



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO The Commission

JUL 23 2008

FROM Thomasena P Duncan
General Counsel

Ann Marie Terzaken
Associate General Counsel
for Enforcement

BY Wanda D Brown
Attorney

SUBJECT MUR 5956 (Yarmuth for Congress)

RE Millionaires' Amendment Matter – Recommendation to Close File

On June 26, 2008, the Supreme Court ruled that the Millionaires' Amendment, provisions of the Act which governed certain self-financed candidacies for Congress, is unconstitutional *Davis v FEC*, 128 S Ct 2759 (2008). Because the Commission's findings in this matter all relate to the Millionaires' Amendment, we recommend that the Commission take no further action in this matter and close the file.

The Commission previously found reason to believe that Yarmuth for Congress and Sarah J Martin, in her official capacity as treasurer (the "Committee"), violated 2 U S C § 441a-1(b)(1)(C). The Commission also found reason to believe that the candidate, John A Yarmuth, violated the same provision. See First General Counsel's Report dated November 20, 2007. The findings were based on the respondents' failure to file required Form 10 notices within twenty-four hours of exceeding the \$350,000 threshold, Yarmuth's untimely reported expenditures from personal funds totaled \$390,000.

Since there are no other violations to

pursue in this matter, based on the holding in *Davis*, we recommend that the Commission take no further action and close the file

RECOMMENDATIONS

- 1 Take no further action**
- 2 Close the file**
- 3 Approve the appropriate letters**

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