

OFFICE OF
FEDERAL ELECTION
COMMISSION

FEDERAL ELECTION COMMISSION

2013 MAY -8 PM12:32

OFFICE OF LEGAL
COUNSEL

In the matter of: John Canning
Jeffrey Hurt
Donald Simms
Susan Simms
David Wallace
Robert Reynolds
David Boies
Thomas Cushman
Joe Murphy
Thomas Fay
Thomas Girardi
Amy Goldman
John Harris
David Herro
Carl A. Davis
Kurt Wheeler
Vincent Mai
Prem Reddy
Robert Beal
Richard Uihlein
Philip Geier
L. Scott Frantz
John Cooney
Elizabeth Wiskemann
Edward Donaghy
Michael Keiser
John Roeser
Josephine Freede
Don Scifres
Timothy Travis
William Smithburg
Alan Sieroty

MUR No.

6734

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington ("CREW"), Melanie Sloan, the Campaign Legal Center ("CLC") and Paul S. Ryan bring this complaint before the Federal Election Commission ("FEC") seeking an immediate investigation and enforcement action against John Canning, Jeffrey Hurt, Donald Simms, Susan Simms, David Wallace, Robert

Reynolds, David Boies, Thomas Cushman, Joe Murphy, Thomas Fay, Thomas Girardi, Amy Goldman, John Harris, David Herro, Carl A. Davis, Kurt Wheeler, Vincent Mai, Prem Reddy, Robert Beal, Richard Uihlein, Philip Geier, L. Scott Frantz, John Cooney, Elizabeth Wiskemann, Edward Donaghy, Michael Keiser, John Roeser, Josephine Freede, Don Scifres, Timothy Travis, William Smithburg and Alan Sieroty for direct and serious violations of the Federal Election Campaign Act ("FECA").

Complainants

2. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

3. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal office and publicizes those who violate federal campaign finance laws. Through its website, press releases and other methods of distribution, CREW also files complaints with the FEC when it discovers violations of the FECA. Publicizing campaign finance violators and filing complaints with the FEC serves CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

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4. Complainant CLC is a nonpartisan, nonprofit organization that works in the areas of campaign finance and elections, political communication and government ethics. CLC offers nonpartisan analyses of issues, represents the public interest in administrative, legislative and legal proceedings and educates the public regarding these matters. CLC also promotes vigorous enforcement of federal, state and local campaign finance and ethics laws through filing complaints with the FEC and other federal, state and local government agencies and through litigation in federal and state courts.

5. In order to assess whether an individual, candidate, political committee or other regulated entity is complying with federal campaign finance law, CREW and CLC need the information contained in receipts and disbursements reports that political committees must file pursuant to the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1. CREW and CLC are hindered in their programmatic activity when an individual, candidate, political committee or other regulated entity fails to disclose campaign finance information in reports of receipts and disbursements required by the FECA.

6. CREW and CLC rely on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated reports of receipts and disbursements are the only source of information CREW and CLC can use to determine if a candidate, political committee or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all reports of receipts and disbursements required by the FECA are properly and timely filed with the FEC. CREW and CLC are hindered in their programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

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7. Complainant Melanie Sloan is the executive director of Citizens for Responsibility and Ethics in Washington, a citizen of the United States and a registered voter and resident of the District of Columbia. As a registered voter, Ms. Sloan is entitled to receive information contained in reports of receipts and disbursements required by the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1. Ms. Sloan is harmed when a candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA. *See FEC v. Akins*, 524 U.S. 11, 19 (1998), *quoting Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support). Ms. Sloan is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting their ability to review campaign finance information.

8. Complainant Paul S. Ryan is Senior Counsel of the Campaign Legal Center in Washington, a citizen of the United States and a registered voter and resident of the District of Columbia. As a registered voter, Mr. Ryan is entitled to receive information contained in reports of receipts and disbursements required by the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1. Mr. Ryan is harmed when a candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA. *See FEC v. Akins*, 524 U.S. 11, 19 (1998), *quoting Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support). Mr. Ryan is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting their ability to review campaign finance information.

