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February 23, 2006

**COURIER**

Mr. Jeff S. Jordan  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 5703  
Martha T. Rainville Congressional Exploratory Committee  
(now Martha Rainville for Congress)

Dear Mr. Jordan:

This responds to the frivolous complaint filed against Martha Rainville for Congress ("the Committee") by Richard T. Cassidy of South Burlington, Vermont, who evidently does not understand the difference between how our committee is filed and a "testing the waters" committee, which ours is not.

Mr. Cassidy asserts that the Committee has "amass[ed] funds for a candidacy for Federal office while avoiding the public scrutiny that comes along with such a candidacy." Complaint at 2-3. He opines that this conduct is "in gross violation of the . . . 'testing the waters' exemption" to standard filing requirements under the Federal Election Campaign Act of 1971 ("the Act"). Complaint at 3.

Mr. Cassidy is correct that the Commission has exempted "testing the waters" activity from the reporting rules that would otherwise apply. See 11 C.F.R. §§ 100.72(a) & 100.131(a). He is also correct that these narrow exceptions do not apply once an individual becomes a "candidate." See *Id.* However, this bears no relationship to the facts here.

The complaint neglects what a cursory search of the Commission's publicly-accessible website would have alerted Mr. Cassidy to -- the fact that while Ms. Rainville only recently came to a firm conclusion regarding her candidacy, her Committee registered with the Commission and the House last September and has filed the following documents:

- A Statement of Organization for the Martha T. Rainville Congressional Exploratory Committee, filed September 12, 2005 (Exhibit A)

Paid for Martha Rainville for Congress

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- An October quarterly report of receipts and disbursements, filed October 14, 2005 (Exhibit B)
- A year-end report of receipts and disbursements, filed January 30, 2006 (Exhibit C)
- An amendment to the Statement of Organization, changing the Committee name to Martha T. Rainville for Congress, filed February 13, 2006 (Exhibit D)

Contrary to Mr. Cassidy's misguided belief, the term "Exploratory" does not invoke the "testing the waters" exception, and the Committee does not claim to be operating under this provision. To the contrary, a Committee meeting the Act's reporting requirements such as ours is not, by definition, employing the "testing the waters" exception to avoid meeting the Act's reporting requirements. Our committee has complied with all requirements of FECA and Commission regulations, and all its activities have been fully and publicly reported. Accordingly, the Commission should dismiss this baseless complaint and take no further action.

Respectfully Submitted,

  
Kevin J. Mahahan, Treasurer