federal Election Campaign Act of 1971, as amended ("the FECA" or "the Act"), and specifically, whether the Checklist satisfies the "group of persons" requirement under the Act's definition of political committee. Based on the following factual and legal analysis, this Office has concluded that there is probable cause to believe that the Checklist is a political committee, and is/was thus subject to the obligations, limitations, and prohibitions that accompany such status under the Act.

III. FACTUAL AND LEGAL ANALYSIS

A. Applicable Law

1. Political Committee Status

The Federal Election Campaign Act of 1971, as amended (the Act), defines a political committee to include any committee, club, association, or other group of persons which receives contributions or makes expenditures aggregating in excess of $1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The Act defines both "contribution" and "expenditure" as including "anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §§ 431(8)(A)(i) and 431(9)(A)(i). Independent expenditures count toward the $1,000 threshold for political committee status. See, e.g., Advisory Opinion 1988-22.

In Buckley v. Valeo, 424 U.S. 1 (1976), the Supreme Court, protecting against overbreadth, limited the definition of "political committee" to "encompass organizations that are under the control of a candidate or the major purpose of which is the nomination

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or election of a candidate." Buckley, 424 U.S. at 79; see Federal Election Commission v. Massachusetts Citizens for Life, Inc., 479 U.S. 238, 262 (1986); Advisory Opinion 1996-3. In addition to the "quintessential example" of a political committee as an organization whose major purpose is to nominate or elect particular candidates for federal office, "[a]lso reasonably included in the definition of 'political committee' is an organization whose major purpose is to elect a slate of named federal candidates." FEC v. GOPAC, 871 F.Supp. 1466, 1469-70 (D.D.C. 1994); but see Akins v. FEC, 101 F.3d 731 (D.C. Cir. 1996)(court concluded that "major purpose" test for political committees only applies to independent expenditures and that, in all other instances, the only test was whether the organization made or received expenditures or contributions in excess of $1,000); 322 U.S. App. D.C. 58 (D.C. Cir. 1996), certiorari granted Federal Election Commission v. Akins, 117 S.Ct. 2451 (1997).

In addition, one federal district court has agreed with the Commission that slate mailer organizations are subject to the regulatory provisions of the FECA. In FEC v. Californians for Democratic Representation, No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986) (CDR), a suit brought by the Commission against Californians for Democratic Representation (CDR), a slate mailer operation, the court found that CDR was required to comply with the requirements of the Act applicable to political committees. Specifically, the court found, inter alia, that: (1) the listing of candidates on a slate mailer who had not paid for the services constituted expenditures under the Act; (2) the amount of the expenditures involved in that case (over $1,000) exceeded the threshold for political committee status; (3) political committees which engage in commercial activity may only

do so within the limitations or prohibitions of the Act; and (4) payments made to the slate mailer for the purchase of advertising in the slate mailings did not constitute contributions to the slate mailer. CDR, Id.; see also MUR 3716 (Shelby for U.S. Senate Committee) (political group that accepted funds from campaign committees and others to pay for group's slate cards of endorsed candidates was political committee). Further, in Advisory Opinion 1984-62, the Commission found that a corporation in the business of operating a slate mail program was subject to the provisions of the Act and regulations that prohibit a corporation from making contributions or expenditures in connection with a Federal election.

Relevant to the "group of persons" requirement in the definition of political committee, the Commission has opined that a single individual who solicited contributions and used the contributions to print and distribute pamphlets urging people to vote for Republicans was acting as a political committee required to register and file reports under the provisions of 2 U.S.C. § 431(4). Specifically, in Advisory Opinion 1980-126, the Commission concluded that all the persons solicited for funds and who responded with contributions became part of the organization. The Commission reasoned that by divesting themselves of control over any decision-making relative to the making of expenditures by the organization, the contributors participated in the activities of the entity. Accordingly, the Commission concluded that these factors taken together indicate that the individual and all contributors to the entity came within the definition of a political committee as "any other group of persons" as set out in 2 U.S.C. § 431(4)(A).

2. Reporting Requirements

Political committees under the Act must register with the Commission and file periodic reports of their receipts and disbursements. 2 U.S.C. § 433 and 434. Among specific reporting requirements, political committees must disclose, for the reporting period and calendar year, the total amount of all loans received. 2 U.S.C. § 434(b)(2)(H). Political committees must also disclose the identity of each person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan. 2 U.S.C. § 434(b)(3)(E); 11 C.F.R. § 104.3(a)(4)(iv).

Political committees are also required to disclose, for the reporting period and calendar year, the total amount of disbursements for the repayment of loans, 2 U.S.C. § 434(b)(4)(E); 11 C.F.R. § 104.3(b)(1)(iii), and itemize payments to reduce the principal of a loan, 2 U.S.C. § 434(b)(5)(D); 11 C.F.R. § 104.3(b)(3)(iii).

In addition, the Act requires political committees to report the amount and nature of any outstanding debt owed by the committee. 2 U.S.C. § 434(b)(8); 11 C.F.R. § 104.11. Under the Commission's implementing regulations, committees are required to report both the original loan and payments made to repay the loan on Schedule C each reporting period until the loan is repaid. 11 C.F.R. § 104.3(d) and 104.11.

In addition to these reporting requirements, which apply to loans generally, the Commission's regulations set forth specific additional requirements for the reporting of bank loans received by political committees. Specifically, a committee that obtains a loan from a bank must also file Schedule C-1 with the first report due after a new loan or

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line of credit has been established. 11 C.F.R. § 104.3(d)(1). Moreover, in the case of a committee that has obtained a line of credit, a new Schedule C-1 must be filed with the next report whenever the committee draws on the line of credit. 11 C.F.R. § 104.3(d)(1) and (3); see Advisory Opinion 1994-26.

The Act and Commission regulations also require political committees that make independent expenditures of $1,000 or more on behalf of federal candidates after the 20th day but more than 24 hours before an election to report such independent expenditures to the Commission within 24 hours of making them. 2 U.S.C. § 434(c); 11 C.F.R. § 104.5(g).

3. Limitations on Contributions

Under the Act, no individual may contribute more than $5,000 per calendar year to a political committee that is not an authorized committee, 2 U.S.C. § 441a(a)(1)(C), nor may any individual make contributions aggregating more than $25,000 in any calendar year, 2 U.S.C. § 441a(a)(3). The Act correspondingly provides that no political committee or officer of a political committee may knowingly accept a contribution in excess of the foregoing limitations. 2 U.S.C. § 441a(f).

The Act excludes from the definition of a contribution any loan of money by a state bank, a federally chartered depository institution, or an institution where the deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business. 2 U.S.C. § 431(8)(B)(vii). However, the Act further provides that such a loan

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shall be considered a loan by each endorser or guarantor in the appropriate proportions; and that the loan shall be made on a basis that assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule, and shall bear the usual and customary interest rate of the lending institution. 2 U.S.C. § 431(8)(B)(vii). Commission regulations explain that a loan (other than a loan excluded from the definition of contribution) is a contribution at the time it is made and to the extent that it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B).

4. Prohibition Against Corporate Contributions

Under the Act, it is unlawful for any corporation to make a contribution or expenditure in connection with any federal election, and for any officer or director of any corporation to consent to any contribution or expenditure by the corporation. 2 U.S.C. § 441b. Political committees are correspondingly prohibited from accepting corporate contributions. 2 U.S.C. § 441b. For purposes of Section 441b, contribution or expenditure includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services or anything of value, such as an extension of credit unless made in the ordinary course of business and on substantially the same terms as to nonpolitical debtors. See 11 C.F.R. § 116.3(b) and (c).

B. Facts and Analysis

Clinton Reilly has been a political consultant for more than twenty years. Reilly indicated during the investigation that he owns and is the sole officer of two corporations -- Clinton Reilly Campaigns, Inc., a/k/a Clinton Reilly Communications, and Production Complex, Inc., a/k/a Campaign Production Services -- that provide various services to his

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clients, including campaign management, media production, direct mail, and strategic advice.

On April 16, 1990, Reilly expanded the services that he offered. On that date, Reilly filed a fictitious business name statement in San Francisco, California, reflecting the California Democratic Voter Checklist (hereinafter "the Checklist") as the name of an unincorporated business conducted by "an individual," namely himself. On May 7, 1990, without conceding the Commission's jurisdiction and the need to comply with reporting requirements under the Act, as discussed infra, the Checklist registered with the Commission as an unauthorized committee located at 704 Sansome Street, San Francisco, California, with Clinton Reilly as the treasurer, and custodian of records at the same address. It listed its depository as the Union Bank of San Francisco.

The Checklist produces a slate card, which is a piece of literature that contains the names, and sometimes photos, of federal, state and local candidates, and advocates the election or defeat of listed candidates. Often the slate cards additionally include recommendations on various ballot initiatives and referendums. The Checklist is in active operation only during the periods when it is producing slate card mailers for a particular election. Candidates who appear on the slate cards either pay for inclusion on the cards or are included on the slate cards without charge and without their knowledge or consent. In the latter instances, the Checklist would report the candidate's pro rata fair share as an independent expenditure made by the Checklist on behalf of the candidate.

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The following is a schedule listing the reported independent expenditures made by the Checklist during each election cycle since its inception:

1989-90	$40,000
1991-92	$42,800
1993-94	$24,200
1995-96	0[1]

Although the Checklist registered as a political committee and continues to report to the Commission, the respondents have continuously maintained that the Checklist is not legally required to do so. Respondents argue that because the Checklist is a sole proprietorship, it does not meet the definition of a political committee and, therefore, is not subject to the attendant reporting requirements and limitations provisions of the Act. Specifically, the respondents argue:

> ... the FECA sets forth a two-prong test for determining if an entity is considered a "political committee." The two elements, both of which must be fulfilled, first requires the entity to be a, "committee, club, association, or other group of persons." 2 U.S.C. § 431(4)(A). Thus, if all funds expended come from a single individual, that individual cannot constitute a committee. Second, the entity must receive contributions aggregating in excess of $1,000.00 during a calendar year or make expenditures aggregating in excess of $1,000.00 during the calendar year.
>
> In the case of CDVC, notwithstanding the fact that independent expenditures in excess of $1,000.00 were made during a calendar year, such expenditures were made by a single individual (i.e., Clinton Reilly, dba CDVC) and not by any committee, club, association, or other group of persons. Therefore, the first of the two statutory requirements is not fulfilled and CDVC fails to qualify as a political committee.

The investigation has revealed the following additional facts regarding how the Checklist was funded, and how it was constituted. On April 16, 1990, the date on which

[1] Mr. Reilly avers that the Checklist would have operated the slate mail program in 1996, but did not do so because of the status of this matter.

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Reilly registered the Checklist as an unincorporated business in the State of California, Reilly acquired a $250,000 loan from the Union Bank for the purpose of capitalizing the Checklist. Reilly endorsed the loan, and his two corporations, Clinton Reilly Campaigns, Inc., and Production Complex, Inc., guaranteed the loan via Reilly, as the president of the corporations. Under the terms of the loan agreement, Reilly and the two corporations were jointly and severally liable on any portion of the loan.

Pursuant to the terms of the promissory note, any advances on the loan, or draws on the line of credit, would be deposited directly into a "Debtor's deposit account" held in the name of the California Democratic Voter Checklist. Loan documents produced during the course of the investigation reflect that the original $250,000 loan acquired on April 16, 1990, was renewed on July 30, 1990. In addition, Reilly averred that he acquired two additional loans to capitalize the Checklist -- one in 1992 and one in 1994, each in the amount of $250,000. These subsequent loans were also renewals of the original loan.[2] All of the funds used to capitalize the Checklist came from these four loans. The following is a schedule listing all reported capitalization of the Checklist via draws on the lines of credit:

$ 97,000.00	04/20/90
$105,000.00	05/29/90
$133,000.00	08/03/90
$ 7,068.00	03/15/91
$134,081.00	06/15/91
$ 15,000.00	04/24/92
$ 15,000.00	08/12/92[3]

[2] The record does not contain loan documentation for the 1992 and 1994 loans. However, the totality of Reilly's averments, along with the evidence of record, indicate that these subsequent loans were renewals of the earlier $250,000 loan.

[3] While this $15,000 receipt was reported as "Participation in slate mail program" in the Checklist's October Quarterly report, Mr. Reilly averred that this payment was, more specifically, for capitalization of the Checklist, see Reilly Declaration, October 25, 1996 at 7.

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$130,895.44	01/27/93
$ 10,000.00	01/27/93
$ 25,000.00	04/04/94
$ 1,082.25	12/27/95

Total $673,126.69

In its disclosure reports, which it filed with the Commission on a quarterly basis, the Checklist reported the foregoing draws on the lines of credit as receipts from Clinton Reilly for "Capitalization of Calif. Democratic Voter Checklist."[4] The Checklist reported its repayments of the loans as disbursements to "Clinton Reilly paid through Union Bank" for "Partial Repayment of capitalization." Throughout its active life, i.e., 1990 - 1995, the Checklist reported that it had received no loans, and had made no repayments on any loans. At no time during its active life did the Checklist report having any outstanding debt.[5]

The following pertains to how the Checklist was constituted. Although there is some variation in the information of record regarding the question of whether the Checklist had employees when producing the 1990 and 1992 slate mailers, see discussion, infra, the following individuals were employed by the Checklist in 1994:

Name	Position	
Brian McGonigle	Director, slate mail operations	Full time
Edwin Metcalf	Sales associate (primary only)	Full time
Andrew Trapp	Sales associate	Full time
Michelle Truelson	Production assistant	Full time
Chris Hansot	Sales associate	Full time
Kerrie Hillman	Administrative Assistant	Full time

[4] The record reflects that all other receipts from individuals and organizations were for payment of the costs associated with a particular candidate or ballot measure being included on the slate cards. As such, these receipts do not constitute contributions. See CDR, supra.

[5] While Reilly acknowledged that the capitalization provided to the Checklist were loans to the Checklist, specifically stating,"[t]he only loans made to the Checklist were the lines of credit I used to capitalize the business," it is unclear why the respondents did not report the loans as such on the Checklist's disclosure reports.

1. Analysis of Political Committee Status

As stated, the respondents have consistently argued that because the Checklist is a sole proprietorship, it does not meet the definition of a political committee and therefore cannot be found to have violated the reporting requirements and limitations provisions of the Act. The evidence gathered during this investigation demonstrates the inaccuracy of the factual premise of this argument. First, while the respondents stress that the form of the Checklist as a sole proprietorship precludes it from constituting a group of persons within the definition of political committee at Section 431(4)(A), this is not necessarily true. A sole proprietorship is a form of business in which one person owns all the assets of the business, and is solely liable for all the debts of the business. Black's Law Dictionary, Sixth Edition. The fact that a single individual owns the business and is liable for its debts does not mean that the entity necessarily consists only of that individual. Section 431(4)(A) does not require that each individual in the group possess an equal ownership interest in the entity, or have an equal voice in the operation of the entity. Nor does Section 431(4)(A) require that there be any specific legal form attached to the group. Indeed, the provision requires nothing more than that there, in fact, be a group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year. See 2 U.S.C. § 431(4)(A).

Because the Checklist had employees, the Checklist was in fact a group of persons. In this vein, the courts have established that while a sole proprietorship is a recognized legal entity, if it has any employees, it "is in any event a 'group of individuals

associated in fact.'" McCullough v. Suter, 757 F.2d 142, 143 (7th Cir. 1985). In McCollough, supra, the court considered the question of whether a sole proprietorship can be an "enterprise" with which its proprietor can be "associated" within the meaning of a provision of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961(4) (RICO). RICO makes it unlawful for any person employed by or associated with any enterprise engaged in interstate or foreign commerce to engage in certain conduct. The statute provides that "'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity."

The court reasoned that there would be a problem prosecuting a proprietor under the RICO statute if the sole proprietorship were strictly a one-man show, and had no employees or other associates and simply did business under a name other than the proprietor's. Under those circumstances, the court explained, it could hardly be said that the sole proprietor was associating with an enterprise because "you cannot associate with yourself, any more than you can conspire with yourself, just by giving yourself a nom de querre." McCollough, supra at 144. However, the court noticed, the proprietor in that case had several people working for him; "this made his company an enterprise, not just a one-man band." Id. The court concluded that a sole proprietorship can be an enterprise with which its proprietor could be associated as long as the proprietorship has some separate and distinct existence from the proprietor, as when there are other people besides the proprietor working in the organization. The import of this case in the instant matter is that courts will look beyond the legal form of a sole proprietorship to its factual

constitution in determining whether the entity comes within the scope of a law pertaining to a group of persons. Significantly, the McCullough analysis was adopted in United States v. Benny, 786 F.2d 1410 (9th Cir. 1986), by the United States Court of Appeals for the Ninth Circuit, within whose jurisdiction this case arises. In Benny, the court concluded that the sole proprietorship there "was a troupe, not a one-man show." Benny, supra at 1416. Thus, contrary to respondents' assertion, the fact that Mr. Reilly has chosen a sole proprietorship form of organization does not exclude the Checklist from the definition of a political committee where, as here, the entity was, in fact, a group of persons.

In this case, as mentioned previously, there is some variation in Mr. Reilly's representations regarding the question of whether the Checklist had employees when producing the 1990 and 1992 slate mailers. In a sworn declaration dated August 23, 1996, Mr. Reilly asserted that he did "not have readily available the names of the persons who were employed by the Checklist during the 1990 and 1992 election cycles." This assertion suggests that the Checklist did in fact have employees during those time periods. Nonetheless, in a subsequent declaration dated October 25, 1996, Mr. Reilly averred that the Checklist had no employees when producing the 1990 and 1992 slate mailers, but instead contracted out for the services it needed.

However, Mr. Reilly's earlier statement, viewed together with other averments, casts doubt upon his assertion that the Checklist had no employees in 1990 and 1992. The following examples taken from Mr. Reilly's answers to the Commission's interrogatories suggest that the Checklist had employees throughout its existence.

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Significantly, neither the interrogatories nor Mr. Reilly's responses pertained solely to the 1994 election cycle. Rather, Mr. Reilly's responses were unqualified as to the time-frame, and indeed the instructions attached to the Commission's interrogatories advised that the discovery requests referred to the time period from January 1, 1990 to the date of that document, i.e., November, 1995, unless otherwise indicated. The following examples reflect that the Checklist had employees throughout its existence:

> In response to interrogatory #9c, requesting the identity of individuals who determined the cost of each listing or slate mailer advertisement, Mr. Reilly averred: The cost of each listing ultimately is decided by me, **in conjunction with my staff**.
>
> In response to interrogatory #9c, regarding who from the Checklist or, from other sources on behalf of the Checklist, negotiates with paying candidates for a listing or advertisement in the slate mailer, Mr. Reilly averred: **My staff** handled most of the negotiations with candidates or their consultants for each listing.[6] Mr. Reilly also averred: When a candidate had signed on **we** would send an invoice indicating the cost of the listing and the actual wording.
>
> In response to interrogatory #9e, requesting writings distributed by the Checklist ... to recruit or encourage candidates, etc., to participate in the slate mailer program, Mr. Reilly averred: The vast majority of the Checklist's listings were solicited by telephone. **One of my employees** would get from the Secretary of State a list of all candidates .... Those lists were distributed **to my sales staff**, who would "cold-call" candidates ... to ask whether they were interested in appearing on the slate. As the Checklist became well known and successful, an increasing number

[6] Following this assertion, Mr. Reilly provided that his answer to an earlier interrogatory requesting the identity of the Checklist's employees identifies his staff for 1994. This assertion does not suggest that the Checklist only had employees in 1994 inasmuch as in his answer to the previous interrogatory, to which he was referring, Mr. Reilly stated simply that he did not have the names of the Checklist's employees for earlier years readily available, not that the Checklist did not have employees at all during those time periods.

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of candidates, committees and consultants began to initiate the contacts with **the Checklist staff**.

In response to interrogatory #9h, requesting a list of all federal candidates initially contacted as paying candidates but who were listed as nonpaying candidates in the slate mailer, Mr. Reilly averred: It is possible that **I or my staff** initially contacted certain federal candidates hoping they would pay for a listing, and upon learning they would not, decided to put them on the slate anyway.

In response to interrogatory #9d, which requests the identity of persons **from CDVC** (the Checklist) who negotiated with candidates for listings in the slate mailer, Mr. Reilly identified the following individuals:

1990: Jim McGrath; Karl Ketner; Marie Clark; Jolie Stokes; John Whitehurst; Phyllis Nelson; Maggie Muir

1992: Karl Ketner; Marie Clark; Maureen Early; Michael Tarbox; Carolyn Burkhardt; Lisa Pisani; Jolie Stokes

1994: Brian McGonigle; Edwin Metcalf; Andrew Trapp; Michelle Truelson; Chris Hansot

Based on the foregoing, we conclude that the Checklist was, at all relevant times, a group of persons. Even if the staff to which Mr. Reilly variously refers were, prior to 1994, independent contractors rather than employees, in the most literal sense the individuals participated in the activities of the Checklist, thus comprising a group of persons under the rubric of the Checklist. Hence, from its inception in 1990, the Checklist satisfied the first prong of the definition of political committee under Section 431(4).

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In addition, by paying the Checklist for being listed in the slate mailer, the candidates and others who paid for the listings on behalf of candidates arguably participated in the activities of the slate mailer, and were therefore part of the slate mailer program, i.e., thus constituting the requisite group of persons, even though such payments do not constitute contributions, see CDR, supra; Advisory Opinion 1980-126.

Finally, the "group of persons" element of Section 431(4)(A) was additionally satisfied as early as April 16, 1990, when the two corporations owned by Mr. Reilly -- Clinton Reilly Campaigns, Inc. and Production Complex, Inc. -- guaranteed the original bank loan acquired by Mr. Reilly for the purpose of providing capitalization to the Checklist.

Significantly, the fact that Reilly acquired the loans at issue for the specific purpose of capitalizing the Checklist reflects that, in so doing, Reilly was acting as an agent of the Checklist. Additionally, bank records obtained during the course of the investigation in this matter compel the conclusion. Specifically, the promissory note on the original loan obtained by Reilly on April 16, 1990, refers to a "Debtor's deposit account," into which the lending bank could deposit any advance of funds under the note. The account number of the "debtor's deposit account," as referenced on the promissory note, is that of a checking account held in the name of the Checklist, which was established at the same time that Reilly acquired the original loan. Thus, advances on the loans were deposited directly into the Checklist's account. In addition, a check from Reilly to the lending bank in payment of the loan origination fee contains the memo entry: "loan fee - Ca. Democratic Voter Checklist note." Moreover, the record reflects

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that the proceeds from the Checklist's operations were at all times contemplated to be, and were, in fact, the source of funds for repayment of the loans. All of the foregoing reflects that the loans at issue were, in essence, loans to the Checklist, acquired by Reilly, as its owner and agent.

By guaranteeing loans to the Checklist, Reilly's corporations made contributions to the Checklist, see 2 U.S.C. § 431(8)(B)(vii)(I); 11 C.F.R. § 100.7(a)(1)(i)(loan guarantees are contributions); see also MURs 4327 and 4194, consequently, providing an additional basis for the conclusion that the Checklist was indeed a "group of persons." Under the law, a corporation is a person that is separate and distinct from the individual(s) who comprise it; it can itself sue and be sued; and it survives the death or changes in its investors. See Black's Law Dictionary, Sixth Edition. In addition, the Act includes corporations in the definition of a person. 2 U.S.C. § 431(11). Thus, Mr. Reilly along with Clinton Reilly Campaigns, Inc. and Production Complex, Inc. would be considered, under the law, a group of persons.

Pursuant to Advisory Opinion 1980-126, by making contributions to the Checklist, the corporations became part of the Checklist. As noted previously, in that advisory opinion, the Commission concluded that an individual who had solicited and received contributions to print and distribute pamphlets urging people to vote for candidates of a particular party was acting as a political committee under the provisions of 2 U.S.C. § 431(4). The Commission opined that all the persons solicited for funds and who responded with contributions became part of the organization, reasoning that by divesting themselves of control over any decision-making relative to the making of

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expenditures by the organization, the contributors participated in the activities of the entity. Accordingly, the Commission concluded, these factors taken together indicate that the individual and all contributors to the entity came within the definition of a political committee as "any other group of persons" as set out in 2 U.S.C. § 431(4)(A). Hence, in this case, the Checklist was a "group of persons" under the Act for the separate reason that it was comprised of Reilly and his corporations, at a minimum.