Respondents

9. John Canning is chairman of Madison Dearborn Partners LLC.

10. Jeffrey Hurt is the president of Diversified Resources, Inc.

11. Donald Simms is the chief executive officer of United Mining Equipment, Inc.

12. Susan Simms is the wife of Donald Simms and a registered nurse with the West Penn Allegheny Health System.

13. David Wallace is president and chief executive officer of Wallace Electrical Systems, LLC.

14. Robert Reynolds is president and chief executive officer of Putnam Investments.

15. David Boies is a partner in the law firm of Boies, Schiller & Flexner.

16. Thomas Cushman is vice president of Phillips Machine Service, Inc.

17. Joe Murphy is president and chief executive officer of Murphy Tomatoes.

18. Thomas Fay is an attorney with Fay Kaplan Law, P.A.

19. Thomas Girardi is a partner in the law firm of Girardi & Keese.

20. Amy Goldman is an author and investor in Sol Goldman Investments.

21. John Harris is the chairman and chief executive officer of Harris Farms, Inc.

22. David Herro is a partner in Harris Associates, LP.

23. Carl A. Davis is president of Davis-Lynch, Inc.

24. Kurt Wheeler is a managing director of Clarus Ventures.

25. Vincent Mai is chairman of AEA Investors, LP.

26. Prem Reddy is chairman, president and chief executive officer of Prime Healthcare Services.

27. Robert Beal is president of the Beal Companies, LLP.

28. Richard Uihlein is chief executive officer of Uline Corporation.

29. Philip Geier is the chairman of The Geier Group, LLC.

30. L. Scott Frantz is president of Haebler Capital.
31. John Cooney is a partner in the law firm of Cooney & Conway.
32. Elizabeth Wiskemann is a homemaker in San Rafael, California.
33. Edward Donaghy is president of Donaghy Sales, Inc.
34. Michael Keiser is president of Bandon Dunes Golf Resort, Inc.
35. John Roeser is the chairman of Otto Engineering, Inc.
36. Josephine Freede is a philanthropist in Oklahoma City, Oklahoma.
37. Don Scifres is the managing director of SDL Ventures, LLC.
38. Timothy Travis is president of Eaton Metal Products Company.
39. William Smithburg is a principal in Aspen Pines Management Company in Chicago, Illinois.
40. Alan Sieroty is the chairman of the Sieroty Company.

Factual Allegations

41. On May 3, 2013, the *Huffington Post* reported that Federal Election Commission records indicated thirty-two individuals had contributed more than the biennial limit of \$46,200 to federal candidates during 2011 and 2012. Paul Blumenthal, Campaign Contribution Limits Broken Repeatedly in 2012 Election With No FEC Oversight, *Huffington Post* (May 3, 2013) (attached as Exhibit A).

42. The following individuals contributed more than the biennial limit of \$46,200 to federal candidates during 2011 and 2012:

John Canning	\$119,400
Jeffrey Hurt	\$144,300
Donald Simms	\$102,300

Susan Simms \$91,300
David Wallace \$127,700
Robert Reynolds \$71,900
David Boies \$64,900
Thomas Cushman \$115,185
Joe Murphy \$57,445
Thomas Fay \$97,450
Thomas Girardi \$64,500
Amy Goldman \$67,440
John Harris \$77,248
David Herro \$62,300
Carl A. Davis \$89,500
Kurt Wheeler \$51,650
Vincent Mai \$58,750
Prem Reddy \$100,300
Robert Beal \$72,483
Richard Uihlein \$59,900
Philip Geier \$53,400
L. Scott Frantz \$47,400
John Cooney \$47,500
Elizabeth Wiskemann \$73,500
Edward Donaghy \$48,000
Michael Keiser \$62,300

John Roeser	\$66,000
Josephine Freede	\$63,000
Don Scifres	\$62,450
Timothy Travis	\$58,650
William Smithburg	\$49,750
Alan Sieroty	\$74,650

COUNT I

43. FECA and FEC implementing regulations prohibit an individual from contributing more than \$46,200 to all candidates for federal office during the period beginning on January 1, 2011 and ending on December 31, 2012, 2 U.S.C. § 441a(a)(3)(A); 11 C.F.R. § 110.5(b)(1)(i).

44. By making contributions totaling more than \$46,200 to federal candidates during the period beginning on January 1, 2011 and ending on December 31, 2012, John Canning, Jeffrey Hurt, Donald Simms, Susan Simms, David Wallace, Robert Reynolds, David Boies, Thomas Cushman, Joe Murphy, Thomas Fay, Thomas Girardi, Amy Goldman, John Harris, David Herro, Carl A. Davis, Kurt Wheeler, Vincent Mai, Prem Reddy, Robert Beal, Richard Uihlein, Philip Geier, L. Scott Frantz, John Cooney, Elizabeth Wiskemann, Edward Donaghy, Michael Keiser, John Roeser, Josephine Freede, Don Scifres, Timothy Travis, William Smithburg and Alan Sieroty all violated 2 U.S.C. § 441a(a)(3)(A) and 11 C.F.R. § 110.5(b)(1)(i).

