

**COPY**

RECEIVED  
FEDERAL ELECTION  
COMMISSION

**FEDERAL ELECTION COMMISSION**  
**999 E Street, N.W.**  
**Washington, D.C. 20463**

2011 JUN 15 PM 4: 26

**FIRST GENERAL COUNSEL'S REPORT**

**CELA**

**MUR: 6430**  
**DATE COMPLAINT FILED: 11/12/2010**  
**DATE OF NOTIFICATION: 11/17/2010**  
**LAST RESPONSE RECEIVED: 12/15/2010**  
**DATE ACTIVATED: 2/7/2011**

**EXPIRATION OF SOL: 9/1/2014**

**COMPLAINANT:** Montana Democratic Party

**RESPONDENTS:** Steven Daines  
Common Sense Issues, Inc.

**RELEVANT STATUTES  
AND REGULATIONS:**

2 U.S.C. § 431(2)  
2 U.S.C. § 431(8)  
2 U.S.C. § 431(9)  
2 U.S.C. § 432(e)  
2 U.S.C. § 434(c)  
2 U.S.C. § 434(f)  
2 U.S.C. § 441b  
2 U.S.C. § 441i(e)  
11 C.F.R. § 100.22  
11 C.F.R. § 100.72  
11 C.F.R. § 100.131  
11 C.F.R. § 109.21

**INTERNAL REPORTS CHECKED:** Disclosure Reports

**FEDERAL AGENCIES CHECKED:** Internal Revenue Service

**I. INTRODUCTION**

This matter includes allegations that a radio advertisement sponsored by a nonprofit corporation called Common Sense Issues, Inc. ("CSI") in late 2009 through February 2010 was coordinated with Steven Daines, who at that point was alleged to be an undeclared federal candidate. The complaint alleges that CSI's advertisement, which featured Daines as a

11044303306

11044303307

1 spokesman criticizing the health care reform positions taken by Montana's U.S. Senators,  
2 constitutes federal campaign activity on behalf of Daines that was paid for with "soft money" in  
3 violation of 2 U.S.C. § 441i(e). The complaint also alleges that the advertisement would have  
4 triggered the requirement for Daines to file a Statement of Candidacy with the Commission and  
5 to begin reporting receipts and disbursements for his undeclared candidacy. *See* 2 U.S.C.  
6 §§ 431(2) and 432(e). In separate responses, both CSI and Daines deny that they violated the  
7 Federal Election Campaign Act of 1971, as amended (the "Act"). As explained in more detail  
8 below, the advertisement does not appear to have been a coordinated communication and Daines  
9 does not appear to have become a candidate at the time the advertisement was aired. We  
10 therefore recommend that the Commission find no reason to believe that (1) Common Sense  
11 Issues, Inc. violated 2 U.S.C. § 441b by making a prohibited in-kind contribution or violated  
12 2 U.S.C. §§ 434(c) and 434(f) by failing to file independent expenditure and electioneering  
13 communication reports, and (2) Steven Daines violated 2 U.S.C. §§ 431(2) and 432(e) by failing  
14 to timely file a Statement of Candidacy, violated 2 U.S.C. § 441b(a) by receiving an in-kind  
15 corporate contribution, or violated 2 U.S.C. § 441i(e), the "soft money" provision of the Act.

## 16 **II. FACTUAL AND LEGAL ANALYSIS**

### 17 **A. BACKGROUND**

18 Common Sense Issues, Inc. is a Cincinnati, Ohio based social welfare organization  
19 established under section 501(c)(4) of the Internal Revenue Code. *See* Common Sense Issues  
20 website, "About Us", <http://commonsenseissues.com> (last visited May 4, 2011). According to its  
21 website, CSI desires "to advance awareness, involvement, and citizen action" on a number of  
22 issues including life (defending the whole life from conception to natural death), liberty  
23 (protecting individual and corporate rights), natural family (defending the value and practicality  
24 of traditional marriage), economic freedom (taxation, spending, and limited government), *etc.*

1 *Id.* On its website, CSI lists Colorado, Montana, South Dakota, and North Dakota as "priority  
2 states." See Common Sense Issues website, available at <http://commonsenseissues.com> (last  
3 visited May 4, 2011). The CSI website links to its state-affiliated websites, including one known  
4 as Common Sense Montana. See *id.*, linking to [www.commonsemontana.com](http://www.commonsemontana.com).

