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FEDERAL ELECTION  
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OFFICE OF GENERAL  
COUNSEL

July 14, 2011

Office of General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Alabama Secretary of State  
Elections Division  
State Capitol Building - Suite E-208  
600 Dexter Avenue  
Montgomery, Alabama 36103-5616

New Hampshire Secretary of State  
State House, Room 204  
107 North Main Street  
Concord, N.H. 03301

Iowa Ethics & Campaign Disclosure Board  
510 E 12th, Suite 1A  
Des Moines, IA 50319

Michigan Department of State  
Bureau of Elections  
P.O. Box 20126  
Lansing, MI 48901

South Carolina State Ethics Commission  
5000 Thurmond Mall, Suite 250  
Columbia, SC 29201

**Re: Campaign Finance Violation by Mitt Romney**

Dear Federal and State Campaign Finance Authorities:

After reviewing news articles and other publicly available sources, we believe that Mitt Romney and his political committees, including Romney for President Inc. and the five state affiliates of the Commonwealth PAC located in Alabama, New Hampshire, Iowa, Michigan, and South Carolina may have violated numerous Federal and State campaign finance laws.

Mr. Romney and his advisers appear to have engaged in a multi-state scheme to evade Federal campaign finance law by raising and spending "soft money" to advance Mr. Romney's presidential campaign. This scheme has been well-documented by various media outlets. Attached please find a complaint that we are filing with the Federal Election Commission. This

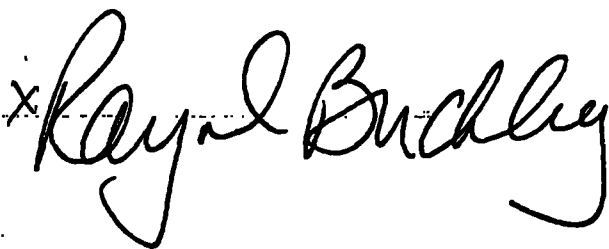
MUR #

6482

follows on the heels of a complaint filed by the New Hampshire Democratic Party in April, with respect to similar activities. The initial complaint is also attached.

We respectfully request that each of you investigate whether these activities violate the laws of your jurisdiction. Should you determine that the law has been violated, we request that Mr. Romney and his political committees be enjoined from further violations and that all other remedies under the law be pursued in full. .

Very truly yours,

x Ray L Buckley

# EXHIBIT A

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

New Hampshire Democratic Party  
105 N. State Street  
Concord, NH 03301

Alabama Democratic Party  
501 Adams Avenue  
Montgomery, AL 36104

Complainants,

MUR # 6482

v.

Mitt Romney  
585 Commercial St.  
Boston, MA 02109

Romney for President Inc.  
585 Commercial St.  
Boston, MA 02109

Respondents.

**COMPLAINT**

Complainant files this complaint under 2 U.S.C. § 437g(a)(1) against Mitt Romney, Romney for President Inc., and any other committees authorized by Mr. Romney to support his presidential candidacy ("Respondents") for violations of the Federal Election Campaign Act ("Act"), as described below.

As the New Hampshire Democratic Party set forth in its April complaint with the Federal Election Commission ("FEC"), in the two years leading up to his declaration of candidacy for President, Mr. Romney used "soft money" PACs in five states – Alabama, New Hampshire, Iowa, Michigan, and South Carolina (collectively, the "State PACs") – to raise funds in excess of Federal limits and spend those funds in support of his nascent

presidential candidacy.<sup>1</sup> According to media accounts, the State PACs raised \$1.5 million in 2010, much of it in "soft money" contributions (*e.g.* contributions in excess of \$5,000, the Federal limit). Just last week, the *Birmingham News* published an article describing how Mr. Romney exploited Alabama's loose campaign finance rules to set up a PAC in the State, raise unlimited contributions into the PAC, and, rather than use the money to help Alabama candidates, instead funnel it back to Massachusetts to bankroll his presidential campaign operation.<sup>2</sup>

But even after this egregious conduct came to light, Mr. Romney and his advisers have shown no signs of abating it. In fact, according to the article, the Alabama PAC's fundraising has "never really stopped."<sup>3</sup> It is time for the FEC – and the relevant authorities in Alabama, New Hampshire, Iowa, Michigan, and South Carolina – to put an end to Mr. Romney's scheme.

In an accompanying letter addressed also to state authorities, we are seeking a full inquiry into the violations of both Federal and state laws raised on these facts. Mr. Romney has engaged in the evident subterfuge of using state laws not for the state election-related purposes for which they were enacted, but to advance his Federal candidacy with the aid of "soft money". He has misled the authorities of those states, filing reports of "state" activities which were never bona fide state activities in the first instance. The state committees were set up as shell operations through which soft money flowed back to Massachusetts to support his Federal candidacy. Only through full Federal and state investigations can the full facts be uncovered and the violations at issue

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<sup>1</sup> This amended complaint incorporates, by reference, the factual and legal allegations made against Respondents in the complaint labeled by the FEC, which is attached as Exhibit A.

<sup>2</sup> See Mary Orndorff, "National candidates can take advantage of Alabama's campaign finance laws," THE BIRMINGHAM NEWS (July 4, 2011) (attached as Exhibit B).

<sup>3</sup> See *id.*

be redressed.

**A. LEGAL ARGUMENT**

1. **Respondents may have violated the Act and state laws in Alabama, New Hampshire, Iowa, South Carolina, and Michigan by raising "soft money" contributions into the State PACs and using the money to support his presidential candidacy.**

In April, the New Hampshire Democratic Party filed a complaint with the FEC, which alleged that Mr. Romney and the other Respondents may have violated the Act by soliciting and using "soft money" contributions (*e.g.* contributions in excess of \$5,000, the Federal limit) into the State PACs and funneling the money back to Massachusetts to advance Mr. Romney's presidential candidacy.

The diversion of state contributions for Federal purposes likely violated the Act *and* state laws. Federal law permits presidential candidates to accept \$5,000 in "contributions" from each individual, with \$2,500 designated for the primary election and \$2,500 designated for the general election.<sup>4</sup> Federal law defines a "contribution" to include any "gift, 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* ...."<sup>5</sup> Likewise, as an example, Alabama defines "contribution" to include "[a] gift, subscription, loan, advance, deposit of money or anything of value, a payment, a forgiveness of a loan, or payment of a third party, *made for the purpose of influencing the result of an election*," with "election" being limited to Alabama – not Federal – elections.<sup>6</sup>

Consequently, when a PAC raises money to influence a Federal election, it must

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<sup>4</sup> See 2 U.S.C. § 441a(a)(1)(A).

<sup>5</sup> See 11 C.F.R. § 100.52(a) (emphasis added).

<sup>6</sup> See Ala. Code §§ 17-5-2(a)(2), (4) (emphasis added).

abide by Federal limits (e.g. \$5,000 per contribution). Likewise, when money is raised into a State PAC, it must be done for the purpose of influencing an election in that State. But Mr. Romney did not abide by these rules. To avoid Federal limits, Mr. Romney raised the money into the State PAC and, in contravention of state and Federal law, plowed the money back into his Boston-based operation, to pay for staff salaries, consultant fees, and other expenses of his nascent presidential candidacy.<sup>7</sup> For example, Mr. Romney's Alabama PAC raised more than \$440,000 in 2010, but donated only \$21,500 (less than 5 percent) to state and local candidates in Alabama.<sup>8</sup> As the April complaint pointed out, two of Mr. Romney's large donors understood that they were making these contributions to aid Mr. Romney's national candidacy, not any state efforts.<sup>9</sup> There is little doubt that, if questioned, Mr. Romney's other large donors would also confirm that they understood that their contributions were being used to advance Mr. Romney's presidential candidacy.