CONCLUSION

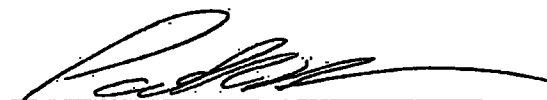
WHEREFORE, Citizens for Responsibility and Ethics in Washington, Melanie Sloan, the Campaign Legal Center and Paul S. Ryan request the Federal Election Commission conduct an investigation into these allegations, declare the respondents to have violated the Federal Election

Campaign Act and applicable FEC regulations, impose sanctions, and take such further action as may be appropriate, including, but not limited to referring any respondent who is determined to have acted knowingly and willfully, to the Department of Justice for criminal prosecution.



ON BEHALF OF COMPLAINANTS
MELANIE SLOAN AND CITIZENS FOR
RESPONSIBILITY AND ETHICS IN
WASHINGTON

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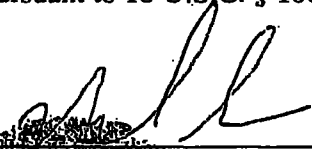


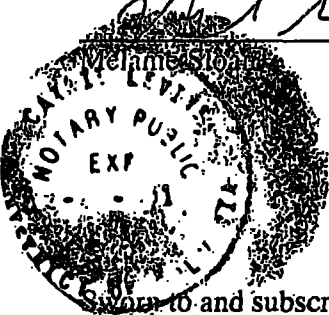
ON BEHALF OF COMPLAINANTS
PAUL S. RYAN AND CAMPAIGN
LEGAL CENTER

Paul S. Ryan
Senior Counsel
Campaign Legal Center
215 E Street N.E.
Washington, DC 20002
(202) 736-2200 (phone)
(202) 736-2222 (fax)

Verification

Citizens for Responsibility and Ethics in Washington and Melanie Sloan hereby verify
that the statements made in the attached Complaint are, upon information and belief, true. Sworn
pursuant to 18 U.S.C. § 1001.



Melanie Sloan


Sworn to and subscribed before me this 7th day of May, 2013.

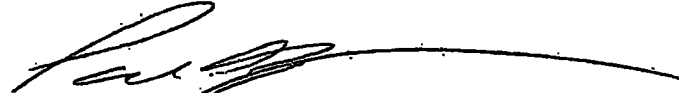


Notary Public

CARRIE LEVINE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires February 28, 2018

Verification

Campaign Legal Center and Paul S. Ryan hereby verify that the statements made in the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.


Paul S. Ryan



Sworn to and subscribed before me this 7th day of May, 2013.

CARRIE LEVINE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires February 28, 2016



Notary Public

EXHIBIT A

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May 7, 2013

HUFF POST POLITICS

Campaign Contribution Limits Broken Repeatedly In 2012 Election With No FEC Oversight

Posted: 05/03/2013 9:17 am EDT | Updated: 05/03/2013 1:03 pm EDT



A donor fills out a contribution form at a Mitt Romney fundraising event in Atlanta on Sept. 19, 2012. (AP Photo/Charles Dharapak)

WASHINGTON -- In October 2011, John Canning, chairman of the Chicago-based hedge fund Madison Dearborn Partners, expressed his displeasure with President Barack Obama to the Chicago Tribune. "It's the populist economic policies of wealth redistribution and government control of all aspects of everyday life that I object to," he said.

Canning put his money where his mouth was, hosting a fundraiser for Republican presidential candidate Mitt Romney that fall. And Romney wasn't the only benefactor of his largess. Over the course of the 2012 election cycle, Canning gave to as many federal candidates, political action committees (PACs) and party committees as he seemingly could find -- some 38 individuals and groups, all but two of them Republican -- ultimately distributing \$276,000 in contributions.

The sizable sum of those contributions appears to violate federal campaign finance law. Over the two years of the last electoral cycle, individual donors were allowed to give a total of \$46,200 to candidates and \$70,800 to PACs and parties, for a combined total of \$117,000. Canning far exceeded those limits, giving \$119,400 to candidates and \$156,600 to PACs and parties. And Canning, who declined to comment for this story, was not alone.