5 During the 2008 election, CSI reported making both independent expenditures and  
6 electioneering communications and indicated that it was reporting these activities as a qualified  
7 nonprofit corporation ("QNC"). For 2010, CSI reported making independent expenditures in the  
8 amount of approximately \$130,000 for races in the 4<sup>th</sup> Congressional District of Kansas and for  
9 the U.S. Senate races of Alaska and Utah. See Common Sense Issues, Inc. (C90009739) Forms  
10 5, available at <http://query.nictusa.com/cgi-bin/fecimg/?C90009739> (last visited May 4, 2011).  
11 CSI also made approximately \$30,000 in electioneering communications for races in the South  
12 Dakota District for the House of Representatives in 2010. See Common Sense Issues, Inc.  
13 (C30001457) Forms 9, available at <http://query.nictusa.com/cgi-bin/fecimg/?C30001457> (last  
14 visited May 4, 2011). CSI did not report any independent expenditures or electioneering  
15 communications for federal races in Montana.

16 Steven Daines, who was the 2008 Republican nominee for Lieutenant Governor in  
17 Montana never declared his candidacy for any federal office on the ballot in 2009 or 2010.  
18 Mr. Daines, however, is currently a candidate for the House of Representatives from Montana  
19 for the 2012 election. See Steven Daines' Statement of Candidacy, Amended February 9, 2011.  
20 Before becoming a candidate for the House of Representatives, Daines was briefly a 2012  
21 candidate for the U.S. Senate from Montana. See Daines' Response at 1; Steven Daines'  
22 Statement of Candidacy, Filed November 12, 2010. Daines has been actively engaged in public  
23 life in Montana since 2007, and became a recognized leader of "the fight to return Montana's

11044303308

1 surplus funds to the taxpayers" through www.GiveItBack.com, as well as speaking at local tea  
2 party rallies and GOP events. *See id.*

3 Starting in late 2009 and ending in February 2010, Daines was featured in a radio  
4 advertisement run by CSI in Montana. *See* CSI Response at 1; Daines' Reponse at 3. The  
5 advertisement, entitled "Montana sends an Ear Doctor" ("Ear Doctor"), can be heard at  
6 <http://www.youtube.com/watch?v=JZLxhLKIHvk>. The ad criticizes Montana's current U.S.  
7 Senators, Jon Tester and Max Baucus, for supporting federal health care legislation passed in  
8 2009. Senators Tester and Baucus are eligible to run for reelection in 2012 and 2014,  
9 respectively. At the time the ad was run, there were ongoing public discussions about possible  
10 revisions to, or even the possible repeal of, the health care reform legislation.

**"MONTANA SENDS AN EAR DOCTOR"**

<b><u>Voice</u></b>	<b><u>Statements</u></b>
Male voice:	Is this where I can find Montana Senators?
Female voice:	Max Baucus and Jon Tester, yes sir, this is the U.S. Capitol.
Male voice:	I'm an ear doctor for Montana; I need to give them a hearing test.
Female Voice:	But sir, they have doctors.
Male voice:	Tax payers back home sent me.
Female Voice:	Oh?
Male voice:	It's about health care, our senators don't hear us anymore.
Female Voice:	Why do you have that mega phone?
Male voice:	It's what we call a hearing aid.
Daines:	I'm Steve Daines, a fifth-generation Montanan, and like you, I'm disappointed with just how out of touch Max Baucus and Jon Tester are with Montana's taxpayers. They've turned a deaf ear to us on health care, creating a bill forcing every one of us to buy insurance or face fines, and also forcing us to fund abortion on demand. That's just wrong, and we need to let them know it.
Female Voice:	Shhhh, they've just gone into another secret meeting.
Male voice:	Oh, so they can hear?
Female Voice:	Yes sir, they're just ignoring you.
Announcer:	Go to CommonSenseMontana.com today and tell your senators to listen to you and vote no on Obamacare. That's "w-w-w-dot-CommonSenseMontana-dot-com." Paid for by Common Sense Issues.

