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VIA EMAIL

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Office of Congressional Ethics
425 3rd Street, SW
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Re: The Honorable Michele Bachmann
Review No. 13-1274

Dear Mr. Gast:

As you know, we represent Congresswoman Michele Bachmann in connection with the above-referenced preliminary review initiated against her by the Office of Congressional Ethics (“OCE”). The OCE Review must be terminated immediately, not only because OCE has no jurisdiction over exclusively campaign finance matters, but because there is no basis whatsoever to believe that Representative Bachmann violated any applicable federal campaign finance laws or House Rules. In the complete and utter absence of any such basis, it would be unconscionable for the OCE to continue to impose on Congresswoman Bachmann the significant burdens and costs of responding to allegations that simply do not involve her. The FEC will appropriately review the allegations against those committees and private citizens whose conduct is actually implicated, and who fall within the FEC’s exclusive jurisdiction, and the OCE must not indulge its curiosity by conducting a parallel campaign finance investigation despite the absence of any Member’s conduct at issue.

The OCE cannot proceed to a second-phase review here without finding probable cause to believe that Representative Bachmann violated federal law and/or House Rules. *See* OCE Rule 8(A). A finding of requisite probable cause may be made only if “the evidence is sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that the allegation(s)” against the Member are true. *Id.* The standard for authorizing a second-phase review thus is materially heightened from the mere “reasonable basis” standard for authorizing a preliminary review, which requires only “a reasonable and articulable basis for believing the allegation(s).” OCE Rule 7(A). As demonstrated below, there never was any reasonable basis for a preliminary review in this matter, much less probable cause to believe that Representative

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Bachmann violated any applicable federal law or House Rule. Accordingly, the OCE may not lawfully authorize a second-phase review and must terminate this Review no later than at the conclusion of the preliminary review period.

I. The OCE Review Must Be Terminated for Lack of Jurisdiction.

A. The OCE Does Not Have Jurisdiction to Review Alleged Campaign Finance Violations by Political Committees That Do Not Involve the Personal Conduct of the Member.

OCE's jurisdiction to review the conduct of a Member is derived solely from its authorizing resolution, House Resolution 895. *See U.S. v. Watkins*, 354 U.S. 178, 201 (1957) (holding that with respect to congressional "investigating committees ... that group's jurisdiction and purpose... are embodied in the authorizing resolution"). "If OCE acts in contravention of its authorizing resolution, OCE loses jurisdiction over a matter." House Comm. on Standards of Official Conduct, In the Matter of Rep. Sam Graves, H.R. Rep. No. 111-320, at 23 (2009) ("Graves Report"); *see also U.S. v. Rumely*, 345 U.S. 41, 44 (1953) (holding select committee's authorizing resolution is the "controlling charter of the committee's powers" in which must be found "[i]ts right to exact testimony and to call for the production of documents"). H. Res. 895 provides that the OCE may "undertake a preliminary review of any alleged violation by a Member ... of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member ... in the performance of his duties or the discharge of his responsibilities." H. Res. 895, section 1, clause (c)(1)(A). Basic statutory construction principles dictate that H. Res. 895 limits OCE's review authority to a Member's conduct as a Member.

The plain language of H. Res. 895 demonstrates that the House intended OCE to review only the activities of a Member that he or she performed as a Member of the House. *See Engine Mfrs. Ass'n v. South Coast Air Quality Management Dist.*, 541 U.S. 246, 252 (2004) ("Statutory construction must begin with the language employed by Congress and the assumption that the ordinary meaning of that language accurately expresses the legislative purpose."). First, the resolution's use of the word "Member" indicates that the person being investigated must be a Representative in the House. *See* H. Res. 895, section 1, clause (m) ("Member" means any Representative in ... the Congress."). Second, a preliminary review can be commenced only for "any alleged violation by a Member." In order for the alleged violation to be "by a Member," the alleged conduct at issue must involve the conduct of the Member herself. Since there are no allegations here concerning the personal conduct of Representative Bachmann, this Review must be dismissed at the Preliminary Review phase.

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B. House Ethics Committee Precedents Hold That Campaign Finance Allegations Have Never Been the Sole Basis for the Committee's Initiating a Preliminary Review. This Principle Applies *A Fortiori* Here in the Absence of Allegations Concerning the Personal Conduct of the Member.

The House Ethics Manual ("HEM") specifically states that the Federal Election Commission ("Commission" or "FEC") is the primary source for interpretations of the Federal Election Campaign Act of 1971, as amended (the "FECA" or "Act"), and Commission regulations. House Ethics Manual at 122. The HEM further directs Members and their campaign staff to refer to the explanatory materials and advisory opinions issued by the FEC for guidance concerning federal campaign finance matters. *Id.* "While FECA and other statutes on campaign activity are not rules of the House, Members and staff must bear in mind that the House Rules require that they *conduct themselves* 'at all times in a manner that shall reflect credibly on the House' (House Rule 23, clause 1)." *Id.* (emphasis added). "Moreover, under these rules, a Member or employee must take *reasonable steps* to ensure that any outside organization over which he or she exercises control – including the individual's own authorized committee or, for example, a 'leadership PAC' – operates in compliance with applicable law." HEM at 123 (emphasis added).