A review of campaign finance records by The Huffington Post identified 49 individuals who donated more than \$150,000 in the last election cycle, far in excess of the biennial contribution limits. Of the 49 donors, 48 exceeded the PAC and party limit and 32 exceeded the candidate limit. Most of them gave the lion's share of their contributions to Republican candidates and party committees. Canning gave the most of any donor noted by HuffPost. There are likely more who exceeded the contribution limits, but were not readily identifiable because of multiple problems with the way campaign finance data are collected.

The Federal Election Commission, which is responsible for enforcing campaign finance laws, does not have an efficient system for tracking donor contributions. The resulting lack of oversight and the clear violations of contribution limits mean that some 2012 campaigns artificially boosted their accounts and spent money they should not have received on advertising, get-out-the-vote operations and the like.

Some of the violations identified by HuffPost appear to have been caused by simple mistakes or confusion on the part of donors. But other contributions, like Canning's, do not look purely accidental.

"It's a real problem," Fred Wertheimer, president of the campaign finance watchdog Democracy 21, said about both the violations of contribution limits and the lack of oversight.

The law limiting overall contributions was enacted in 1974 and expanded in 2002 to prevent donors from writing million-dollar checks to candidates, which the Supreme Court has ruled could contribute to the corruption or at least the appearance of corruption of public officials.

Then the Supreme Court's Citizens United decision opened the floodgates in 2010, allowing wealthy donors to contribute unlimited amounts of money to independent groups such as super PACs in order to influence elections. Casino magnate Sheldon Adelson, along with close family members, gave more than \$100 million to groups opposed to Obama and other Democratic candidates. Still, super PACs operate nominally at arm's length from actual candidates, prevented by law from coordinating directly with the campaigns they support.

For all the focus on super PACs last year, the vast majority of campaign contributions continued to go to the candidates and parties themselves. Independent groups spent more than \$1 billion in the 2012 election cycle, but the Obama and Romney campaigns raised over \$2 billion, and congressional candidates raised \$1.8 billion more. Canning, for his part, gave just \$75,000 to super PACs during the 2012 cycle, compared to the \$276,000 he gave directly to support mostly Republican campaigns.

Along with the billions pouring in, the costs associated with running a modern election campaign have increased substantially in recent years. And the additional spending brought about by the Citizens United ruling has left candidates and political parties scratching for more money, to protect against late-stage advertising by independent groups. This need for increasing amounts of money is likely one reason that so many donors are exceeding the contribution limits, as candidates and parties hit them up over and over for more cash.

(The story continues below.)

Campaign Donation Overages

A Huffington Post review of campaign finance records found 49 donors to be well over the overall contribution limits that limited overall giving by one donor in the 2011-2012 election cycle to \$46,200 to candidates and \$70,800 to all PACs and party committees.

* Denotes that the donor told HuffPost that they were only over the limits due to errors on their part or the committees to which they contributed.

Donor	Candidate	PAC-Party	Total
Beal, Robert	\$72,483	\$88,634	\$169,117
Boles, David	\$64,900	\$127,600	\$192,500
Canning, John	\$119,400	\$156,600	\$276,000
Castle, John	\$43,000	\$142,450	\$185,450
Chouest, Gary	\$44,400	\$118,700	\$183,100
Click, Jr., Jim	\$38,200	\$112,400	\$150,600
Cooney, John	\$47,500	\$113,475	\$160,975
Cushman, Thomas	\$115,185	\$77,000	\$192,185
Davis, Carl A	\$89,500	\$88,300	\$177,800
Donaghy, Edward	\$48,000	\$108,300	\$156,300
Fay, Thomas	\$87,450	\$89,152	\$186,602
Fehsenfeld, Sr., Fred	\$29,900	\$143,200	\$173,100

Source: Federal Election Commission

Park Corporation Chairman Raymond Park, who gave \$120,800 to PACs and parties in the 2012 election, told HuffPost that he is receiving more fundraising requests than ever before. "It's just one thing after another," Park said. "Half my mail is just asking for contributions."

Soon the floodgates on direct campaign contributions may open as well. In its next term starting October 2013, the Supreme Court will hear a case challenging the constitutionality of the overall limits, brought by Republican donor Shaun McCutcheon and the Republican National Committee against the FEC. McCutcheon wants to be able to give as much as he pleases to candidates and parties, while the RNC would like to raise more money from top-dollar donors.

"RNC believes that other contributors would contribute to RNC but for the restriction of the biennial contribution limit, and it also wants to receive contributions from those contributors," the plaintiffs argue in their complaint.