11 In addition to appearing in this radio advertisement for Common Sense Issues, Daines  
12 "was an active spokesperson with and on behalf of several groups in opposition to Obamacare  
13

1 during 2009 and 2010." Daines' Response, Exhibit 3, Affidavit of Steve Daines, ¶14. In  
2 particular, Daines worked with Common Sense Montana and Americans for Prosperity, "with  
3 whom [he] participated in events in the summer of 2009 during their 'Hands off My Healthcare'  
4 tour." *Id.* Additionally, Daines was a keynote speaker at rallies sponsored by these  
5 organizations and has been a speaker at tea party events in Montana during 2010. *Id.*

6 **B. LEGAL ANALYSIS**

7 The issue in this ~~matter~~ is whether the CSI advertisement attacking Senators Baucus' and  
8 Tester's position on health care reform was a coordinated communication benefiting Steven  
9 Daines' subsequent federal candidacy. Although the complaint asserts that Daines "produced  
10 and aired" the advertisement, that "he [Daines] is using soft money," and that "Daines has spent  
11 soft money," *see* Complaint 1-3, the available information indicates that it was CSI, and not  
12 Daines, who produced, aired, and paid for the advertisement. While Daines served as CSI's  
13 spokesperson in the ad, there is no evidence that Daines was an officer of CSI, or that he  
14 established, financed, or controlled CSI. Accordingly, we analyze the advertisement as having  
15 been sponsored and paid for by CSI in examining (1) whether CSI violated the Act by airing the  
16 "Ear Doctor" advertisement and (2) whether Steven Daines' role in the advertisement triggered  
17 certain obligations as a candidate under the Act.

18 **1. Common Sense Issues, Inc.**

19 **a. Prohibited Corporate Contribution**

20 Under the Act, a corporation is prohibited from making any contribution in connection  
21 with a Federal election, and candidates and political committees are prohibited from knowingly  
22  
23

11044303310

1 accepting corporate contributions. 2 U.S.C. § 441b.<sup>1</sup> The Act's prohibition on corporate  
2 contributions extends to the payment for a coordinated communication, which would constitute  
3 an in-kind contribution to the candidate or his or her authorized committee with whom it was  
4 coordinated. See 11 C.F.R. § 109.21(b)(1).<sup>2</sup> Although corporations may make independent  
5 expenditures and electioneering communications, see *Citizens United v. FEC*, 130 S. Ct. 876,  
6 913 (2010), they must comply with the Act's reporting requirements. See 2 U.S.C. §§ 434(c)  
7 and 434(f). During the 2010 election cycle, individuals were prohibited from contributing over  
8 \$2,400 per election to a candidate's authorized political committee and authorized committees  
9 were prohibited from accepting contributions from individuals in excess of \$2,400. 2 U.S.C.  
10 §§ 441a(a) and 441a(f). CSI did not violate section 441b(a)'s prohibition on corporate  
11 contributions because the "Ear Doctor" advertisement was not a coordinated communication or  
12 other type of in-kind contribution.

13 An expenditure made by any person "in cooperation, consultation, or concert, with, or at  
14 the request or suggestion of, a candidate, his authorized political committees or their agents"  
15 constitutes an in-kind contribution. 2 U.S.C. § 441a(a)(7)(B)(i). A communication is  
16 coordinated with a candidate, a candidate's authorized committee, or agent of the candidate or  
17 committee when the communication satisfies the three-pronged test set forth in 11 C.F.R.  
18 § 109.21(a): (1) the communication is paid for by a person other than that candidate or

<sup>1</sup> Recently, a federal district court concluded that 2 U.S.C. § 441b(a)'s prohibition on corporate contributions was unconstitutional as applied to the facts of that case. See *U.S. v. Danielczyk*, No. 1:11cr85 at 15 (E.D. Va. June 7, 2011). However, the reasoning adopted by that district court has recently been rejected by the Ninth Circuit Court of Appeals. See *Thalheimer v. San Diego*, No. 10-55322 at 30-35 (9th Cir. June 9, 2011). See also, *Green Party of Conn. v. Garfield*, 616 F.3d 189, 199 (2d Cir. 2010); *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, \_\_ F.3d \_\_, 2011 WL 1833236 at 6 (8th Cir. May 16, 2011).

<sup>2</sup> The Commission recently revised the content standard in 11 C.F.R. § 109.21(c) in response to the D.C. Circuit's decision in *Shayr v. FEC*, 528 F.3d 814 (D.C. Cir. 2008). The Commission added a new standard to the content prong of the coordinated communications rule. 11 C.F.R. § 109.21(c)(5) covers communications that are the functional equivalent of express advocacy. See *Explanation and Justification for Coordinated Communications*, 75 Fed. Reg. 55947 (Sept. 15, 2010). The effective date of the new content standard is December 1, 2010, after the events at issue in this matter. The new standard would not change the analysis in this Report.