**2. If the State PACs raised or spent soft money after Mr. Romney became a declared candidate, Mr. Romney violated the Act.**

Federal law prohibits the State PACs from raising or spending *any* "soft money" after April 11, 2011, the day on which Mr. Romney formally filed his candidacy papers

<sup>7</sup> See Michel Luo, "Romney, Weighing Run, Leans on State PACs," NEW YORK TIMES (Nov. 20, 2010) (attached as Exhibit C), available at <http://www.nytimes.com/2010/11/21/us/politics/21romney.html>.

<sup>8</sup> See Jeanne Cummings and Andy Barr, "End run: Romney's crafty financing," POLITICO (Aug. 8, 2010) (attached as Exhibit D), available at <http://www.politico.com/news/stories/0810/41228.html> ("the vast majority of the money raised by Romney's five state committees ... is actually spent to support ... Romney's campaign apparatus.").

<sup>9</sup> See Donovan Slack, "Romney makes the most of funding rules," BOSTON GLOBE (Apr. 15, 2011) (attached as Exhibit E) available at [http://articles.boston.com/2011-04-15/news/29422211\\_1\\_strong-america-pac-exploratory-committee-political-committees](http://articles.boston.com/2011-04-15/news/29422211_1_strong-america-pac-exploratory-committee-political-committees). For example, when asked why he contributed to Mr. Romney's State PACs, Richard Marriott "said he contributed so much because he believes the country could use Romney's business acumen." Likewise, another donor to Mr. Romney's State PACs, John C. Kennedy told the Boston Globe, "I see everybody else who I think is running, and some of the other candidates are also, let's say, likable ... [b]ut ... I appreciate sitting across the table from someone who at least understands how business works, how business operates."

with the FEC. Federal law makes it illegal for a candidate or "*an entity directly or indirectly established, financed, maintained or controlled*" by a candidate to "solicit, receive, direct, transfer, or spend" any "soft money" in connection with an election.<sup>10</sup> As the Supreme Court has said, this rule is necessary because "[l]arge soft-money donations at a candidate's or officeholder's behest give rise to all of the same corruption concerns posed by contributions made directly to the candidate or officeholder."<sup>11</sup> Just last month, in a rare show of unanimity, all six FEC Commissioners reaffirmed that Federal candidates remain subject to the "soft money" ban, even after *Citizens United*.<sup>12</sup>

The State PACs are subject to this prohibition because they were established by a Federal candidate, Mr. Romney.<sup>13</sup> Yet despite this clear prohibition, the State PACs have not pledged to stop raising or spending "soft money" during the course of Mr. Romney's candidacy. In fact, in article published last week, the *Birmingham News* says that the Alabama PAC's fundraising has "never really stopped."<sup>14</sup> Recognizing that the continued operation of these "soft money" PACs poses legal problems for their candidate, Mr. Romney's advisers are now trying to hide Mr. Romney's role in establishing the State PACs. In the weeks leading up to April 11, 2011, Mr. Romney's advisers filed

<sup>10</sup> See 2 U.S.C. § 441(e)(1)(A), (B) (emphasis added).

<sup>11</sup> *McConnell v. FEC*, 540 U.S. 93, 182, 124 S.Ct. 619, 683, 157 L.Ed.2d 491 (2003).

<sup>12</sup> See Advisory Opinion 2011-12.

<sup>13</sup> There is no question that Mr. Romney "established" the State PACs. Under FEC regulations, an entity is established by a candidate when the candidate, "directly or through its agent, had an active or significant role in the formation of the entity." 11 C.F.R. § 300.2(c)(2)(ix). Prior to his 2008 presidential candidacy, Mr. Romney established "The Commonwealth PAC" with the FEC, and then established "Commonwealth PAC" affiliates at the state level. See Brian C. Mooney, "Romney left Mass. on 212 days in '06: Visited 35 states; built a national network," *BOSTON GLOBE* (Dec. 24, 2006) ("When he formally enters the race for the White House, Romney will have a ready-made campaign apparatus assembled and paid for by The Commonwealth PAC, the Romney vehicle established in 2004 to support electing Republican candidates across America," according to its website ... Romney has expanded their use by placing Commonwealth PAC affiliates in several states."). Similarly, when Mr. Romney retired the Commonwealth PAC to register the Free and Strong America PAC with the FEC, the state affiliates also saw their names change to "Free and Strong America PAC." See Exhibit F.

<sup>14</sup> See Orndorff, National candidates can take advantage of Alabama's campaign finance laws."



paperwork to change the name of the PACs from "Free and Strong America PAC" to "The Commonwealth PAC."<sup>15</sup> The Chairperson of the Alabama PAC, a partner at a high-profile Washington D.C. law firm, explained to the *Birmingham News* that this was part of a concerted effort "to clarify that [the PAC] was no longer associated with the Romney presidential campaign."<sup>16</sup>

But the law does not allow candidates to evade the "soft money" ban this easily. As the FEC confirmed in a 2003 advisory opinion, an entity that has been established by a Federal candidate is barred from raising or spending "soft money," regardless of the candidate's day-to-day involvement in the entity's operations.<sup>17</sup> To sever his association with the PAC and escape liability for the actions of the PAC that he established, the candidate must have no material contact or involvement with the PAC for fully two years.<sup>18</sup> Of course, Mr. Romney cannot satisfy this two year standard. Nor has he even suggested that he could. In fact, under the FEC's rules, the vehicle for demonstrating that he is no longer liable for the PAC he established is an Advisory Opinion request to the Commission that shows "all material connections between the sponsor and the entity have been severed for two years."<sup>19</sup> Mr. Romney has not sought such an opinion, nor has he indicated that he plans to do so. Mr. Romney has disregarded both the law and the legal process designed to hold him accountable.

Therefore, because Mr. Romney established the State PACs and retains liability

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<sup>15</sup> See Exhibit F.

<sup>16</sup> See Orndorff, "National candidates can take advantage of Alabama's campaign finance laws."

<sup>17</sup> See Advisory Opinion 2003-12 (Flake). The only way to sever this association is to seek an advisory opinion from the FEC, which demonstrates that "all material connections between the sponsor and the entity have been severed for two years." See 11 C.F.R. § 300.2(c)(4)(ii). Mr. Romney has not sought such an opinion, nor has he indicated that he plans to do so.

<sup>18</sup> See 11 C.F.R. § 300.2(c)(4)(ii).

<sup>19</sup> See *id.*

for their continued fundraising, they may not raise or spend any "soft money" during the course of his candidacy. The raising or spending of even a dime of soft money by any of the State PACs violates Federal law.<sup>20</sup>

#### **B. REQUESTED ACTION**

As we have shown, there is substantial evidence that Respondents have violated the Act and further investigation is likely to reveal additional violations. We respectfully request the FEC to investigate these violations, including whether they were knowing and willful. Specifically, the FEC should demand a full accounting of all contributions and expenditures made by Mr. Romney's State PACs since January 1, 2011. Without intervention by the FEC, Mr. Romney's PACs would be able to engage in these illegal activities, undetected, until the State PACs are required to file their next campaign finance reports. In Alabama, for example, the next reporting deadline is not until January 31, 2012.<sup>21</sup>

Likewise, by accompanying letter, the relevant authorities in Alabama, New Hampshire, Iowa, Michigan, and South Carolina are being requested investigate whether, by disguising Federal "contributions" and "expenditures" as state "contributions" and "expenditures" on the reports it filed with each state, Mr. Romney violated state law as well.

