



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 19, 1999

Mr. Britton Elkins
PO Box 27
Hico, WV 25854

RE: MUR 4781

Dear Mr. Elkins:

On August 6, 1998, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1999.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Jennifer H. Boyt on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

99-04-3432

MUR 4781

WEST VIRGINIA "MACHINE"

John M. "Butch" James alleges that "the Machine" in Fayette County, West Virginia, anonymously handed out cards with its slate on and advertised the slate in the paper. The complaint alleges that candidates Tom Aiello, John Lopez and Shirley Love are all leaders of the Machine, and implies that they are responsible for producing this card. The cards do not contain a disclaimer. Though most of the candidates are for state offices, the card included mention of a candidate for West Virginia's 3rd congressional district seat. Incumbent Nick Rahall won this race with 86% of the vote to Francis Whelan's 14%.

Respondents Shirley Love, John H. Lopez, and Thomas Aiello each deny responsibility for publishing the anonymous slate. Mr. Aiello states that the cards had been incorrectly attributed to him due to a misunderstanding with a local reporter. Four other respondents likewise denied publishing the cards or knowing their source.

This matter is less significant than other matters pending before the Committee.