11044303311

1 authorized committee; (2) the communication satisfies at least one of the content standards set  
2 forth in 11 C.F.R. § 109.21(c); and (3) the communication satisfies at least one of the conduct  
3 standards set forth in 11 C.F.R. § 109.21(d).

4 The advertisement appears to meet the payment and conduct prongs of the definition of a  
5 coordinated communication. See 11 C.F.R. § 109.21(a)(1) and (3). "Ear Doctor" appears to  
6 meet the payment prong because it was paid for by CSI, which is "a person other than [the]  
7 candidate, authorized committee, or political party committee." See 11 C.F.R. § 109.21(a)(1).  
8 In addition, the advertisement also appears to satisfy the conduct prong of the coordinated  
9 communication definition because Daines appeared in the advertisement himself. By appearing  
10 in the radio advertisement himself, Daines would have triggered the "material involvement"  
11 standard of the conduct prong. See Advisory Opinion 2003-25 (Weinzapfel) (the Commission  
12 noted that given the importance and potential campaign implications of such appearances, it is  
13 implausible that a federal candidate would appear in a public communication without being  
14 materially involved in one or more of the listed decisions regarding the communication).  
15 See also 11 C.F.R. § 109.21(d)(2).

16 Nonetheless, CSI's "Ear Doctor" advertisement was not a coordinated communication  
17 because it does not meet the content prong of the regulation. See 11 C.F.R. § 109.21(c). The  
18 content prong can be satisfied by any one of the following types of content:

- 19 • A communication that constitutes an electioneering communication pursuant to  
20 11 C.F.R. § 100.29. 11 C.F.R. § 109.21(c)(1).
- 21
- 22 • A public communication<sup>3</sup> that disseminates, distributes, or republishes, in whole  
23 or in part, campaign materials prepared by a candidate or the candidate's  
24 authorized committee. 11 C.F.R. § 109.21(c)(2).
- 25

---

<sup>3</sup> A "public communication," is defined as "a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general political advertising." 11 C.F.R. § 100.26.

11044303312

- A public communication that expressly advocates, as defined by 11 C.F.R. § 100.22, the election or defeat of a clearly identified federal candidate. 11 C.F.R. § 109.21(c)(3).
- A public communication that satisfies paragraph (c)(4)(i), (ii), (iii), or (iv) of this section pertaining to references to Presidential, Vice-Presidential, House, Senate, or political parties. 11 C.F.R. § 109.21(c)(4).

First, the "Ear Doctor" advertisement does not appear to meet the first standard established by the content prong because it is not an electioneering communication. *See* 11 C.F.R. § 109.21(c)(1). The next election in which either of Montana's senators would appear on the ballot is in November 2012, more than two years from the time the radio advertisement was apparently last aired. Thus, the advertisement would not be considered an electioneering communication because it was aired more than two years before any federal election any of the mentioned potential candidates, including Daines, well in advance of any applicable time period for electioneering communications. *See* 2 U.S.C. § 434(f)(3); 11 C.F.R. 100.29(a)(2) (defining electioneering communications as public communications aired within 30 days of a primary election or 60 days of a general election). For similar reasons, the "Ear Doctor" advertisement also does not meet the other time-based standard of the content prong that applies to communications referencing a House or Senate candidate within 90 days of an election because the advertisement was aired more than two years before any relevant election. *See* 11 C.F.R. § 109.21(c)(4)(i). Additionally, there is no information suggesting that CSI used the "Ear Doctor" advertisement to disseminate, distribute, or republish campaign material under 11 C.F.R. § 109.21(c)(2).

Finally, the "Ear Doctor" advertisement does not appear to meet the content standard for a coordinated communication because it does not contain express advocacy.<sup>4</sup> *See* 11 C.F.R. § 109.21(c)(3). The "Ear Doctor" advertisement does not contain express advocacy because it

---

<sup>4</sup> We note that at the time "Ear Doctor" was aired, Daines was not a candidate for federal office and therefore could not be considered a "clearly identified candidate." *See infra* Part II.B.2.