Should the FEC determine that Respondents have violated the Act, we request that Respondents be enjoined from further violations and all other remedies under the law

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<sup>20</sup> "The Commonwealth PAC – Alabama" still has "soft money" sitting in its bank account. As the *Birmingham News* reported, "Romney's Alabama PAC collected \$456,750 last year from 41 individual donors," with one South Dakota household giving "two checks of \$35,000 each, on the same day." See Orndorff, "National candidates can take advantage of Alabama's campaign finance laws." As of its last report, filed on February 12, 2011, the PAC has \$156,594.43 in remaining funds. See Alabama Secretary of State Records, <http://arc-sos.state.al.us/cgi/elcdetail.mbr/detail?&elcpass=39574>.

<sup>21</sup> See Ala. Code § 17-5-8(b).

applied in full.

1-20-2020-1-20-2020

Sincerely,

*Ray B. Buehly*

SUBSCRIBED AND SWORN to before me this 14 day of July, 2011.

*Eugene P. Martin Jr.*  
Notary Public

My Commission Expires:



# EXHIBIT B



## National candidates can take advantage of Alabama's campaign finance laws

Published: Monday, July 04, 2011, 7:00 AM



By Mary Orndorff -- The Birmingham News



Republican presidential candidate Mitt Romney walks past photographers in Allentown, Pa., Thursday, June 30, 2011. The Alabama version of Romney's PAC raised nearly half-a-million dollars last year, none of it from anyone in Alabama. (AP Photo/Rich Schultz)

WASHINGTON -- Getting ready to run for president and feeling boxed in by strict federal campaign finance laws that cap donations to your political action committee? Welcome to Alabama, home of the end-run on such pesky limits.

As in years past, presidential hopefuls again can find friendly territory in Montgomery to open chapters of their national political action committees. They then are free to route donations through the state to pay the bills of the political operation leading up to the official campaign kickoff.

The only remaining contender for the Republican presidential nomination who has taken full advantage of Alabama's permissive campaign finance laws is Mitt Romney. He started the practice before his failed run in 2008 and, records show, never really stopped.

According to filings with the **Alabama Secretary of State's Office**, the Alabama version of Romney's PAC last year raised nearly half-a-million dollars, none of it from anyone in Alabama.

Romney's national PAC, The Free and Strong America PAC, is what they call in Washington a leadership PAC. Such PACs are routinely used by Republicans and Democrats, separate from their own election accounts, to raise money to give to other candidates. But individual donations to it are limited by federal law to \$5,000.

Alabama law does not limit the amount individual donors can drop into PACs. Since 2006, the money held in the Alabama affiliate of Free and Strong America PAC has been paying staffers, pollsters, consultants and regular bills associated with what became an official campaign operation. Federal election rules have allowed the arrangement in past cycles, and this one is no different.

"They basically very carefully dance around ever saying they're a candidate, when everybody and their dog knows they're running for president," said Dave Vance, a spokesman for the **Campaign Legal Center**, a nonpartisan Washington think tank. "It's a complete violation of the spirit of the law and it's a pathetic problem. Alabama is fertile ground because they can take the money in large chunks."

Romney announced his candidacy June 2.

Romney's Alabama PAC collected \$456,750 last year from 41 individual donors. Some of the checks were less than \$5,000, but others were huge. One South Dakota household, for example, gave two checks of \$35,000 each, on the same day. Under federal limits, Romney would have needed 92 donors to generate that amount.

All told, the Free and Strong America PAC-Alabama, formerly known as The Commonwealth PAC-Alabama, has collected more than \$1 million, most of it in 2006 and 2010, two years before the presidential election years.

### **Not alone**

Romney and Alabama are not alone in this arrangement.

The National Institute on Money in State Politics this spring analyzed the PACs of the 2012 presidential contenders and found that four potential or declared candidates raised at least \$4.1 million through state-level committees in 2010 alone. Of that, \$1.6 million was through Romney's PACs in Alabama, Iowa, Michigan, New Hampshire and South Carolina. The rest was through PACs set up by Mitch Daniels, Tim Pawlenty and Rick Santorum, none of which had a state PAC in Alabama. Daniels opted not to run for the White House, but Pawlenty and Santorum are now candidates.

According to the National Conference of State Legislatures, there is wide variation in how states regulate individual PAC donations. Several states have dollar limits, such as \$1,000 per election in West Virginia, or \$5,000 per calendar year in Arkansas.

### **Eager supporters**

The chairman of Romney's Commonwealth PACs, Kirk Jowers, said Alabama was picked "because we had some enthusiastic supporters there and PAC leadership felt it was important to support candidates who value limited and effective government within the state of Alabama."

The disclosure forms filed with the Alabama Secretary of State's Office divide PAC expenses into several categories: administrative, advertising, polling/consulting, contributions, food, fundraising, loan repayment, lodging and transportation.

Records show that, of the \$412,000 that Romney's Alabama PAC spent last year, \$20,500 was in contributions to the campaigns of 15 Alabama Republicans running for state or legislative office. The rest went mostly to administrative expenses for people and vendors in Massachusetts, where Romney's presidential campaign was later based.

Jowers, also a partner in a Washington, D.C., law firm, said the name of the Free and Strong America-Alabama PAC was being changed back to Commonwealth to clarify that it was no longer associated with the Romney presidential campaign. It ended 2010 with a balance of \$156,000.

# EXHIBIT C



## The New York Times

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### Romney, Weighing Run, Leans on State PACs

November 20, 2010

By MICHAEL LUO

The fact that Mitt Romney, the former Massachusetts governor who is weighing a run for president in 2012, has an active political action committee in Alabama might seem puzzling.

It is, after all, not a critical early-voting state for the Republican nomination, where these kinds of leadership PACs are often set up by potential presidential candidates.

Upon closer inspection, though, Mr. Romney's interest in Alabama snaps into focus. The state has among the most permissive campaign finance rules in the nation, allowing contributions of unlimited size from individuals and corporations.

As a result, the Alabama affiliate of Mr. Romney's federal PAC, Free and Strong America, has raised more than \$440,000 this year, with many of the contributions amounting to tens of thousands of dollars each.

Yet it has donated \$21,500 — less than 5 percent of what it has raised — to state and local candidates in Alabama, for which these state PACs are ostensibly intended. (The PAC also contributed \$3,500 to Nikki Haley's successful campaign for governor in South Carolina.)

Instead, a vast majority of the just over \$300,000 Mr. Romney's Alabama PAC has reported spending this year has been directed back to the Boston headquarters of Free and Strong America, paying for, among other expenses, a significant part of the salaries of Mr. Romney's political staff, who will almost certainly form the core of his presidential campaign if he decides to run.

The financing Mr. Romney has used, leaning on not only his Alabama PAC but also on similar vehicles in other states, allows him to tiptoe around federal campaign finance limits. It also illustrates how potential candidates willing to be creative with the nation's Rube Goldberg-like campaign finance system can manipulate it to their greatest benefit — and Mr. Romney has been by far the most assertive in this approach among those believed to be weighing bids for the Republican nomination. Leadership PACs cannot, by law, be used to finance a presidential run, but they can distribute money to other candidates, help pay for travel and even finance the nucleus of a political operation. In the process, the PACs must be careful not to cross over into actually footing the bill for a presidential candidacy.

Mr. Romney is testing these limitations, as are other potential 2012 contenders, like Gov. Tim Pawlenty of Minnesota, who has set up state PACs in Iowa and New Hampshire, along with a federal PAC. But Mr. Romney has gone further in squeezing maximum legal advantage in other areas.

It is generally illegal for a state-based PAC, like Mr. Romney's Alabama affiliate, to finance activity geared toward federal elections. In other words, money raised by the state PAC is not supposed to be used for work on federal races, as opposed to contests at the state and local level.

In his filings with the election commission, Mr. Romney is essentially contending that his leadership PAC's work is divided evenly between federal and non-federal election activities and that the financing of administrative expenses is accordingly divided between the state and federal PACs.