The second prong of the definition of political committee, which requires the group of persons to have received contributions or made expenditures aggregating in excess of $1,000 during a calendar year, was satisfied in this matter no later than April 16, 1990. As noted, the original loan of $250,000 acquired by Reilly to capitalize the Checklist was made on April 16, 1990. The loan was endorsed by Reilly and guaranteed by his two corporations, Clinton Reilly Campaigns, Inc. and Production Complex, Inc. Under the Act, endorsements and guarantees of banks loans constitute contributions. Thus, the Checklist crossed the $1,000 threshold, thereby becoming a political committee, simultaneously upon receipt of the $250,000 contribution from Reilly and his corporations. As for expenditures, according to its disclosure reports, the Checklist made independent expenditures exceeding $1,000 by May 18, 1990. See FEC v. Californians Democratic Representation, No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986) (independent expenditures qualify as expenditures for the registration threshold of a political committee); see also Advisory Opinion 1988-22.

Finally, regarding the question of whether the major purpose of the Checklist is the election of candidates, see Buckley, supra; MCFL, supra, this Office notes the

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following. Although respondents maintain that the major purpose of the Checklist is to create a profit for its owner, Clinton Reilly, respondents also emphasize that Reilly often personally chooses the "better candidate" for the slate, despite being paid less for the endorsement, and that many candidates are placed on the slate without charge. Moreover, respondents admit that the successful election of candidates included on the slate actually increases the future business prospects of the Checklist. As such, the organization's interest in the election of candidates is inextricably tied to its interest in maintaining a profitable business presence in the competitive campaign endorsement arena. Given these mixed motives, this Office concludes that a, if not the, major purpose of the Checklist is the election of candidates. See Federal Election Comm'n v. California Democratic Voter Checklist, et al., No. C-96-1712-DLJ, United States District Court for the Northern District of California, August 30, 1996.

In light of the foregoing, as of April 16, 1990, the Checklist met the definitional prongs of a political committee and satisfied the "major purpose" test. Thus, the Checklist became a political committee on April 16, 1990 and, as such, was from that time forward subject to the obligations and restrictions that accompany such status under the Act.

2. **Violations Attendant to Political Committee Status**

a. **Prohibited Corporate Contributions**

Under the Act, loan guarantees constitute contributions, 11 C.F.R. § 100.7(a)(1)(i) and (b)(11), and corporations are prohibited from making, and officers of corporations are prohibited from consenting to corporate contributions to political committees, 2 U.S.C. §

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441b. Political committees are correspondingly prohibited from accepting corporate contributions, 2 U.S.C. § 441b. By guaranteeing loans to capitalize the Checklist, Clinton Reilly Campaigns, Inc. and Production Complex, Inc. made, and Clinton Reilly, as the sole officer and president of the corporations, consented to, corporate contributions to a political committee. Based on the foregoing, there is probable cause to believe that Clinton Reilly, as an officer of the corporations, violated 2 U.S.C. § 441b by consenting to corporate contributions, and the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. § 441b by accepting the prohibited contributions.

b. Excessive Contributions

Under the Act, endorsements of bank loans constitute contributions. Further, each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement or, in the event that the loan agreement contains no such stipulation, shall be considered to have contributed in the same proportion to the unpaid balance that each endorser or guarantor bear to the total number of endorsers or guarantors. 2 U.S.C. § 431(8)(B)(vii); 11 C.F.R. § 100.7(a)(1)(i)(C) and (b)(11).

Under the terms of the loan agreement in the instant matter, Reilly, as the endorser of the loans, was, along with the two corporate guarantors, jointly and severally liable on any portion of the loans. Because Reilly was technically one of three persons responsible for paying off the loans, the amount of his contributions is one-third of the loan amounts. See 11 C.F.R. § 100.7(a)(1)(i)(C) and (b)(11). As noted, Reilly acquired four loans, each in the amount of $250,000, to capitalize the Checklist -- two in 1990, one in 1992, and

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one in 1994. Thus, the amount of Reilly's contributions was $83,333 per loan. Inasmuch as the Act limits the amount of contributions that Reilly could permissibly make to the Checklist to $5,000 within a calendar year, Reilly made excessive contributions to the Checklist in the following amounts:

1990	$161,666	($166,666 - $5,000)
1992	$ 78,333	($ 83,333 - $5,000)
1994	$ 78,333	($ 83,333 - $5,000)
Total	$318,332	

In addition, the Checklist's disclosure reports reflect that Reilly made a contribution to the Checklist in the amount of $32,500 on January 1, 1996. Unlike its treatment of the draws on the lines of credit, which the Checklist reported as receipts from Reilly for capitalization of the Checklist, no such designation accompanies the $32,500 entry. The $32,500 represents an additional violation of the Act as it exceeds the applicable contribution limitation by $27,500.

Moreover, Reilly also made contributions aggregating more than $25,000 per calendar year in violation of 2 U.S.C. § 441a(a)(3). By accepting such contributions, the Checklist violated 2 U.S.C. § 441a(f). The following chart reflects the amounts by which Reilly exceeded the $25,000 contribution limit. The figures reflect, as shown within the

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parentheses, the total amount that Mr. Reilly contributed to the Checklist plus the amount that Mr. Reilly contributed to other political committees[7] minus $25,000.

1990	$141,666	($166,666 + $ 0 - $25,000)
1992	$ 64,333	($ 83,333 + $6,000 - $25,000)
1994	$ 59,833	($ 83,333 + $1,500 - $25,000)
1996	$ 9,500	($ 32,500 + $2,000 - $25,000)
Total	$275,332	

Based on the foregoing, there is probable cause to believe that Clinton Reilly violated 2 U.S.C. §§ 441a(a)(1)(C) and 441a(a)(3), and that the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. § 441a(f).

c. **Misreportings**

Political committees are required to itemize the receipt of a loan on a separate Schedule A, 2 U.S.C. § 434(b); 11 C.F.R. § 104.3(a)(4)(iv), and payments to reduce the principal of a loan must be itemized, regardless of amount, on a separate Schedule B, 11 C.F.R. § 104.3(b)(3)(iii). Further, committees are required to report the amount and nature of any outstanding debt, 2 U.S.C. § 434(b)(8), and must report both the original loan and payments made to repay the loan on Schedule C each reporting period until the loan is repaid, 11 C.F.R. § 104.3(d) and 104.11.

As noted previously, in addition to these reporting requirements, which apply to loans generally, the Commission's regulations set forth specific additional requirements for the reporting of bank loans received by political committees. Specifically, a committee that obtains a loan from a bank must also file Schedule C-1 with the first

[7] The FEC database reflects that Mr. Reilly contributed $1,000 to the Friends of McCarthy for Senate committee on May 29, 1992, $5,000 to DNC Services Corporation/Democratic National Committee on October 8, 1992, $1,000 to the Feinstein for Senate '94 committee on March 29, 1994, $500 to the Friends for Bryan '94 committee on January 13, 1994, and $2,000 to Michela Alioto for Congress in 1996 ($1,000 on February 28, 1996, for the primary election, and $1,000 on June 27, 1996, for the general.)

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report due after a new loan or line of credit has been established. 11 C.F.R. § 104.3(d)(1). Moreover, in the case of a committee that has obtained a line of credit, a new Schedule C-1 must be filed with the next report whenever the committee draws on the line of credit. 11 C.F.R. § 104.3(d)(1) and (3); see Advisory Opinion 1994-26.

In the instant matter, the Checklist failed to adhere to any of the foregoing reporting requirements. Consequently, there is probable cause to believe that the California Democratic Voter Checklist violated 2 U.S.C. § 434(b). Considering only the committee's failure to file the Schedule C-1 with each new line of credit, and with each draw on the line of credit, the amount in violation stemming from the Checklist's reporting omissions is at least $1,673,126.69 (four loans of $250,000 each + $673,126.69 in draws on the lines of credit).

A comparison of the Checklist's disclosure reports with the evidence of record reveals additional reporting violations. For example, pursuant to 2 U.S.C. § 434(b)(6)(A), the Checklist was generally required to identify through itemization the persons or entities which have made contributions or received expenditures in the aggregate amount or value in excess of $200 within the calendar year, i.e., providing the name and address of each such person or entity together with the date and amount of any such contributions, and the date, amount, and purpose of any such disbursements, 11 C.F.R. §§ 104.3(a)(4)(i) and 104.3(b)(4)(i).

The Checklist reported making a payment in the amount of $500,000 to Mr. Reilly on November 9, 1990 as "partial repayment of capitalization." However, in his sworn declaration, Mr. Reilly admitted that the payment was misreported; he averred that

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the $500,000 payment was his profit from the Checklist's operations. Reilly Declaration, August 23, 1996 at 11. This provides an additional basis for the conclusion that there is probable cause to believe that the Checklist and Clinton Reilly, as treasurer violated 2 U.S.C. § 434(b).

Finally, the Checklist reported making $19,000 in independent expenditures on behalf of federal candidates for the June 5, 1990 California primary election and $21,500 in independent expenditures on behalf of such candidates for the November 6, 1990 general election. The Schedules E that the Checklist filed for these independent expenditures identified the date of the expenditures as the same day as the date of the election. However, Reilly has acknowledged that the dates of these expenditures, which total $40,500, were misreported. See Reilly Declaration, August 23, 1996 at 13. This provides further support for the conclusion that there is probable cause to believe that the California Democratic Voter Checklist violated 2 U.S.C. § 434(b).

d. Failure to File 24-Hour Independent Expenditure Reports

The Act and Commission regulations also require that political committees that make independent expenditures of $1,000 or more on behalf of federal candidates after the 20th day but more than 24 hours before an election to report such independent expenditures to the Commission within 24 hours of making them. 2 U.S.C. § 434(c); 11 C.F.R. § 104.5(g). As discussed supra, although the Checklist reported making $19,000 in independent expenditures on behalf of federal candidates for the June 5, 1990 California primary election and $21,500 in independent expenditures on behalf of such candidates for the November 6, 1990 general election, and identified the date of the

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expenditures as the same day as the date of the election, Mr. Reilly admitted in a sworn declaration that the slate mailers were prepared and distributed prior to election day and the dates of the expenditures were misreported.

Indeed, the evidence of record indicates that these expenditures were made in the period between 20 days and 24 hours before the elections, thus triggering the requirement that the Checklist report the expenditures within 24 hours of making them. Specifically, the Checklist's disclosure reports reflect that for the June 5, 1990 primary slate mailer the Checklist made payments to Below, Tobe & Associates totaling $417,624.00 for computer services, printing, and postage between 20 days and 24 hours before the primary election.[8] For the November 6, 1990 general election slate mailer, the Checklist made payments to Below, Tobe & Associates of $255,768.00 and payments of $331,094.00 for postage in the period between 20 days and 24 hours before the general election.[9] Mr. Reilly avers that in every election except the November, 1994 general election, the Checklist obtained the mailing lists used for the slate mailers from Below, Tobe and Associates. Reilly Declaration, October 25, 1996 at 5. Based on this evidence, there is probable cause to believe that the California Democratic Voter Checklist, and Clinton Reilly, as treasurer, violated 2 U.S.C. § 434(c) by failing to report independent expenditures totaling $40,500 within 24 hours of making them as required.

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[8] The specific dates of such disbursements to Below, Tobe & Associates are as follows: $65,000 on 5/18/90, $25,000 on 5/25/90, and $327,624 on 5/29/90.

[9] The specific dates of such disbursements to Below, Tobe & Associates are as follows: $100,000 on 10/18/90, $75,000 on 10/28/90, $25,000 on 10/29/90, $240 on 10/29/90, $50,528 on 11/1/90, and $5,000 on 11/2/90. The dates of the disbursements for postage were: $11,413 on 10/28/90, payments totaling $307,981 on 10,29/90, and $11,700 on 11/2/90.

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III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer violated 2 U.S.C. §§ 434(b), 434(c), 441a(f), and 441b.

2. Find probable cause to believe that Clinton Reilly violated 2 U.S.C. §§ 441a(a)(1)(C), 441a(a)(3), and 441b.

12/5/97
Date

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: Correction to General Counsel's Brief in MUR 3502

This is to advise the Commission of a correction to the General Counsel's Brief in MUR 3502. On page 24, the brief states "Considering only the committee's failure to file the Schedule C-1 with each new line of credit, and with each draw on the line of credit, the amount in violation stemming from the Checklist's reporting omissions is at least $1,673,126.69 (four loans of $250,000 each + $673,126.69 in draws on the lines of credit)." The sentence should read "Considering only the committee's failure to file the Schedule C-1 with each new line of credit and with each draw on the lines of credit, subsequent to April 2, 1992, the effective date of the regulation implementing these reporting requirements, the amount in violation stemming from the Checklist's reporting omissions is at least $696,977.69 (two loans of $250,000 each + 196,977.69 in draws on the lines of credit)." This Office has advised the respondents of the correction.

Attachment:
Letter to Respondents' Counsel

Staff Assigned: Tracey L. Ligon

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Peter A. Bagatelos, Esquire
Bagatelos & Fadem
601 California Street, Suite 1801
San Francisco, CA 94108

Paul Sullivan, Esquire
The Singletary Mansion
1565 The Alameda
San Jose, CA 95126

Joseph Remcho, Esquire
Karen Getman, Esquire
Remcho, Johansen & Purcell
220 Montgomery Street, Suite 800
San Francisco, CA 94104

Re: MUR 3502

Dear Counsel:

This is to advise you of a correction to the General Counsel's Brief in this matter. On page 24, the brief states "Considering only the committee's failure to file the Schedule C-1 with each new line of credit, and with each draw on the line of credit, the amount in violation stemming from the Checklist's reporting omissions is at least $1,673,126.69 (four loans of $250,000 each + $673,126.69 in draws on the lines of credit)."

This sentence should read "Considering only the committee's failure to file the Schedule C-1 with each new line of credit and with each draw on the lines of credit, subsequent to April 2, 1992, the effective date of the regulation implementing these reporting requirements, the amount in violation stemming from the Checklist's reporting omissions is at least $696,977.69 (two loans of $250,000 each + 196,977.69 in draws on the lines of credit)."

Thank you for your attention to this matter.

Sincerely,

Tracey L. Ligon
Attorney

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ROGERS, JOSEPH, O'DONNELL & QUINN
Lawyers • Professional Corporation

Robert Dollar Building
311 California Street
San Francisco, CA 94104
(415) 956-2828

Telecopier (415) 956-6457

December 24, 1997

By facsimile & U.S. Mail

Tracey L. Ligon
Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, D.C. 20463

DEC 29 2 03 PM '97

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Re: *MUR 3502*
California Democratic Voter Checklist
and Clinton Reilly

Dear Ms. Ligon:

We intend to file with the Secretary of the Commission a brief in response to the General Counsel's recommendation that the Commission find probable cause in this matter. Ordinarily our brief would be due 15 days after receipt of your notice, which we received on December 15. However, due to the intervening holidays, we request an extension of time for an additional 20 days in which to file our response. In your absence I spoke with one of your colleagues, who assured me that the request for an extension would not pose a problem.

I also am enclosing another copy of the Statement of Designation of Counsel that we filed in this matter last summer, listing my correct address.

Sincerely,

Karen Getman

Karen A. Getman

cc: J. Remcho, Esq.
P. Bagatelos, Esq.
P. Sullivan, Esq.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3502

NAME OF COUNSEL: Karen A. Getman

ADDRESS: Rogers, Joseph, O'Donnell & Quinn

311 California Street, 10th Floor

San Francisco, CA 94111

TELEPHONE: (415) 956-2828

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

July 22, 1996
Date

Signature

RESPONDENT'S NAME: Clinton Reilly

ADDRESS: 704 Sansome Street

San Francisco, CA 94111

HOME PHONE: (415) 668-0737

BUSINESS PHONE: (415) 397-0431

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 30, 1997

Karen A. Getman, Esquire
Rogers, Joseph, O'Donnell & Quinn
311 California Street, 10th Floor
San Francisco, CA 94111

RE: MUR 3502
Clinton Reilly

Dear Ms. Getman:

This is in response to your letter dated December 24, 1997, which we received by facsimile on that date, requesting an extension of twenty days to respond to the General Counsel's Brief in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 19, 1998.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Tracey L. Ligon
Attorney

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JAN 20 10 05 AM '98

January 17, 1998

By Federal Express

Secretary of the Commission
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3502, California Democratic Voter Checklist and Clinton Reilly

Dear Secretary:

Enclosed is an original and nine copies of a brief stating the response of Clinton Reilly and the California Democratic Voter Checklist to the General Counsel's brief recommending a finding of probable cause in this matter. We also are forwarding three copies of the brief to the Office of the General Counsel.

Sincerely,

Karen Getman

Karen A. Getman

KAG:
Encls.

cc: Tracey L. Ligon, Office of the General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

JAN 20 10 05 AM '98

In the Matter of	)	
	)	MUR 3502
California Democratic Voter Checklist	)	
and Clinton Reilly, as Treasurer	)	
	)	
Clinton Reilly	)	

RESPONSE TO THE GENERAL COUNSEL'S BRIEF

During the seven years that this matter has been under investigation, Clint Reilly has submitted four declarations and hundreds of pages of documents describing in detail the manner in which he operated the California Democratic Voter Checklist, which was his slate mail business. Attached as Exhibit A to this memorandum are the last two declarations submitted by Mr. Reilly, both dated in 1996, from which the Commission may glean some insight into the workings of the Checklist. We do not repeat here those details, but rather highlight certain facts that we hope will give the Commission a fuller understanding of the person and business whose activities are the subject of this prolonged investigation. The facts that we list below are fully documented in Mr. Reilly's sworn declarations and other documents in this case.

Clint Reilly is a businessman who, for many years, was a successful political consultant in California. In 1990, Mr. Reilly decided to start a slate mail business. In California, slate mailers are a common method of identifying for voters the candidates and ballot measures that are supported by a particular interest group. Some slate cards are put out by political parties; some, by special interest groups; some, including Mr. Reilly's, by persons who expect to make a profit from the venture. In April 1990, Mr. Reilly filed a fictitious business name statement

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registering the "California Democratic Voter Checklist" as a dba for himself. The Checklist was not incorporated; it had no principals other than Mr. Reilly.

Mr. Reilly needed start-up money for the slate mail business, so he secured a line of credit with the bank that had handled the accounts of his political consulting business. The bank required that Mr. Reilly's political consulting business guarantee the line of credit, which it did. Mr. Reilly drew on the line of credit to fund the start-up costs of the slate card business, and repaid those sums as he received payments for slots on the Checklist slate cards. Thus he drew on the line of credit four times in April and May (for sums ranging from $25,000 to $105,000), but paid back $69,000 at the end of June from proceeds of the slate cards sent out in the June primary; he drew on the line of credit for $133,000 on 8/3 to finance start up costs for the fall slate cards, and repaid that same amount on 8/31; and he repaid the remaining $133,000 from the line of credit on 6/15/91. The source of each of those payments was the money the Checklist received from candidates and ballot measure committees who wanted to appear on the slate cards, money the FEC concedes cannot be thought of as "contributions." Every dollar that went into the Checklist came either from the line of credit, or from a payment for a listing on the slate card.

Mr. Reilly had no set price for a listing on his slate cards. He asked for and received whatever the market would bear. For large photo spreads in contested state-wide races, the price could range in the tens of thousands of dollars. For small name-only listings in local races, the price could be as low as a few hundred dollars. Some candidates were put on for free, without their knowledge or consent. Those were candidates who had no need to pay for a spot on the slate, but without whose presence the slate cards would not have credibility. For example,

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some of the 1992 Checklist slate cards, which were directed at Democratic voters, included an unpaid listing for Clinton for President.

The vast majority of the listings on Mr. Reilly's slate card were for state and local candidates and ballot measures. In 1990, for example, at most one or two federal candidates appeared on any given slate card (the Democratic candidates for Congress in the particular district at which the slate card was directed). Many of the slate cards had *no* federal candidate on them, particularly those sent out for the June primary. During the election cycles in which he produced the slate cards, Mr. Reilly had no federal candidates as clients in his political consulting business. Attached as Exhibit B to this memorandum are sample Checklist slate cards from 1990, 1992 and 1994.

Under California's state campaign finance law, slate mailer organizations are <u>not</u> considered to be political committees. They do have reporting obligations, however, with which Mr. Reilly and the Checklist have complied in full. Attached as Exhibit C is a 1986 advice letter from the California Fair Political Practices Commission describing the state's rationale for treating slate cards differently from traditional political committees.

Mr. Reilly was not sure how the slate card business should be treated under the Federal Election Campaign Act; there is only one FEC advisory opinion on slate mail organizations, from 1985, which raises more questions than it answers. Mr. Reilly sought the advice of legal counsel, who -- based on conversations with the FEC -- told Mr. Reilly to register the Checklist as a political committee. Beginning with the first slate mail cycle, the Checklist regularly filed reports with the FEC, listing the payments it received from candidates and committees, the draws from the line of credit and repayments of that note, and all expenditures

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incurred in putting together the slate cards. The Checklist reports listed as "independent expenditures" the free candidate listings, using an estimate of the "price" of those free listings.

In 1991, the FEC contacted Mr. Reilly for additional information about the Checklist's reporting practices. After responding to those inquiries, Mr. Reilly was told to continue with the same type of reporting he had been doing. A letter dated November 26, 1991 from Mr. Reilly's legal counsel to the FEC confirmed the FEC's advice "that [the Checklist] should keep reporting in the same way unless otherwise notified" and that Mr. Reilly "did not now need to worry about any one at the FEC starting an enforcement action against or coming after the [Checklist]." A copy of that letter is attached as Exhibit D.

The Checklist also regularly filed reports with the California Fair Political Practices Commission, listing detailed information about expenditures and receipts.

After the 1990 elections were over, the Checklist repaid the line of credit in full, paid Mr. Reilly a handsome profit and folded up its tent. Nonetheless, the FEC instituted an administrative enforcement matter on April 7, 1992, arguing that the draws on the line of credit in 1990 were illegal "contributions" by Mr. Reilly to the Checklist. The FEC also questioned certain payments made to Mr. Reilly from the 1990 slate card operation that were listed as "partial repayment of capitalization" (in fact, those payments were Mr. Reilly's profit from the slate cards, and should have been reported as such; we have offered to correct that error). The FEC also questioned the date of the so-called "independent expenditures" that were made on behalf of the non-paying federal candidates who appeared on the slate cards. The FEC served interrogatories and document requests on the Checklist and Mr. Reilly. The Checklist and Mr.

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Reilly responded in August of that year, sending a declaration and documents. They heard nothing in response from the FEC.

During this period, Mr. Reilly decided to start up the Checklist again and publish slate cards for the 1992 primary and general election cycles. He again secured a line of credit for $250,000 from Union Bank. This time, however, Mr. Reilly signed the line of credit as an individual, without any guarantor. Mr. Reilly drew on the line of credit twice, each time for $15,000, and paid back the line of credit in full in January 1993 from payments he had received from candidates and committees. As he did in 1990, in 1992 Mr. Reilly listed on the slates some federal and state candidates who had not paid for the listings, and he reported those listings as independent expenditures on the Checklist's reports. After the 1992 elections, Mr. Reilly again closed down the Checklist.

This cycle repeated itself for the 1994 elections, although by then Mr. Reilly only needed to draw against the line of credit once, for $25,000 on 4/4/94, a sum that was repaid in full on 5/20/94.

All this time, the Checklist continued to file its regular reports with the FEC and with the California Fair Political Practices Commission. All this time, Mr. Reilly heard nothing further from the FEC in response to the information he had provided in August of 1992. All this time, Mr. Reilly reasonably and justifiably assumed that the FEC's silence meant he should continue reporting in the same manner as he had been.

Then, some *39 months* later, on November 7, 1995, the Commission made a finding of reason to believe that the Checklist and Mr. Reilly had violated the FECA. The Factual and Legal Analysis again focused on the use of the line of credit, arguing still that Mr.