1 does not include specific words or phrases of express advocacy pursuant to 11 C.F.R.  
2 § 100.22(a). The advertisement also cannot be considered express advocacy under 11 C.F.R.  
3 § 100.22(b) because it could not only be interpreted by a reasonable person as containing  
4 advocacy for the election or defeat of a clearly identified federal candidate. The "Ear Doctor"  
5 advertisement appears to be an issue advertisement focused on health care reform, and not an  
6 advertisement containing express advocacy, because it does not contain an unambiguous  
7 electoral portion. See 11 C.F.R. § 100.22(b). Despite contrasting Daines' views on health care  
8 reform with those held by the Senators from Montana, the advertisement is not express advocacy  
9 under 11 C.F.R. § 100.22(b) because it focuses on the apparent divergence of opinion between  
10 Montana's citizens and their senators and it also does not use Daines' position on health care  
11 reform to comment on his character, qualifications, or accomplishments. See Express Advocacy;  
12 Independent Expenditures; Corporate and Labor Organization Expenditures: Explanation and  
13 Justification, 60 Fed. Reg. 35292, 35295 (July 6, 1995).

14 Accordingly, we recommend that the Commission find no reason to believe that  
15 Common Sense Issues, Inc. or Steven Daines violated 2 U.S.C. § 441b by making or accepting  
16 an in-kind contribution.

#### 17 **ix. Reporting Requirements**

18 In addition to allegations of a prohibited in-kind contribution resulting from a coordinated  
19 communication, the complaint also alleges that CSI's use of "soft money" to air this  
20 advertisement may also be a violation of the Act. See Complaint at 2. To the extent that the  
21 complaint appears to suggest that CSI was prohibited by the Act from airing "Ear Doctor"  
22 because of CSI's status as a corporation, that issue was squarely rejected by *Citizens United*  
23 v. *FEC*. 130 S. Ct. at 913.<sup>5</sup> Additionally, because the "Ear Doctor" advertisement was not

---

<sup>5</sup> We note that the "Ear Doctor" advertisement does not even appear to be the type of advertisement that would have been covered by the Act prior to *Citizens United*.

1 express advocacy, *see* Part II.B.1.a., *supra*, CSI was not required to report the costs associated  
2 with "Ear Doctor" to the Commission as an independent expenditure pursuant to 2 U.S.C.  
3 § 434(c). CSI also had no obligation to report the costs associated with "Ear Doctor" as an  
4 electioneering communication pursuant to 2 U.S.C. § 434(f) because the advertisement was not  
5 an electioneering communication for the reasons set forth in Part II.B.1.a., *supra*.

6 Accordingly, we recommend that the Commission find no reason to believe that  
7 Common Sense Issues, Inc. violated 2 U.S.C. §§ 434(c) and 434(f).

8 **2. Steven Daines**

9 The complaint alleges that once Steven Daines appeared in the "Ear Doctor"  
10 advertisement he was "no longer eligible for the 'testing the waters' exemption" and that he  
11 should have filed his Statement of Candidacy. Complaint at 2. The complaint also alleges that  
12 Daines used "soft money to promote his campaign" in violation of 2 U.S.C. § 441i(e). Daines  
13 appearance in the "Ear Doctor" advertisement, however, appears to relate solely to the issue of  
14 federal health care reform and therefore did not trigger the candidate registration or "soft money"  
15 provisions of the Act.

16 **a. "Testing the waters" and candidate status**

17 Under the Act, an individual becomes a candidate for federal office when the  
18 individual has received or made contributions or expenditures in excess of \$5,000, 2 U.S.C.  
19 § 431(2), and then has fifteen days to file a Statement of Candidacy with the Commission,  
20 2 U.S.C. § 432(e)(1). An individual who has not yet decided to run as a federal candidate  
21 may "test the waters" prior to declaring candidacy. 11 C.F.R. §§ 100.72 and 100.131. While  
22 testing the waters, the individual need not file reports with the Commission disclosing money  
23 received and spent, although all such activity is subject to the Act's limits and prohibitions.  
24 *Id.* If the individual becomes a candidate, all such financial activity must be reported. *Id.*

11044303315

1 There is no information suggesting that Steven Daines became a federal candidate under  
2 the Act before November 12, 2010, the same day that he filed his Statement of Candidacy (FEC  
3 Form 2). Despite the allegations in the complaint, there is no basis for concluding that Daines'  
4 appearance in the "Ear Doctor" radio advertisement caused him to become a candidate. "Ear  
5 Doctor" was not an expenditure that triggered Daines' status as a candidate because the  
6 advertisement does not contain express advocacy and thus was not an "expenditure." See  
7 2 U.S.C. § 431(8); 11 C.F.R. § 100.22; *see also* Part II.B.1.a., *supra*. "Ear Doctor" was also not  
8 a contribution that triggered Daines' status as a candidate; it cannot be considered a  
9 "contribution" by virtue of being a coordinated communication pursuant to 11 C.F.R. § 109.21,  
10 because the content prong was not met. See 2 U.S.C. § 431(9); *see also* Part II.B.1.a., *supra*.