As a result, for example, roughly half the salary of Eric Fehrnstrom, a senior adviser to Mr. Romney who was his traveling press secretary in his 2008 presidential run, is paid for by the federal PAC, while the rest is divided up by the state-based PACs Mr. Romney has set up in Alabama, Iowa, Michigan, New Hampshire and South Carolina.

Not surprisingly, the PACs in the three states that do not cap donations to these kinds of organizations — Alabama, Iowa and Michigan — pay the largest parts of Mr. Fehrstrom's salary, as well other expenses of the federal committee, with the Alabama PAC assuming the biggest share. The Alabama entity has covered a little less than 20 percent of Mr. Fehrstrom's salary, which has totaled about \$75,000, according to the most recent campaign finance filings available. It has provided a similar percentage of the roughly \$50,000 that the PACs have reported paying this year to Matt Rhoades, the group's executive director who was the 2008 Romney campaign's research director, and paid Beth Myers, formerly Mr. Romney's campaign manager, about 13 percent of the more than \$75,000 in consulting fees she has taken in this year. Mr. Romney's federal PAC has covered about 50 percent of their salaries, with the state PACs taking on the rest. In all, the state PACs have funneled more than \$600,000 into Mr. Romney's federal PAC, paying for half of the organization's legal fees this year, which totaled \$84,000; they have paid about 50 percent of the PAC's office supply budget, which came to \$4,000; they even picked up the tab on half of the \$560 the PAC spent for paper shredding.

Yet only about a third of the \$1.1 million Mr. Romney's PACs have together contributed to candidates has gone to those at the state or local level. By that indicator at least, Mr. Romney's PACs appear decidedly more focused on federal races. Mr. Romney's advisers, however, point out that about half the candidates they have supported have been in state and local races.

Regardless, the election commission tends to give committees the benefit of the doubt on these kinds of questions, campaign finance lawyers said.

"As a practical matter, they're not going to question it," said Lawrence Noble, a former general counsel for the election commission and a lawyer at Skadden, Arps, Slate, Meagher & Flom.

And Ben Ginsberg, the lawyer for Mr. Romney's PAC, said that Mr. Romney had been doing this for several election cycles and that the election commission had never challenged the way the committee allocated its expenses.

"It's what the law allows us to do," Mr. Ginsberg said.

The use of leadership PACs by potential presidential candidates is not new, but the elaborate architecture of state and federal PACs Mr. Romney has set up is unusual, campaign finance lawyers said. Mr. Romney leaned on a similar setup before his last presidential run as well.

Having the state PACs subsidize a significant part of his federal PAC's expenses enables Mr. Romney to maintain a larger political operation in Boston than he could if he were restricted to the capped donations his federal committee can accept.

The offloading of expenses on the state PACs also allows Mr. Romney's federal PAC to be more generous with the money it distributes to federal candidates, who might be counted on for favors down the road.

Mr. Romney's committees in the three states that do not restrict donations to these kinds of organizations, essentially gives him a flexible pot of "soft money" — or unregulated contributions — before he formally decides to run and becomes subject to strict federal limits on political donations. Indeed, a number of megadonors have written checks to Mr. Romney's various PACs that total in the realm of \$100,000.

Together, the state PACs have reported raising about \$1.5 million in contributions this year, while the federal PAC has collected \$4.2 million.

# EXHIBIT D

14024430M-1109

# POLITICO

## End run: Romney's crafty financing

By: Jeanne Cummings and Andy Barr

August 18, 2010 04:58 PM EDT

The maximum donation a person can give a presidential candidate under federal law is \$2,400. Yet Edward Conard, a Mitt Romney supporter, has already donated \$90,000 to the former Massachusetts governor's campaign apparatus.

How is that legal?

Romney's end run around the federal campaign finance rules is rooted in his status: He is a presidential aspirant, a hopeful, a wannabe. In other words, he is not yet an official candidate. And that's what allows him and his campaign-in-waiting to straddle the boundaries of federal law.

It's a loophole whose measure was tested and mastered by Romney in 2006, when he first established five state political action committees to underwrite the expenses of his federal headquarters and dole out money to local candidates in early primary states who could help his presidential quest.

This year, Romney's 2006 experiment is becoming all the rage among Republican presidential prospects. Mississippi Gov. Haley Barbour, Minnesota Gov. Tim Pawlenty and former Arkansas Gov. Mike Huckabee have all adapted some form of the Romney model in order to solicit big checks and establish a presence in key primary states.

Pawlenty, for instance, has opened a federal committee called the Freedom First PAC and two state committees, one each in Iowa and New Hampshire, that go by the same name.

"Gov. Pawlenty wants to do whatever he can to help conservatives running in this fall's elections," said spokesman Alex Conant. "We have a lot of opportunity in Iowa and New Hampshire, and we want to build on that excitement through these PACs."

But Pawlenty's operation already has shown its broader ambitions by retaining the services of Sarah Crawford, a New Hampshire grass-roots organizer and former

campaign adviser to Republican Sen. John McCain's 2008 presidential campaign.

While Pawlenty and Barbour are building their empires, Romney's operation has the canniness of a veteran — and this cycle, it is breaking new ground in testing and besting the limits of state campaign finance laws as well as the federal rules.

In South Carolina, for instance, state law limits donations to candidates from PACs to \$3,500 per election, which means a committee can give a local candidate a combined total of \$7,000 for a primary and general campaign.

Romney's team blew the roof off those caps when the five state committees and the federal headquarters gave maximum donations to GOP gubernatorial candidate Nikki Haley for a grand sum of \$42,000, compliments of the Romney Empire.

Here's how Romney's complex political network operates:

To keep his presence high and key campaign staff on the payroll after the 2008 presidential campaign, Romney re-named his Commonwealth PAC, a federal political action committee, and its five, corresponding state-based committees the Free and Strong America PACs.

The state committees are located mostly in early primary states — Iowa, New Hampshire, South Carolina, Michigan and Alabama — and each operates under different contribution rules established by local statute. That means Romney can collect corporate checks in Alabama, unlimited donations from individual backers in Iowa and regulated donations in South Carolina and New Hampshire.

The arrangement provides Romney's most loyal and generous backers with multiple opportunities to grease the gears of his political machine.

Take the case of Marc Leder, a Florida investor, who in a single day — March 2 — banked \$50,000 on Romney's political future.

He did that by cutting six checks to Romney's far-flung network: \$3,500 for the South Carolina committee, \$10,500 for the Alabama, Iowa and Michigan PACs, \$10,000 for the New Hampshire operation and \$5,000 to the federal headquarters in Boston.

Conard, a retired executive from Romney's investment house, Bain Capital, was even more generous on May 20 when he invested \$67,500 in the Romney political operation.

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He gave \$3,500 to the South Carolina committee, \$27,000 to both the Alabama and Iowa branches and \$10,000 to the New Hampshire PAC.

It's a pattern that repeats itself among a very elite circle of Romney supporters.

Leder's business partner, Rodger Krouse, co-founder of the private equity firm Sun Capital Partners Inc., gave \$50,000 to the state and federal committees on March 2. Palm Beach venture capitalist Howard Cox replenished the state accounts May 6 by issuing six checks totaling \$45,000 to the Romney PACs.

According to a POLITICO analysis of information from the federal Free and Strong America PAC, the combined \$486,700 raised by the state committees from Jan. 1, 2009, to June 30, 2010, came from just 24 individuals.

Those individuals also happen to be regular donors to the federal PAC, which has a much bigger contribution base and has raised nearly \$6 million since January 2009. None of the donors, some of whom were traveling, returned calls for comment.

Eric Fehrstrom, a Romney spokesman, said creation of the interconnected committees "allows us to raise more money and help more candidates."