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Reilly made illegal "contributions" to the Checklist each time he drew on the line of credit. The Analysis questioned certain payments from persons and organizations whom staff believed had "no apparent association with a candidate or candidate committee" and thus must be making illegal contributions to the Checklist -- an incorrect belief, as Mr. Reilly subsequently proved that each of those questioned sums was a payment made to the Checklist by or on behalf of a candidate or committee for the placement of a particular candidate or ballot measure on the slate cards. The Analysis also repeated the charge that the independent expenditures made on behalf of nonpaying federal candidates were reported on an incorrect date, and rejected Mr. Reilly's claim that the Checklist, being a sole proprietorship, did not fall within the statutory definition of a "political committee."

Concurrently with issuance of the Analysis, the Commission served another round of document requests and interrogatories. Mr. Reilly worked with the FEC to supply necessary information, but also resisted the more intrusive requests based on his belief that the FEC lacked jurisdiction over the Checklist and that the statute of limitations had run on certain of the claimed violations. Mr. Reilly's assertions of those defenses eventually wound up in federal district court, where the judge ruled in favor of the FEC's assertion of jurisdiction for subpoena purposes, and rejected the statute of limitations defense (at that time the 9th Circuit had heard argument but had not yet issued its ruling in FEC v. Williams, discussed below). Following the conclusion of those district court proceedings, on October 25, 1996, Mr. Reilly -- who by that time had decided to get out of the slate card business altogether because of the chilling effect of the FEC's prolonged investigation -- submitted his fourth factual declaration to the FEC, setting forth the last of the information requested by the FEC.

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During those months of litigation, FEC staff repeatedly declined Mr. Reilly's attempts to engage in settlement discussions, citing their need to receive and review the full panoply of information requested. After Mr. Reilly submitted his October 1996 declaration, he heard nothing whatsoever from the FEC for almost 16 months, until he received the General Counsel's brief recommending that the Commission find probable cause to believe that violations have occurred.

From this set of facts, we wish to make the following points:

First: We continue to believe that Clint Reilly, dba the California Democratic Voter Checklist, does not meet the statutory definition of a "political committee." Nonetheless, Mr. Reilly has, from day one, followed the advice he received from the FEC in 1990 to report all expenditures and receipts from the Checklist as though it were a committee. He has followed the advice he received from the FEC staff in 1991 to continue reporting exactly the way he had been. During the 1992 and 1994 election cycles, he was not told to report anything differently. Had the FEC followed-up on its initial inquiries, Mr. Reilly could have met their concerns and changed his reporting practices before he published the 1992 and 1994 slates. Had the FEC promptly given Mr. Reilly clear guidelines on his reporting obligations in 1991, he never would have been exposed to the additional violations he is charged with for the 1992 and 1994 slate cards.

Second: It simply makes no sense to equate the use of the line of credit with the making of a "contribution" to a "committee," especially when the "committee" simply is a dba for an individual who is now being accused of making "contributions" to himself. The Commission staff is wrong to persist in trying to fit a slate card business into the peg of a

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traditional political committee. Indeed, if having employees, using lines of credit and making money from publishing political ads were enough to turn a business into a political committee, then the New York Times should be in the same boat as Mr. Reilly's Checklist.

Third: Even if the lines of credit somehow can be construed as "contributions," it is outrageous to suggest that the amount of the contribution was the full $250,000 of the line of credit, when Mr. Reilly drew on the lines of credit for much smaller sums -- especially in 1994, when he made a single draw of $15,000 that was repaid in less than one month. It is outrageous to suggest that there are reporting violations of $696,977.69 from the use of those lines of credit in 1992 and 1994, when the total amount of money that the Checklist drew from the lines of credit for its operating expenses during that time totaled only $55,000, with never more than $30,000 outstanding at any one time.

Fourth: Even if somehow the lines of credit were "contributions" and the Checklist violated the ban on corporate contributions by allowing Mr. Reilly's political consulting business to guarantee the Checklist's line of credit, that happened only in 1990, and not in the 1992 and 1994 lines of credit, both of which were guaranteed only by Mr. Reilly personally.

Fifth: In FEC v. Williams, 104 F.3d 237 (9th Cir. 1996), cert denied, 66 U.S.L.W. 3398 (1997), the Ninth Circuit held that the five year statute of limitations governs civil actions brought by the FEC for the assessment or imposition of civil penalties under the FECA. The Ninth Circuit ruling governs this case, and means that the Commission is barred from bringing a civil enforcement action against Mr. Reilly and the Checklist for any activities that occurred in connection with the 1990 and 1992 slate cards. Consequently, the only civil enforcement action

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that the FEC can bring against the Checklist and Mr. Reilly would be one based on the fact that he drew from the line of credit in 1994 for $15,000 and repaid that sum in full the next month. It cannot bring a civil enforcement action for the use of the lines of credit in 1990 and 1992, or for the supposed failure to file 24-hour independent expenditure reports detailed on pages 25 and 26 of the General Counsel's brief.

The main point we wish to make, however, is this: the FEC's investigation of Clint Reilly's California Democratic Voter Checklist is now entering its eighth year. The Checklist no longer exists; Mr. Reilly has not published a slate card since 1994. Through this entire time, Mr. Reilly has been trying to get the Commission staff to tell him exactly what he needs to do to fix the so-called reporting violations, and exactly how much money they think he owes in fines. The staff has refused to do either, always insisting that it wants more information, and after getting it, sitting on the information for months, even years, without making a peep. It is time to conclude this matter, one way or the other. With all due respect, we ask that the Commission either decide once and for all to make specific the charges against Mr. Reilly and state in writing the fines that he owes, or drop this matter and move on to other cases.

Dated: January 17, 1998

Respectfully Submitted,

Karen Getman

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(cont'd . . .)

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Counsel for Clinton Reilly and the
California Democratic Voter Checklist

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I, Clinton Reilly, declare:

1. Since the time of my last submission to the Federal Election Commission I have been able to gather additional information responsive to the FEC's November, 1995 interrogatories and request for production. My supplemental responses follow.

2. Question 1 is "State whether the California Democratic Voter Checklist (herein, the Checklist) is or has ever been incorporated, and if so provide copies of the Articles of Incorporation and By-Laws." Question 2 is "If the Checklist is not incorporated, describe how it is organized."

The Checklist is not and never has been incorporated. It is a dba, registered with San Francisco authorities. I have previously provided to the Commission a copy of the fictitious business name registration for the Checklist. The Checklist always has been operated by me as a sole proprietorship.

3. Question 3 states: "List the number of persons employed by the California Democratic Checklist, and in what capacity they are employed. Indicate if they are employed full-time or part-time."

My attorneys have repeatedly asked the FEC to explain the relevance of this question, especially at this stage of the investigation, but have not been provided any response other than a blanket statement that the Commission wants the information. The Checklist is not an ongoing business, but rather starts up with each election cycle, and shuts down at the end of each election cycle. There currently are no Checklist employees, and there is no one whom the Checklist employed for the entire period of 1990-1994. Each person who received a payment from the Checklist for professional services, consulting, etc. was listed on the reports filed with the FEC and with the state Fair Political Practices Commission.

The following persons were employed by the Checklist during the 1994 election cycle: Brian McGonigle, director; Edwin Metcalf, sales; Andrew Trapp, sales; Michelle Truelson, production; Chris Hansot, sales; Kerrie Hillman,

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administrative assistant.

I do not have readily available the names of the persons who were employed by the Checklist during the 1990 and 1992 election cycles.

4. Question 4 asks that I "State how the Checklist is treated for federal income tax purposes; if a separate federal income tax return is filed by the Checklist, provide copies of the return for 1990, 1991, 1992, 1993, and 1994. Provide a copy of the 1995 federal income tax return once filed."

The Checklist has never filed a separate federal income tax return. It is a sole proprietorship; its income is income to me personally and is reported on a Schedule C Profit and Loss from Business (Sole Proprietorship) that I file each year as part of my personal income tax return. Although it is not called for by this request, since 1992 I have offered to provide copies of my 1990 Schedule C to confirm the manner in which the Checklist income has been reported so long as my tax return is subject to a protective order securing my right of privacy in my personal federal income tax return and ensuring that the Schedule C will not be released to any other person or agency and will not become part of the public record in this investigation.

5. Question 5 asks: "State whether the Checklist is part of an incorporated entity, or whether it operates under the auspices of an incorporated entity. If so name the entity, and describe how the entity is or has been associated or related with the Checklist from 1990 to the present. If the Checklist has operated or operates under the auspices of another entity, describe how it has operated from 1990 to the present."

The Checklist is a separate, unincorporated business entity which neither operates nor is operated under the auspices of any other entity, whether incorporated or not.

6. Question 6 asks that I "Describe the relationship, if any, which exists or existed between the Checklist and: a. Clinton Reilly Communications b. Clinton

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Reilly Campaigns c. Campaign Production Services." Question 7 asks that I "Describe the type of business engaged in by the entities listed in 6a, 6b, 6c. For all entities listed in 6a, 6b and 6c, describe the type of business organization (corporation, partnership, etc.). State what, if any, involvement Mr. Reilly has in these business entities."

Clinton Reilly Campaigns is an incorporated business of which I am the sole shareholder and only officer. Clinton Reilly Campaigns is a dba for Clinton Reilly Communications. That entity is my political consulting business, through which I provide media and campaign strategy to candidates, ballot measure groups, etc.

Campaign Production Services is a separate incorporated business as to which again I am the sole shareholder and officer. It differs from Clinton Reilly Campaigns in that it focuses on the production needs of campaigns: printing, mailing, trucking, etc.

Clinton Reilly Campaigns/Communications and Campaign Production Services have provided services to the Checklist, and have been paid by the Checklist for those services. Some of the payments have been for overhead expenses: Clinton Reilly Campaigns leases the building out of which the Checklist is produced, and the Checklist pays Clinton Reilly Campaigns rent and a share of such expenses as food, equipment, etc. Other costs are related to services provided to the Checklist, such as art work, consulting on mailing lists, trucking, etc. Payments to these other entities have been listed on the Checklist's FEC and FPPC filings as payments for production services.

I am the sole owner and sole shareholder of Clinton Reilly Campaigns and Campaign Production Services. I am the only person authorized to make major decisions regarding those corporations, and I am the only person who receives the profits from them.

7. Question 8 asks that I "Provide copies of all primary election and general election slate mailers produced by the Checklist during 1990, 1992, and

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1994. Provide copies of any slate mailer materials distributed from 1994 to the present."

The Checklist has not produced any slate mailer since the November, 1994 election. As to earlier elections, with my June, 1996 declaration I provided the FEC a sample of the various documents produced by the Checklist. It is impossible to provide copies of *all* slate mailer materials produced by the Checklist in 1990, 1992, and 1994. I do not have on hand a copy of every slate mailer I published, as they number in the *thousands*. A brief description of each type of slate mailer material produced by the Checklist should help explain.

The Checklist produces three types of publications. The first is a glossy, 8 ½" x 11", eight page book containing a list of candidates and ballot measures, pictures of candidates, endorsements, etc. That book was distributed primarily in San Francisco, although I believe at least one time it had a wider circulation through the state. A copy of one such book was included as an exhibit to my June, 1996 declaration. I also published a 5 ½" x 8 ½" version of the glossy book, which was distributed in San Francisco. A sample of that smaller book was included with my June, 1996 declaration. Finally, I published the actual slate card, which is a two-sided document that can be carried into the ballot box. There were many different versions of that card -- e.g., the Democratic Seniors Checklist, the Democratic Women's Checklist, the Democratic Family Checklist, and the California Democratic Voters Checklist. Each version had a number of variations geared toward the specific voter who received it, in that it listed the state and local candidates and initiatives that would appear on that voter's ballot. In California, there are approximately 2,200 ballot groups -- that is, there will be 2,200 different versions of the ballot printed for the upcoming November election. All will have the same candidates for President, for any statewide offices that are at issue in the election (such as Governor, Superintendent of Public Instruction, etc.) and for statewide initiatives. But there will be different candidates listed for Congressional

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races, state Senate and Assembly races, and the myriad local offices such as county board of supervisors, city council member, mayor, school district board member, water district board member, etc., depending on the geographic location of the particular voter's residence. Because the Checklist's slatecard was intended to list candidates for as many of those local offices as possible, I published approximately 2,200 variations for each election -- one for each ballot group in the state. Thus there were 2,200 slightly different California Democratic Voter Checklist slatecards published for the June, 1994 primary plus up to 2,200 different Democratic Women's Checklist slatecards, another 2,200 Democratic Family Checklists, etc.

I keep some samples of my Checklist publications to show prospective clients, etc. My best guess is that I have 4 or 5 shelves' worth of Checklist publications from the six elections at issue here. I do not have a copy of every Checklist publication I sent out over those six elections. Indeed, I cannot tell how many different publications I still have without looking at each document closely to see whether there are variations in local candidates or ballot measures. I object to undertaking that extremely burdensome process.

8. Question 9 makes a series of requests pertaining to "each slate mailer produced by the Checklist for the primary and general elections for 1990, 1992, 1994 and from 1994 to the present." Question 9.a. asks: "Provide an itemized list of the production cost of each slate mailer and the total number of each slate mailers produced and distributed for each year listed."

The FEC and FPPC filings give gross figures for production costs. I do not have readily available an "itemized list" of those costs. Putting such a list together would require an enormous amount of work tracking down invoices, payments and the like. I object to having to do this burdensome and intrusive listing until the FEC or the court determines whether the Checklist falls within the FEC's jurisdiction.

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9. Question 9.b. asks that I "Provide information as to how each slate mailer produced was distributed (i.e., distribution by handbills, brochures, posters, broadcasting, newspapers, magazines, billboards). If direct mail was used as a form of distribution, identify source of the mailing list(s) used for distribution, identify source of the mailing list(s) used for each slate mailer so distributed, and provide the cost of mailing for each different slate mailer for each year specified."

The slate mailers were distributed solely through the U.S. mail. The mailing lists were bought from one of two companies: Below, Tobe and Associates or American Data Management.

In addition, Clinton Reilly Campaigns assisted with the count book production, a function related to compiling a mailing list. Count book production involves deciding which 1-2 million of the 12 million voters in California should receive copies of the Checklist publications. My campaign organization would analyze various demographic characteristics of voters -- e.g. age, sex, propensity to vote, home ownership, party affiliation, etc. -- and decide which voters were best to target and which version of the slate card to send.

The postage cost of mailing each slate card publication was 13 cents per piece.

10. Question 9.c. asks that I "Identify who determines the cost of each listing or slate mailer advertisement determined, as between candidates, as between ballot issues and candidates, as between ballot issues? State how the cost is determined. State what factors are used in determining the price of a listing or advertisement on the slate mailer."

The cost of each listing ultimately is decided by me, in conjunction with my staff. I determine cost based on what I believe the market will bear, taking into account a host of factors, including the nature of the office being sought; the closeness of the race; whether it is a candidate or ballot measure; the size of the target audience; whether the listing is large or small, highlighted or not; whether

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other candidates for the same office are vying for a position on the slate; whether the candidate is part of a package group put together by the larger consulting firms; and my personal political beliefs.

Costs can vary widely. Perhaps the best example comes from the statewide initiatives listed on the November, 1994 slatecards. The "Yes on 188" group paid me $80,000 for a listing for its smoking initiative. The "No on 185" group was listed at a price of $30,000. But I accepted only $500 for a listing opposing Proposition 187, the anti-immigration initiative.

11. Question 9.d. asks that I "Identify who from the Checklist or, from other sources on behalf of the Checklist, negotiates with paying candidates for listing or advertisement in the slate mailer. Provide blank agreement forms or contracts used to evidence agreement as to type of advertisement or listing."

My staff handled most of the negotiations with candidates or their consultants for each listing. My answer to Question 3 above identifies my staff for 1994.

When a candidate had signed on we would send an invoice indicating the cost of the listing and the actual wording. A sample of such an invoice is attached as Exhibit A to this declaration.

12. Question 9.e. asks that I "Provide any and all writings distributed by the Checklist or on behalf of the Checklist to recruit or encourage candidates, committee, organizations or similar groups or individuals to participate in the Checklist's slate mailer program." Question 9.f. asks that I "Provide any and all informational, or promotional, materials produced and distributed by the Checklist or on behalf of the Checklist to encourage participation in the slate mailer program."

The vast majority of the Checklist's listings were solicited by telephone. One of my employees would get from the Secretary of State a list of all candidates who had qualified for the ballot throughout the state, and a list of all ballot measures

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that had qualified for the particular election. Those lists were distributed to my sales staff, who would "cold-call" candidates and ballot measure committees to ask whether they were interested in appearing on the slate. As the Checklist became well known and successful, an increasing number of candidates, committees and consultants began to initiate the contacts with the Checklist staff.

I am not aware of any "mass mailing" advertisements, but my files contain copies of certain form letters which appear to have been sent primarily to political consultants. A representative sample of such letters from 1994 is attached as Exhibit B to this declaration.

13. Question 9.g. asks that I "Identify for each slate mailer produced and distributed in 1990, 1992, 1994 and from 1994 to the present, any and all paying and nonpaying candidates that have been clients of Mr. Reilly in his capacity as political consultant or who have been involved in any type of business or businesses in which Mr. Reilly has an interest or is associated."

None of my political consulting clients appeared on the 1990 slate mailers. In 1992, the slate mailers had listings for the following clients of mine: Tom Hsieh, candidate for San Francisco Board of Supervisors; and Maria Monet, candidate for San Francisco Community College Board.. The 1994 slates had listings for the following of my clients: Ann Marie Conroy, candidate for San Francisco Board of Supervisors; Tom Umberg, candidate for Attorney General; Kathleen Brown, candidate for Governor; and David Roberti, candidate for Treasurer. To the best of my recollection I had no federal candidates as clients during the elections at issue here.

14. Question 9.h. asks that I "Explain the procedures employed in determining which nonpaying federal candidates are included in the slate mailer. Explanation should include whether candidates or committees are contacted with the view towards getting payment, and who is contacted." Question 9.i. asks that I "List any and all federal candidates initially contacted as paying candidates but

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who were listed as nonpaying candidates in the slate mailer. Identify the slate listing or advertisement in which they appear."

The Checklist is primarily directed toward state and local candidates. Federal candidates are included only to make the slate complete. During the years of the Checklist's operation, many Democratic Congressional and Senate candidates were uncontested within their party, and would not have paid any money to appear on my slate card. I generally contacted only those federal candidates who had contested elections. For example, of the 30 or so federal candidates listed on the 1994 general election slates, only 10 or 11 paid money for their appearance. By contrast, in the 1994 general election I listed upwards of 319 paying state and local candidates and ballot measures.

It is possible that I or my staff initially contacted certain federal candidates hoping they would pay for a listing, and upon learning they would not, decided to put them on the slate anyway. I am not aware of any records that would confirm whether such conversations took place, and I cannot recall any such conversations.

15. Question 10 asks that I "Provide copies of any and all documents, to include agreements, notes, and bank statements, relating to the application, granting, use, and repayment of the line of credit obtained by Clinton Reilly with regard to the Checklist from 1990 to the present." Question 13 asks that I "Describe any and all loans made to the Checklist by Clinton Reilly from 1990 to the present, to include date of loan, amount of loan, date and amount of repayment, and present outstanding balances, if any. Provide any and all documents evidencing such loans to include, but not limited to agreements, contracts, promissory notes, and liens."

I have already provided the FEC with copies of the loan documents. To the best of my recollection I received no separate bank statement for the lines of credit. There is no outstanding balance on any of the loans. Repayment information is given below in response to Question 11.

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I have offered to provide a copy of the loan application for 1990 pursuant to a protective order. As my attorneys have explained to the FPPC, the initial 1990 loan application contains my personal financial balance sheet, a list of my personal assets, and similar information as to which I have a legitimate privacy interest. I do not wish to have that information become part of the public record by virtue of my having released it to the FEC.

16. Question 11 asks that I "Provide a schedule listing all capitalization of the California Democratic Voter Checklist by Mr. Reilly to include dates of capitalization, source of funds used for capitalization and amounts." Question 12 asks that I "Provide a schedule listing all reimbursements of funds extended to the Checklist by Mr. Reilly as capitalization to include dates of reimbursement, source of funds used for reimbursements and amounts reimbursed."

All of the funds used to capitalize the Checklist came from the four loans (lines of credit) I took out for that purpose -- one for the June 1990 election, one for the November 1990 election, one for both 1992 elections and one for both 1994 elections. All funds used to repay the line of credit came from the proceeds of the Checklist, which means they came from payments made by candidates, consultants and committees for a listing on the Checklist.

In 1990 I drew the following sums from the line of credit: $47,000 on 4/20/90; $25,000 on 4/30; $25,000 on 5/7; $105,000 on 5/29; and $133,000 on 8/3. The total amount of capitalization that year was $335,000. Sometime between May and June of 1990 I paid a $1,250 application fee for the line of credit. I then made the following payments of principal and interest on the loans: $1,024 on 5/25/90; $1,959 on 6/25; $69,000 on 6/29; $1,267 on 7/31; $100 on 8/1; $1,164 on 8/31; $1,250 on 7/31; $133,000 on 8/31; $1,247 on 10/1; $1,288 on 10/29; $1,247 on 11/21; $1,228 on 12/31; $7,068 on 3/15/91; and a final payment of $134,081 on 6/15/91. Payments related to the line of credit totaled $354,923.

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In 1994, I drew from the line of credit only once: for $25,000 on 4/4/94. I paid back the $25,000 on 5/20/94. In addition, I made two interest payments: $126.22 on 6/1 and $140.10 on 5/24. I also paid an application fee of $1,250.

I have not yet completed an accurate accounting of the capitalization for 1992. It appears that, for each of the elections at issue here, certain payments to or from me were reported as "capitalization" when in fact they were payments made for other purposes. I can reiterate, however, that the only funds used to capitalize the slate were the funds I provided through the lines of credit, and that those loans were repaid in full from Checklist proceeds. No one other than me put money into the Checklist for any reason other than to pay for a listing.

17. Question 14 asks that I explain a number of so-called "discrepancies" in my FEC filings. Question 14.a. asks that I explain the following: "During 1990, the Checklist reported total capitalization receipts from Clinton Reilly of $335,000.00. The Checklist, however, reported a partial repayment of capitalization to Mr. Reilly throughout 1990 totaling $713,774.00. In addition, the reports do not include any information pertaining to any loans from Clinton Reilly to the Checklist in this amount."

My response to Question 11 above should clarify the amount of money used to repay capitalization. The additional payment to me of $500,000 on 11/9/90 was for my profit from the Checklist operations. It was reported as a "fee" on my state FPPC filings. I do not know why it was incorrectly reported as "partial repayment of capitalization" on my FEC filings.

18. Question 14.b. asks that I explain the following: "The 1990 reports disclose independent expenditures to nonpaying federal candidates of $19,000.00 with respect to the primary election and $21,500.00 with respect to the general election. Attached to the report pertaining to the primary election is a note indicating that the amount allocated for each candidate was based on the assumption that 3 percent of the value of the entire slate mail program was

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allocable to nonpaying candidates. The note included for the general election, however, indicates that the allocation was based on the assumption that 1.5 percent of the value was allocable."

From my point of view, it is virtually impossible to ascertain the true value of a free listing for a candidate who would not have paid for a listing under any circumstance, particularly when, as described in my response to Question 9.c., the "value" of a particular listing, if value is deemed equivalent to the cost of the listing, varies greatly depending on a number of factors. It is precisely for those reasons that the state Fair Political Practices Commission only requires that the Checklist identify any candidate who is listed for free and does not require that I come up with some arbitrary figure for the "value" of any free listing. I only did so for the federal reports because I was informed by my attorneys that doing so was required under federal law.

The particular allocation formulas were worked out by the persons who prepared my FEC reports. It was my understanding that the formulas were consistent with advice given by the FEC to another slate card operation run by Berman & D'Agostino. I do not know why those formulas resulted in 3% or 1.5%.

19. Questions 14.c. through 14.k. ask a series of questions about Checklist receipts or expenditures that are identified on my reports as pertaining to capitalization or repayment of capitalization. For each of those questions the issue appears to be that the reports "do not include any information pertaining to loans, lines of credit or draw downs from a line or lines of credit either from Clinton Reilly and/or the Union Bank of the Checklist."

As explained more fully above in response to Question 11, the only loans made to the Checklist were the lines of credit I used to capitalize the business. The repayments of capitalization were payments used to pay down the line of credit, either as payments of principal or payments of interest on the loan. Capitalization funds came solely from the lines of credit. The FEC reports do have some errors in

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what is listed as capitalization or repayment of capitalization. The correct figures are those given here in response to Question 11.