11 Daines' appearance in "Ear Doctor" also does not qualify as "testing the waters" activity  
12 under Commission regulations. See 11 C.F.R. §§ 100.72 and 100.31. Although the complaint  
13 alleges that the advertisement could be considered "general public political advertising to  
14 publicize his or her intention to campaign for Federal office" as a type of "testing the waters"  
15 activity, the advertisement does not indicate Daines' "intention to campaign for Federal office."  
16 See 11 C.F.R. §§ 100.72 and 100.31. Except for the "Ear Doctor" advertisement, the complaint  
17 does not identify any other conduct by Daines that is alleged to be "testing the waters"  
18 activities.<sup>6</sup> Moreover, the "Ear Doctor" advertisement last aired approximately nine months  
19 before Daines declared his candidacy for any federal office. See CSI Response at 1; Daines'  
20 Response at 3.

21 In past matters, the Commission has concluded that a comparison between a potential  
22 candidate and the incumbent could trigger candidate status, but in those matters such a  
23 comparison was accompanied by specific references to an actual election or race. See MUR

---

<sup>6</sup> The Response has also specifically denied that Daines engaged in any "testing the waters" activities or received any funds for the purposes of "testing the waters." Daines' Response at 1.

5693 (Arohnson) (specific reference to “[d]efeating an incumbent,” “win[ning] the race,” and representing the specific congressional district in Washington, D.C.); *see also* MUR 5251 (Friends of Joe Rogers) (specific reference to candidate “immediately work[ing] for the benefit of Colorado” and “looking forward to serving you in the next United States Congress”). In this matter, however, the “Ear Doctor” advertisement did not even indirectly refer to an election or the possible candidacy of Daines.

Finally, Daines’ disclosure reports filed with the Commission indicate that Daines did not receive any contributions or make any expenditures before November 12, 2010, the day he declared his candidacy. Therefore, it appears that Daines did not cross the \$5,000 statutory candidate threshold before filing his Statement of Candidacy with the Commission. Based on the apparent lack of “testing the waters” or campaign activity before November 12, 2010, it appears that Daines timely filed his Statement of Candidacy in compliance with the Act. Accordingly, we recommend that the Commission find no reason to believe that Steven Daines violated 2 U.S.C §§ 431(2) and 432(e).

**b. Use of “soft money” by a candidate**

Federal candidates and officeholders, or entities directly or indirectly established, financed, maintained or controlled by them, are restricted from soliciting, receiving, directing, transferring, or spending nonfederal funds. *See* 2 U.S.C. § 441i(e)(1)(A). Although the complaint alleges that Daines received nonfederal funds through CSI’s airing of “Ear Doctor,” section 441i(e) only applies to federal candidates. As discussed above, *see* Part II.B.2.a., *supra*, Daines was not a federal candidate at the time that “Ear Doctor” aired.

Accordingly, we recommend that the Commission find no reason to believe that Steven Daines violated 2 U.S.C. § 441i(e)(1)(A) in connection with the “Ear Doctor” advertisement.

11044303317

**III. RECOMMENDATIONS**

1. Find no reason to believe that Steve Daines violated 2 U.S.C §§ 431(2), 432(e), 441b and 441i(e).
2. Find no reason to believe that Common Sense Issues, Inc. violated 2. U.S.C. §§ 434(c), 434(f), and 441b.
3. Approve the attached Factual and Legal Analyses.
4. Approve the appropriate letters.
5. Close the file.

Christopher Hughey  
Acting General Counsel

Kathleen M. Guith  
Acting Associate General Counsel for  
Enforcement

June 15, 2011  
DATE

Susan L. Lebeaux  
Susan L. Lebeaux  
Acting Deputy Associate General Counsel  
for Enforcement

Mark D. Shonkwiler  
Mark D. Shonkwiler  
Assistant General Counsel

William A. Powers  
William A. Powers  
Attorney