When contacted by HuffPost, several donors explained that their excess contributions were the result of accidents and errors, made either by themselves because of their own misunderstanding of the law or by the committees to which they made contributions.

George "Brint" Ryan, the CEO of Ryan LLC and a major player in Texas politics, who gave \$116,500 to PACs and party committees, said the donations were supposed to have been split between himself and his wife.

"Although these contributions are showing up in my name only, all of them ... were made by my wife and me from the joint account of Amanda and George B. Ryan and should have been attributed to both of us," Ryan said in an email. He said that he would notify the relevant committees to reattribute half of his contributions to his wife.

Kurt Wheeler, managing director of Clarus Ventures, explained that his \$51,650 in contributions to candidates and \$121,450 in contributions to PACs and parties should also have been recorded as joint contributions from his wife and him, and that he believed that under California's community property laws, it was not necessary for both his wife and him to sign the checks.

"California is a community property state and all contributions are joint contributions," Wheeler said in an email. "I am not knowingly above any of the limits."

So that recipients know to split the contributions between the two donors in their disclosure filings, the FEC requires that joint contributions either carry the signatures of both parties or bear one signature and come from a joint account bearing the names of both parties.

Similarly, Robert Klein II, the head of Klein Financial Corporation, said that part of the \$167,350 in contributions to PACs and parties identified by HuffPost had been accidentally attributed to him and not to his wife by the recipient committees. He also stated that he and his 26-year-old son share the same name and rarely use their suffixes to differentiate themselves.

"We try not to use [our suffixes], but in this case it's not serving us well," Klein admitted.

The FEC warns that joint contributions are one of the main reasons that donors may accidentally violate the campaign finance limits. "If, however, you alone sign the check or note, the recipient committee must attribute the entire amount to you. That amount will count against your biennial limit," the FEC states.

Dr. Prem Reddy, the CEO of Prime Healthcare Services, who gave \$100,300 to candidates, also appears to have been snared by this problem. A spokesman for Reddy said that contributions made to the Senate campaign committee of now-Secretary of State John Kerry were returned in 2013 and that the rest of the contributions came from a joint account and should have been split between Reddy and his wife.

"All of the campaign contributions to federal candidates in 2011-2012 were made through Prem Reddy, M.D.'s joint account with his wife, and were meant to be joint contributions," Fred Ortega, a spokesman for Reddy, said in an emailed statement. "We are in the process of contacting the individual candidate committees to reflect this in their reporting to the FEC."

A lawyer for Raymond Park said that the contributions listed by the FEC were "materially incorrect" and that a review of these contributions was in order.

Other donors who exceeded the overall limits, however, did not go over the line simply because their spouses failed to sign joint contribution checks or because campaign committees failed to file them properly.

John Canning, for one, gave so much that his contributions would have to be split among three people in order to stay under the overall limits. His wife, Rita Canning, also appears to have given above the overall limits, eliminating the possibility that their joint contributions were simply misfiled.

Both Donald Simms, the CEO of United Mining Company, and his wife, Susan Simms, also heavily exceeded the aggregate contribution limits. FEC records show that Donald Simms gave \$102,300 to candidates and \$127,400 to PACs and parties, and Susan Simms gave \$91,300 to candidates and \$123,300 to PACs and parties. The Simms did not return a request for comment.

Many other donors also gave vastly more than allowed, HuffPost found. Diversified Resources President Jeffrey Hurt gave \$144,300 to candidates, more than three times the legal amount. Marie-Therese Tibbs gave \$233,296 to PACs and parties, also more than three times the limit. David Wallace, president of Wallace Electrical Systems, and Thomas Cushman of Phillips Machine Service each donated more than two times the limit to candidates. None of these donors returned requests for comment; efforts to reach Marie-Therese Tibbs were unsuccessful.

IGNORANCE OF THE LAW

Many donors may have been unaware of the overall limits. When contacted about his excessive contributions, Raymond Park asked HuffPost, "Is that a law today?"

"I don't know of anything where I've given more than I should have, and if so I'd like to know about it," said John Roeser, chairman and founder of Otto Engineering, who gave \$66,000 to candidates and \$90,300 to PACs and parties. "Some of these things are arcane laws. It's hard to really not get caught up."

The overall contribution limits were enacted as part of the campaign finance regime created by Congress in 1974, after the Watergate scandal, and upheld by the Supreme Court in the 1976 Buckley v. Valeo decision. The limit on total contributions was originally \$25,000 per donor per year. The 2002 McCain-Feingold reform law increased the overall limits and indexed them to inflation every two years.