20. Question 14.l. asks that I explain the following: "In 1990, the Checklist reported making $19,000.00 in independent expenditures on behalf of federal candidates for June 5, 1990, for the California primary election and $21,000.00 in independent expenditures on behalf of such candidates for the November 6, 1990, general election. The report filed by the Checklist for the independent expenditures identified the date of the expenditure as the same day as the date of the election even though the expenditures were for listings of these candidates in slate mailer which by their nature are prepared and distributed prior to election day."

It is true that the slate mailers were prepared and distributed prior to election day. If the FEC or the court ultimately decides that I must file reports for the Checklist, I will ask my attorneys to research whether I need to amend my prior reports to correct the dates.

21. Question 15 asks that I "Explain the nature and purpose of the four disbursements totally $445,000.00 reported as made by the Checklist to either Mr. Reilly or Clinton Reilly Communications on the 1994 12 Day Pre-Primary, October Quarterly and year End Reports. The purposes listed for these disbursements include "count book production" and "production services." Provide an explanation for these terms and the nature of the service(s) rendered which resulted in the disbursements."

The $400,000 payment to me was my profit from the slate card operation; $10,000 was a payment for count book production services provided by Clinton Reilly Campaigns; $35,000 in payments were made for other production services provided by Clinton Reilly Campaigns. In this declaration I have provided further information about the count book production process in response to Question 9.b., and about other production services in response to Question 6.

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22. Question 16 asks: "For the following individuals and entities listed in 1994 disclosure reports submitted by the Checklist, explain the nature of the sources participation in the slate mailer program, the purpose of the receipt, and the identity of the source at the time of the making of the receipt (i.e., was the source an individual, a potential candidate, a committee, a political consultant, a corporation, a special interested organization, etc.)." The answer is as follows:

a. The 12 Day Pre-Primary Report

1. James R. Covell $2,500

Mr. Covell's payment was made to list himself as a candidate for the office of Assessor.

2. Nick DePrisco $1,000

Mr. DePrisco's payment was made to list himself as a candidate for Municipal Court judge.

3. Gary Sandy Communications $1,250

Gary Sandy Communications is a political consulting firm which paid for a listing for Mark Pappas, a candidate for District Attorney.

4. Kerynn Gianotti $500

Ms. Gianotti paid for space for John Russo, a candidate for Oakland City Council. Checklist records do not indicate the nature of the relationship between Ms. Gianotti and Mr. Russo.

5. Sylvia Hampton $500

Ms. Hampton and Bill Hampton have a joint checking account which was used to

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Superintendent; Barbara Zuniga, candidate for Superior Court judge; and Baxter Dunn, candidate for Sheriff-Coroner.

7. PBN Company $10,000

PBN Company is a political consulting firm whose payment was for a listing for "Yes on State Measure 1C."

8. Scott P. Plotkin $750

Mr. Plotkin's payment was for a listing for Patricia Thiel, candidate for County Board of Education. Checklist records do not indicate the nature of the relationship between Mr. Plotkin and Ms. Thiel.

9. Pol-Serv, Inc. $4,000

Pol-Serv is a political consulting firm which paid for a listing for Pete McHugh, candidate for Santa Clara County Assessor.

10. John R. Putko $150

Mr. Putko made two payments of $150 each on 5/17, one to list himself as a candidate for Central Committee and one to list Richard Turnbull as a candidate for Central Committee.

11. David S. Ream $2,500

Mr. Ream is one of the signatories to a personal checking account which paid for a listing for Bob Ream, candidate for State Assembly. Checklist records do not indicate the nature of the relationship between Mr. David Ream and Mr. Bob Ream.

12. Kenneth R. Silk $500

Mr. Silk paid to list himself as a candidate for Central Committee.

13. Strategy & Campaign Mgt. Grp., Inc. $1,500

Strategy & Campaign Management Group is a political consulting firm which paid for a listing for Rene Navarro, candidate for Superior Court judge.

14. Townsend, Hermocillo, Raimundo & Usher $162,750

The Townsend firm is a political consulting firm which paid for listings for Art

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Torres, candidate for Insurance Commissioner; Robert Presley, candidate for State Board of Equalization; the No on U campaign, a local Sacramento measure; Garry Ichikawa, candidate for Supervisor; and Glenn Craig, candidate for Sheriff.

15. Western Pacific Research, Inc. $1,900

Western Pacific Research is a political consulting firm which paid for listings for Jon Stuebbe, candidate for Municipal Court judge and Conni Brunni, candidate for Supervisor.

b. The July Quarterly Report:

1. Pol-Serv, Inc. $500

Pol-Serv is a political consulting firm which paid for a listing for Fadi Sabi, candidate for Open Space Assessor.

2. Polistat $4,000

Polistat is a political consulting firm which paid for a listing for Larry Stirling, candidate for District Attorney.

3. Lee Ann Prifti $200

Ms. Prifti paid to list herself as a candidate for Democratic County Central Committee.

4. John R. Putko $300

See response to a.10 above (Mr. Putko made payments totaling $300 only; it appears one payment was accidentally reported twice)

5. Townsend, Hermocillo et al. $441.17

This was a payment made by the Checklist to the Townsend political consulting firm as a sales commission for the firm's role in securing candidate listings.

c. The October Quarterly Report

1. Ray J. Rodriguez $250

Mr. Rodriguez paid to list himself as a candidate for School Board.

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2. Ross Valley Pharmacy $600

Ross Valley pharmacy paid for a listing for Paul Lofholm, candidate for Hospital District. Checklist records do not indicate the relationship between the pharmacy and Mr. Lofholm, but it appears that Mr. Lofholm signed the Ross Valley Pharmacy check.

3. Mary F. Stompe $400

Ms. Stompe paid to list herself as a candidate for City Council.

4. Raymond C. Wieser $300

Mr. Wieser paid to list himself as a candidate for Mayor.

d. 30 Day Post-General Report

1. Adler Wilson Campaign Service Inc. $1,500

Adler Wilson is a political consulting firm which paid for a listing for a local ballot measure in Contra Cost county, "Yes on Measure B."

2. Adler Wilson Campaign Service Inc. $1,000

Adler Wilson is a political consulting firm which paid for a listing for John Tavaglione, candidate for County Supervisor.

3. Adler Wilson Campaign Service Inc. $1,600

Adler Wilson is a political consulting firm which paid for a listing for a local ballot measure in the City of Dana Point, "Yes on Measure C."

4. Adler Wilson Campaign Service Inc $1,600

Adler Wilson is a political consulting firm which paid for a listing for a local ballot measure in the City of Dana Point, "Yes on Measure D."

5. Hargis & Associates $300

Hargis & Associates paid for a listing for Steve Blanton, candidate for City Council. Checklist records do not indicate the nature of the business engaged in by Hargis & Associates, but do indicate that Ken Hargis was connected with the Friends of Steve Blanton committee.

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6. John C. Holt $250

John Holt paid to have himself listed as a candidate for School District board.

7. George Barber-McNally Temple Assoc., Inc. $2,000

McNally Temple Associates is a political consulting firm which paid for a listing for George Barber, candidate for County Supervisor.

8. Glenn A. Miller $250

Glenn Miller paid to have himself listed as a candidate for Water District board.

9. Robin Irene Neveau $400

Robin Neveau paid to have herself listed as a candidate for Hospital District board.

10. John Records $375

John Records paid to have himself listed as a candidate for Hospital District board.

11. The Richard A. Hall Company $333

Richard Hall Company paid for a listing for Steve Dicterow, candidate for City Council. Checklist records do not indicate the nature of the business engaged in by the Richard A. Hall Company, but do indicate that the Dicterow listing was arranged for by a political consulting firm, Campaign Strategies.

12. Robinson Communications, Inc. $345 x 4

Robinson Communications is a political consulting firm which paid $345 each for the following to be listed: Carol Klatt, candidate for City Council; Madolyn Agrimonti, candidate for City Council; Donald Sherer, candidate for Harbor District; Aldyth Parle, candidate for City Council; Michael Guingona, candidate for City Council.

13. Alberto S. Rocha $2,600

Alberto Rocha paid for himself to be listed as a candidate for AC Transit District.

14. Strategic Resources $250; $1,000; $1,000; $500; $500; $334; $600; $350; $350; $1,000; $250; $250; $250; $233; $100

Strategic Resources is a political consulting firm whose payments were for listings for the following candidates: Guy Houston, candidate for Mayor ($250); Ann

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Johnston, candidate for City Council ($1,000); Victor Mow, candidate for City Council ($1,000); No on Measure K ($500); No on Measure N ($500); Hugh Campbell, candidate for Water District ($334); Ted Simas, candidate for Community College Board trustee ($600); Carlon Perry, candidate for Mayor ($350); Greg Flora, candidate for City Council ($350); Duane Isetti, candidate for City Council ($1,000); Mark Stoup, candidate for City Council ($250); Laura Tilrico, candidate for City Council ($250); Dan Bilbrey, candidate for Mayor ($250); Loralee McGaughey, candidate for Water District ($233 and $100).

15. Western Pacific Research, Inc. $635.72 x 3; $635.71 x 4

Wester Pacific Research is a political consulting firm which paid for the following listings: Conni Brunni, candidate for County Supervisor ($635.72); Ken Mettler, candidate for School District ($635.72); Karen DeWalt, candidate for School District ($635.72); Craig Henderson, candidate for School District ($635.71); Pat Smith, candidate for City Council ($635.71); Kevin McDermott, candidate for City Council ($635.71); Mark Heiller, candidate for City Council ($635.71).

23. Question 17 asks that I "Provide copies of all checks or other documents or instruments representing the deposit of the capitalization receipts for 1990 to the present in the Checklist's depository account, copies of all disbursement checks representing capitalization repayments or other documents showing to whom each repayment was made."

It is my recollection that many of the capitalization deposits were made by bank transfer. Repayments were made to Union Bank, which gave me the loans. It is possible that some repayments were made by me personally and then I was reimbursed by the Checklist account.

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I would have to go through every Checklist check for the entire 6 year period, and through other financial documents as well, to ascertain which checks relate to capitalization. I object being put through that burdensome process at this stage of the proceedings

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at San Francisco, California.

DATED: August 23, 1996

Clinton Reilly

Re-executed and notarized this ____ day of October, 1996 at San Francisco, California

Clinton Reilly

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Attorneys for Respondents,
California Democratic Voter Checklist,
et al.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FEDERAL ELECTION COMMISSION, Petitioner, vs. CALIFORNIA DEMOCRATIC VOTER CHECKLIST, et al., Respondents.	Case No. C-96-1712 DLJ DECLARATION OF CLINTON REILLY IN RESPONSE TO CONSENT ORDER AND JUDGMENT

I, Clinton Reilly, declare:

1. The Consent Order and Judgment in this case calls for the production of additional information in response to the FEC's subpoena. That additional information is provided through this declaration and the attached exhibits.

2. Request No. 3 in the FEC's subpoena states: "List the number of persons employed by the California Democratic Checklist, and in what capacity they are employed. Indicate if they are employed full-time or part-time."

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The Checklist is not an ongoing business entity, but rather is in operation only during the periods when it is producing slate mailers for a particular election. When producing the 1990 and 1992 slate mailers, the Checklist had no employees, but instead contracted out for the services it needed.

In producing the 1994 slate mailers, the CDVC employed the following people:

Name	Position	Full or Part Time
Brian McGonigle	Director, slate mail operations	Full time
Edwin Metcalf	Sales associate (primary only)	Full time
Andrew Trapp	Sales associate	Full time
Michelle Truelson	Production assistant	Full time
Chris Hansot	Sales associate	Full time
Kerrie Hillman	Administrative assistant	Full time

3. Request No. 4 asks for copies of the CDVC's federal income tax returns for the years 1990 through 1995.

Copies of the Schedule C's that I filed in 1990, 1992, 1993, 1994 and 1995 to report Checklist income and expenses are attached as Exhibit A to this Response. To the best of my recollection, there was no Schedule C or other income tax return filed for the CDVC in 1991 because my accountant advised me that the Checklist had no taxable activity that year.

4. Request No. 8 asks for copies of "all primary election and general election slate mailers produced by the Checklist during 1990, 1992, and 1994" and for any such materials produced since 1994.

Attached as Exhibit B to this Response are those samples I still possess of the slate cards I produced in the 1990, 1992 and 1994 election cycles. I have duplicates of some of the samples being produced here, and will produce them if so requested.

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5. Request No. 9.a. asks for an "itemized list of the production cost of each slate mailer and the total number of each slate mailer produced and distributed" for the primary and general elections in 1990, 1992 and 1994.

I have spent a good deal of time and money trying to provide as complete an answer as possible to this question. Unfortunately, I no longer have every business record for the Checklist for the years in question; the records I do have are in some cases incomplete or inconsistent. I have been unsuccessful in my attempts to obtain back up information from vendors. Some of the companies that I contracted with to provide production services have closed, while others cannot provide the information for other reasons. For example, the Below, Tobe firm, which did much of the production work in the early years of the slate, merged with another company, consolidated and moved out of the state. In the process the firm apparently threw away or stored many of their old records, making it unable to respond to my requests for back up information. What follows is my best attempt to reconstruct the production costs of the slate mailers. The numbers in some cases are approximated; in all cases they are based solely on the records I have, and I cannot tell with certainty whether there are other missing records that would change the figures. The numbers generally comport with my recollection of the production costs.

I assume the FEC uses the term "production costs" in the manner it is used in the industry, to mean the costs of actually producing a slate card or a slate mailer. In that sense, the term does not include costs unconnected to the actual production of the cards, such as administrative expenses, overhead, cost of sales, delivery and profit. Ordinarily postage is not thought of as a production expense, but the financial records I have sometimes include postage in the production costs. With that understanding, my best approximation of the production costs of the slate mailers is as follows:

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For the June 1990 primary election slate mailers, CDVC paid $552,624 to Below, Tobe for mail house and mail list services, printing, and lasering, and an additional $222,200 in postage costs. The total production and postage cost for the slate mailers that election was approximately $774,824. CDVC mailed approximately 2,222,000 pieces of slate mail, for a per piece cost of approximately 35 cents.

For the November 1990 general election slate mailers, CDVC paid $504,284 to Below, Tobe for mail house and mail list services, printing, artwork and lasering, and an additional $322,783 in postage costs. The total production and postage cost for the slate mailers was $827,067. The records I have show that CDVC mailed 3,277,313 pieces of slate mail, for a per piece cost of approximately 25 cents.

For the June 1992 primary election, CDVC paid Below, Tobe $272,808 for production costs, including printing, lasering, mail house, mail list, and postage, and an additional $1,766 for art work, for a total production cost of $274,574. The total number of pieces mailed was approximately 1,000,000 with a production cost of approximately 27 cents per piece.

For the November 1992 general election, CDVC paid $333,814 for printing and lasering; $6,473 for mail house and mail list; $5,565 for art work; and $266,897 for postage. Total production costs were $612,749. Approximately 2.2 million pieces of slate mail were mailed, at a per piece cost of approximately 28 cents.

For the June 1994 primary, CDVC paid a total of $590,794 in production costs. That includes $240,975 for printing and lasering; $4,300 for art work; $258 for mail house; $37,891 for mail list; and $307,370 for postage. Approximately 2.2 million pieces were mailed, for a per piece production cost of approximately 27 cents.

For the November 1994 general election, CDVC paid a total of $354,143 in production costs. Printing and lasering came to $193,478; mail house was $3,396; postage was $135,852; and mail list was $21,416. Approximately 1.2 million pieces of slate mail were sent, at a production cost of 29.5 cents per piece.

6. Request No. 9.b. asks that I "identify the source of the mailing list(s) used for each slate mailer . . . [and] the cost of mailing for each different slate mailer" for the primary and general elections in 1990, 1992 and 1994.

In every election except the November, 1994 general election, the CDVC obtained its mailing lists from Below, Tobe & Associates. For November 1994, we obtained mailing lists from Campaign Data Center, Inc. and American Data Management.

The total postage costs and number of pieces mailed are provided above in paragraph 5 of this declaration. With respect to postage, we paid the lowest rate we could, but obviously those rates were set by the U.S. Postal Service and changed during the five year period at issue. We tried to use carrier route pre-sort when possible, which cost as little as approximately 10 cents per piece. We could not use that in rural areas, however, and in those situations we were forced to pay as much as 16 cents per piece. My recollection is that the average per piece postage cost was approximately 13 cents, which is the figure I gave in my August, 1996 declaration in this case.

7. Request No. 9.d. asks for the identity of persons from the CDVC who negotiated with candidates for listing in the slate mailer.

In addition to myself, as best I can recollect the following persons negotiated with candidates, committees and consultants for listings:

1990: Jim McGrath; Karl Ketner; Marie Clark; Jolie Stokes; John Whitehurst; Phyllis Nelson; Maggie Muir.

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1992: Karl Ketner; Marie Clark; Maureen Early; Michael Tarbox; Carolyn Burkhardt; Lisa Pisani; Jolie Stokes.

1994: Brian McGonigle; Edwin Metcalf; Andrew Trapp; Michelle Truelson; Chris Hansot.

Attached as Exhibit C to this Response are copies of "blank agreement forms or contracts used to evidence agreement as to type of advertisement or listing" for the primary and general elections in 1990, 1992 and 1994.

8. Request No. 9.e. asks for "any and all writings distributed by the Checklist or on behalf of the Checklist to recruit or encourage candidates, committees, organizations or similar groups or individuals to participate in the Checklist's slate mailer program." Request No. 9.f. similarly seeks "any and all informational , or promotional, materials produced and distributed by the Checklist or on behalf of the Checklist to encourage participation in the slate mailer program."

Materials responsive to those requests are attached as Exhibit D to this Response.

9. Requests Nos. 10 and 13 call for production of documents relating to the line of credit obtained by Clinton Reilly for the CDVC.

Attached as Exhibit E to this Response is a copy of the loan application, submitted in 1990, and additional documents related to the granting of the lines of credit.

10. Requests Nos. 11-12 ask for information concerning capitalization of the CDVC. That information already has been provided, with one exception. I have not previously produced information on the 1992 capitalization because my records of it were very hard to find, and incomplete. I have asked the bank that provided the line of credit to help me reconstruct its use in 1992, but the bank has told me it does not have the records by which it could do so. What follows

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is my best attempt to provide information on how the CDVC was capitalized in 1992.

I believe I drew the following sums from the line of credit for the purpose of capitalizing the CDVC in 1992: $15,000 on April 24, 1992 and another $15,000 on August 14, 1992. The total amount of capitalization that year appears to have been $30,000.

I believe I paid an application fee for the line of credit, but I cannot be sure of the date or amount.

I made the following interest payments (there may be others as well): $94.07 on July 29, 1992; $93.64 on August 24, 1992; $232.61 on September 29, 1992; $187.29 on October 28, 1992; $1,132.55 on December, 1992.

I repaid principal and some interest on the loan on January 27, 1993.

11. Request No. 14.b. asks for an explanation of how the CDVC arrived at the amount allocated for each nonpaying federal candidate in the 1990 primary and general elections.

I cannot answer this question with certainty as the person who prepared the 1990 reports retired many years ago. However, I believe the percentages may have been based on the amount of space on the cards devoted to federal candidates, compared with the amount of space devoted to state and local candidates and ballot measures. In 1990, only one federal candidate appeared on any given slate card; all other space was taken by state and local candidates and issues. The one federal candidate would have been the Democratic candidate for Congress in the particular district where the slate card was being mailed. There was no senatorial election that year. Not all the slate cards had federal candidates; some slate cards had no federal candidates that year, particularly in the primary election.

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12. Requests Nos. 14.g, 14.j. and 14.k. ask for an explanation of certain sums received by the CDVC from me on 1/27/93 and reported as capitalization funds. It also asks for an explanation of a payment made on that same date and reported as repayment of capitalization.

Here again, I must repeat the caveat made earlier in this declaration that my records from this time period are incomplete, and the bank has been unable to provide any additional records. With that in mind, I believe the $10,000 received by the CDVC on 1/27/93 was a payment from my personal checking account. As best I can recollect, I believed at the time that the CDVC needed an infusion of cash to meet possible expenses, although it appears from my records that most of the $10,000 remained in the CDVC account through 1993.

The $130,895.44 that is reported as having been received by the CDVC on 1/27/93 and paid out to Union Bank on that same day pertains to repayment of the line of credit. Approximately $30,000 was related to repayment of funds drawn from the line of credit to capitalize the CDVC. Approximately $100,000 was used to repay the line of credit for money I drew from it personally on or about November 16, 1992 to finance a personal real estate acquisition. On January 27, 1993 I paid the CDVC $130,895.44 from my personal checking account. The CDVC then wrote a check to Union Bank for $130,895.44. I believe the $895.44 may have been payment of interest on the line of credit. Again, I was the source of the funds used to make that payment.

13. Request No. 17 asks for "copies of all checks or other documents or instruments representing the deposit of the capitalization receipts for 1990 to the present in the Checklist's depository account, copies of all disbursement checks representing capitalization repayments or other documents showing to whom each repayment was made."

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Attached as Exhibit F to this Response are copies of all checks from the CDVC depository account representing payments of principal, interest or fees pertaining to the line of credit, and other documents we found relating to capitalization of the CDVC or repayment of capitalization funds.

Attached as Exhibit G to this Response are copies of the bank statements for the CDVC depository account. Some of those statements reflect deposits or withdrawals related to the line of credit. Some of the transactions relating to the line of credit were done by electronic transfer.

Attached as Exhibit H to this Response are copies of the bank statements for the line of credit. I have asked Union Bank for copies of any additional statements they have for the line of credit account. I have been told that no such records exist.

14. Attached as Exhibit I to this declaration is an additional copy of the declaration I submitted in August 1996. I have resigned and notarized the declaration.

With this declaration and my earlier submissions to the FEC, I believe that I have provided all responsive documents and information in my possession, custody and control pertaining to the FEC's subpoena dated November 13, 1995.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at San Francisco, California.

DATED: October 25, 1996

CLINTON REILLY

State of California)
) ss.
County of SAN FRANCISCO)

Subscribed and sworn to (or affirmed) before me on OCTOBER 25, 1996.

Signature of Notary

(Seal of Notary)

PAUL F. CHEW
Notary Public — California
San Francisco County

NOVEMBER 1994 GENERAL ELECTION

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CALIFORNIA EDITION

DEMOCRATIC WOMEN'S CHECKLIST

✓ FOR GOVERNOR KATHLEEN BROWN

As Treasurer, her tough management kept California solvent through fiscal crisis.

As Governor, Kathleen Brown will enact her written economic plan that starts by cutting $5 billion in government waste, creates one million new private sector jobs, freezes college tuition and improves our schools. Read her plan and see the difference!

FOR U.S. SENATE ✓ DIANNE FEINSTEIN

- Won a nationwide ban on semi-automatic assault weapons.
- Passed a landmark law to expel students who bring guns to school.

INSURANCE COMMISSIONER ✓ ART TORRES

- Unlike his opponent, Art doesn't accept money from insurance companies.
- Art will make sure that Californians with life-threatening diseases like breast cancer get the treatment they need.

VOTER ALERT! Wilson gave a huge tax break to the rich. Cut school funding. Raised taxes by $7 billion and drove California into bankruptcy. Your vote is crucial to defeating Wilson and getting California back on track!

Bulk Rate
U.S. POSTAGE
PAID
California Democratic Voter Checklist

YOU VOTE AT:

Garage
3469 Virgil Cir Pl
Phone No..(510) 462-0148

To:

CR-RT SORT **** C027

Ms. Diane Davidson
3222 Glenda Ct
Pleasanton, CA 94588

NOTICE TO VOTERS

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*Federal candidates not appearing with an * paid for by CDVD, not authorized by any candidate or candidate's committee.*

DEMOCRATIC WOMEN'S CHECKLIST

VOTER ALERT! Vote to defeat Wilson and Huffington. Wilson is a career politician who caters to the rich and hurts the middle class. Huffington is a Texas oil millionaire Californians just can't trust.

Governor
Kathleen Brown *

Lieutenant Governor
Gray Davis

Secretary of State
Tony Miller

Attorney General
Tom Umberg *

Insurance Commissioner
Art Torres *

U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
Delaine Eastin *

State Measures

YES ON 181 *
Reduce Traffic Congestion

NO ON 185 *
Taxes are too high now. Stop the $700 million a year tax hike.