According to campaign finance experts, Fehrstrom is right. Federal PACs are subject to the McCain-Feingold law, which limits their ability to participate in state races. Additionally, some state laws make it difficult for federal PACs to engage in statewide and local campaigns.

By creating a string of state committees, Romney is able to operate around those barriers delling out big checks to state Republican parties and candidates alike.

According to disclosure reports and data provided by Fehrstrom, Romney already has contributed more than \$500,000 to candidates, party committees and conservative caucuses. The federal Free and Strong America PAC has made more than \$418,000 in donations, while the state PACs have contributed a combined total of \$111,050.

But the vast majority of the money raised by Romney's five state committees, which exceeds \$480,000, is actually spent to support the Boston-based operation of the federal PAC — and home of Romney's campaign apparatus.

Each state committee is regularly docked to pay a portion of Romney's paid staff costs in Boston and for various presidential campaign consultants who remain on retainer. The local committees are even charged a portion of the headquarters' phone bills and shredding service.

In the Field Consulting, a political consulting firm established by a former Romney campaign adviser, has been paid about \$112,480 since 2008 with portions of the payments rolling through the Iowa, New Hampshire, Alabama, Michigan and South Carolina accounts, according to data provided by Romney's staff.

Another key consultant is SJZ LLC, a fundraising firm founded by Spencer J. Zwick, who is one of Romney's closest and longest-serving advisers. In the past two years, SJZ has been paid nearly a million dollars for its work and that of its consultants.

POLITICO's analysis showed that no money has been spent with local vendors or strategists in any of the states where the committees are registered. There aren't even rent payments since the address listed for each of the state committees is the Lexington, Mass., offices of the federal PAC.

Of course, that could change, as Romney, like Pawlenty, begins to hire key strategists and field directors in the early primary states.

In the months leading to the 2008 primary season, Romney used the largesse of his network to retain some of the best advisers in the primary states. His opponents were also left seething when his official presidential campaign rollout included a state-of-the-art website and an expensive fly-in of fundraising volunteers — all of which his critics charged were improperly underwritten and planned by the nonpresidential committees.

Trevor Potter, a former adviser to the McCain campaigns and president of the nonpartisan Campaign Legal Center, which tracks campaign financing law, said Romney's operation is just one of many models employed by candidates to boost their profile and expand their base before the presidential season officially begins.

But the rhythms of the 2012 cycle may prove to be an uncomfortable fit for the Romney model in this cycle, he noted.

"The problem these potential candidates have is after the midterms. How do they justify doing anything between the midterms and the start of the primary season?" he asked.

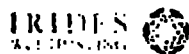
In the 2008 presidential cycle, the primary season was launched unusually early — just months after the 2006 midterms in January 2007. That was largely because there was no incumbent president in the race and both sides drew crowded candidate fields.

But this cycle, some candidates may not want to officially file to challenge President Barack Obama with nearly two years to go before Election Day and no clear read on their chances of winning.

If they do file to run for president, Romney and the other candidates who have created the state committees will immediately have to abandon them and begin abiding by federal campaign finance laws and limits. They also would be restricted from transferring any of the funds to their presidential account.

If they don't file to run for president in January, said Potter, "how do they maintain their political activity without the cover of the midterms? It could become a legal question."

*Kenneth P. Vogel contributed to this report.*



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Article by Donovan Slack

**Romney makes the most of funding rules**

April 15, 2011 | By Donovan Slack, Globe Staff

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WASHINGTON — Mitt Romney kicked off his presidential exploratory committee this week in an enviable position.

Since his defeat in the 2008 GOP presidential primary, a few political friends have given generously to Romney's political operation, providing him a financial and organizational edge as the 2012 campaign gets underway.

But donors' generosity is not the only reason Romney's bottom line is strong.

The former Massachusetts governor has become a master of a controversial but legal fund-raising technique that relies on a network of loosely regulated state political action committees to collect those funds.

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Consider the gifts to Romney from Donna G. Marriott — the wife of Marriott chairman J.W. Marriott Jr. — and J.W.'s brother, Richard E. They wrote checks totaling \$215,000 to Romney's state political committees, according to public records reviewed by the Globe.

Contributions of that size are not permitted to be given to federal political committees under rules intended to limit the influence of individual supporters on candidates. But Romney, more fully exploiting the system he employed in the 2008 election cycle, got around those restrictions by taking in contributions through political committees set up under the rules of individual states.

Most of the money was then transferred to Romney's federal political action committee, Free and Strong America, and used to pay the salaries of top aides, political consultants, and traveling expenses.

The same system is used by other candidates, but on a much smaller scale. Romney raised more than \$1.5 million from just 38 individuals in 2009 and 2010, more than double the combined donations of the rest of the prospective GOP field. Under federal limits, it would take 300 contributors to accumulate that much money.

Critics say Romney and the other contenders are using state loopholes to circumvent the spirit of federal limits. Romney's team said the system is proper and open for public inspection.

"Free and Strong America PAC follows both the letter and spirit of the law," said Andrea Saul, who was spokeswoman for the committees and is now working for Romney's exploratory committee. "Our PAC operations have always been totally transparent — our donors and expenses are all disclosed regularly and in great detail."

Federal law limits an individual's donation to \$5,000 a year for the sort of federal political committee Romney was operating — called a "leadership PAC" in beltway jargon. By setting up the series of state leadership PACs — several of which operate with no limits — Romney was able to solicit the larger contributions.

Such committees are typically set up as a way for national figures to support candidates and causes within a particular state.

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The website for Romney's committees declared such a purpose, saying the "Free and Strong America PAC supports officeholders and candidates who are dedicated to advancing social, fiscal, and foreign policies that will strengthen America at this critical time in the nation's history." But only a fraction of what the state committees raised — 13 percent — was contributed to state candidates or causes.

Four of Romney's five state political committees — in Alabama, New Hampshire, Iowa, South Carolina, and Michigan — shared an address in Lexington, Mass. Contributions to them flowed through accounts at the same Bank of America branch in Washington, a block from the White House. Most then went to another account at the same bank — the one for Romney's federal committee — to pay overhead.

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Parts of the overhead costs incurred by Romney's national political operation were reported as individual state committee expenses through complex accounting on campaign finance reports. Even individual Starbucks purchases by members of his political staff have been divided up to the penny and apportioned across the array of Romney committees.

Saul, the spokeswoman for Romney's exploratory committee declined to make him available for an interview but, in response to written questions, she defended the practice and said the committees' contributions to other candidates were significant.

"In addition to direct contributions, the PAC gave Mitt Romney the resources to campaign for candidates, speak about the ideas and policies important to him, and help Republican candidates and conservative groups across the country," she said.

Advocates for tighter restrictions on the flow of money in politics say Romney is getting around rules intended to restrict the amount candidates raise while they are testing the waters for a presidential run.

"This whole situation in my view becomes a charade and disingenuous," said Paul S. Ryan, associate legal counsel at the nonpartisan D.C.-based watchdog Campaign Legal Center. "Is a

little honesty too much to ask?"

David Donnelly, national campaigns director at Public Campaign Action Fund, concurred, saying Romney is "clearly violating the intent and the spirit of the law."

"It's a big racket," Donnelly said. "There's not even a fig leaf."

Lawyers who advise candidates on the intricacies of Federal Election Commission rules say Romney and his team were within their rights to raise and spend money outside the federal limits, to maintain a political network before the testing-the-waters period. Romney's exploratory committee — launched this week — kicks off that phase, which will be subject to the stricter limits.

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If the law were changed to tighten restrictions on politicians who are simply talking about running or visiting early primary states, it would become unwieldy, said Cieta Mitchell, one such lawyer. She declined to say whether she is currently advising any potential presidential candidates. She said critics are overzealous.

"They want to regulate every action and every word that comes out of somebody's mouth," Mitchell said.

