



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**Catherine B. Brockington, Chair
Allegan County Democratic Committee
327 Hubbard Street
Allegan, Michigan 49010**

SEP 14 2009

**RE: MUR 6172
Allegan County Democratic
Committee**

Dear Ms. Brockington:

On February 11, 2009, the Federal Election Commission notified the Allegan County Democratic Committee (the "Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to the Committee at that time.

After considering the circumstances in this matter, including the Committee's response, the Commission, on September 1, 2009, voted to dismiss this matter and accordingly, closed its file in this matter. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for the Committee's information.

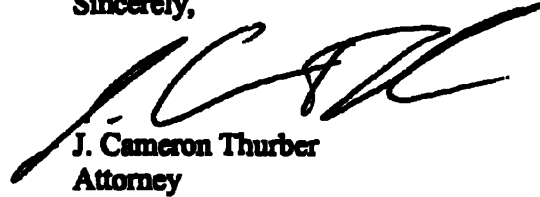
Based on the information before the Commission, it appears that the Committee made \$2,000 in contributions during a calendar year. The Act requires "any local committee of a political party which . . . makes contributions aggregating in excess of \$1,000 during a calendar year" to register with the Commission by filing a Statement of Organization within 10 days of exceeding the threshold and to file reports with the Commission. 2 U.S.C. §§ 431(4)(C), 433(a), 434(a)(1). The Commission cautions the Committee to take steps to ensure that it properly files a Statement of Organization and reports with the Commission in the future should it exceed the thresholds set forth in 2 U.S.C. § 431(4)(C), in accordance with the Act and Commission regulations.

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Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact me, at (202) 694-1650.

Sincerely,



J. Cameron Thurber
Attorney

Enclosure
Factual and Legal Analysis

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1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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5 **RESPONDENT: Allegan County Democratic Committee¹ MUR: 6172**

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7 **I. INTRODUCTION**

8 This matter was generated by a complaint filed with the Federal Election Commission
9 ("Commission") by the Michigan Republican Party. See 2 U.S.C. § 437g(a)(1). For the reasons
10 set forth below, the Commission dismissed the complaint alleging that the Allegan County
11 Democratic Committee ("ACDC") violated the Federal Election Campaign Act of 1971, as
12 amended (the "Act").

13 **II. FACTUAL SUMMARY**

14 The complaint alleges that the ACDC contributed \$1,000 to the Cooney for Congress
15 Committee and Robert Snyder in his official capacity as treasurer ("Cooney Committee"), on
16 October 1, 2008, and another \$1,000 on October 20, 2008, for a total contribution amount of
17 \$2,000 during 2008, but failed to register as a political committee and file reports with the
18 Commission within 10 days of acquiring political committee status.

19 The ACDC responded that upon receiving the complaint, it contacted the Cooney
20 Committee, which returned the second \$1,000 contribution and brought the ACDC under the
21 amount which would have required it to register with and report to the Commission as a political
22 committee. The ACDC also states it was "very sorry" that, due to its "inexperience," "over
23 enthusiasm," and failure to review the "contribution rules one last time," it violated the Act; it

¹ While the response states the respondent is the Allegan County Democratic Committee, it is on Allegan County Democratic Party letterhead, the attached copy of the refund check attached is made out to that entity, and it appears the titles "Committee" and "Party" may be used interchangeably by the organization.

1 maintains it is now "properly educated" about the rules. ACDC Response at 1. A copy of the
2 refund check and affidavit from the ACDC's treasurer is attached to the response.

3 **III. LEGAL ANALYSIS**

4 The ACDC, which is listed as a "local party" on the Michigan State Democratic Central
5 Committee ("MSDCC") website, appears to be a "local committee of a political party" of the
6 MSDCC. 11 C.F.R. § 100.14(b) (A local party committee is one that, by virtue of a political
7 party's bylaws, "is part of the official party structure, and is responsible for the day-to-day
8 operation of the political party . . ." at the local level). Any local committee of a political party
9 which "makes contributions [for the purpose of influencing a federal election] aggregating in
10 excess of \$1,000 during a calendar year" meets the threshold definition for a political committee.
11 2 U.S.C. §§ 431(4)(C), (8)(A)(i); 11 C.F.R. §§ 100.5(c), 100.14(b), 100.52(a). Political
12 committees must file a Statement of Organization with the Commission within 10 days of
13 meeting the threshold definition found in 2 U.S.C. § 431(4)(C), and must thereafter file reports
14 that comply with 2 U.S.C. § 434. 2 U.S.C. §§ 433(a), 434(a)(1); *see also* 11 C.F.R. §§ 102.1(d),
15 104.1. Political committees, including authorized candidate committees, must report all
16 contributions and refunds of contributions. 2 U.S.C. § 434(b)(2), (4); 11 C.F.R. § 104.3.

17 The ACDC's contributions to the Cooney Committee exceeded \$1,000 in a calendar year,
18 but it did not file a Statement of Organization or any reports with the Commission in 2008.
19 Thus, it appears that the ACDC violated 2 U.S.C. §§ 433(a) and 434(a)(1). However, the money
20 was refunded, albeit several months later, and this refund brought the ACDC below the
21 registering and reporting threshold.

22 Therefore, the Commission has exercised its prosecutorial discretion and decided to
23 dismiss the complaint and close the file. *See Heckler v. Chaney*, 470 U.S. 821 (1985).