NO ON 186 *
Stop Government-Run Health Care

NO ON 187 *
It Just Makes A Bad Situation Worse

YES ON 188 *
Statewide Smoking Restrictions

NO ON 190 *
Keep Politicians Out of the Courts

YES ON 183 YES ON 184 *
YES ON 189 YES ON 191

Board of Equalization
Johan Klehs *

County Measure
Yes on B *

Vote for Kathleen Brown

and her plan to create jobs, improve schools and fight crime.

Senator Art Torres

for Insurance Commissioner

He fought the insurance companies' unequal treatment of women.

Kathleen Brown

has a tough, effective plan for fighting crime. That's why she's endorsed by California's largest law enforcement association

Vote Democrat!

Vote Tuesday!

NO ON PROP 187

- IT WON'T BEEF UP OUR BORDERS OR ENFORCE THE LAWS WE ALREADY HAVE.
- IT WILL CAUSE A $1,600 ANNUAL TAX INCREASE FOR CALIFORNIA FAMILIES.
- IT WILL PUT 300,000 KIDS ON THE STREETS – MORE CRIME AND GANGS.

California Democratic Voter Checklist, P.O. Box 191467, SF, CA 94119

JUNE 1994 PRIMARY ELECTION

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CALIFORNIA EDITION

DEMOCRATIC VOTER CHECKLIST

FOR GOVERNOR ✓ KATHLEEN BROWN

AMERICA'S BEST TREASURER TO REVIVE AMERICA'S WORST ECONOMY

- Earned taxpayers a record $4 billion
- Financed projects that created over 200,000 jobs
- Kept California solvent during Wilson's recession

FOR TREASURER ✓ DAVID ROBERTI

THE MAN WHO BANNED ASSAULT WEAPONS

- Called "a man of courage" by Sarah Brady
- Passed the nation's first assault weapons ban
- Mandated a 15-day waiting period for gun purchases
- Beat the N.R.A. recall

FOR ATTORNEY GENERAL ✓ TOM UMBERG

Citizen Prosecutor to overhaul our failed crime control system.

INSURANCE COMMISSIONER ✓ ART TORRES

Nationally recognized leader for health care reform.

Bulk Rate
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PAID
California
Democratic
Voter Checklist

YOU VOTE AT:

QUARTZ HILL MOBILE HOME PARK
5711 W AVENUE M

To:

CR-RT SORT **** CR46

MRS BERNICE M HAMM
5711 W AVENUE M #25
QUARTZ HILL, CA 93536

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Governor
Kathleen Brown *

Lieutenant Governor
Gray Davis

Secretary of State
Tony Miller

Attorney General
Tom Umberg *

Insurance Commissioner
Art Torres *

U.S. Senate
Dianne Feinstein

Superintendent of Pub Instruction
Delaine Eastin *

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Reduce Traffic Congestion

NO ON 185 *
Taxes are too high now. Stop the $700 million a year tax hike.

NO ON 186 *
Stop Government-Run Health Care

NO ON 187 *
It Just Makes A Bad Situation Worse

YES ON 188 *
Statewide Smoking Restrictions

NO ON 190 *
Keep Politicians Out of the Courts

YES ON 183 YES ON 184 *
YES ON 189 YES ON 191

Board of Equalization
Johan Klehs *

A.C. Transit Dist, At Large
Alberto S. Rocha *

County Measure
Yes on V

Vote for Kathleen Brown

and her plan to create jobs, improve schools and fight crime.

Senator Art Torres

for Insurance Commissioner

He fought the insurance companies' unequal treatment of women.

Kathleen Brown

has a tough, effective plan for fighting crime. That's why she's endorsed by California's largest law enforcement association

Vote Democrat!

Vote Tuesday!

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- IT WILL CAUSE A $1,600 ANNUAL TAX INCREASE FOR CALIFORNIA FAMILIES.
- IT WILL PUT 300,000 KIDS ON THE STREETS – MORE CRIME AND GANGS.

California Democratic Voter Checklist, P.O. Box 191467, SF, CA 94119

NOVEMBER 1992 GENERAL ELECTION

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9 8 0 4 3 9 0 1 5 5 2

DEMOCRATIC VOTER CHECKLIST ✔

Bill Clinton
President

Barbara Boxer
U.S. Senate

Dianne Feinstein
U.S. Senate

NO on 167 California needs jobs, not MORE TAXES. With over 12 separate tax increases, Prop. 167 would hit families with higher insurance premiums, gas prices and rents – while risking 100,000 jobs statewide.

NO on 161 Prop. 161 is a deadly proposal with no protections against misdiagnosis, no witnesses and no time allotted for reconsideration. Doctors should be saving lives. Don't make every doctor a "Dr. Death."

"Join me and Police Chief Willie Williams and Vote YES on PROPOSITION A for safe neighborhoods."
– Richard J. Riordan
former L.A. Parks Commissioner

1992 is the Year of the Woman! Elect Barbara Boxer and Dianne Feinstein to the U.S. Senate!

BULK RATE
U.S. POSTAGE
PAID
California
Democratic
Voter Checklist

YOU VOTE AT

MARK TWAIN JR HIGH SCHOOL
2224 WALGROVE AV

To:

CAR-RT SORT ** CR 66

MS. APRIL R. CARTER
12521 VICTORIA AVENUE
LOS ANGELES, CA 90066

"Jobs! Health Care! Social Security! Safety!"

NOTICE TO VOTERS

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President/U.S. Senate paid for by CDVC, not authorized by any candidate or candidate's committee.

DEMOCRATIC VOTER CHECKLIST

Clinton – Boxer – Feinstein

Los Angeles County women need this dynamic Democratic team in Washington to protect a woman's right to choose!

President
BILL CLINTON

U.S. Senator
BARBARA BOXER

U.S. Senator (Short Term)
DIANNE FEINSTEIN

State Assembly
DEBRA BOWEN *

District Attorney
GIL GARCETTI *

Supervisor
DIANE WATSON *

County Measure
YES on A *

Local Measures
NO on K *
Stop the airport takeover!
YES on L * **and M** *
NO on N *

More than 12 tax increases!
Vote NO
on Prop 167
Californian's Need Jobs
NOT more taxes!

State Measures
NO on 155
Teachers Not Buildings
YES on 156 *
End Gridlock & Pollution
YES on 157
YES on 158 *
YES on 159 *
YES on 160
NO on 161 *
YES on 162 *
YES on 163 *
NO on 164 *
Reform Congress not California's Clout
NO on 165 *
NO on 166 *
NO on 167 *

Some People Talk Change

Diane Watson Delivers!

She Delivers on Education, Child Care, Fighting Crime, Jobs, Health Care, and the Environment

NO on 161
A deadly proposal without safeguards!

NO on 167
California needs jobs not MORE TAXES!

CALIFORNIA DEMOCRATIC VOTER CHECKLIST, 268 Bush St., San Francisco, CA 94104

JUNE 1992 PRIMARY ELECTION

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California Democratic Voter ☑ Checklist

U.S. SENATE DIANNE FEINSTEIN

...for new direction, new ideas and a voice for change.

- Endorsed by law enforcement
- Strong fiscal record
- She will fight for California

A Senator Californians can be proud of! A proven leader for Seniors, Families, & women!

U.S. SENATE LEO McCARTHY

...for proven integrity and a record of accomplishment.

- Endorsed by labor
- Strong environmental record
- An experienced and effective leader

Seniors! Leo McCarthy is endorsed by the CA Council of Seniors! Protect Social Security and Medicare!

THE DEMOCRATIC TEAM FOR U.S. SENATE

► Having reviewed all candidates and measures for the June 1992 ballot, the persons or positions contained herein are strongly recommended

YES on 153

Prop 153 improves State Universities and Colleges, creates JOBS, and makes California more COMPETITIVE with NO NEW TAXES!

Make California #1 Again in Higher Educational Excellence

BOB TANENBAUM

for District Attorney

Endorsed by the DAILY NEWS KNX News Radio and leaders throughout Los Angeles

He won't play politics with peoples' lives!

BULK RATE
U.S. POSTAGE
PAID
California Democratic Voter Checklist

YOU VOTE AT ➡

SHOWROOM
1719 SN MONICA BL

TO:

CAR-RT SORT ** CR 01

Ms. Judith W. Chodos
1323 14th Street, #G
Santa Monica, CA 90404

Notice to Voters

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CALIFORNIA DEMOCRATIC VOTER CHECKLIST
210 Columbus Ave., #226, San Francisco, CA 94133
Not Authorized by Clinton for President Committee

California Democratic Voter ✓ Checklist

Dianne Feinstein–Leo McCarthy

Los Angeles County Democrats need a dynamic team in Washington to end the recession and restore economic health to California & the nation!

President
BILL CLINTON

U.S. Senate
LEO McCARTHY *

U.S. Senate (short term)
DIANNE FEINSTEIN *

State Senator
HERSCHEL ROSENTHAL

State Assembly
TERRY FRIEDMAN

Superior Court Judge
JOYCE ANN KARLIN *

District Attorney
ROBERT K. TANENBAUM*

State Measures
YES on 152 YES on 153*
YES on 154

County Measures
YES on A *

Local Measures
YES on K and L

ELECTION DAY
JUNE 2

VOTE
DEMOCRATIC

Major School Construction at the Lowest Possible Cost!

OVER 65,000 NEW JOBS

YES on
PROPS 152 & 153

PROP 153 brings needed improvements to state universities and colleges. The **California Democratic Party, California Taxpayers Association,** and **California State PTA** all agree! **Vote YES on 153.**

9804590556

JUNE 1990 PRIMARY ELECTION

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CALIFORNIA DEMOCRATIC VOTER CHECKLIST

NO on 118 & 119

"Prop 118...is not real reapportionment reform. Prop 119...is so complicated and clumsy...that it is almost certain to fail"
SACRAMENTO BEE EDITORIAL, 5/9/1990

Governor
JOHN VAN DE KAMP*
The officially endorsed candidate of the California Democratic Party

Lieutenant Governor
LEO T. McCARTHY

Secretary of State
MARCH FONG EU

Controller
GRAY DAVIS

Treasurer
KATHLEEN BROWN

Attorney General
IRA REINER *

Insurance Commissioner
BILL PRESS *
Cut auto rates, stop redlining, and deliver affordable health care

State Board of Equalization
WILLIAM M. BENNETT

U.S. Congress
ERWIN E. RUSH

State Senator
C. MICHAEL THOMPSON*

State Assembly
#1 ARLIE E. CAUDLE
#3 LON S. HATAMIYA

Supt. of Public Instruction
BILL HONIG

Superintendent of Schools
JERRY SIMMONS

Supervisor
#2 JANE DOLAN
#3 KEVIN CAMPBELL

District Attorney
GEORGE ROBISON *

Sheriff-Coroner
MICK GREY

Tax Collector-Treasurer
DICK PUELICHER

State Ballot Measures

#107 YES
#108 YES *
Endorsed by CA Taxpayers Assoc.
#109 YES
#110 YES
#111 YES *
Endorsed by CA Taxpayers Assoc.
#112 YES
#113 YES
#114 YES
#115 YES *
Let's stop endless trial delays
#116 YES *
#117 NO *
#118 NO *
#119 NO *
#120 YES
#121 YES
#122 YES
#123 YES

George Robison
District Attorney
Dedicated to meeting your needs

THE CA LABOR FEDERATION
has carefully examined the issues and their impact on working people. It recommends:
Vote NO on 118 and 119
Vote YES on 108 and 111

NO on 117
It's a Health and Environmental Disaster!

California Democratic Voter Checklist, PO Box 957, Brisbane, CA 94005
BU001001 08268
Not Authorized by Rush For Congress Committee

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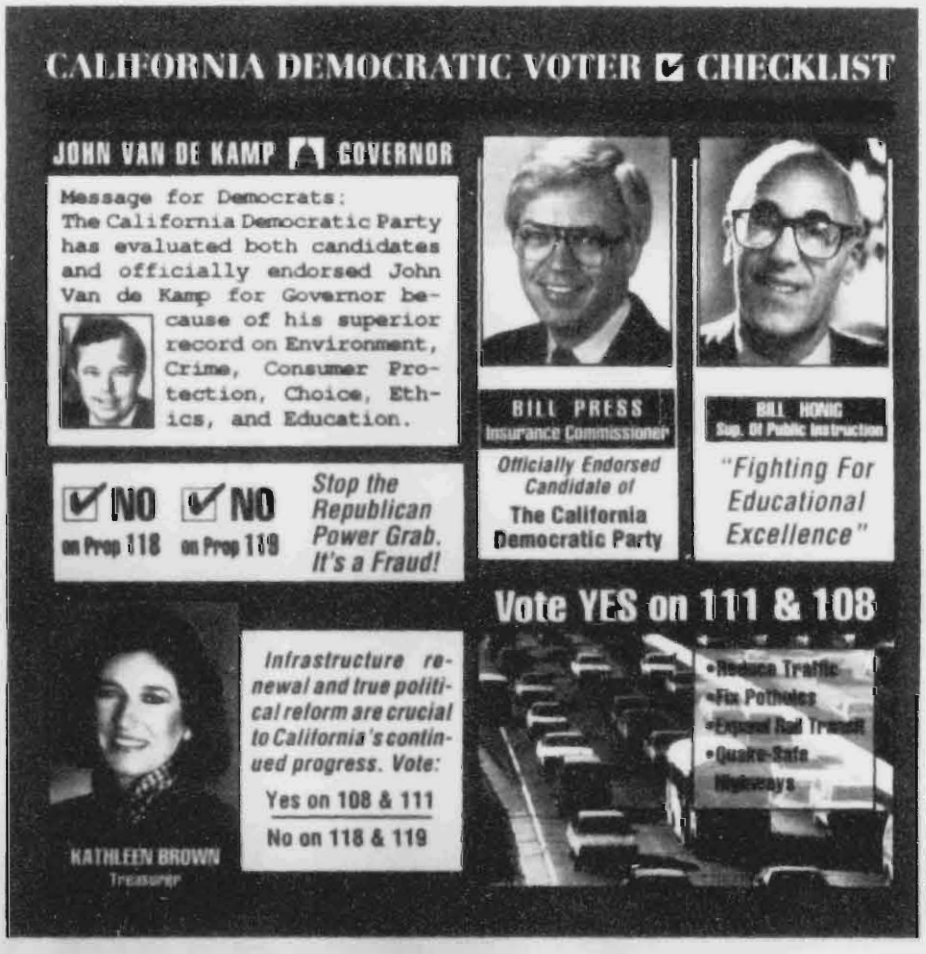

BULK RATE
U.S. POSTAGE
PAID
California Democratic

BU059001 08258

YOU VOTE AT

THE
FIRE STATION
AT
14164 SKYWAY

TO:

CAR-RT SORT - LS 09

Mr. Philip C. Silbernagel
P.O. Box 967
Magalia, CA 95954

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NOVEMBER 1990 GENERAL ELECTION

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California Democratic Voter ✓ Checklist

DEMOCRATS AGREE!

NO on 131 & 140

These schemes will help Republicans.

Don't Be Lured Into The Term Limit Trap!

Governor
DIANNE FEINSTEIN

Lieutenant Governor
LEO T. McCARTHY

Secretary of State
MARCH FONG EU

Controller
MATT FONG *
A Tradition of Honesty!

Treasurer
KATHLEEN BROWN
California's economic health is her Top Priority!

Attorney General
ARLO SMITH
An experienced prosecutor who will protect our rights

Insurance Commissioner
JOHN GARAMENDI

State Board of Equalization
WILLIAM BENNETT
The only Elected Official in CA who refuses all Campaign Contributions

U.S. Congress
NORMAN Y. MINETA

State Assembly
DOMINIC L. CORTESE

County Board of Education
MARIA Y. FERRER

College Board
TONY ESTREMERA *

Supervisor
MIKE HONDA *

Mayor
SUSAN HAMMER *

Guide To State Ballot Measures

#124	YES*	#137	YES*
#125	YES	#138	YES*
#126	YES*	#139	NO
Money to schools		#140	NO*
#127	YES	#141	YES
#128	NO*	#142	YES
#129	NO	#143	YES
#130	NO*	#144	YES
#131	NO*	#145	YES*
#132	NO*	#146	YES
#133	NO	#147	YES
#134	NO*	#148	YES
#135	YES*	#149	YES
#136	YES*	#150	YES
		#151	YES

Local Measures
YES on G *
YES on H,J,K,and L
YES on M,V and W

Mayor – San Jose
SUSAN HAMMER
Supports City Council Term Limits and Tougher Ethics Laws

YES on G and H
for GIANTS Baseball
Our Giant opportunity for jobs San Jose's economy, and our kids

"Prop. 128 ***will not*** protect your health. I urge you to ***VOTE NO*** on Prop. 128." *C. Everett Koop, Former Surgeon General*

Yes on Prop 138 - No on 130: Save Taxpayers Billions while protecting Forests and Wildlife.

SC020001 00082

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San Francisco Democratic Voter ✓ Checklist

Arlo Smith
Attorney General

Kathleen Brown
Treasurer

Dianne Feinstein
Governor

Leo McCarthy
Lieutenant Governor

John Garamendi
Insurance Commissioner

GUIDE TO SAN FRANCISCO PROPOSITIONS

No on Mission Bay

NO ON PROP. I

Vote Against Mission Bay

"Mission Bay's 4.8 million square feet of office development will cost taxpayers $1 Billion Dollars and rob scarce police, fire, and Muni services from your neighborhood. Mission Bay is a Bad Deal for your neighborhood."

Coalition for San Francisco Neighborhoods

Stop Waterfront Hotels

YES ON PROP. H

"Yes" on Proposition H will stop development of two hotels on the San Francisco shoreline -- the first step toward hotel row on our waterfront. *Prop H assures balanced, multi-purpose uses along the bay shore.*

SC020001 00082

BULK RATE
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Voter Checklist

YOU VOTE AT ➡

THE
HOUSE
AT
404 SANTA MESA DR

TO:

CAR-RT SORT ** CR 09

Mr-Mrs Robert L. Fleury
428 Santa Mesa Drive
San Jose, CA 95123

NOTICE TO VOTERS

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California Democratic Voter Checklist
432 Kearny St. Box #366, San Francisco, CA 94108
Not Authorized by Mineta For Congress Committee.

LAW OFFICES OF
BAGATELOS & FADEM
THE INTERNATIONAL BUILDING
601 CALIFORNIA STREET
SUITE 1801
SAN FRANCISCO, CALIFORNIA 94108

BARRY FADEM
PETER A. BAGATELOS

TELEPHONE
(415) 982-7100
FAX
(415) 982-1085

November 26, 1991

Mr. Robert B. DiNardo
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: Clinton Reilly, Treasurer and
California Democratic Voter Checklist
ID #C00244525

Dear Mr. DiNardo:

This firm represents Clinton Reilly. We have been asked by Mr. Reilly to respond to your letters to Mr. Reilly as Treasurer of the California Democratic Voter Checklist. A copy of your letters, dated October 23 and November 14, 1991, is enclosed herewith.

After receiving your initial letter, I spoke with you by telephone on November 6, 1991. Based on information provided by my client, I generally explained to you regarding the two matters raised in your letter. There were some aspects of our discussion that required further checking by you. You therefore advised me to wait until the following week for you to get back to me. You told me the deadline to provide a written response would be extended another 15 days or through December 2, 1991.

On November 13, 1991, you called and advised me to send a written response to your letter, essentially summarizing the explanation I had provided by telephone on November 6, 1991. I am pleased to do so on behalf of my client.

The California Democratic Voter Checklist (CDVC) is a for-profit function involving the preparation and distribution of slate mailers that contain both federal candidates and California state and local candidates and measures. CDVC is totally owned by Clinton Reilly, who owns the office building in which the slate mailer is prepared. CDVC is not a traditional federal political committee. I described it to you as being like a "dba" or "alter ego" of Clinton Reilly.

93043900563

It is our understanding that, because federal candidates are included not at their behest in a certain manner in the mailer, a portion of the value of the slate mailer services must be allocated as independent expenditures for non-paying federal candidates. This requires a commercial enterprise like CDVC to register as a federal committee and file periodic disclosure statements. In general conversations previously that I had last year with Lisa Stolaruk at the FEC, I determined that this is the proper procedure that must be followed by such an entity. Such for-profit slate mailer entities are fairly common and do not fit the standard committee descriptions and regulations under the F.E.C.A. You even acknowledged to me that your office has not run across this situation before and, therefore, you want to be sure to give us correct and consistent guidance.

Clinton Reilly arranged for a line of credit at Union Bank and these funds were used to pay the initial expenses of producing the slate mailer. Later, candidates and committees wishing to participate in the slate mailer paid CDVC for the space utilized in the mailer. These persons and entities received advertising services equal in value to the amounts they paid. As funds became available to not only satisfy the costs of production, CDVC also paid down the line of credit with payments to Clint Reilly and Union Bank. $141,149.00 was paid to Union Bank on behalf of Clint Reilly to fully satisfy the amounts borrowed. All payments relating to this capitalization were reported on various reports filed since last year.

The expenses of producing the slate mailers were paid by CDVC as they have been incurred. Prior reports of CDVC have disclosed appropriate administrative costs that were paid. In a non-election year like 1991, the slate mailer function is dormant and no administrative costs have been incurred. As further administrative costs may be incurred, they will be properly reported, as before. However, it is my understanding that the CDVC will soon be terminated. There is no connected organization involved, nor are there any non-federal accounts or in-kind contributions involved. The FEC Form 3, filed for the period January 1 through June 30, 1991, included the appropriate items for disclosure.

With respect to the above explanation, you said that you checked with Lisa Stolaruk, who had checked with the Office of General Counsel (OGC) last year regarding reporting by such slate mail committees, and you advised that CDVC should keep reporting in the same way unless otherwise notified. You acknowledged that CDVC has been reporting the repayments on the capitalization since last year, which no one previously questioned, and your office did not see any issues or problems at this time. You stated we did not now need to worry about any one at the FEC starting an enforcement action against or coming after CDVC. Your stated intention is to receive a written response for the public record and to confirm that CDVC has received the proper advice and avoids getting into any possible trouble.

9804390056 4

We trust that this response fully responds to your questions. Please feel free to contact me if you need any further clarifications.

Very truly yours,

Peter A. Bagatelos

Peter A. Bagatelos

cc: Clint Reilly

9304390056 5

California
Fair Political
Practices Commission

August 29, 1986

Susan Propper
Assistant General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Your Request for Comments
Our File No. I-86-268

Dear Ms. Propper:

Thank you for the opportunity to provide comments relating to Congressman Stark's advisory opinion request concerning a proposed slate mailing. Your letter to Roger Brown has been referred to me for a response.

In applying the Political Reform Act (California Government Code Sections 81000-91015) to slate mailers, the Fair Political Practices Commission has distinguished between slate mailers prepared and sent by a state or local candidate who is being voted upon, and slate mailers prepared and sent by independent contractors. A state or local candidate who prepares and sends a slate mailer must disclose all contributions received, and all contributions and expenditures made in connection with a slate mailer. In contrast, an independent contractor who is in the business of sending slate mailers is not a "committee" and has no campaign disclosure responsibilities under state law.

With regard to a slate mailer prepared by a state or local candidate, any time the candidate includes an endorsement of another candidate free of charge in his or her literature at the behest of that nonpaying candidate, the candidate sending the mailing has made a reportable in-kind contribution to the nonpaying candidate. When the candidate sending the mailing includes in his or her literature an endorsement of another candidate, but the endorsement is <u>not</u> at the behest of the other candidate, the candidate sending the mailing is generally <u>not</u> required to report the expenditure as an independent expenditure. The candidate sending the mailer would be required to report the expenditure as an independent expenditure only if the mailer is sent to a jurisdiction in which the candidate sending the mailing is not being voted upon. This conclusion is based on the assumption that a candidate who includes other candidates in a mailing sent within his or her own jurisdiction ordinarily includes the other candidates only for his or her own benefit, rather than to advocate the election of the other candidates. However,

428 J Street, Suite 800 • P.O. Box 807 • Sacramento CA 95804-0807 • (916) 322-5660

9804390056

when the mailer is sent to another jurisdiction, or when the other candidate is included because he or she has so requested, then the candidate sending the mailing is acting for the purpose of benefiting the other candidates.