In the instant matter we are aware of no allegation that Representative Bachmann engaged in any personal wrongdoing. Indeed, in preliminary discussions the OCE staff revealingly articulated the scope of the review as "potential campaign finance violations by the political committees." It is manifestly unfair to subject Congresswoman Bachmann to the burdens of an OCE Preliminary Review where there are no allegations concerning her personal conduct. In practical terms, the January 28, 2013 Notice in this matter is tantamount to burden shifting because it places her in the position of proving a negative to prevent the Review from proceeding to the Second-Phase. In fact, it appears that the OCE is creating a strict liability standard for Members concerning campaign finance allegations against their political committees even though the FEC has made no findings concerning the allegations. This cannot be the OCE's intended position in this matter. The threshold for authorizing a Second-Phase review must have practical meaning and effect. Based on the four-corners of the Notice in this matter that threshold has not been met.

The absence of any allegations concerning the personal conduct of Representative Bachmann and the fact that the Notice pertains only to campaign finance allegations concerning political committees demonstrates that the subject matter of this review is outside the OCE's jurisdiction and should be handled by the FEC. The House Ethics Committee unequivocally stated:

Alleged violations of campaign finance laws have never been the sole basis for the Committee initiating a Preliminary Inquiry. Such matters have only been considered as an adjunct to other issues. In view of the statutory authority of the FEC, it is appropriate for the Committee to continue this practice. This is not to

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suggest that the Committee has adopted or should adopt a policy to defer its investigative activities to Federal agencies given parallel jurisdiction by law. Rather, such matters should continue to be pursued once the Committee has initiated a Preliminary Inquiry.

Statement of the Committee on Standards of Official Conduct Regarding Complaints Against Representative Newt Gingrich, House Committee on Ethics, (March 8, 1990). Thus, the House Committee on Ethics precedents hold that allegations of campaign finance violations in and of themselves without any allegations concerning independent violations of House Ethics Rules applicable to the personal conduct of the Member cannot form the basis of Preliminary Review. This precedent is also reflected in the prior published reports of the House Committee on Ethics and demonstrates why there is no basis for proceeding to the Second-Phase in this matter. *See, e.g.*, In the matter of Representative James Weaver With His Campaign Organization, Committee on Ethics, 99th Congress, 2nd Session (1984) (preliminary inquiry focused on loan transactions between Representative Weaver and his campaign committee and whether Representative Weaver's applicable financial disclosure statements accurately reported the transactions.); In the matter of Jay Kim, House Committee on Ethics, 105th Congress, 2nd Session (1998) (Preliminary inquiry initiated after Representative Kim personally and behalf of his campaign pled guilty to criminal violations, and focused on the plea agreements entered into by Representative Kim and his wife, and alleged improprieties concerning financial disclosure statements, outside income issues, and others.); *see also* OCE Report in Review No. 12-0516 (Representative Silvestre Reyes) (investigating whether Representative Reyes may have held campaign events on House property and used campaign funds to improperly pay for certain expenses related to his daughter's residence.). Accordingly, when the allegations here are limited to supposed campaign violations by committees or other third parties only—and *not* by Representative Bachmann—the OCE must terminate this review at the Preliminary Review stage and not authorize the Review to proceed to the Second-Phase.

C. In the Absence of Allegations of a Member's Personal Misconduct, the FEC Has Exclusive Jurisdiction.

FECA confers on the FEC "exclusive jurisdiction with respect to the civil enforcement of [campaign finance laws.]" 2 U.S.C. § 437c(b)(1). *See Stockman v. FEC*, 138 F.3d 144, 152 (5th Cir. 1998) ("The statute provides a strong basis for scrupulously respecting the grant by Congress of 'exclusive jurisdiction' to the FEC: the FEC is entrusted with the exclusive power to investigate violations of the Act, and the Act creates a detailed administrative process that the FEC must follow in its investigations."). Indeed, the House Ethics Manual recognizes that the FEC has authority over the civil enforcement of FECA. *See* House Ethics Manual at 122 (2008) ("FECA is enforced primarily by the Federal Election Commission ("FEC"), and House Members and their campaign staff should refer to the explanatory materials and advisory opinions issued by the

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FEC.”). Here, it has been widely reported that the FEC already has received a complaint covering the same subject matter as the OCE Notice.

In addition, the HEM specifically states that the FEC is the primary source for interpretations of the Act and Commission regulations, which identify the treasurer, and not the candidate, as the individual responsible in his or her official capacity for allegations involving campaign finance violations by a political committee such as an authorized committee or leadership PAC in the absence of any allegations concerning the personal conduct of the candidate. *See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings*, FEC, 70 Fed. Reg. 3 (2005) (“Specifically, when a complaint asserts sufficient allegations to warrant naming a political committee as a respondent, the committee’s treasurer will be named as a respondent in his or her official capacity.”); *see also FEC v. Savage for Congress*, 606 F.Supp. 541, 546-7 (N.D. Ill. 1985). Thus, naming Representative Bachmann as a subject in this Review turns federal law on its head because the OCE is disregarding the FEC’s clear interpretations and guidance concerning the proper Respondents in a campaign finance matter involving political committees where there are no allegations of personal misconduct by the Member or candidate.

II. Congresswoman Bachmann Did Not Violate Federal Campaign Finance Laws, or House Rules, With Respect to MICHELE PAC’s Payments to its Longstanding Vendor C&M Strategies.