Romney's backers have been extremely generous in his bid to keep a high profile the past two years.

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The Marriott family emerged as Romney's top contributors. Until January, he also served on the Marriott board; the company paid him roughly \$187,000 in salary and stock in 2009 alone, public records show.

The second-biggest contributors were the founder of a South Dakota beef manufacturer and his wife, Eldon and Regina Roth. Romney's other big check writers included New York Jets owner Robert Wood "Woody" Johnson IV, and his mother, philanthropist Betty Wold Johnson. He also received large contributions from oil and gas industry magnate Hushang Ansary, and Edward Conard, a former executive with Bain Capital, an investment company cofounded by Romney.

Betty Johnson declined to comment; the Roths and Ansary did not return messages left seeking comment; and Robert Johnson, Donna Marriott, and Conard could not be reached. Saul declined to elaborate on his relationships with the large contributors.

Richard Marriott said he contributed so much because he believes the country could use Romney's business acumen. Marriott also noted Romney's family's close relationship with the Marriott family, which stretches back more than 60 years.

"We've just been supportive of him," Marriott said. "If he wants us to help out on certain

things, then we're willing to help."

Another contributor, the chief executive of a Michigan parts manufacturing company, said in an interview that he and his wife wrote checks totaling \$60,000 to Romney's state committees because they support his vision for the country.

"I see everybody else who I think is running, and some of the other candidates are also, let's say, likable," said John C. Kennedy III, chief executive of Autocam Corp., which makes parts for the automotive and medical industries. "But I'm a businessman, I'm an entrepreneur. I started my own businesses when I was quite young, and I appreciate sitting across the table from someone who at least understands how business works, how business operates."

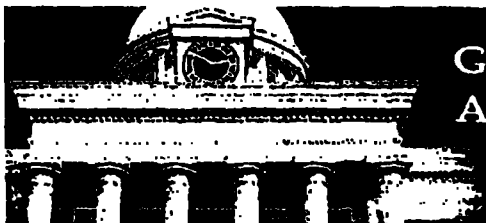
*Donovan Slack can be reached at [dslack@globe.com](mailto:dslack@globe.com). Follow her on Twitter @DonovanSlack.*

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## Political Action Committee Details

### Free and Strong America PAC-Alabama

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80 Hayden Ave.

Lexington, MA 02421

(781) 325-1739

#### Chairperson

Ms. Elizabeth Mahoney

80 Hayden Ave.

Lexington, MA 02421

#### Treasurer

Mr. William B. Sellers

105 Tallapoosa St., Ste.

200

Montgomery, AL 36104

PACronym:

Organized: 10/1/2008

Duration: Continuing

Status: Active

#### Purpose:

FORMERLY: The Commonwealth PAC-Alabama NOW: THE COMMONWEALTH PAC-ALABAMA 4/6/2011

P.O. Box 5516

Montgomery, AL 36103-5516

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Fax: (334) 242-4993

**DR-1 Statement of Organization**

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Computer	

<b>Committee Name:</b> Free and Strong America PAC-Iowa	
<b>Committee Type:</b> Iowa PAC	<b>Committee Code:</b> 9705
<b>County:</b> _NA	<b>Political Party:</b> Not Available
<b>District:</b> 0	<b>Date of Election:</b>
<b>Year Standing for Election:</b> 2008	<b>Office Sought:</b>
<b>Status:</b> Amended <b>Date:</b> 1/19/2011	

**Purpose**

To support political candidates and party committees in the state of Iowa.

**Treasurer**

<b>Last Name:</b> Kochel	<b>First Name:</b> David	<b>MI:</b>
<b>Address:</b> 4019 Ingersoll Ave.		
<b>City:</b> Des Moines	<b>State:</b> IA	<b>Zip Code:</b> 50312 <b>Phone:</b> 515-284-1441
<b>E-Mail:</b> david@redwavecommunications.com		

**Committee Chairperson**

<b>Last Name:</b> Mahoney	<b>First Name:</b> Elizabeth	<b>MI:</b>
<b>Address:</b> 37 Channing Rd		
<b>City:</b> Watertown	<b>State:</b> MA	<b>Zip Code:</b> 02472 <b>Phone:</b> 781-325-1739
<b>E-Mail:</b> emahoney@freeandstrongamerica.com		

**Parent Entity**

<b>Name:</b> Free and Strong America PAC-Iowa		
<b>Address:</b> 80 Hayden Ave		
<b>City:</b> Lexington	<b>State:</b> MA	<b>Zip Code:</b> 02421 <b>Phone:</b> 781-325-1739
<b>E-Mail:</b> emahoney@freeandstrongamerica.com		

**Bank Accounts**

<b>Account Name</b>	<b>Bank</b>
Free and Strong America PAC-Iowa Type: Checking	Bank of America 730 15th ST NW Washington, DC 20005

Statement of Affirmation By Treasurer and Candidate; or Political Committees, By Chairperson

STATEMENT OF AFFIRMATION: By filing this document the committee affirms the following

1. The committee and all persons connected with the committee understand that they are subject to the laws in Iowa Code chapters 68A and 68B and the administrative rules in Chapter 351 of the Iowa Administrative Code.
2. That Iowa Code section 68A.6 and rule 351-4.9 require the filing of disclosure reports and that failure to file these reports on or before the required due dates subjects the candidate or chairperson (in the case of committees other than a candidate's committee) to the automatic assessment of a civil penalty and the possible imposition of other criminal and civil sanctions.
3. That Iowa Code section 68A.14 and rules 351-4.38 through 4.43 require the placement of the words "paid for by" and the name of the committee on all political materials except for those items exempted by statute or rule.
4. That Iowa Code section 68A.15 and rules 351-4.44 through 4.52 prohibit the receipt of corporate contributions by all committees except for statewide and local ballot issue PACs.
5. A candidate and a candidate's committee may only expend campaign funds as permitted by Iowa code sections 68A.40 through 68A.42 and rule 351-4.25.
6. That the committee will continue to file disclosure reports until all activity has ceased, committee funds spent, debts resolved, and a final report and a statement of dissolution (DR-3) has been filed.

Candidate: (signature and date)

Treasurer: (signature and date)

**DR-1 Statement of Organization**

Indexed	<b>DR-1</b>
Audited	
Computer	

<b>Committee Name:</b> The Commonwealth PAC-Iowa	
<b>Committee Type:</b> Iowa PAC	<b>Committee Code:</b> 9705
<b>County:</b> _NA	<b>Political Party:</b> Not Available
<b>District:</b> 0	<b>Date of Election:</b>
<b>Year Standing for Election:</b> 2008	<b>Office Sought:</b>
<b>Status:</b> Amended <b>Date:</b> 4/1/2011	

**Purpose**

To support candidates and committees who value limited and effective government.