Still, multiple donors contacted by HuffPost either didn't know about the limits or were confused by their application, especially with regard to joint contributions. The ever rising arms race for campaign funds and the tools used to raise more money may also have increased confusion among donors.

Many requests for campaign donations now come in the names of candidates, but ask for checks for joint fundraising committees. These committees allow candidates to simultaneously raise money for both their own campaigns and for the PACs and political parties of their choosing.

The joint fundraising committees are also designed to make contributing money easier for donors. Instead of writing multiple small checks to different candidates and groups, a donor can write a single large check to the fundraising committee -- as high or higher than \$70,000 -- which the committee then splits among the participants in the joint fund on the donor's behalf.

For example, the Obama Victory Fund used by President Obama to raise money for his reelection campaign allowed donors to write checks up to \$71,600. The money was then distributed among the Obama campaign, the Democratic National Committee and the federal accounts of eight swing-state party committees.

In the 2012 election, the most successful joint fundraising committees were Romney Victory, the Obama Victory Fund and Boehner for Speaker. All of these committees could receive contributions over \$50,000 to be split among multiple recipients.

Giving to a joint fundraising committee can make it difficult, however, for even the most diligent donors to track where contributions are going and to make sure they are staying within the bounds of campaign finance law. Among the 48 donors that HuffPost identified as exceeding the PAC and party limits, 31 would have remained under the limits absent their joint fundraising committee contributions.

Dan Backer, head of DB Capitol Strategies, the law firm that brought the challenge to the overall contribution limit to be argued before the Supreme Court, said that the confusion over the contribution limits and the violations, even by those who are aware of the rules, are signs that the law should be invalidated.

"It just goes to show you that a law so complex and counter-intuitive that even with an attorney and a presumably sophisticated donor, it still gets accidentally breached, probably shouldn't be a law," Backer wrote in an email.

Campaign finance reformers disagree, arguing that a loosening of the limits will only make candidates and parties more reliant on the largest donors and allow candidates raising money through joint fundraising committees to solicit contributions from individual donors that could exceed \$2 million -- exactly the kind of contributions the limit was put in place to prevent.

"This would take us back to a system of huge contributions that the Supreme Court in the past has indicated to be an inherently corrupt system," said Wertheimer of Democracy 21.

Adding to the problem is the fact that the FEC does not provide any oversight of the overall limit unless pressed to do so by a specific complaint from outside the commission.

"It's a classic example of the problems you can run into when you don't have enforcement of the campaign finance laws," Wertheimer said.

According to Campaign Legal Center lawyer Paul S. Ryan, the FEC can levy fines "equal to the amount of the contributions involved or up to twice that amount in the case of a knowing and willful violation." Donors who can show they exceeded the limit inadvertently are unlikely to face the full fine, or any fine at all.

The last major enforcement action for violating the overall limits came in 1990 after the Los Angeles Times found at least nine wealthy donors to be in excess of what was then a \$25,000 annual limit. The FEC ultimately levied a total of \$64,000 in fines against 10 donors.

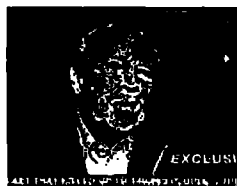
Since then, the FEC has levied fines against fewer than 10 donors, all of whom reported themselves as having violated the limits. There have been no fines against any donor since the limits were increased under the 2002 McCain-Feingold law.

One of the primary reasons that the FEC usually ignores the overall limit is that there is no unique identifier -- a user ID -- required for donors to federal campaign committees. Donors can give under multiple names, use different addresses and list varying occupations and employers, making it very difficult for the agency to track one individual's donations.

"If you can imagine trying to aggregate one person across hundreds of -- thousands of -- committees with different spellings, addresses. It would be quite challenging to do that," FEC spokesman Christian Hilland said. "So currently the process is that anyone can file a complaint on the biennial limits, and from there it would go through the complaint process."

Wertheimer counters that the FEC has had ample time to address this enforcement hurdle. "This has been brought to the commission's attention in the past, whether through complaints that I've been involved in following or through media coverage," he said, "but they don't correct the problem."

Aaron Bycoffe contributed reporting.



Cheney On Obama: 'He's Been A Terrible President'



Bill Clinton to Republicans: Thanks But No Thanks



McConnell's Mistake



Short Story: Great Cropped-Hair Looks
eHow



MSNBC Analyst Suspended For Calling Obama a 'D**K'

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