The OCE’s Notice of Preliminary Review states that “Representative Bachmann may have violated federal campaign finance laws by paying a consultant for work on her presidential campaign with funds from [MICHELE PAC], resulting in an excessive contribution from the leadership PAC to the presidential campaign.” There is no probable cause—indeed no reasonable basis—to believe that Congresswoman Bachmann committed any violation, as there is neither evidence nor even an allegation that she personally had any involvement in such payments, and governing federal law is clear that Representative Bachmann may not be held personally liable for committee expenditures or contributions in which she was not personally involved. Representative Bachmann retained high-quality, well-known, respected professionals to operate the PAC and her campaign committees in full compliance with law, and had no reasonable basis to question whether the PAC’s payments to its vendors were lawful.

A. The PAC’s Official Treasurer, *Not* Congresswoman Bachmann, Is Legally Responsible for the PAC’s Expenditures Under Governing Law.

As discussed above, OCE staff indicated this Preliminary Review was initiated in the absence of any allegations implicating Representative Bachmann’s personal conduct on the theory that she nevertheless somehow might be held responsible under the Ethics Rules for violations committed by her committees without her involvement or knowledge. This, of course, is flatly

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inconsistent with FECA and Commission regulations, which specifically designate a political committee's treasurer, *not* the Member, as the individual responsible in his official capacity for a committee's campaign finance violations. With respect to committee expenditures, such as those at issue here, the Act specifies that "[n]o expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent." 2 U.S.C. § 432(a). That unambiguous designation of responsibility upon the committee's treasurer has "led the Commission generally to exclude candidate personal liability." MUR 5744 (Hynes for Senate), Statement of Reasons of Chairman Michael E. Toner, Vice Chairman Robert D. Lenhard, and Commissioners David M. Mason and Hans A. von Spakovsky at 2. *See also Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings*, FEC, 70 Fed. Reg. 3 (2005) ("Given this statutory role, especially the authority to receive and disburse funds . . . on behalf of the committee, designating the treasurer as the representative of the committee for purposes of compliance with the Act makes sense.").

One federal court, in explaining that the particular candidate is *not* liable for her committee's alleged campaign finance violations, explained that "[l]iability, instead, filters through the candidate to his amorphous campaign committee, or, more precisely, to the committee's treasurer, who is legally responsible for any violations of the Act." *Savage for Congress*, 606 F.Supp. at 546-47. Indeed, the statutory "knowing" standard requires that a person must have "knowledge of the facts rendering [her] conduct unlawful" before she can be held responsible. *FEC v. John A. Dramesi for Congress Comm.*, 640 F. Supp. 985, 987 (D.N.J. 1986) (emphasis added); accord *FEC v. Malenick*, 310 F. Supp.2d 230, 237 n.9 (D.D.C. 2004) (adopting the "knowing" definition from *Dramesi*); *FEC v. Friends of Jane Harman*, 59 F. Supp. 2d 1046, 1056 n.11 (C.D. Cal. 1999) (same). *See generally* 2 U.S.C. § 441a(f). A person who is not "fully aware of the facts" that would render her own conduct unlawful cannot be held responsible for any violations by the campaign committee. *Dramesi*, 640 F. Supp. at 987.¹

B. There is No Allegation that Congresswoman Bachmann Was Personally Involved In, or Knew About, the PAC's Payments to C&M Strategies.

OCE staff does not dispute that there is no evidence, and indeed no allegation, that Congresswoman Bachmann directed, authorized, knew about, or was otherwise personally involved in any way in the PAC's payments to longtime vendor C&M Strategies. This should not be surprising. Not only do the Act and Commission regulations place sole responsibility for such

¹ Moreover, attempting to hold Congresswoman Bachmann responsible for alleged campaign finance violations that do not involve her personal conduct violates substantive due process, as she would have no ability to avoid the consequences of others' actions of which she was unaware. *See, e.g., Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972) (Basic constitutional due process requires that citizens be given an opportunity "to steer between lawful and unlawful conduct.").

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expenditures on the committee's treasurer, as discussed above, but Former BFP vendor Peter Waldron, who submitted the FEC complaint on which this mirror OCE Review presumably is based, has repeatedly made such public statements as, "Decisions were obviously made without her knowledge and behind her back," and "I don't believe that she was privy to any of the despicable behavior of her senior advisors." In the absence of any evidence or allegation of Representative Bachmann's personal involvement, there is no reasonable basis—and certainly no probable cause—to believe that she violated any federal campaign finance laws.

C. Congresswoman Bachmann Took Reasonable Steps to Ensure That the PAC and BFP Operated in Compliance with Governing Federal Law.

To ensure that the PAC and BFP operate in compliance with applicable federal law, Representative Bachmann retained the services of top-quality professionals to manage the operations, finances, and FEC reporting and compliance for those committees. For the PAC, Barry Arrington—an experienced former Certified Public Accountant, practicing attorney, and former member of the Colorado House of Representatives—serves as Treasurer. Dan Puhl, of Cardinals FEC Compliance Services, performs all FEC reporting and compliance for the PAC and for Bachmann for Congress. Mr. Puhl is a highly respected Certified Public Accountant with many years of experience in FEC reporting, who also is well known for his experience designing internal controls specific to FEC reporting. See <http://cardinalsfec.com/aboutus.html>.