As to an independent contractor slate mailer organization, which is in the business of producing slate mailers for political campaigns, we have concluded that such an organization acts primarily for business purposes, rather than political purposes, and thus has no campaign disclosure responsibilities under the Political Reform Act. In our opinion, the operation of a profitable business is the primary motivation behind the slate mailer organization's decisions to include certain candidates on the slate mailer free of charge. Therefore, we have concluded that expenses incurred by the slate mailer organization in connection with including nonpaying candidates in the slate mailer are neither contributions to those candidates nor independent expenditures because they lack the requisite political purpose. Furthermore, payments received by the slate mailer organization from candidates who wish to appear in the slate mailer are not contributions from the candidates, because the service provided by the slate mailer organization is equal consideration for the payments it receives. Therefore, we have consistently advised independent contractor slate mailer organizations that they are not "committees" under the Political Reform Act, and are not subject to the state campaign disclosure requirements. However, these organizations must provide the paying state and local candidates included in the slate mailer with information regarding expenditures incurred by the slate mailer organization in connection with the mailer, other than overhead or normal operating expenses, so that the paying candidates can report those expenditures in their campaign statements. You should note that we may reconsider our advice to independent contractor slate mailer organizations in light of the decision in Federal Election Commission v. Californians for Democratic Representation.

Independent contractor slate mailer organizations which receive payments from candidates included in the slate mailer must provide, on the mailer itself, certain information concerning the sender of the mailer, and who paid for it. Specifically, on the inside and outside of the mailer must appear a statement that the mailer is published by the slate mailer organization. In addition, the outside of the mailer must include a statement that the mailer is paid for by the candidates or committees whose names appear inside. Inside, the names of the paying candidates must be marked with an asterisk, and it must be stated that the mailer was sent or paid for by the candidates and committees that are so marked.

9804390567

In Congressman Stark's situation, we would consider him to be subject to the same requirements as an independent contractor slate mailer organization. This conclusion is based on the fact that he is not a candidate for state or local office in California, and thus has no reporting requirements under the state law. Therefore, although Congressman Stark would have no campaign disclosure responsibilities under state law, he would be required to provide certain information to state and local candidates who purchase space in his mailer, and he would be required to include information on the inside and outside of the mailer concerning the identity of the sender and the paying candidates. We suggest you refer Congressman Stark to our Technical Assistance and Analysis Division, at (916) 322-5662, for more specific assistance as to his duties under state law. As mentioned above, it is possible that the Fair Political Practices Commission will change its advice with respect to the reporting requirements of independent contractor slate mailer organizations in light of the recent developments in the federal law. Accordingly, Congressman Stark should check back with us if, in future years, he wishes to produce a slate mailer which includes candidates for state of local office.

Thank you again for the opportunity to provide these comments. If you have any questions regarding this letter, please contact me at (916) 322-5901.

Very truly yours,

Kathryn E. Donovan

Kathryn E. Donovan
Counsel
Legal Division

KED:plh

9804390056

California
Fair Political
Practices Commission

August 29, 1986

Susan Propper
Assistant General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Your Request for Comments
Our File No. I-86-268

Dear Ms. Propper:

Thank you for the opportunity to provide comments relating to Congressman Stark's advisory opinion request concerning a proposed slate mailing. Your letter to Roger Brown has been referred to me for a response.

In applying the Political Reform Act (California Government Code Sections 81000-91015) to slate mailers, the Fair Political Practices Commission has distinguished between slate mailers prepared and sent by a state or local candidate who is being voted upon, and slate mailers prepared and sent by independent contractors. A state or local candidate who prepares and sends a slate mailer must disclose all contributions received, and all contributions and expenditures made in connection with a slate mailer. In contrast, an independent contractor who is in the business of sending slate mailers is not a "committee" and has no campaign disclosure responsibilities under state law.

With regard to a slate mailer prepared by a state or local candidate, any time the candidate includes an endorsement of another candidate free of charge in his or her literature at the behest of that nonpaying candidate, the candidate sending the mailing has made a reportable in-kind contribution to the nonpaying candidate. When the candidate sending the mailing includes in his or her literature an endorsement of another candidate, but the endorsement is <u>not</u> at the behest of the other candidate, the candidate sending the mailing is generally <u>not</u> required to report the expenditure as an independent expenditure. The candidate sending the mailer would be required to report the expenditure as an independent expenditure only if the mailer is sent to a jurisdiction in which the candidate sending the mailing is not being voted upon. This conclusion is based on the assumption that a candidate who includes other candidates in a mailing sent within his or her own jurisdiction ordinarily includes the other candidates only for his or her own benefit, rather than to advocate the election of the other candidates. However,

428 J Street, Suite 800 • P.O. Box 807 • Sacramento CA 95804-0807 • (916) 322-5660

when the mailer is sent to another jurisdiction, or when the other candidate is included because he or she has so requested, then the candidate sending the mailing is acting for the purpose of benefiting the other candidates.

As to an independent contractor slate mailer organization, which is in the business of producing slate mailers for political campaigns, we have concluded that such an organization acts primarily for business purposes, rather than political purposes, and thus has no campaign disclosure responsibilities under the Political Reform Act. In our opinion, the operation of a profitable business is the primary motivation behind the slate mailer organization's decisions to include certain candidates on the slate mailer free of charge. Therefore, we have concluded that expenses incurred by the slate mailer organization in connection with including nonpaying candidates in the slate mailer are neither contributions to those candidates nor independent expenditures because they lack the requisite political purpose. Furthermore, payments received by the slate mailer organization from candidates who wish to appear in the slate mailer are not contributions from the candidates, because the service provided by the slate mailer organization is equal consideration for the payments it receives. Therefore, we have consistently advised independent contractor slate mailer organizations that they are not "committees" under the Political Reform Act, and are not subject to the state campaign disclosure requirements. However, these organizations must provide the paying state and local candidates included in the slate mailer with information regarding expenditures incurred by the slate mailer organization in connection with the mailer, other than overhead or normal operating expenses, so that the paying candidates can report those expenditures in their campaign statements. You should note that we may reconsider our advice to independent contractor slate mailer organizations in light of the decision in Federal Election Commission v. Californians for Democratic Representation.

Independent contractor slate mailer organizations which receive payments from candidates included in the slate mailer must provide, on the mailer itself, certain information concerning the sender of the mailer, and who paid for it. Specifically, on the inside and outside of the mailer must appear a statement that the mailer is published by the slate mailer organization. In addition, the outside of the mailer must include a statement that the mailer is paid for by the candidates or committees whose names appear inside. Inside, the names of the paying candidates must be marked with an asterisk, and it must be stated that the mailer was sent or paid for by the candidates and committees that are so marked.

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In Congressman Stark's situation, we would consider him to be subject to the same requirements as an independent contractor slate mailer organization. This conclusion is based on the fact that he is not a candidate for state or local office in California, and thus has no reporting requirements under the state law. Therefore, although Congressman Stark would have no campaign disclosure responsibilities under state law, he would be required to provide certain information to state and local candidates who purchase space in his mailer, and he would be required to include information on the inside and outside of the mailer concerning the identity of the sender and the paying candidates. We suggest you refer Congressman Stark to our Technical Assistance and Analysis Division, at (916) 322-5662, for more specific assistance as to his duties under state law. As mentioned above, it is possible that the Fair Political Practices Commission will change its advice with respect to the reporting requirements of independent contractor slate mailer organizations in light of the recent developments in the federal law. Accordingly, Congressman Stark should check back with us if, in future years, he wishes to produce a slate mailer which includes candidates for state of local office.

Thank you again for the opportunity to provide these comments. If you have any questions regarding this letter, please contact me at (916) 322-5901.

Very truly yours,

Kathryn E. Donovan

Kathryn E. Donovan
Counsel
Legal Division

KED:plh

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Lawyers • Professional Corporation

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311 California Street
San Francisco, CA 94104
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Telecopier (415) 956-6457

Mar 3 11 04 AM '98

February 27, 1998

To be hand-delivered

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: In the Matter of California Democratic Voter Checklist and Clinton Reilly, MUR 3502

Dear Mr. Noble:

I am writing on behalf of Clinton Reilly, a political consultant in California, and his dba, the California Democratic Voter Checklist, a for-profit slate card produced by Mr. Reilly in the 1990, 1992 and 1994 elections. The General Counsel's probable cause brief was submitted two months ago, and is to be heard by the Commission in the near future. Two weeks ago I spoke with your staff attorney, Tracey Ligon, to suggest that we try to informally resolve this matter prior to the Commission's ruling on your probable cause report. Although Ms. Ligon expressed interest in settlement talks, she apparently was told by her supervisor that Commission policy forbids settlement negotiations after the probable cause briefs are submitted, and that we should have requested pre-probable cause conciliation. I am writing because, should there be any exception to that policy for extraordinary cases, this case merits invocation of that exception.

Ms. Ligon is only the most recent in a series of staff attorneys that have been assigned to this matter over the past seven years, and I certainly do not fault her personally for suggesting that we should have asked to engage in pre-probable cause settlement discussions some time ago. The fact of the matter, however -- as I explained to Ms. Ligon, who apparently has no authority on this question -- is that we *repeatedly* have tried to get the staff attorneys in your office to discuss settlement, and *repeatedly* have been rebuffed. *In the seven years that this matter has been pending, the staff attorneys have never agreed to Mr. Reilly's requests to engage in pre-probable cause conciliation efforts.*

I have been representing Mr. Reilly dba the California Democratic Checklist only since the summer of 1996 (the MUR in this matter was opened in April 1992), but I can relate to you the efforts my co-counsel Joe Remcho and I have made since then to open settlement discussions. Mr. Remcho and I were brought into the case when the enforcement staff filed a subpoena enforcement proceeding in the Northern District of California in May 1996. One of our first steps was to call Associate General Counsel Stephen Hershkowitz to suggest that the parties discuss a settlement of the entire matter, including the subpoena enforcement action but most especially the underlying MUR. Mr. Hershkowitz referred us to the attorneys who were handling the matter at that time: Rob Bonham from the enforcement staff, and Caryn Zimmerman from the administrative side. You will find in your files a letter dated June 26, 1996 from me to Mr. Hershkowitz in which I state: "Rob Bonham, Caryn Zimmerman and I briefly discussed starting settlement negotiations. They said they preferred to wait until they had our response to the enforcement petition. The enclosed response should provide sufficient documentation to permit a recommendation of dismissal, but in any event should provide a basis for settlement negotiations. [¶] Please call me after you have had an opportunity to review the enclosed. As I said earlier, we are new to the case, but it looks to us like a good candidate for early settlement."

Mr. Hershkowitz did not respond to my letter. We asked for a continuance of the subpoena enforcement matter to see if we could settle the entire case. Mr. Bonham refused to grant the continuance. Mr. Remcho wrote a lengthy letter to Mr. Bonham on July 16, 1996 suggesting that we engage in settlement discussions about Mr. Reilly's past activities and simultaneously come up with mutually agreeable conditions under which Mr. Reilly could operate the Checklist in the future without risking additional violations. Mr. Bonham rejected that suggestion.

Mr. Bonham and I subsequently engaged in many conversations in which he made it clear that neither he nor Ms. Zimmerman would give us any kind of settlement proposal until we had complied with their voluminous discovery requests, their rationale being that they needed more information in order to assess our argument that the California Democratic Voter Checklist was not a political committee. However, each time we submitted another round of documents or declarations, we were told that the time was not yet ripe for settlement discussions, and that additional time or information was needed. Our frustration is apparent in a letter I wrote to Mr. Bonham on August 5, 1996 in which I chided Mr. Bonham "for failing to acknowledge . . . the many conversations I had with you or Caryn Zimmerman in the weeks after our June response in which you or Caryn told me the Commission staff hadn't yet reviewed any of the documents we did provide and could not tell me whether you even needed more information."

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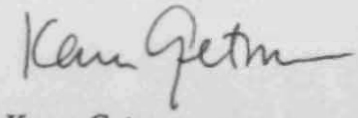
By October 25, 1996 we submitted the last of the discovery information requested by Mr. Bonham and his colleagues. Mr. Bonham told me that he had no authority to settle the underlying MUR, and thus I began calling Ms. Zimmerman again to ask whether the time was yet ripe to discuss settlement. In each of those calls Ms. Zimmerman quite honestly acknowledged that she had had no time to review our documents and declarations, and that she was overwhelmed by the workload associated with the November 1996 elections. After a few fruitless phone calls, we agreed that Ms. Zimmerman would contact me when she had time to assess the documentary evidence we submitted and could engage in settlement discussions.

We heard nothing from Ms. Zimmerman. Indeed, we heard nothing from *anyone* at the Commission for the next year until suddenly, out of the clear blue sky, we were served with the General Counsel's probable cause brief and told to contact Tracey Ligon. And now Ms. Ligon tells us that we missed our chance to settle the matter, and that we have no option but to wait for the Commission to act on the probable cause recommendation. You can imagine our frustration.

Most of the alleged violations at issue in this case are now beyond the five year statute of limitations. The remaining ones could and should settle before the matter proceeds any further. All we ask is that, *before* the Commission votes on probable cause, Mr. Reilly be given at least *one opportunity* to present his best arguments as to why this matter should be resolved informally.

We appreciate your consideration of this request and your agreement to meet with Lyn Utrecht this Wednesday to discuss the matter.

Sincerely,



Karen Getman

cc: Lyn Utrecht, Esq.

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 3 11 04 AM '98

STATEMENT OF DESIGNATION OF COUNSEL

MUR: 3502

NAME OF COUNSEL: Lyn Utrecht

ADDRESS: 818 Connecticut Ave, N.W.
Suite 1100
Washington, D.C. 20006

TELEPHONE: (202) 728-1010

The above-named individual/individuals is/are hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

2/25/98
Date

Signature

RESPONDENT'S NAME: Clinton Reilly

ADDRESS: 465 California Street
Suite 1600
San Francisco, CA 94104

BUSINESS PHONE: (415) 397-0431

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March 20, 1998

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL COUNSEL

MAR 23 2:36 PM '98

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3502
California Democratic Voter Checklist
Clinton Reilly

Dear Mr. Noble:

On behalf of the respondent Clinton Reilly, an individual doing business as the California Democratic Voter Checklist, we hereby request that the Commission grant pre-probable cause conciliation in this matter. In this regard, we specifically request that this letter and attachments be forwarded to the Commission for its consideration.

While we understand that pre-probable cause conciliation is not ordinarily granted after the General Counsel's brief recommending probable cause has been forwarded to the respondents, we believe that there are significant extraordinary procedural and substantive reasons why an exception should be made in this matter, as follows:

- *Respondent never had an opportunity for pre-probable cause conciliation.* During the course of this enforcement action which was commenced six years ago, the respondent has requested pre-probable cause conciliation on numerous occasions. (A copy of a letter from one of respondent's counsel outlining these efforts is attached.) However, due to staff changes at the FEC and due to the significant gaps in time in the handling of this matter, the respondent was never given an opportunity to have his request to enter into pre-probable cause conciliation forwarded to the Commission. Indeed, prior to receiving the general counsel's brief, the last verbal communication with OGC staff left respondent's counsel under the impression that there would be settlement discussions, once the OGC staff had reviewed the documentary evidence submitted. OGC staff does not apparently dispute that respondent wanted pre-probable cause conciliation but never had an opportunity to present his request to the Commission.

- *It is crystal clear from the history of this case, that the respondent made every effort to comply with the requirements of federal law.* Before beginning his slate mailer operation, Mr. Reilly sought legal advice from a well-known California election law attorney and followed that advice. Mr. Reilly registered the California Democratic Voter Checklist (unlike numerous other similar California operations) with the FEC and fully disclosed its activity, even though only a small portion of that activity

pertained to federal elections. There is correspondence with the FEC reports analysis division going back to 1991 which clearly demonstrates respondent's efforts to comply and to seek FEC guidance. The correspondence further indicates that counsel for respondent sought to confirm with FEC reports analysts that the Checklist was in compliance and believed that they had received assurances that there was no need to change the manner in which the Checklist reported. Thus, the respondent continued on in the same course of action in the belief that he was in compliance.

- *This case is well-suited for pre-probable cause conciliation.* Because of the efforts of respondent to seek legal guidance, the fact that all of this activity was fully disclosed on the public record, the age of this case and the combination of state and federal issues involved, this case is one better suited to informal settlement than to litigation. Moreover, in light of the issues as to the nature of the slate mailer business, and the number of candidates involved, substantial resources would be necessary in order to litigate this matter when it is precisely the type of situation Congress had in mind for settlement. And, there is no on-going course of conduct here. The respondent did not operate a slate mailer program in 1996 and has no intention of operating one in 1998. Thus, we believe that this matter can and should be settled. It simply does not warrant the substantial expenditure of resources that would be necessary to litigate this matter.

- *An enforcement action would be time-barred with respect to most of the activity at issue in this matter.* This case involves activity that occurred in connection with the 1990, 1992, and 1994 election cycles. Most of the activity involved falls outside the five year statue of limitations. Since any enforcement action arising out of this matter would take place in the jurisdiction of the 9th Circuit, the enforcement action itself would be barred. FEC v. Williams, 104 F. 2d 237 (9th Cir.)(1996).

- *Only a small percentage of the slate card business of California Democratic Voter Checklist was devoted to federal candidates.* If an informal settlement of this matter is not reached, the Commission would have to bring this action in the State of California. While we understand the Commission's position regarding pre-emption of State laws, the facts of the matter are that this activity was conducted under specific California state law regarding slate mailers and that the vast majority of the candidates and the space devoted to them in the mailers were related exclusively to state candidates and ballot measures.

- *Litigating an old case is not the way to clarify the law with respect to slate mailer organizations.* As to future treatment of slate mailer organizations, we do not believe that litigating an old case like this is the way to establish that law. Federal law presently does not deal adequately with slate mailer organizations which are essentially for profit businesses and do not readily fit into any category under the statute. Rather, we believe that slate mailer organizations should be treated as the Commission has treated other for-profit commercial vendors of campaign

paraphernalia, and that the Commission should seek to clarify its regulations with respect to slate mailers prospectively. As of March 12, 1998, there are 116 slate mailer organizations registered with the FPPC covering the entire political spectrum. (See attached list from the California Fair Political Practices Commission.) It is highly likely that numerous of these organizations mention federal candidates yet, unlike CDVC, did not even register or report to the FEC. Rather than attempting to clarify the law through litigation of a case going back to activity from 1990-1994, the Commission should reach a reasonable settlement of this matter now and prospectively deal with slate mailer organizations in its regulations.

- *Respondent is far more likely to settle this matter prior to a finding of probable cause.* As we indicated in our meeting, the respondent's motivation to settle at this point is heavily influenced by whether or not the matter can be settled prior to a finding of probable cause. As you know, there is a sense that a settlement prior to a finding of probable cause allows the respondent more flexibility in terms of the public perception that the Commission has in fact found a violation of the law. Thus, we believe that it is more likely that this case would settle prior to a probable cause finding. We also do not see how, after the substantial periods of unexplained delay in the Commission's handling of this matter, the Commission is in any way harmed by allowing a 20 to 30 day period of conciliation at this time. The statute of limitations has already passed with respect to the 1990 and 1992 activity. With respect to the 1994 activity, there is at least 18 months before the period would expire. Simple fairness would dictate that the respondent be given this opportunity, which in reality is given to virtually every respondent under current Commission practice.

As we did in our meeting, we urge the General Counsel's office to recommend that pre-probable cause conciliation be entered into at this time.

Sincerely,

Paul Sullivan
1225 I Street, N.W.
Suite 500
Washington, D.C. 20005

Lyn Utrecht
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Avenue, N.W., Suite 1100
Washington, D.C. 20006

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San Francisco, CA 94104
(415) 956-2828

Telecopier (415) 956-6457

February 27, 1998

To be hand-delivered

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: In the Matter of California Democratic Voter Checklist and Clinton Reilly, MUR 3502

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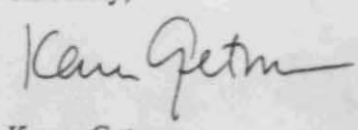
We appreciate your consideration of this request and your agreement to meet with Lyn Utrecht this Wednesday to discuss the matter.

Sincerely,



Karen Getman

cc: Lyn Utrecht, Esq.

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S E C R E T A R Y O F S T A T E
---> POLITICAL REFORM DIVISION <---
SLATE MAILER ORGANIZATIONS
RECORD PRINT CONTROL LOG

DATE: 03/12/98

RECORDS READ & PRINTED = 116

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SECRETARY OF STATE
---> POLITICAL REFORM DIVISION <---
SLATE MAILER ORGANIZATIONS

DATE: 03/12/98
PAGE: 1

ID NUMBER	FILER NAME / FILER NAME (CONT.) / TREASURER/RESPONSIBLE OFFICER	STREET	CODES = E R C	CITY	PHONE / STATE/ZIP
588018	ACT POLITICAL ACTION COMMITTEE				
	GREGORY PESHO	1259 SOUTH CAMDEN DRIVE	S	LOS ANGELES 19	213-277-6331 CA 90035-0000
590019	ADELANTE				
	ANGEL G. DIAZ	ROUTE 1, BOX 155	S	DELANO 15	805-725-6152 CA 93215-0000
594003	AFFORDABLE HOUSING ALLIANCE POLITICAL ACTION COMMITTEE				
	DAVID WELLS	76 STANFORD HEIGHTS AVENUE	S	SAN FRANCISCO 38	415-334-3716 CA 94127-0000
592011	ANGLE SLATE				
	SCOTT HITT	1734 NORTH DOHENY	S	LOS ANGELES 19	310-278-6380 CA 90069-0000
590000	ANTELOPE VALLEY TAXPAYERS ASSOCIATION				
	DON BAILEY	43233 TWENTY-SEVENTH STREET WEST	S L	LANCASTER 19	805-948-1803 CA 93536-0000
592025	ASIAN AMERICAN VOTER PROJECT CHECKLIST				
	DAVID LEE	298 4TH AVENUE, SUITE 416	S L	SAN FRANCISCO 38	415-693-9408 CA 94118-0000
582005	ASIAN PACIFIC AMERICAN POLITICAL ALLIANCE				
	PETER ENG	8030 SHAY DRIVE	S L	OAKLAND 01	510-653-5366 CA 94605-0000
594015	BLACK LEADERSHIP FORUM				
	HAZEL DAVIS	2035 HAYES STREET	S L	SAN FRANCISCO 38	415-995-4787 CA 94115-0000
595001	BLACK REPUBLICAN COUNCIL OF SAN FRANCISCO				
	MICHAEL SHAW	681 FELL STRETT	S	SAN FRANCISCO 38	415-861-3363 CA 94102-0000
591003	BURBANK CITY DEMOCRATIC VOTER GUIDE				
	JERRY SEEDBORG	4361 PETALUMA AVENUE	S	LAKEWOOD 19	213-429-3255 CA 90713-0000
596019	CALIFORNIA BALLOT PAMPHLET, A PROJECT OF CALIFORNIANS FOR ECONOMIC PROGRESS				
	DAVID R. WHITE	4901 BIRCH STREET	S	NEWPORT BEACH 30	714-833-8312 CA 92660-0000
594028	CALIFORNIA COMMITTEE FOR CHOICE				
	CARY DAVIDSON	777 SOUTH FIGUEORA ST., STE. 3700	S	LOS ANGELES 19	213-624-6200 CA 90017-0000
592027	CALIFORNIA COUNCIL OF POLICE & SHERIFFS PAC SLATE MAILER				
	JERRY PIERSON	1314 WEST 5TH STREET, SUITE A	S	SANTA ANA 30	714-954-0333 CA 92703-0000
590011	CALIFORNIA DEMOCRATIC ALLIANCE				
	DAVID L. GOULD	555 SOUTH FLOWER STREET, SUITE 4510	S	LOS ANGELES 19	213-489-4792 CA 90017-0000
596008	CALIFORNIA DEMOCRATIC CAMPAIGN COMMITTEE, THE				
	WILLARD MURRAY	1528 W.MARTIN LUTHER KING JR BLVD	S	LOS ANGELES 19	310-348-9102 CA 90062-0000