**Treasurer**

<b>Last Name:</b> Hoffman	<b>First Name:</b> Ray	<b>MI:</b>
<b>Address:</b> 1902 Jackson		
<b>City:</b> Sioux City	<b>State:</b> IA	<b>Zip Code:</b> 51104 <b>Phone:</b> 712-253-8857
<b>E-Mail:</b>		

**Committee Chairperson**

<b>Last Name:</b> Jowers	<b>First Name:</b> Kirk	<b>MI:</b>
<b>Address:</b> 1 Thomas Circle Suite 1100		
<b>City:</b> Washington	<b>State:</b> DC	<b>Zip Code:</b> 20005 <b>Phone:</b> 202-862-5057
<b>E-Mail:</b> klj@capdale.com		

**Parent Entity**

<b>Name:</b> The Commonwealth PAC-Iowa		
<b>Address:</b> 1 Thomas Circle, NW Suite 1100		
<b>City:</b> Washington	<b>State:</b> DC	<b>Zip Code:</b> 20005 <b>Phone:</b> 202-429-3306
<b>E-Mail:</b> spolk@capdale.com		

**Bank Accounts**

<b>Account Name</b>	<b>Bank</b>
The Commonwealth PAC-Iowa Type: Checking	Bank of America 730 15th ST NW Washington, DC 20005

Statement of Affirmation By Treasurer and Candidate; or Political Committees, By Chairperson

STATEMENT OF AFFIRMATION: By filing this document the committee affirms the following

1. The committee and all persons connected with the committee understand that they are subject to the laws in Iowa Code chapters 68A and 68B and the administrative rules in Chapter 351 of the Iowa Administrative Code.
2. That Iowa Code section 68A.6 and rule 351-4.9 require the filing of disclosure reports and that failure to file these reports on or before the required due dates subjects the candidate or chairperson (in the case of committees other than a candidate's committee) to the automatic assessment of a civil penalty and the possible imposition of other criminal and civil sanctions.
3. That Iowa Code section 68A.14 and rules 351-4.38 through 4.43 require the placement of the words "paid for by" and the name of the committee on all political materials except for those items exempted by statute or rule.
4. That Iowa Code section 68A.15 and rules 351-4.44 through 4.52 prohibit the receipt of corporate contributions by all committees except for statewide and local ballot issue PACs.
5. A candidate and a candidate's committee may only expend campaign funds as permitted by Iowa code sections 68A.40 through 68A.42 and rule 351-4.25.
6. That the committee will continue to file disclosure reports until all activity has ceased, committee funds spent, debts resolved, and a final report and a statement of dissolution (DR-3) has been filed.

Candidate: (signature and date)

Treasurer: (signature and date)

305406



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED  
STATEMENT OF ORGANIZATION FORM FOR INDEPENDENT AND POLITICAL COMMITTEES (PAC'S)

1. Committee ID #: 512297-3

2. Type of Filing:

☐ Original

☒ Amendment to Items: 4,5,7,8,9, & 11 Eff. Date: 10/1/2008

3. Committee Type (Check one):

☐ Independent: We acknowledge that we must meet certain requirements before we are legally qualified to make contributions at a limit that is 10 times greater than the applicable contribution limit for an individual.

☒ Political: We acknowledge that we can never be legally qualified to make contributions at a limit that is greater than the applicable contribution limit for an individual.

4a. Full Name of Committee-Must include affiliate or sponsor:

Free and Strong America PAC - Michigan

4b. Acronym or Abbreviation (if any):

4c. Are you a Separate Segregated Fund (SSF)? ☐ YES ☒ NO

4d. If YES, the sponsor is a: ☐ Corporation ☐ Labor Organization ☐ D.D.S.

The sponsor's name is:

5a. Complete Comm. Mailing Address (May be PO Box):

80 Hayden Ave.  
Lexington, MA 02421

5b. Complete Comm. Street Address (May not be PO Box):

80 Hayden Ave.  
Lexington, MA 02421

6 Date Committee was Formed in MI: 08/04/04

7a. Committee Phone #: (617) 820-8808

7b. Committee Fax #: (781) 830-5561

7c. Committee E-mail Address: michigan@freestrongamerica.com

7d. Committee Website Address:

8. Treasurer Name and Complete Address:

Tim Jost  
80 Hayden Ave.  
Lexington, MA 02421

Phone #: (617) 820-8808

E-mail Address: tjost@freestrongamerica.com

☒ OUT-OF-STATE COMMITTEE TREASURER IRREVOCABLE WRITTEN STIPULATION:

I stipulate and agree that any legal process affecting this committee served on the Secretary of State or an agent designated by the Secretary of State shall have the same effect as if personally served on me and all other principals of this committee. I further agree that this appointment shall remain in force as long as any liability of this committee remains outstanding within the State of Michigan.

9. Designated Record Keeper Name and Complete Address:

Tim Jost  
80 Hayden Ave.  
Lexington, MA 02421

Phone #: (617) 820-8808

E-mail Address: tjost@freestrongamerica.com

10. ☐ REPORTING WAIVER REQUEST: If the committee does not expect to receive or expend in excess of \$1,000 in a calendar year and checks this box, the filing requirement of pre, post, annual, triannual and quarterly campaign statements is waived. The Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold.

11. Name and Address of Depositories or Intended Depositories of committee funds.

a. Official Depository

Bank of America  
730 15th ST NW  
Washington, DC 20005

b. Secondary Depository

12. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to PAC's that file with the County Clerk's office.

The Campaign Finance Act requires any committee that files with the Secretary of State and spends or receives \$20,000 in the preceding calendar year OR expects to spend or receive \$20,000 in the current calendar year to file campaign statements electronically. Merts Plus software is provided to you free of charge to assist you in meeting this requirement.

☒ Committee spent or received or expects to spend or receive in excess of \$20,000 and is required to file electronically.

OR

☐ Committee did not spend or receive or does not expect to spend or receive in excess of \$20,000 and would like to file electronically voluntarily.

13. Verification: We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date below)

*Tim Jost*  
Current Treasurer

10/1/08  
(Date)

Designated Record Keeper  
(Required only if filing electronically)

(Date)



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR INDEPENDENT AND POLITICAL COMMITTEES (PAC'S)

1. Committee ID #: 512297-3

2. Type of Filing:

☐ Original

☒ Amendment to Items: 4,5,7,8 & 9

Eff. Date: \_\_\_\_\_

3. Committee Type (Check one):

☐ Independent: We acknowledge that we must meet certain requirements before we are legally qualified to make contributions at a limit that is 10 times greater than the applicable contribution limit for an individual.

☒ Political: We acknowledge that we can never be legally qualified to make contributions at a limit that is greater than the applicable contribution limit for an individual.

4a. Full Name of Committee-Must include affiliate or sponsor:

The Commonwealth PAC - Michigan

4b. Acronym or Abbreviation (if any):

4c. Are you a Separate Segregated Fund (SSF)? ☐ YES ☒ NO

4d. If YES, the sponsor is a: ☐ Corporation ☐ Labor Organization ☐ O.D.S.

The sponsor's name is:

5a. Complete Comm. Mailing Address (May be PO Box):

1 Thomas Circle, NW  
Suite 1100  
Washington, DC 20005

5b. Complete Comm. Street Address (May not be PO Box):

1 Thomas Circle, NW  
Suite 1100  
Washington, DC 20005

6 Date Committee was Formed in MI: 06/04/04

7a. Committee Phone #: (202) 429-3308

7b. Committee Fax #: (202) 429-3301

7c. Committee E-mail Address: spolik@capdale.com

7d. Committee Website Address: \_\_\_\_\_

8. Treasurer Name and Complete Address:

Shauna Polk  
1 Thomas Circle, NW  
Suite 1100  
Washington, DC 20005

Phone #: (202) 429-3308

E-mail Address: spolik@capdale.com

☒ OUT-OF-STATE COMMITTEE TREASURER IRREVOCABLE WRITTEN STIPULATION:

I stipulate and agree that any legal process affecting this committee served on the Secretary of State or an agent designated by the Secretary of State shall have the same effect as if personally served on me and all other principals of this committee. I further agree that this appointment shall remain in force as long as any liability of this committee remains outstanding within the State of Michigan.

9. Designated Record Keeper Name and Complete Address:

Shauna Polk  
1 Thomas Circle, NW  
Suite 1100  
Washington, DC 20005

Phone #: (202) 429-3306

E-mail Address: spolik@capdale.com

10. ☐ REPORTING WAIVER REQUEST: If the committee does not expect to receive or expend in excess of \$1,000 in a calendar year and checks this box; the filing requirement of pre, post, annual, biannual and quarterly campaign statements is waived. The Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold.