Similarly, for BFP, the well-known Nancy Watkins, of the premier Robert Watkins & Company, serves as BFP's Treasurer and performs all of its FEC reporting and compliance services. Mrs. Watkins is a Certified Public Accountant with more than twenty-five years of experience providing accounting and campaign finance compliance services to campaigns and political organizations. She has special expertise in FEC reporting and in designing, implementing, and monitoring internal control systems to ensure compliance with applicable laws. See <http://www.robertwatkins.com/political.htm>. In retaining these eminently qualified professionals to discharge the duties imposed on them under governing federal law, there can be no good faith contention—let alone probable cause to believe—that Representative Bachmann did not take reasonable steps to ensure that the PAC and BFP operated in compliance.

D. The PAC's Payments to C&M Strategies Were Facially Proper, and Congresswoman Bachmann Had No Reason to Question Their Validity.

Not only did Representative Bachmann act reasonably in retaining highly qualified and respected professionals to manage the operations and compliance functions of her committees, but the information available to those professionals indicates that the payments in question here were valid and proper. In other words, there is absolutely nothing to suggest that Congresswoman

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Bachmann acted unreasonably in relying on those professionals' judgment concerning these payments.

1. The PAC Has Paid C&M Strategies Regularly for Bona Fide Services Since 2010, Well Before BFP Even Existed.

Importantly, C&M Strategies and its principal, Guy Short, were not simply BFP vendors who suddenly were paid by the PAC. To the contrary, C&M Strategies and Mr. Short are longtime, trusted consultants who have performed bona fide services to MICHELE PAC since 2010, and have been appropriately compensated by the PAC for those services. Indeed, in the first five months of 2011, *before* Representative Bachmann announced her run for President and *before* BFP ever even existed, the PAC paid C&M Strategies \$58,822.40 for services it provided to the PAC, averaging \$11,764.48 per month. *See* Ex. A. That payment history demonstrates that there was nothing unusual or noteworthy about the PAC's having made subsequent payments to C&M in the second half of 2011, and the history is entirely inconsistent with any allegation that the PAC paid C&M for services performed for BFP.

2. The Information Available Indicated C&M Strategies Provided Bona Fide Services to the PAC and Was Paid Appropriately for Those Services.

In the seven-month period from Representative Bachmann's June 13, 2011 initial announcement of her Presidential run to the January 4, 2012 suspension of her Presidential campaign, the PAC paid C&M Strategies an additional \$73,250. *See* Ex. A. Thus, during the time period in which BFP existed and operated, the PAC paid C&M Strategies an average of \$10,464.29 per month. That is \$1,300.19 per month *less* than the PAC paid C&M during the period before BFP existed. *See* Section II.D.2, *supra*. Accordingly, there is no basis whatsoever to assert that the payments—simply by virtue of their amounts—should have aroused suspicion or provided reasonable cause for additional scrutiny or investigation.

Nor do the documents supporting those payments provide such a basis. C&M Strategies' invoices describe the services it provided to the PAC during that time period, including fundraising consulting, management consulting, a fundraising project, and a research project. Those invoices do not reference, either explicitly or by implication, BFP or any services performed for BFP. There simply is nothing about these payments or their supporting documentation that reasonably suggests they were not legitimate compensation for bona fide services C&M Strategies and Guy Short provided to MICHELE PAC.

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Finally, BFP paid C&M Strategies \$104,580 during that same time period for the separate political and fundraising consulting services C&M provided, and invoiced, to BFP. *See* Ex. B. Accordingly, with the PAC paying C&M less during that time than in the preceding time period, and with BFP directly compensating C&M for the services provided to BFP, all available information indicated that the PAC paid C&M Strategies *only* for bona fide services provided to the PAC. There simply is no basis whatsoever to believe that Representative Bachmann violated federal law or failed to act reasonably in supervising her political committees, and OCE must not proceed to a burdensome and costly Second-Phase Review of those baseless allegations.

III. Even If C&M Strategies Paid State Senator Kent Sorenson as a Sub-Vendor, BFP Was Not Required to Disclose Its Primary Vendor's Payments to a Sub-Vendor Under Governing Federal Law.

Iowa State Senator Kent Sorenson has stated publicly that he was not compensated by C&M Strategies. *See, e.g.,* <http://theiowarepublican.com/2013/sorenson-responds-to-ethics-complaints/>. Regardless, assuming for the sake of argument only that C&M Strategies did compensate Sorenson for work performed in connection with BFP as alleged in the Notice, Representative Bachmann did not violate campaign finance laws or House Rules because BFP was not required to disclose a primary vendor's payments to a sub-vendor under governing federal law.

A. BFP's Organization and Activities Were Governed by Federal Law, Not by Iowa State Senate Ethics Rules.

An Iowa Senate Ethics Rule cannot form the basis for any inquiry into BFP or Congresswoman Bachmann. As should be obvious, BFP is a federal candidate campaign committee formed to support Congresswoman Bachmann's campaign for federal office; namely, the presidency of the United States. Thus, federal law exclusively governs BFP's organization and expenditures. Iowa law is irrelevant. Even were OCE to examine the Iowa Senate Rule in question two things would immediately become apparent: (1) Iowa Senate Ethics Rules apply only to state senators and registered lobbyists; and (2) by its plain terms, the rule does not apply to a "candidate's committee." Iowa S. Code of Ethics R. 6. Because Congresswoman Bachmann is neither an Iowa state senator nor a lobbyist and because BFP is clearly a candidate committee, the Iowa rule is inapplicable; and OCE must desist from erroneously citing it as the source of any authority to sustain its misguided investigation.