CS0610P

S E C R E T A R Y O F S T A T E
---> POLITICAL REFORM DIVISION <---
SLATE MAILER ORGANIZATIONS

DATE: 03/12/98
PAGE: 2

ID NUMBER	FILER NAME / FILER NAME (CONT.) / TREASURER/RESPONSIBLE OFFICER	STREET	CODES * E R	CITY	PHONE / STATE/ZIP
590004	CALIFORNIA DEMOCRATIC VOTER CHECKLIST				
	CLINTON REILLY	704 SANSOME STREET	S	SAN FRANCISCO 38	415-397-0431 CA 94111-0000
597008	CALIFORNIA MOBILEHOME OWNERS VOTER, GUIDE				
	STEPHEN HOPCRAFT	3551 N STREET	S	SACRAMENTO 34	916-457-5546 CA 95816-0000
596016	CALIFORNIA PRO-CHOICE VOTER GUIDE				
	JENNIFER GOLDMAN	921 46TH ST.	S	SACRAMENTO 34	916-737-0707 CA 95819-0000
592024	CALIFORNIA PUBLIC SAFETY LEAGUE				
	JIM MADAFFER	P.O. BOX 420520	S	SAN DIEGO 37	619-277-1797 CA 92142-0000
594025	CALIFORNIA SENIOR CITIZENS COUNCIL				
	GARY DAVIDSON	777 S. FIGUEROA ST., STE. 3700	S	LOS ANGELES 19	213-624-6200 CA 90017-0000
588001	CALIFORNIA SLATE MAILER ORGANIZATION				
	MARK C. AUSTIN	P.O. BOX 161655	S	SACRAMENTO 34	916-381-7932 CA 95816-0000
595004	CALIFORNIA VOTER GUIDE				
	LEE ANN FITZGERALD	1658 WEST CARSON #454	S	TORRANCE 19	310-787-6570 CA 90501-0000
596007	CALIFORNIA'S DEMOCRATIC CHOICE				
	WILLIAM SCHLITZ	16600 DOWNEY AVENUE #57	S	PARAMONT 19	310-634-7571 CA 90723-0000
588010	CALIFORNIANS FOR A CONSERVATIVE MAJORITY				
	GREGORY PESHO	1259 SOUTH CAMDEN	S	LOS ANGELES 19	213-277-6331 CA 90035-0000
595005	CALIFORNIANS FOR SAFER SCHOOLS				
	DAVID L. GOULD	600 WILSHIRE BOULEVARD, SUITE 1500	S	LOS ANGELES 19	213-489-4792 CA 90017-0000
588013	CHINESE AMERICAN DEMOCRATIC CLUB				
	CALVIN Y. LOUIE	838 GRANT AVENUE, SUITE 402	S	SAN FRANCISCO 38	415-397-6411 CA 94108-0000
597011	CHINESE AMERICANS FOR BETTER SCHOOLS AND NEIGHBORHOODS				
	CAROLYN WONG	109 LAKE MERCED HILL, STE 18	S	SAN FRANCISCO 38	415-587-4882 CA 94132-0000
595003	CITIZENS FOR REPRESENTATIVE GOVERNMENT				
	ALLAN HOFFENBLUM	90000 SUNSET BOULEVARD #406	S L	LOS ANGELES 19	310-205-8811 CA 90069-0000
597010	CITIZENS FOR REPUBLICAN VALUES				
	FRED HUEBSCHER	924 16TH ST.	S L	HERMOSA BEACH 19	213-489-4792 CA 90254-0000
594009	CITIZENS FOR SAFE STREETS				
	MARC LITCHMAN	5318 EAST 2ND STREET, #335	S	LONG BEACH 19	310-433-7686 CA 90803-0000

ID NUMBER	FILER NAME / FILER NAME (CONT.) / TREASURER/RESPONSIBLE OFFICER	STREET	CITY	CODES * E	R	C	PHONE / STATE/ZIP
594010	CITIZENS SAFETY COUNCIL						
	DAVID KANTAR	4120 BIRCH, #110	NEWPORT BEACH	S		30	714-852-7555 CA 92660-0000
588014	CIVIC IMPROVEMENT COMMMITTEE OF THE CALIFORNIA LINCOLN CLUBS PAC, THE						
	RICHARD NOBLE	888 WEST SIXTH STREET, TWELFTH FL.	LOS ANGELES	S		19	213-489-3831 CA 90017-0000
597009	COALITION FOR BETTER EDUCATION						
	MARY ELLEN PADILLA	8665 WILSHIRE BOULEVARD, #200	LOS ANGELES	S	L	19	310-652-7831 CA 90211-0000
592015	COALITION FOR SENIOR CITIZEN SECURITY						
	DAVID GOULD	555 SOUTH FLOWER, SUITE 4510	LOS ANGELES	S	L	19	213-489-4792 CA 90071-0000
596020	COMMITTEE FOR ACCOUNTABLE SCHOOL ADMINISTRATION_(CASA)						
	ROBERT V. COOPER	P.O. BOX 816	NORTH FORK	S		20	209-877-4759 CA 93643-0000
594012	COMMITTEE TO PROTECT THE POLITICAL RIGHTS OF MINORITIES CANDIDATE PAC						
	ALICE A. HUFFMAN	2408 28TH STREET	SACRAMENTO	S		34	916-737-0411 CA 95818-0000
588015	COMMUNITY VOTER GUIDE						
	MARCUS M. WASSON, III	9000 SUNSET BOULEVARD, #1115	WEST HOLLYWOOD	S		19	213-276-1199 CA 90069-0000
593005	COMPTON'S DEMOCRATIC TEAM						
	RONALD GREEN	P.O. BOX 8204	LONG BEACH	S	L	19	310-635-9475 CA 90804-0000
596021	CRIME FIGHTER TICKET						
	DONN HALLMAN	4675 PINECREST CIRCLE	HUNTINGTON BEACH	S		37	714-846-3115 CA 92649-0000
590009	DEMOCRATIC PARTY SAN FERNANDO VALLEY SLATE MAILER ORGANIZATION						
	ALBERT J. SAUR	5416 MANTON AVENUE	WOODLAND HILLS	S		19	818-348-8610 CA 91367-0000
592022	DEMOCRATIC VOTER GUIDE II						
	JERRY SEEDBORG	6285 EAST SPRING STREET, #202	LONG BEACH	S		19	310-429-3255 CA 90808-0000
595002	DEMOCRATIC VOTERS CHOICE						
	DAVID L. GOULD	555 SOUTH FLOWER STREET, SUITE 4510	LOS ANGELES	S		19	213-489-4792 CA 90071-0000
597006	DISTRICT DEMOCRAT, THE						
	IDA E. YARBROUGH	6709 LA TIJERA BOULEVARD, SUITE 448	LOS ANGELES	S		19	213-298-0816 CA 90045-0000
588023	EAST BAY LEAGUE OF CONSERVATION VOTERS						
	PAUL A. MERRICK	3058 REVERE AVENUE	OAKLAND	S		01	510-351-2374 CA 94605-0000
594008	ENVIRONMENT '94						
	MARC LITCHMAN	5318 EAST 2ND STREET, #335	LONG BEACH	S		19	310-433-7686 CA 90803-0000

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588007	FREE ENTERPRISE GOOD GOVERNMENT COMMITTEE					
	JIM PETERSON	8135 ELLENBOGAN STREET	S	L	19 SUNLAND	818-352-5863 CA 91040-0000
590032	GOOD GOVERNMENT VOTER MANUAL					
	CLINTON REILLY	704 SANSOME STREET	S	L	38 SAN FRANCISCO	415-397-0431 CA 94111-0000
596010	GORE DEMOCRATIC VOTER GUIDE, RE-ELECT CLINTON					
	REUBEN ARCHULETA	600 OAK STREET #35	S		38 SAN FRANCISCO	415-864-4277 CA 94117-0000
594029	GREAT SLATES BY YATES					
	RONALD R. YATES	1501 SUNNYSIDE TERRACE	S		19 SAN PEDRO	310-833-9441 CA 90732-0000
593007	HAROLD WASHINGTON NEW GENERATION DEMOCRATIC CLUB SLATE MAILER ORGANIZATION					
	ROCHELLE FRAZIER	1464 LA PLAYA, #204	S	L	38 SAN FRANCISCO	415-665-2695 CA 94122-0000
593009	HARVEY MILK PAC 1993 SLATE COMMITTEE					
	KEN BUKOWSKI	981 HAIGHT STREET	S	L	38 SAN FRANCISCO	415-864-7788 CA 94117-0000
588000	HISPANIC DEMOCRATS OF CALIFORNIA					
	MARK CHAVEZ AUSTIN	P.O. BOX 8004	S		34 STOCKTON	916-381-7932 CA 95208-0000
588034	INDEPENDENT VOTERS LEAGUE					
	FRED HUEBSCHER	924 16TH STREET	S		19 HERMOSA BEACH	310-374-0568 CA 90254-0000
594024	INFORMED VOTER - VOTE BY MAIL GUIDE					
	JAMES SABATINO	1311 SUTTER STREET, #200R	S		38 SAN FRANCISCO	415-864-6118 CA 94102-0000
594016	INGLEWOOD DEMOCRAT, THE					
	DENISE L. HARRIS-SMITH	309 EAST HILLCREST BOULEVARD #327	S	L	19 INGLEWOOD	800-418-8833 CA 90308-0000
590013	KERN COUNTY REPUBLICANS VOTING GUIDE					
	KEVIN MC CARTHY	P.O. BOX 10861	S	L	15 BAKERSFIELD	805-327-9321 CA 93389-0000
591002	L.A. CITY DEMOCRATIC VOTER GUIDE					
	JERRY SEEDBORG	6285 EAST SPRING STREET, #202	S		19 LONG BEACH	310-429-6255 CA 90808-0000
592009	L.A. VOTE					
	DAVID L. GOULD	555 SOUTH FLOWER STREET, SUITE 4510	S		19 LOS ANGELES	213-489-4792 CA 90071-0000
590010	LATINO DEMOCRATIC CLUB OF SACRAMENTO					
	ELIZABETH CAMACHO	1228 N STREET, #23	S	L	34 SACRAMENTO	916-324-4836 CA 95814-0000
594030	LESBIANS & GAYS OF AFRICAN DESCENT FOR DEMOCRATIC ACTION (LGADDA)					
	ANDRE MORGAN	1047 BUSH STREET	S		38 SAN FRANCISCO	415-922-5156 CA 94109-0000

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588012	LOS ANGELES DEMOCRATIC COUNCIL						
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES	S		19	213-850-0350 CA 90046-0000
589000	LOS ANGELES TAXPAYERS ALLIANCE						
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES	S	L	19	213-850-0359 CA 90046-0000
591001	LOS ANGELES VOTER GUIDE COMMITTEE						
	DAVID L. GOULD	555 SOUTH FLOWER STREET, SUITE 4510	LOS ANGELES	S	L	19	213-489-4792 CA 90071-0000
593006	MUNOZ, MICHAEL A.						
	KAI CHANG	1801 FULTON AVENUE	MONTEREY PARK	S	L	19	818-915-5441 CA 91754-0000
596006	NATIONAL TAX LIMITATION COMMITTEE-SLATE						
	LEWIS K. UHLER	151 NORTH SUNRISE AVENUE, SUITE 902	ROSEVILLE	S		34	916-786-9400 CA 95661-0000
596025	NEW DEAL DEMOCRATIC CLUB PAC						
	JOEL GOLDFARB	122 PACIFIC STREET	SANTA MONICA	S		19	310-399-8426 CA 90405-0000
588002	NON-PARTISAN CANDIDATE EVALUATION COUNCIL						
	EMIL J. ROZEK	P.O. BOX 814	CULVER CITY	S		19	310-823-3811 CA 90230-0000
588033	NON-PARTISAN VOTERS LEAGUE OF CALIFORNIA						
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES	S		19	213-850-0359 CA 90046-0000
594026	NORTH BY NORTHWEST DEMOCRATIC CLUB						
	JOHN GILMAN	2946 PIERCE STREET	SAN FRANCISCO	S		38	415-567-4400 CA 94123-0000
592019	OFFICIAL ABSENTEE VOTERS GUIDE, THE						
	LYNN WESSELL	4444 RIVERSIDE DRIVE, SUITE 301	BURBANK	S		19	818-567-0938 CA 91505-0000
590020	OFFICIAL WOMEN'S VOTER GUIDE, THE						
	MARION ENGLUND	2301 J STREET	SACRAMENTO	S		34	916-454-4221 CA 95816-0000
596004	OUR CALIFORNIA LATINO VOTER GUIDE						
	VICTOR ROBERT GRIEGO JR.	5031 NORTH FIGUEROA STREET #25	LOS ANGELES	S		19	213-349-0661 CA 90042-0000
596017	PARENTS AND TEACHERS FOR A BETTER CAIFORNIA						
	FRED HUEBSCHER	924 16TH STREET	HERMOSA BEACH	S		19	310-374-0568 CA 90254-0000
594020	PEACE OFFICERS & CRIME VICTIMS UNITED						
	JUDITH SPROUL DAVIS	770 L STREET, SUITE 800	SACRAMENTO	S		21	916-446-6752 CA 95814-0000
594017	PEACE OFFICERS RESEARCH ASSOCIATION OF CALIFORNIA ("PORAC") OFFICIAL LAW ENFORCEMENT VOTER GUIDE						
	GARY TERRELL	1911 F STREET	SACRAMENTO	S		19	916-441-0660 CA 94814-0000

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590033	PERLMAN AND LARMORE SLATES			S 19	213-488-7325
	THOMAS R. LARMORE	439 SEVENTH STREET	SANTA MONICA		CA 90402-0000
590034	PLUMAS COUNTY TEACHERS ASSOCIATION COMMITTEE ON GOVERNMENT			S L 32	916-283-2580
	DANIEL G. DORRIS	P.O. BOX 1660	QUINCY		CA 95971-0000
590037	PRO CHOICE VOTER'S GUIDE			S 43	408-280-5900
	ROGER LEE	55 SOUTH MARKET STREET, SUITE 240	SAN JOSE		CA 95113-0000
596013	PROGRESSIVE LEADERSHIP COMMITTEE			S 19	415-956-0722
	AMANDEEP JAWA	620 GREENS TREET #4	SAN FRANCISCO		CA 91433-0000
589001	REPUBLICAN VICTORY '89			S L 19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES		CA 90046-0000
588005	REPUBLICAN VICTORY TEAM '88			S 34	916-482-6175
	TED COSTA	3201 EL CENTRO ROAD	SACRAMENTO		CA 95833-0000
588026	REPUBLICAN VICTORY 1988			S 19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES		CA 90046-0000
598002	REPUBLICAN VOTER CHECKLIST			S 19	310-374-4890
	TOM SHORTRIDGE	P.O. BOX 2006	REDONDO BEACH		CA 90278-0000
596018	S.F. ASIAN VOTER GUIDE			S L 38	415-673-9041
	TOM HSIEH, JR.	1644 TAYLOR STREET, #43	SAN FRNACISCO		CA 94133-0000
590023	SAN FRANCISCO LEAGUE OF CONSERVATION VOTERS			S L 38	415-255-3010
	JEFFREY C. HENNE	4432 20TH STREET	SAN FRANCISCO		CA 94114-0000
591005	SAN FRANCISCO RENTERS ALLIANCE			S L 38	415-431-9780
	DAVID SPERO	286 GUERRERO STREET	SAN FRANCISCO		CA 94103-0000
597001	SAN GABRIEL VALLEY TAXPAYERS FORUM			S 19	213-291-0783
	JOHN P. O'CONNOR	714 S. CANYON BLVD.#H	MONROVIA		CA 91601-0000
594023	SANTA MONICA BAY REPUBLICAN CLUB			S 19	310-394-4698
	WILLIAM R. TEACHWORTH	1037 10TH STREET #301	SANTA MONICA		CA 90403-0000
594014	SERVICES FOR ORGANIZATION RENEWAL INC.			S L 21	415-485-1463
	DON L. ORGAN	P.O. BOX 2502	SAN RAFAEL		CA 94912-0000
595006	TAXPAYERS FOR REFORM			S 19	213-624-6200
	CARY DAVIDSON	777 S. FIGUEROA STREET, SUITE 3700	LOS ANGELES		CA 90017-0000

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590005	TEAM FOR THE '90S		S		34	916-446-9049
	DAVID BAUER	400 CAPITOL MALL, SUITE 1560	SACRAMENTO			CA 95814-0000
590027	UNITED DEMOCRATIC CAMPAIGN COMMITTEE		S		19	213-652-5534
	KEVIN MURRAY	8721 SANTA MONICA BLVD., SUITE 403	WEST HOLLYWOOD			CA 90069-0000
590024	UNITY SLATE		S		19	213-412-3128
	CLARENCE WONG	6245 BRISTOL PARKWAY, SUITE 271	CULVER CITY			CA 90230-6983
588008	VICTORY '88		S		19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES			CA 90046-0000
588027	VICTORY '89		S		19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES			CA 90046-0000
588028	VICTORY '90		S		19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES			CA 90046-0000
588029	VICTORY '91		S		19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES			CA 90046-0000
588030	VICTORY '92		S		19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES			CA 90046-0000
588031	VICTORY '93		S		19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES			CA 90046-0000
588032	VICTORY '94		S		19	213-850-0359
	FRED HUEBSCHER	1523 NORTH VISTA STREET	LOS ANGELES			CA 90046-0000
589002	VOTER EDUCATION PROJECT		S		30	310-319-0412
	DARALYN E. REED	1234 6TH STREET, #204	SANTA MONICA			CA 90401-0000
590002	VOTER GUIDE		S		19	213-652-3321
	CARL D'AGOSTINO	291 SOUTH LA CIENAGA BLVD., #200	BEVERLY HILLS			CA 90211-0000
592006	VOTER GUIDE TO PRO-CHOICE REPUBLICANS/JVM AND ASSOC.		S		37	619-277-1797
	JIM MADAFFER	P.O. BOX 420520	SAN DIEGO			CA 92142-0520
594027	VOTER GUIDE TO TOUGH ON CRIME CANDIDATES, THE		S	L	49	707-576-0389
	PATRICIA LAPERA	1720 ARROYO SIERRA CIRCLE	SANTA ROSA			CA 95405-0000
593003	VOTER INFORMATION GUIDE		S		19	213-877-5835
	SHIRLEY WECHSLER	11783 LAURELCREST DRIVE	STUDIO CITY			CA 91604-0000

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597007	VOTER REVOLT POL ACTION COMMITTEE			S 19	818-504-0323
	KINDE DURKEE	9531 VIA RICARDO	LOS ANGELES		CA 91504-1215
588004	VOTERS GUIDE '88			S 19	213-652-3321
	CARL D'AGOSTINO	291 SOUTH LA CIENAGA BLVD., #200	BEVERLY HILLS		CA 90211-0000
596005	VOTING GUIDE FOR REPUBLICANS			S 19	310-429-3255
	MAURICE BEHAR	18132 LAKE POINT LANE	HUNTINGTON BEACH		CA 92647-0000
594031	WALLENBERG JEWISH DEMOCRATIC CLUB, RAOUL			S 38	415-557-2253
	JULIE BRANDT	811 DIAMOND #2	SAN FRANCISCO		CA 94114-0000
590025	WEST COUNTY DEMOCRATIC COMMITTEE			S L 07	919-493-1225
	LARRY ORGAN	1405 WELCOME CIRCLE	DURHAM		NC 27705-0000
590014	WEST COUNTY DEMOCRATS EDUCATION COMMITTEE			S L 07	415-234-8003
	J. WILLIAM PEZICK	11100 SAN PABLO AVENUE, SUITE 210	EL CERRITO		CA 94530-0000
588011	YOUR BALLOT GUIDE			S 19	818-990-4002
	JILL BARAD	15030 VENTURA BLVD., SUITE 530	SHERMAN OAKS		CA 91403-0000
596001	YOUR DEMOCRATIC VOTER GUIDE			S 21	415-458-1609
	PHILIP MULLER	1592 UNION STREET #477	SAN FRANCISCO		CA 94123-0000
598001	YOUR LATINO VOTER GUIDE			S 34	916-449-6190
	MARIA C. MORALES	1121 S ST., STE. 908	SACRAMENTO		CA 95814-0000
596014	YOUR LAW AND ORDER VOTER GUIDE			S 38	415-458-1609
	PHILIP MULLER	1592 UNION STREET, SUITE 477	SAN FRANCISCO		CA 94123-0000
596015	YOUR PRO-CHOICE VOTER GUIDE			S 38	415-458-1609
	PHILIP MULLER	1592 UNION STREET, SUITE 477	SAN FRANCISCO		CA 94123-0000

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 3502
California Democratic Voter Checklist and Clinton Reilly, as Treasurer	)	
Clinton Reilly	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated from information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On November 7, 1995, the Commission found reason to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer ("the Checklist"), violated 2 U.S.C. §§ 441a(f) for accepting excessive contributions; 434(b) for various instances of misreporting; and 434(c) for failing to file 24-hour independent expenditure reports. The Commission also found reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C) by making excessive contributions to the Checklist.

On December 8, 1997, this Office submitted to the respondents a General Counsel's Brief, setting forth this Office's position on the legal and factual issues of the matter, and its recommendation that the Commission find probable cause to believe that violations occurred. Respondents submitted their reply on January 20, 1998.

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II. ISSUE-AT-HAND

On March 20, 1998, following the exchange of briefs, the respondents submitted to the Commission a request to enter into pre-probable cause negotiations.[1] See Attachment 1. Commission policy, however, precludes pre-probable cause conciliation once the General Counsel's Brief is mailed to the respondents.

In their submission, respondents variously assert, inter alia, that this case is better suited to informal settlement than to litigation. In this regard, respondents make the following assertions: that they made "every effort" to comply with the law, including seeking legal advice from an election law attorney, registering with the FEC and disclosing the Checklist's activity, and seeking guidance from Commission staff regarding compliance; that the slate mail activity was disclosed; that the case involves activity commencing in the 1990 election cycle and that most of the activity involved in this matter falls outside of the five-year statute of limitations;[2] that only a relatively small percentage of respondents' slate mail activity was devoted to federal candidates and that there is no on-going course of conduct. Based on these arguments, inter alia, respondents conclude that this matter "can and should be settled."

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[1] Respondents also expressed a desire for pre-probable cause conciliation by telephone on February 13, 1998, and in a letter dated February 27, 1998, see Attachment 1, pgs. 4-6. At their request, staff from this Office met with respondents to discuss the matter on March 4, 1998.

[2] While much of the activity involved in this matter occurred during the 1990 and 1992 election cycles, and thus falls outside of the five-year limitations period, a significant amount of the violations in this matter extended into 1994 and beyond.

This Office does not dispute, for the most part, the bases of the respondents' conclusion that this matter is well-suited for settlement.[3] However, the issue raised by respondents' submission is not whether or not the Commission should attempt to settle this matter. Indeed, by statute, the Commission is obliged to do so after it has found probable cause to believe that violation(s) occurred and prior to filing suit, 2 U.S.C. § 437g(a)(4)(A)(i). The issue is whether, in this instance, the Commission should depart from its established policy precluding pre-probable cause conciliation after the matter is briefed.

While respondents acknowledge the Commission's policy, they argue that there are "significant extraordinary procedural and substantive reasons why an exception should be made in this matter." In this regard, respondents argue that they never had an opportunity for pre-probable cause conciliation, specifically asserting that they requested pre-probable cause conciliation prior to the briefing process, but, due to staff changes at the Commission and "gaps in time" in the handling of this matter, were never given an opportunity to have a request for pre-probable cause conciliation submitted to the Commission. See Attachment 1, p. 1; pgs. 4-6. Further, respondents assert that their motivation to settle the matter is heavily influenced by whether or not the matter can be settled prior to a finding of probable cause to believe, and that it is more likely that this

[3] Respondents err, however, in their assertion that an enforcement action, itself, brought in the Ninth Circuit, wherein this case arises, would be barred by the statute of limitations, citing FEC v. Williams, 104 F.3d 237 (9th Cir.)(1996). See Attachment 1, p. 2. Based on the specific facts in Williams, the Court found there that the entire enforcement action was time-barred. However, in that matter, the five-year limitations period had run with respect to all of the activity underlying the suit by the time the suit was filed. Here, the respondents' violations, while commencing in 1990, extended into 1994 and beyond. The limitations period, therefore, will not have expired with respect to these violations until January 1999, at the earliest.