11. Name and Address of Depositories or Intended Depositories of committee funds.

a. Official Depository

Bank of America  
730 15th Street, NW  
Washington, DC 20005

b. Secondary Depository

12. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to PAC's that file with the County Clerk's office.

The Campaign Finance Act requires any committee that files with the Secretary of State and spends or receives \$20,000 in the preceding calendar year OR expects to spend or receive \$20,000 in the current calendar year to file campaign statements electronically. Merts Plus software is provided to you free of charge to assist you in meeting this requirement.

☒ Committee spent or received or expects to spend or receive in excess of \$20,000 and is required to file electronically.

"OR"

☐ Committee did not spend or receive or does not expect to spend or receive in excess of \$20,000 and would like to file electronically voluntarily.

13. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date below)

Shauna Polk 4/1/2011  
Current Treasurer (Date)

Designated Record Keeper (Date)  
(Required only if filing electronically)

## SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting Individual Reports

### Committees

#### Committee Statement of Organization

**Committee:** Free and Strong America Pac  
**Purpose:** To support candidates and committees who value limited and effective government.  
**Filing Type:** Original  
**Filing Date:** 10/07/2008

#### Committee Information

1 Thomas Circle, NW, Suite 1100  
Washington, DC 20005  
202.429.3306

Established:  
6/4/2004

**Sponsoring or affiliated organization or trade, profession,  
or primary interest of committee contributors**

To support candidates and committees who value limited and effective government.

#### Chairman

Elizabeth Mahoney  
80 Hayden Ave.  
Lexington, MA 02421

#### Occupation

Chairman  
Lexington, MA  
781.325.1739

#### Treasurer

Tim Jost  
80 Hayden Ave.  
Lexington, MA 02421



## SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting Individual Reports

### Committees

#### Committee Statement of Organization

**Committee:** Free and Strong America Pac  
**Purpose:** To support candidates and committees who value limited and effective government.  
**Filing Type:** Amendment 1  
**Filing Date:** 04/01/2011

#### Committee Information

1 Thomas Circle, NW, Suite 1100  
Washington, DC 20005  
202.429.3306

Established:  
6/4/2004

**Sponsoring or affiliated organization or trade, profession,  
or primary interest of committee contributors**

To support candidates and committees who value limited and effective government.

#### Chairman

Kirk Jowers  
1 Thomas Circle, NW, Suite 1100  
Washington, DC 20005

#### Occupation

Chairman  
Washington, DC  
202.862.5057

#### Treasurer

Shauna Polk  
1 Thomas Circle, NW, Suite 1100  
Washington, DC 20005

**Occupation**

Treasurer  
Washington, DC  
202.429.3306

**Custodian of Books & Accounts**

Shauna Polk  
1 Thomas Circle, NW, Suite 1100  
Washington, DC 20005

**Occupation**

Treasurer  
Washington, DC  
202.429.3306



**Occupation**

Treasurer  
Washington, DC  
202.429.3306

**Custodian of Books & Accounts**

Shauna Polk  
1 Thomas Circle, NW, Suite 1100  
Washington, DC 20005

**Occupation**

Treasurer  
Washington, DC  
202.429.3306



STATE OF NEW HAMPSHIRE  
2010 Political Committee Registration - RSA 664:3

Committee Name: Free and Strong America PAC - New Hampshire

Address: 80 Hayden Ave.

Lexington, MA 02421

Phone: (781) 325-1739

CHAIRPERSON

TREASURER\*\*\* Must be a N.H. Resident (RSA 664:13)

Name Elizabeth Mahoney

Name Mark Sykas

Street Address 80 Hayden Ave.

Street Address 84 Stratham Heights Rd.

Town/State/zip Lexington, MA 02421

Town/State/zip Stratham, NH 03885

Occupation Chairman

Occupation Business Consultant

Place of Principal Employment Lexington, MA

Place of Principal Employment Self-Employed

PURPOSE OF COMMITTEE: To support like-minded candidates

Indicate the election(s) for which the committee is registering:

☒ Primary Election - September 14, 2010

☒ General Election - November 2, 2010 MAR 10 2009

Other

Statement of Independent Expenditures

☒ The Committee *will not* be making independent expenditures.

☐ The Committee *will* be making independent expenditures with respect to the following candidates:

NEW HAMPSHIRE  
DEPARTMENT OF STATE



#3065  
50-

In Support of

In Opposition to

Name of Candidate

☐

☐

Name of Candidate

☐

☐

Elizabeth Mahoney 3/5/09  
Signature of Chairperson Date

Mark Sykas 3/9/09  
Signature of Treasurer Date

\$50. fee must accompany this registration if it is not a political committee of a candidate  
Secretary of State's Office, State House Room 204, Concord, New Hampshire 03301  
Phone: 603-271-3242 Fax: 603-271-6316

11/08

RECEIVED

APR 04 2011

NEW HAMPSHIRE  
SECRETARY OF STATE

STATE OF NEW HAMPSHIRE  
2012 Political Committee Registration - RSA 664:3  
AMENDMENT FORM

Committee Name: Free and Strong America PAC - New Hampshire

Address: 80 Hayden Ave.

Lexington, MA 02421

Phone: (781) 325-1739

Indicate the change and specify the new information:

☒ Change of Committee Name: The Commonwealth PAC - New Hampshire

☒ Change of Address: 1 Thomas Circle, NW, Suite 1100, Washington, DC 20005

☒ Change of Phone Number: (202) 429-3306 Fax Number: (202) 429-3301

☒ Change of Purpose: To support candidates and committees who value limited and effective government.

1 Thomas Circle, NW, Suite 1100

☒ \*\* Change of Chairperson: Kirk Jowers; Attorney, Caplin & Drysdale, Chartered Washington, DC 20005

☒ \*\* Change of Treasurer: Beverly Bruce; Consultant, The Bruce Group 300 Mountain Rd. Center Tuffanboro, NH 03816

\*\*For a change of Chairperson or Treasurer a resignation letter of the previous officer or the committee minutes effecting the change must accompany this amendment form.

  
Signature of Chairperson

4/01/2011

Date

  
Signature of Treasurer

4/01/2011

Date

*RSA 664:3. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.*

Return to:  
Secretary of State's Office, State House Room 204, Concord, New Hampshire 03301  
Phone: 603-271-3242 Fax: 603-271-6316

Elizabeth Mahoney  
80 Hayden Avenue  
Lexington, MA 02421

April 1, 2011

RECEIVED

APR 01 2011

Secretary of State's Office,  
State House Room 204,  
Concord, New Hampshire 03301

NEW HAMPSHIRE  
FOREIGN AFFAIRS

RE: Chairperson Resignation

To Whom It May Concern:

This letter announces my resignation as the chairperson of The Commonwealth PAC- New Hampshire, effective immediately.

If you have any questions, please contact the organization at:

The Commonwealth PAC - New Hampshire  
One Thomas Circle, N.W., Suite 1100  
Washington, D.C. 20005  
P: (202) 429-3306  
F: (202) 429-3301

Sincerely,

*Elizabeth Mahoney*  
Elizabeth Mahoney

RECEIVED

APR 04 2011

NEW HAMPSHIRE  
SECRETARY OF STATE

Mark Sykas  
84 Stratham Heights Road.  
Stratham, NH 03885

April 1, 2011

Secretary of State's Office,  
State House Room 204,  
Concord, New Hampshire 03301

RE: Treasurer Resignation

To Whom It May Concern:

This letter announces my resignation as the treasurer of The Commonwealth PAC- New Hampshire, effective immediately.

If you have any questions, please contact the organization at:

The Commonwealth PAC - New Hampshire  
One Thomas Circle, N.W., Suite 1100  
Washington, D.C. 20005  
P: (202) 429-3306  
F: (202) 429-3301

Sincerely,

  
Mark Sykas