1. Iowa State Law Is Preempted by Federal Law with Respect to Contributions to, Expenditures by, and the Organization of Campaigns for Federal Office.

Iowa law is wholly irrelevant to the issue of what restrictions govern the organization and expenditures in support of a presidential campaign. As the presidency is a federal office, FECA

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occupies the field regarding who may serve as a campaign chairman; what compensation, if any, that chairman may receive; and how that compensation must be disclosed. Decades of precedent from both the federal courts and the FEC confirm that state law simply has no role to play in establishing the parameters for how federal campaigns are organized and run. Because only federal law may govern a campaign for federal office, the Iowa Senate Code of Ethics may not form the basis for any OCE investigation into the actions of Congresswoman Bachmann and BFP.

Congress amended FECA in 1974 to provide that FECA “and the rules prescribed under [it], supersede and preempt any provision of State law with respect to election to Federal office.” 2 U.S.C. § 453(a) (emphasis added). In so doing, Congress repealed and replaced a prior provision of FECA that had expressly preserved state laws. See *Bunning v. Kentucky*, 42 F.3d 1008, 1012 (6th Cir. 1994). The FEC responded by exercising its delegated authority to promulgate regulations to address FECA’s preemptive scope more definitively. Those regulations provide that “Federal law supersedes state law” regarding “(1) Organization and registration of political committees supporting Federal candidates; (2) Disclosure of receipts and expenditures by Federal candidates and political committees; and (3) Limitation on contributions and expenditures regarding Federal candidates and political committees.” 11 C.F.R. § 108.7(b) (emphasis added). The FEC’s regulations have preemptive effect equal to that of the FECA itself. See 2 U.S.C. § 453(a) (providing that “the provisions of this Act, and [the] rules prescribed under this Act, supersede and preempt any provision of State law”). Congress was explicit that “Federal law occupies the field with respect to reporting and disclosure of political contributions to and expenditures by federal candidates and political committees,” *Bunning*, 42 F.3d at 1012 (quoting S. Conf. Rep. No. 1237, 93d Cong., 2d Sess. (1974)), because Congress wanted to “make certain that the Federal law . . . will be the sole authority under which [federal] elections will be regulated.” *Teper v. Miller*, 82 F.3d 989, 994 (11th Cir. 1996) (quoting H.R. Rep. No. 1239, 93d Cong., 2d Sess. 10 (1974)) (emphasis added).

Federal courts and the FEC have had little difficulty invalidating state statutes that intrude into this exclusive federal regulatory domain. In *Teper v. Miller*, the Eleventh Circuit found that it was “unambiguous” that FECA preempted a Georgia state law that prohibited members of its General Assembly from accepting campaign contributions while the state legislature was in session if that member was also a candidate for federal office. 82 F.3d at 996. FECA “creates an intricate federal statutory scheme governing campaign contributions and expenditures related to federal elections” and “detail[s] the structure of political committees.” *Id.* at 994. Otherwise valid state laws may not regulate the affairs of candidates for federal office. *Id.*; accord FEC Advisory Op. 2002-02, at 5 (Mar. 8, 2002) (finding that a Maryland state statute that prohibited registered lobbyists from fundraising on behalf of members of the General Assembly was preempted when the state legislator was also a candidate for federal office). Similarly, the Sixth Circuit has enjoined Kentucky’s campaign finance regulator from prohibiting a congressman

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from spending money on a statewide poll even though that congressman had also expressed an interest in potentially running for governor. See *Bunning*, 42 F.3d at 1012. The broad scope of FECA's preemption provision invalidates all state laws intruding on its exclusive federal sphere, not just those that are inconsistent with federal regulations. See *Weber v. Heaney*, 995 F.2d 872, 876 n.4 (8th Cir. 1993) (rejecting Minnesota's argument that its campaign finance reform bill aimed at congressional elections was not preempted because it was "supplemental and consistent" with FECA, as such statutes are "preempted as well").

Thus, even taken at face value, the Notice fails to state a valid allegation regarding BFP's compliance with the Iowa Senate Ethics Code. The four-corners of the Notice alleges improprieties may exist if BFP decided to hire and pay State Senator Sorenson and failed to disclose those payments accurately. (Notice at 1.) However, "Federal law occupies the field with regard to reporting and disclosure of . . . expenditures." *Bunning*, 42 F.3d at 1012 (citation omitted; emphasis added); see also 11 C.F.R. § 108.7(b)(2) (preempting all state laws affecting "[d]isclosure of receipts and expenditures by Federal candidates and political committees"). It also occupies the field regarding the "[o]rganization . . . of political committees." 11 C.F.R. § 108.7(b)(1); see FEC Advisory Op. 2002-02, at 4 (finding a Maryland state statute preempted where it would prevent a registered lobbyist from serving on a congressional candidate's fundraising committee or political committee because state law may not "regulate the conduct of a Federal campaign with respect to its organization"); cf. 11 C.F.R. § 110.4(a)(3) (prohibiting a foreign national from participating in the decision-making process of a federal political committee). In other words, "it is clear that the organization of a Federal candidate's political committee with respect to its personnel is within the field occupied by Federal law." FEC Advisory Op. 2002-02. Iowa's Senate Ethics Code simply has no role to play in regulating the conduct of a federal campaign. See *Teper*, 82 F.3d at 994 ("Federal law will be the sole authority under which [federal] elections will be regulated." (citation omitted)). Therefore, no matter what occurred, Congresswoman Bachmann and BFP cannot have violated the Iowa Senate Ethics Code, as federal law clearly preempts all state regulation of the conduct of federal campaigns.