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case would settle prior to a probable cause finding. Respondents conclude that "[s]imple fairness would dictate that they be given an opportunity" for pre-probable cause conciliation, "which in reality is given to virtually every respondent under current Commission practice."

Based on the facts of this matter, however, this Office recommends that the Commission reject the respondents' request for pre-probable cause conciliation. Although there were occasional vague references by respondents to the possibility of settling the whole matter in the context of subpoena enforcement, respondents never formally requested pre-probable cause conciliation until after the General Counsel's Brief was sent. The Commission's policy with respect to the timing and availability of pre-probable cause conciliation is clearly reflected in the Commission's standard reason-to-believe notification letter that was sent to respondents. That letter specifically advises respondents that "the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent."

As the Commission is aware, pre-probable cause conciliation is a discretionary option for the Commission in attempting more expeditious resolution of its cases without having to complete a lengthy investigation and briefing process. It is not a procedural right of respondents. Indeed, the Commission's present policy on the timing of pre-probable cause conciliation requests was developed to avoid situations, such as the one at hand, where respondents wait until the conclusion of a lengthy investigation and the time-consuming drafting of a brief and then want to avail themselves of a conciliation agreement that reflects a finding against them of the lesser "reason to believe" standard.

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It is also noteworthy that respondents submitted a response to the General Counsel's Brief, and it was not until approximately one month later that they asserted that what they described as earlier requests for pre-probable cause conciliation had not been acted upon. Furthermore, given the uncertainty of success of pre-probable cause negotiations and the fact that the Commission is statutorily required to attempt to conciliate the matter after probable cause findings are made if pre-probable cause negotiations fail, the Commission should, consistent with the underlying goal of the policy, conserve resources by eliminating the possibly of duplicative conciliation efforts at this point. Based on the foregoing, this Office recommends that the Commission reject the respondents' request for pre-probable cause conciliation and proceed to the probable cause phase of the proceedings.

III. GENERAL COUNSEL'S RECOMMENDATION

Reject the respondents' request for pre-probable cause conciliation and move on to the probable cause stage of the proceedings.

9/23/98
Date

Lawrence M. Noble
General Counsel

Attachment
1. Respondents' Submission

Staff Assigned: Lawrence L. Calvert Jr.

98043900595

FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM MARJORIE W. EMMONS/VENESHE FEREBEE-VINES
COMMISSION SECRETARY

DATE: APRIL 29, 1998

SUBJECT: MUR 3502 - General Counsel's Report
dated April 23, 1998.

The above-captioned document was circulated to the Commission on **Friday, April 24, 1998**.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	_
Commissioner Elliott	_
Commissioner McDonald	XXX
Commissioner McGarry	_
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for **Tuesday, May 12, 1998**.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3502
California Democratic Voter Checklist and Clinton Reilly, as treasurer;	)	
	)	
Clinton Reilly	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 19, 1998, do hereby certify that the Commission decided by a vote of 4-0 to reject the respondents' request for pre-probable cause conciliation and move on to the probable cause state of the proceedings in MUR 3502.

Commissioners Aikens, Elliott, McDonald, and Thomas voted affirmatively for the decision. Commissioner McGarry did not cast a vote.

Attest:

5-20-98
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 22, 1998

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RE: MUR 3502
California Democratic Voter Checklist
and Clinton Reilly, as treasurer

Clinton Reilly

Dear Counsel:

On March 20, 1998, Mr. Sullivan and Ms. Utrecht submitted on behalf of your clients, California Democratic Voter Checklist and Clinton Reilly, as treasurer, and Clinton Reilly, a request to enter into conciliation negotiations prior to a finding of probable cause to believe. On May 19, 1998, the Federal Election Commission determined to reject your clients' request for pre-probable cause conciliation, and determined to move on to the probable cause stage of the proceedings in this matter. As you are aware, a General Counsel's Brief and a Brief for the Respondents have already been submitted in this matter.

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If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Lawrence L. Calvert Jr.
Attorney

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FEDERAL ELECTION
COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of

California Democratic Voter Checklist and Clinton Reilly, as treasurer	)	MUR 3502
Clinton Reilly	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated from information ascertained by the Federal Election Commission ("Commission") in the normal course of its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). On November 7, 1995, the Commission found reason to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer ("CDVC" or "the Checklist"), violated 2 U.S.C. § 441a(f), 434(b) and 434(c). The Commission also found reason to believe that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C). An investigation was conducted.[1] *See* 2 U.S.C. §437g(a)(2). On December 8, 1997, a General Counsel's Brief was transmitted to respondents and the Commission. The General Counsel's Brief recommended that the Commission find probable cause to believe that CDVC violated 2 U.S.C. §§ 434(b), 434(c),

[1] During the course of the investigation, the Commission was forced to sue CDVC and Reilly in U.S. District Court to obtain compliance with its Subpoena to Produce Documents and Order to Submit Written Answers. CDVC produced requested information only after the Commission obtained a court order. *FEC v. California Democratic Voter Checklist*, No. C-96-1712 DLJ (N.D. Cal. Aug. 30, 1996).

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441a(f) and 441b, and that Reilly violated 2 U.S.C. §§ 441a(a)(1)(C), 441a(a)(3), and 441b.[2] The Commission received a brief on behalf of the respondents dated January 17, 1998.

This report analyzes the arguments set forth in respondents' brief. It also reiterates this Office's probable cause recommendations, and recommends that the Commission approve a proposed conciliation agreement to be submitted to the respondents.

II. ANALYSIS

(General Counsel's Brief dated December 5, 1997, as corrected by letter and memorandum of December 15, 1997, incorporated herein by reference).

As set forth in this Office's brief, all of the violations in this matter stem from the determination that there is probable cause to believe that CDVC is a political committee. In their brief, the respondents reiterate their "belief" that CDVC is not a political committee, but they advance no new arguments to support that position. Specifically, they do not respond to the demonstration in this Office's brief that CDVC was a "group of persons" within the meaning of 2 U.S.C. § 431(4)(A); they have conceded at an earlier stage of this matter that CDVC made more than $1,000 in expenditures, General Counsel's Brief at 9; and they do not seriously attempt to refute the conclusion in the General Counsel's Brief that "a, if not the, major purpose of the Checklist is the election of candidates." General Counsel's Brief at 20. They complain that "[t]he Commission staff is wrong to persist in trying to fit a slate card business into the peg of a traditional political committee," Respondents' Brief at 8, but if an organization is a group of persons that makes more than $1,000 in expenditures or receives more than $1,000 in

[2] A sentence on page 24 of the General Counsel's Brief pertaining to the amount of CDVC's reporting violations was corrected in a letter transmitted to respondents dated December 15, 1997. The Commission was notified of this correction in a memorandum from this Office of the same date.

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contributions and meets the major purpose test, it is this Office's position that such information supports a finding that there is probable cause to believe that the checklist is a political committee. 2 U.S.C. § 431(4); *Buckley v. Valeo,* 424 U.S. 1, 79 (1976) (articulating major purpose test). *See also FEC v. Californians for Democratic Representation,* No. CV-85-2086-JMI (C.D. Calif. Jan. 9, 1986), and MUR 3716 (treating organizations that produced slate mailers or slate cards as political committees).

Respondents assert that even if there are violations in these matters, the amounts at issue correspond to the amounts of CDVC's draws on the lines of credit, rather than the full amounts of the available lines. Respondents' Brief at 8. Respondents' argument shows a continuing misunderstanding of their reporting obligations with respect to the lines of credit, particularly after 11 C.F.R. §§ 104.3(d)(1) through (3) became effective on April 17, 1992. The regulations provide that when a committee obtains a line of credit from a lending institution, it must file a Schedule C-1 disclosing the full amount of the line of credit when the line of credit is established, and must file additional Schedules C-1 for each draw on the line of credit. Thus, after April 17, 1992, each time CDVC established a $250,000 line of credit and failed to file a Schedule C-1, it failed to properly report a transaction that it was required to report in the amount of $250,000; and each time it drew on the line of credit and failed to file a Schedule C-1, it failed to properly report a transaction in the amount of the draw.

Similarly, respondents appear to argue that, even if Reilly and his two corporations made excessive and prohibited contributions when they guaranteed CDVC's lines of credit, the contributions were only in the amounts of their shares of CDVC's draws, rather than their shares of the entire lines of credit. This Office disagrees. The term "contribution" includes "any gift,

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subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office," unless exempted. 2 U.S.C. § 431(8). While loans made by a depository institution in the ordinary course of business on a basis which assures repayment are exempt from the definition of "contribution," 2 U.S.C. § 431(8)(B)(vii), such loans are also considered loans to a committee -- and therefore contributions -- by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. 2 U.S.C. § 431(8)(B)(vii)(I). "Lines of credit are considered bank loans, to be treated *in the same manner* as other loans from lending institutions." *Explanation and Justification for Regulations on Loans From Lending Institutions to Candidates and Political Committees,* 56 Fed. Reg. 67118, 67119 (Dec. 27, 1991) (emphasis added). Thus, every time CDVC established a $250,000 line of credit, each guarantor made a contribution of its ratable share of $250,000, just as if CDVC had obtained loan proceeds of $250,000. It is true that the guarantors were liable only for the amount of the unpaid balances on the actual draws, plus interest, and not for the entire amount of the line of credit. However, much the same could be said of conventional bank loans. If CDVC had obtained a conventional loan of $250,000 and repaid $200,000 to the bank, the guarantors would be liable only for the remaining $50,000, plus interest; however, for purposes of the Act they would still be deemed to have made contributions of their ratable shares of the $250,000.

Respondents next argue that CDVC could not have violated 2 U.S.C. § 441b(a) with respect to corporate guaranties of its 1992 and 1994 lines of credit because Reilly's wholly-owned corporations only guaranteed the two 1990 lines of credit. Respondents' Brief at 8. In the General Counsel's Brief, this Office stated that "the record does not contain loan

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documentation for the 1992 and 1994 loans," but that "the totality of Reilly's averments, along with the evidence of record, indicate that these subsequent loans were renewals of the earlier $250,000 loan." General Counsel's Brief at 10 n.2. This Office has since located some documentation for the 1992 and 1994 lines of credit. The corporations were not listed as guarantors on either line of credit. However, when read in conjunction with the 1990 documents, the subsequent documents do not alter this Office's conclusion, set forth in the General Counsel's Brief, that the corporations guaranteed the 1992 and 1994 lines of credit.

When Reilly obtained the original line of credit for CDVC from Union Bank of San Francisco on April 16, 1990, he executed an "Optional Advance Promissory Note."[3] Attachment 1. Clinton Reilly Campaigns, Inc. and Production Complex, Inc. were listed on the note as guarantors. *Id.* at 2. On the same date, Reilly, acting as president of the two corporations, executed for each corporation a "Continuing Guaranty and Agreement" between each corporation and Union Bank. Attachments 2 and 3. The "Continuing Guaranty and Agreement" between Clinton Reilly Campaigns, Inc. and Union Bank provided, in pertinent part, the following:

> I. Continuing Guaranty.
>
> For valuable consideration, the undersigned ("Guarantors") . . . unconditionally guarantee and promise to pay . . . *any and all* indebtedness and liabilities, and to perform on demand *any and all* obligations, of Clinton T. Reilly ("Obligors") to Bank (now existing *or hereafter arising,* voluntary or involuntary, due or not due, absolute or contingent, direct or indirect, liquidated or unliquidated, determined or undetermined, joint or several, whether arising out of any credit transaction or lease transaction or otherwise and whether evidenced by any promissory note, lease or any schedule or supplement thereto, acquisition

[3] As described in the General Counsel's Brief, while Reilly personally executed each promissory note, each note contained authorization for Union Bank to deposit the loan proceeds to, and deduct repayments from, a checking account at Union Bank established in the name of CDVC. CDVC reported on its Statement of Organization that Union Bank was the committee depository.

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> agreement, bill of sale or other instrument or agreement, *and all renewals, extensions and modifications of any and all such indebtedness, liabilities and obligations* ("Obligations"); this continuing guaranty and agreement ("Guaranty") *being also intended by Guarantors to induce Bank, as it may deem proper, to grant and accept any such renewals, extensions and modifications.*
>
> * * *
>
> The liability of Guarantors under the Guaranty is cumulative, *and each Guarantor remains liable under all other guaranties and agreements which have not been terminated in accordance with their provisions or with Bank's prior written consent. . . . Guarantors' undertaking to guarantee shall not apply to any Obligations created after actual receipt by Bank of written notice of its revocation as to future transactions*[.]
>
> * * *
>
> Guarantors authorize Bank, in its discretion, without notice to Guarantors, irrespective of any change in the financial condition of Obligors or Guarantors since the date hereof, and without affecting or impairing in any way the liability of Guarantors hereunder, from time to time to *(a) create new obligations, and, either before or after receipt of notice of revocation, renew,* compromise, extend, accelerate, or otherwise change the time for payment or performance of, or otherwise change the terms of the Obligations or any part thereof, including increase or decrease of the rate of interest thereon.
>
> * * *
>
> Guarantors waive . . . (f) all . . . notices . . . *of the existence, creation or incurring of new or additional Obligations.*

Attachment 2 at 1-2 (emphasis added). While this Office does not possess a complete copy of the Continuing Guaranty and Agreement between Production Complex, Inc. and Union Bank, it possesses a copy of the first and last pages of the agreement, and the agreement appears to be on the same form as the agreement between Clinton Reilly Campaigns, Inc. and Union Bank. Attachment 3.

On July 31, 1990, Reilly executed a second "Optional Advance Promissory Note" to Union Bank, again in the amount of $250,000. Attachment 4. By its terms, this note stated that

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it was secured by the Continuing Guaranties and Agreements dated April 16, 1990, executed by Reilly as president of Clinton Reilly Campaigns, Inc. and Production Complex, Inc. *Id.* at 2. The note was stamped "Renewed," and in a box designated "Authorized Special Distribution Instructions," it stated, "This is to renew note 1278-767400, CM001 which matured on 7-31-1990." *Id.* The note number corresponds to the identification number on the April 16, 1990 note. On April 14, 1992, Reilly endorsed a third "Optional Advance Promissory Note" to Union Bank, again in the amount of $250,000. On this note the section entitled "Security and Related Documents" is marked "N/A," and there is no reference to the earlier notes; however, there appears to be no attachment by which the earlier corporate guaranties were revoked. Attachment 5. On a date that appears from an attachment to have been on or about February 4, 1994, Reilly executed a "Commercial Promissory Note" to Union Bank, again in the amount of $250,000. Attachment 6. This note is in a different form from the first three, and appears to contain no reference to security, or to the prior notes; again, however, the note is not accompanied by any document purporting to revoke the earlier corporate guaranties. Moreover, the record does not contain any documents made at any other time reflecting any written notice to Union Bank by Clinton Reilly Campaigns, Inc. or Production Complex, Inc. that either corporation was revoking its guaranty as to future transactions.

By the terms of the "Continuing Guaranties and Agreements" executed by the two corporations, each corporation agreed to be responsible for any and all debts incurred by Reilly or CDVC to Union Bank, then and forever, up to the amount of $250,000 plus interest, until the corporation provided written notice to the bank that it would not be responsible for any debts incurred by Reilly or CDVC after the date of the notice. Weighing against this appearance is the

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absence of any reference to security or guaranties in the documents this Office possesses regarding the 1992 or 1994 notes. However, by the terms of the guaranty agreements the only thing that could extinguish the guaranties is written notice from the guarantors, and the record does not contain any such notice. Thus, the weight of the evidence indicates that CDVC and Reilly, as treasurer, violated 2 U.S.C. § 441b(a) by accepting corporate guaranties of the 1992 and 1994 lines of credit.[4] However, if in the course of conciliation respondents present further evidence, such as affidavits from Union Bank, that the corporations had no liability on the 1992 or 1994 notes, this Office would recommend that the Commission adjust the text of any ensuing conciliation agreement accordingly.[5]

Respondents further assert that under *FEC v. Williams,* 104 F.3d 237 (9th Cir. 1996), *cert. denied,* 118 S.Ct. 600 (1997), "the Commission is barred from bringing a civil enforcement action against Mr. Reilly and the Checklist for any activities that occurred in connection with the 1990 and 1992 slate cards." Respondents' Brief at 8. *Williams* applied the general five-year

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[4] Evidence of the corporate guaranties was obtained comparatively late in this matter. Neither Clinton Reilly Communications, Inc. nor Production Complex, Inc. is, or has ever been, a respondent in this matter. Proceeding against either or both of the corporations would have required additional reason to believe findings. In light of the age of this matter, this Office has made no recommendations with respect to Clinton Reilly Communications, Inc. or Production Complex, Inc. However, inasmuch as Reilly is sole officer and director of both corporations, and was already a respondent in this matter both as treasurer of CDVC and in his personal capacity, the General Counsel's Brief recommends that the Commission find probable cause to believe that Reilly violated 2 U.S.C. § 441b(a) by approving the corporate guaranties. General Counsel's Brief at 20-21.

[5] While such evidence might negate the conclusion that CDVC violated 2 U.S.C. § 441b(a) by accepting corporate loan guaranties in 1992 and 1994, it would correspondingly increase the amount of Reilly's excessive contributions for those years, because he would then be the only guarantor of the notes.

Moreover, even if the corporations did not guarantee the 1992 and 1994 lines of credit, CDVC still violated 2 U.S.C. § 441b(a). CDVC accepted payments from non-Federal candidates for places on its slate cards. *See* General Counsel's Brief at 2. CDVC's reports do not indicate that it segregated this money from the funds it used to make independent expenditures on behalf of Federal candidates. Accordingly, CDVC also violated 2 U.S.C. § 441b by failing to follow the anti-commingling requirements of 11 C.F.R. § 102.5(a). *Accord* MUR 3716.

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statute of limitations at 28 U.S.C. § 2462 to Commission actions for civil penalties. It also extended the application of Section 2462 to requests for injunctive relief, quoting the Supreme Court's determination in *Cope v. Anderson,* 331 U.S. 461 (1947), that "'equity will withhold its relief in such a case where the applicable statute of limitations would bar the concurrent legal remedy." 104 F.3d at 240, quoting *Cope,* 331 U.S. at 464.[6] *Compare FEC v. Christian Coalition,* 965 F. Supp. 66 (D.D.C. 1997) (reading *Cope* as applying only to equity's concurrent, rather than exclusive, jurisdiction, and declining to apply *Cope* to Commission action for injunctive relief). *Williams* would govern any enforcement litigation in this matter because all of the respondents are located in the Ninth Circuit. *See* 2 U.S.C. § 437g(a)(6).

However, nothing in Section 2462 or *Williams* would impair the validity of a conciliation agreement that recited events or contained admissions concerning acts more than five years old, should the Commission be able to obtain one. More importantly, a number of significant violations in this matter took place well within the five-year limitation period. As noted, Reilly obtained a $250,000 line of credit for CDVC on or about February 4, 1994; this line was guaranteed by Reilly in violation of 2 U.S.C. § 441a and by the corporations in violation of 2 U.S.C. § 441b, and CDVC violated 2 U.S.C. § 434(b) by failing to file a Schedule C-1 for the line of credit. As shown in this Office's brief, CDVC's reports indicate that it drew on this line of credit on April 4, 1994 and December 27, 1995. General Counsel's Brief at 11. CDVC violated 2 U.S.C. § 434(b) by failing to file Schedules C-1 at the times of these draws. CDVC

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[6] In *Williams,* the Ninth Circuit did not address whether *Cope*'s "concurrent remedy" rule would extend Section 2462's limitations period to an action for a declaratory judgment. However, in a case involving a different statute of limitations, the Ninth Circuit adopted a First Circuit rule that applied *Cope* to a request for declaratory relief. *Levald, Inc. v. City of Palm Desert,* 998 F.2d 680, 688 (9th Cir. 1993) (quoting *Gilbert v. City of Cambridge,* 932 F.2d 51, 57-58 (1st Cir. 1991) (citations omitted)).

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also violated 2 U.S.C. § 434(b) for failing to file Schedules C at any time with respect to the 1994 line of credit, and for failing to continuously report debt on the line of credit until it was extinguished. Finally, Reilly violated 2 U.S.C. § 441a(a) by making, and CDVC violated 2 U.S.C. § 441a(f) by receiving, a direct contribution of $32,500 on January 1, 1996. Thus, respondents face substantial liability for their violations in the 1994 and 1996 election cycles, and the statute does not prohibit the Commission from making a record of respondents' violations in earlier election cycles.

Finally, Respondents reiterate their argument that Reilly has consistently "followed the advice he received from the FEC staff in 1991 to continue reporting exactly the way he had been. During the 1992 and 1994 election cycles, he was not told to report anything differently." Respondents' Brief at 7. However, as this Office explained in its report in this matter dated March 8, 1996:

> Because the Commission has been considering how to treat slate mailers in general and this slate mailer in particular, RAD has not sent out RFAIs to the California Democratic Voter Checklist in the same way that they routinely send RFAIs to other reporting entities. Nor is the Commission required under its procedures to send out RFAIs to clarify a report before the information in a report can be considered in connection with an ongoing Commission investigation. Indeed, the Commission's procedures permit the Office of General Counsel to ask that RAD not send out an RFAI if this Office believes that the RFAI in question might impede an ongoing investigation.

Id. at 3-4.

III. CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Find probable cause to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b), 434(c), 441a(f), and 441b.

2. Find probable cause to believe that Clinton Reilly violated 2 U.S.C. §§ 441a(a)(1)(C), 441a(a)(3), and 441b.

3. Approve the attached proposed conciliation agreement.

4. Approve the appropriate letter.

7/20/98
Date

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM MARJORIE W. EMMONS/VENESHE FEREBEE-VINES
COMMISSION SECRETARY

DATE: JULY 23, 1998

SUBJECT: MUR 3502 - General Counsel's Report
dated July 20, 1998.

The above-captioned document was circulated to the Commission on **Monday, July 20, 1998.**

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	XXX
Commissioner Elliott	_
Commissioner McDonald	XXX
Commissioner McGarry	_
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for **Tuesday, August 11, 1998**. Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3502
California Democratic Voter Checklist and Clinton Reilly, as treasurer;	)	
Clinton Reilly	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on September 1, 1998, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3502:

1. Find probable cause to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b) and 434(c), but take no action with respect to the General Counsel's recommendation to find probable cause to believe that the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b.

2. Take no action with respect to the General Counsel's recommendation to find probable cause to believe that Clinton Reilly violated 2 U.S.C. §§ 441a(a)(1)(C), 441a(a)(3) and 441b.

(continued)

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3. Take no further action, send an appropriate letter and close the file.

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

Attest:

9-3-98
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 8, 1998

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RE: MUR 3502
California Democratic Voter Checklist
and Clinton Reilly, as treasurer

Clinton Reilly

Dear Counsel:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by your clients, on November 7, 1995, the Federal Election Commission found reason to believe that your clients, the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 441a(f), 434(b), and 434(c), and that Clinton Reilly violated 2 U.S.C. § 441a(a)(1)(C). The Commission accordingly instituted an investigation in this matter.

By letter dated December 8, 1997, all of you except Ms. Utrecht, who was not at the time designated as counsel in this matter, were provided a copy of the General Counsel's Brief containing recommendations that the Commission find probable cause to believe that violations

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occurred in this matter. Further, those of you who received the Brief were notified of a correction in the Brief by letter dated December 17, 1997.

On September 1, 1998, the Commission considered this matter and made several determinations. First, it found probable cause to believe that your clients, the California Democratic Voter Checklist and Clinton Reilly, as treasurer, violated 2 U.S.C. §§ 434(b) and 434(c). Second, it determined to take no action with respect to the General Counsel's recommendation that the Commission find probable cause to believe that the Checklist and Mr. Reilly, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b. Third, it determined to take no action with respect to the General Counsel's recommendation that the Commission find probable cause to believe that Clinton Reilly violated 2 U.S.C. §§ 441a(a)(1)(C), 441a(a)(3), and 441b. Finally, it determined to take no further action and close the file in the entire 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.

If you have any questions, please contact Lawrence L. Calvert Jr., the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3502

DATE FILMED 10/8/98 CAMERA NO. 2

CAMERAMAN EEP

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