

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2009 MAR 25 P 12:08

March 17, 2009

Mr. Jeff Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E. Street
Washington, DC 20463

RE: MUR 6163

Dear Mr. Jordan:

In response to the complaint filed against the Houghton County Democratic Committee (HCDC), we provide the following information which demonstrates that the complaint lacks merit.

The complaint alleges that the HCDC's activities in 2008 required it to register and report as a "political committee" under the FECA. As explained below, the activities cited in the complaint did not qualify HCDC as a "political committee".

According to 11 C.F.R. Section 100.5(c), there are three different thresholds that trigger a local party committee to become a "political committee": when during a calendar year, it "spends more than \$1,000 in contributions and other expenditures" OR "raises more than \$5,000 in contributions" OR "spends more than \$5,000 on exempt party activities". FEC Campaign Guide for Political Party Committees (August 2007) at 1. The HCDC did not meet any of these thresholds.

Exempt Party Activities

Complaint paragraphs 6 and 12 relate to exempt party activities subject to a \$5,000 threshold.

Paragraph 6 relates to expenses for flyers (copy attached) that were distributed using volunteers who canvassed door to door during October. These flyers are slate card exempt materials and do not meet the definition of "public communication" or any other FEA as alleged in the complaint.

Paragraph 12 relates to an expense for Barack Obama lawn signs that were distributed through our volunteers. This is an exempt material expense.

The exempt materials expenses total \$597.20, far below the \$5,000 threshold.

29044254033

Other Expenditures

The expenses described in complaint paragraphs 7 and 11 were not for a public communication such as an ad in the Daily Mining Gazette, a newspaper, but rather for the paid distribution of the flyers referenced above with the Daily Mining Gazette to all subscribers and newsstands. This was a paid canvass with a slate card and can be paid for on a time/space split. Four of the thirteen candidates on the flyer were federal and therefore \$257.30 of the \$830 total costs were federal expenditures.

Paragraphs 8, 9 and 10 are expenses for radio ads. HCDC produced six radio advertisements of which only three advertisements mentioned any federal candidate or generic federal election activity. The cost of those three advertisements was \$324.50. The other three radio advertisements referenced only local candidates and their election to drain commissioner and county commissioner.

The other expenditures total \$581.80, far below the \$1,000 threshold.

Conclusion

Accordingly, during calendar year 2008, the Houghton County Democratic Committee expended \$581.80 in other federal expenditures, far below the \$1,000 annual threshold, and \$597.20 on exempt materials, also far below the \$5,000 annual threshold.

Based on this evidence, the Houghton County Democratic Committee was not required to register with and report to the Federal Election Commission. This complaint should be dismissed.

Sincerely,



Debra Forsell
Treasurer
Houghton County Democratic Committee

29044254034

REMEMBER TO VOTE!

TUESDAY, NOVEMBER 4!

**Your Houghton Democratic Party is proud to present the
2008 Democratic nominees....**

Barack Obama President
Joe Biden Vice President
Carl Levin U.S. Senator
Bart Stupak U.S. Representative
Mike Lahti State Representative

Fraser Strome Prosecuting Attorney
Mary Schoos County Clerk
John Pekkala Drain Commissioner
Murray Gillis Inspector of Mines

Anton J. Pintar District 3, County Commissioner
Scott Ala District 4, County Commissioner
Paul Luoma District 5, County Commissioner

Diane Hathaway Michigan Supreme Court
(Non-Partisan Judicial Ballot)