OCE may only investigate allegations that a congresswoman violated an applicable statute. As Iowa state law cannot govern a presidential campaign, the Congresswoman and BFP cannot have violated it. The OCE cannot attempt to fashion a jurisdictional hook for this matter by relying on FECA, Commission regulations and precedents on the one hand, and then disregard them on the other in order to fashion an alleged violation of based on a state law or rule that is preempted by federal law. This sort of "heads I win, tails you lose" reasoning would be an improper basis for initiating a Second-Phase in this matter. *WRTL II*, 127 S. Ct. at 2667-68. OCE, therefore, has no jurisdiction to investigate an alleged violation of an inapplicable law.

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2. The Iowa Senate Ethics Rules Do Not Apply to BFP; They Apply Only to Members of the Iowa State Senate.

The Iowa Senate's Code of Ethics could not be clearer. It only applies to sitting Iowa State Senators. A related code, the Senate Rules Governing Lobbyists, applies to lobbyists. Because Congresswoman Bachmann is a federal legislator and former presidential candidate – not an Iowa state legislator or lobbyist – the Iowa ethics rules are inapplicable to her and her campaign and thus cannot form the basis for any investigation by OCE.

The Senate Code of Ethics addresses itself solely to members of the upper house of Iowa's state legislature. It begins by noting that "members of the senate have a duty to conduct themselves so as to reflect credit on the general assembly. . . ." Iowa S. Code of Ethics Preamble (emphasis added). Likewise, the specific rule cited by OCE mentions only activity by Iowa senators:

A senator shall not accept employment, either directly or indirectly from a political action committee A senator may accept employment from a political party If a senator accepts employment from a political party during a legislative session, the senator shall disclose the employment within ten days after acceptance of the employment.

Iowa S. Code of Ethics R. 6 (emphasis added). Thus, the language of the Iowa Senate Ethics Rule addresses itself solely, and rationally, to the actions of Iowa State Senators.

Lest there be any doubt about the applicability of the Iowa ethics provisions, the official forms attached to the ethics rules make the point plain. The Notice of Complaint contains several blank lines for the complainant to fill out. *See* Iowa S. Code of Ethics R. 23 (Complaint Filing Form). On the line stating whom the complaint is against, the form helpfully provides instructions on whose names are acceptable: the "Senator or Lobbyist named above." (*Id.*) Thus, in directing a complaint based on violations of the Iowa Ethics Rules, the only proper respondents are state senators and lobbyists. Congresswoman Bachmann and BFP are neither.

By their plain terms, the Iowa Senate Ethics Rules and the accompanying rules governing lobbyists apply only to state senators and lobbyists. Because it is undisputed that Congresswoman Bachmann and BFP have never been either, the rules are inapplicable and cannot form the basis for any OCE investigation against the Congresswoman and her campaign.

3. Iowa Senate Ethics Rule 6, by Its Plain and Unambiguous Terms, Did Not Preclude Kent Sorenson from Performing Work for BFP.

The plain text of the inapplicable rule does nothing to aid OCE's search for a jurisdictional hook, because not only is the rule inapplicable to BFP, but *even* Kent Sorenson did not violate it. Iowa

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Senate Ethics Rule 6 excludes from its purview any employment by a candidate's committee such as BFP. Iowa statutory law further defines the terms contained in the rule to exclude all federal campaigns. Thus, whether by reference to the text of the rule itself or by co-referencing the Iowa Code, Iowa Senate Ethics Rule 6 does not apply to a presidential candidate's campaign committee. The rule was not violated by *anyone* here; it therefore cannot form the basis of any inquiry by OCE.

Rule 6 prohibits an Iowa state senator from accepting "employment, either directly or indirectly, from a political action committee or from an organization exempt from taxation under section 501(c)(4), 501(c)(6), or 527 of the Internal Revenue Code that engages in activities related to the nomination, election, or defeat of a candidate for public office." Iowa S. Ethics R. 6. However, the rule explicitly exempts from its definition of a "political action committee" any "candidate's committee . . . [that] expressly advocate[s] the nomination, election, or defeat of a candidate for public office." *Id.* It is undisputed that BFP was just such a candidate's committee that "expressly advocate[d] the nomination [and] election" of Congresswoman Bachmann to public office; namely, the Office of President of the United States. By the plain terms of the Iowa Senate Code of Ethics, BFP comes within Rule 6's exemption and is therefore inapplicable. Rule 6 cannot form the basis of any OCE inquiry.

Additionally, Iowa statutory law clarifies that the campaign restrictions found within Iowa law, including those found in the Senate Code of Ethics, only apply to non-federal campaigns. Rule 6 prohibits a state senator from accepting employment from a political action committee that advocates for the election or defeat of "a candidate for public office." Iowa Code defines each of these terms. A "candidate" is one "who has taken affirmative action to seek nomination or election to public office." Iowa Code § 68A.102(4). Concomitantly, a "public office" is "any state, county, city, or school office filled by election." *Id.* § 68A.102(20) (emphasis added). Rule 6, therefore, prohibits an Iowa state senator from accepting employment from a political action committee advocating for the election or defeat of a candidate for state or municipal office, unless that committee is a candidate's committee. *See* Iowa S. Ethics R. 6.

Congresswoman Bachmann was a candidate for federal office, and she established her candidate committee, BFP, to support that federal campaign. Because the Iowa Code defines the terms contained within Senate Ethics Rule 6 to apply only to state campaigns, Rule 6 is inapplicable to Congresswoman Bachmann and BFP. It thus cannot form a valid basis for any OCE investigation.

BFP was a candidate committee created to support Congresswoman Bachmann's presidential campaign. Because the plain text of Rule 6 excludes all candidate committees from its reach and because, when read in conjunction with Iowa statutory law, Rule 6 only applies to state campaigns, Rule 6 cannot form the basis of any allegation of wrongdoing against the

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Page 14

Congresswoman or her campaign. Mr. Waldron's spurious accusations – even if taken at face value – thus do not state any conceivable violation based on Iowa law on the part of Congresswoman Bachmann and BFP. Consequently, OCE has no basis on which to launch its investigation.

B. BFP's FEC Disclosure Reports Show Its Payments To C&M Strategies. There Is No Statutory Or Regulatory Requirement For A Campaign To Disclose Its Primary Vendor's Payments To Sub-Vendors.

The Act and Commission regulations do not require a candidate's authorized committee to disclose on its reports the payments made by a primary vendor to its sub-contractors. Rather, the Act and Commission regulations merely require authorized committees to disclose "the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount and purpose of such operating expenditure." Since the Campaign contracted only with C&M Strategies to provide services, there is no requirement that the Campaign list all the sub-vendors with whom C&M Strategies may have agreements to perform the services that C&M Strategies contracted to perform for the campaign.

Specifically, the applicable Commission regulations provide:

(4) Itemization of disbursements by authorized committees. Each authorized committee shall report the full name and address of each person in each of the following categories, as well as the information required by each category.

(i) Each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the election cycle is made by the reporting authorized committee to meet the authorized committee's operating expenses, together with the date, amount and purpose of each expenditure.

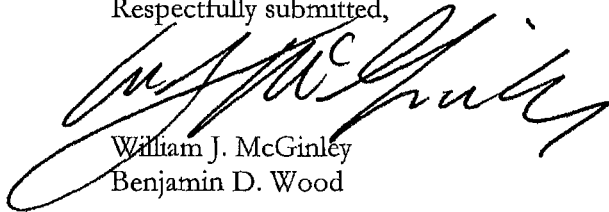
11 C.F.R. § 104.3(b)(4). Citing these authorities, in Advisory Opinion 1983-25, the Commission held that a campaign is required to disclose its payments to a media vendor, but there is no requirement to disclose the payments to the media vendor's sub-contractors in connection with the services provided to the campaign. *Id.* ("[P]ayments to Consultants may be reported as Committee expenditures without further itemization of other entities that receive payments from Consultants in connection with services under the Committee contract."). Accordingly, there was *no* requirement for BFP to report any C&M Strategies payments to Kent Sorenson in connection with services provided to BFP.

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In this matter, the Notice specifically acknowledges that BFP reported its payments to the C&M Strategies for its services. There is no credible basis for the OCE to allege a reporting violation against BFP since there is no statutory, regulatory or other Commission precedent requiring BFP to disclose payments made by a primary vendor to that vendor's sub-vendors.

Accordingly, for all the reasons set forth above, we respectfully request that OCE decline to authorize a second-phase review and terminate its preliminary review immediately.

Respectfully submitted,



William J. McGinley
Benjamin D. Wood

EXHIBIT A

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)							PAGE 21 OF 24			
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. Saber Communications, Inc		Date of Disbursement MM / DD / YYYY 02 / 23 / 2011
Mailing Address 101 Washington Street		Transaction ID : SB21B-40607-26905-e
City Falmouth	State VA	
Zip Code 22405-2361	Purpose of Disbursement Fundraising: Direct Mail	Amount of Each Disbursement this Period 3000
Candidate Name	Category/Type 003	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

Full Name (Last, First, Middle Initial) B. C&M Strategies		Date of Disbursement MM / DD / YYYY 02 / 17 / 2011
Mailing Address 1617 Parkdale Circle N		Transaction ID : SB21B-120182-26951-e
City Erie	State CO	
Zip Code 80516-2402	Purpose of Disbursement Fundraising: Fundraising Consulting	Amount of Each Disbursement this Period 4500
Candidate Name	Category/Type 003	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

Full Name (Last, First, Middle Initial) C. Cardinals FEC Compliance Services, PLC		Date of Disbursement MM / DD / YYYY 02 / 17 / 2011
Mailing Address PO Box 4182		Transaction ID : SB21B-40443-26752-e
City Saint Paul	State MN	
Zip Code 55104-0182	Purpose of Disbursement Accounting Fees	Amount of Each Disbursement this Period 2910
Candidate Name	Category/Type 001	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

SUBTOTAL of Disbursements This Page (optional).....▶	10410.00
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial)

A. C&M Strategies

Mailing Address 1617 Parkdale Circle N

City Erie State CO Zip Code 80516-2402

Purpose of Disbursement
Fundraising: Fundraising Consulting

003

Category/
Type

Candidate Name

Office Sought: House Senate President
Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement

MM / DD / YYYY
04 / 07 / 2011

Transaction ID : SB21B-120182-31010-e

Amount of Each Disbursement this Period

1627.4

Full Name (Last, First, Middle Initial)

B. Allegiance List Marketing

Mailing Address 430 E E Street

City Purcellville State VA Zip Code 20132-3319

Purpose of Disbursement
Fundraising Direct Mail

001

Category/
Type

Candidate Name

Office Sought: House Senate President
Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement

MM / DD / YYYY
04 / 20 / 2011

Transaction ID : SB21B-40583-30989-e

Amount of Each Disbursement this Period

2000

Full Name (Last, First, Middle Initial)

C. American Express

Mailing Address PO Box 53852

City Phoenix State AZ Zip Code 85072-3852

Purpose of Disbursement
Fundraising Credit Card Fees

003

Category/
Type

Candidate Name

Office Sought: House Senate President
Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement

MM / DD / YYYY
04 / 29 / 2011

Transaction ID : SB21B-120179-30984-e

Amount of Each Disbursement this Period

3.05

SUBTOTAL of Disbursements This Page (optional).....▶

3630.45

TOTAL This Period (last page this line number only).....▶

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)		PAGE 50 OF 61								
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. C&M Strategies		Date of Disbursement MM / DD / YYYY 04 / 11 / 2011
Mailing Address 1617 Parkdale Circle N		Transaction ID : SB21B-120182-31012-e
City Erie	State CO	
Purpose of Disbursement Fundraising: Fundraising Consulting		Amount of Each Disbursement this Period 9000
Candidate Name		
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	Category/ Type 003
State:	District:	

Full Name (Last, First, Middle Initial) B. American Express		Date of Disbursement MM / DD / YYYY 04 / 15 / 2011
Mailing Address PO Box 53852		Transaction ID : SB21B-120179-30983-e
City Phoenix	State AZ	
Purpose of Disbursement Fundraising Credit Card Fees		Amount of Each Disbursement this Period 3.04
Candidate Name		
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	Category/ Type 003
State:	District:	

Full Name (Last, First, Middle Initial) C. American Express		Date of Disbursement MM / DD / YYYY 04 / 04 / 2011
Mailing Address PO Box 53852		Transaction ID : SB21B-120179-30974-e
City Phoenix	State AZ	
Purpose of Disbursement Fundraising Credit Card Fees		Amount of Each Disbursement this Period 6.6
Candidate Name		
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	Category/ Type 003
State:	District:	

SUBTOTAL of Disbursements This Page (optional).....▶	9009.64
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 51 OF 61
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	
	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b	

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. C&M Strategies		Date of Disbursement MM / DD / YYYY 04 / 11 / 2011
Mailing Address 1617 Parkdale Circle N		Transaction ID : SB21B-120182-31011-e
City Erie	State CO	
Zip Code 80516-2402	Purpose of Disbursement Fundraising: Fundraising Consulting	Amount of Each Disbursement this Period 3000
Candidate Name	Category/Type 003	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

Full Name (Last, First, Middle Initial) B. Allegiance List Marketing		Date of Disbursement MM / DD / YYYY 04 / 20 / 2011
Mailing Address 430 E E Street		Transaction ID : SB21B-40583-30988-e
City Purcellville	State VA	
Zip Code 20132-3319	Purpose of Disbursement Fundraising Direct Mail	Amount of Each Disbursement this Period 2000
Candidate Name	Category/Type 001	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

Full Name (Last, First, Middle Initial) C. Win Right Data Company, LLC		Date of Disbursement MM / DD / YYYY 04 / 27 / 2011
Mailing Address 264 N Lumpkin Street Suite 202		Transaction ID : SB21B-40616-31005-e
City Athens	State GA	
Zip Code 30601-2832	Purpose of Disbursement Fundraising List Purchase	Amount of Each Disbursement this Period 100
Candidate Name	Category/Type 001	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

SUBTOTAL of Disbursements This Page (optional).....▶	5100.00
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 48 OF 61
	<input checked="" type="checkbox"/> 21b 27	<input type="checkbox"/> 22 28a	<input type="checkbox"/> 23 28b	<input type="checkbox"/> 24 28c	<input type="checkbox"/> 25 29	<input type="checkbox"/> 26 30b	

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

A. C&M Strategies

Full Name (Last, First, Middle Initial)

Mailing Address 1617 Parkdale Circle N

City Erie State CO Zip Code 80516-2402

Purpose of Disbursement Fundraising: Fundraising Consulting

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 04 / 19 / 2011

Transaction ID : SB21B-120182-31014-e

Amount of Each Disbursement this Period: 1500

Category/Type: 003

B. American Express

Full Name (Last, First, Middle Initial)

Mailing Address PO Box 53852

City Phoenix State AZ Zip Code 85072-3852

Purpose of Disbursement Fundraising Credit Card Fees

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 04 / 08 / 2011

Transaction ID : SB21B-120179-30978-e

Amount of Each Disbursement this Period: 1.75

Category/Type: 003

C. Allegiance List Marketing

Full Name (Last, First, Middle Initial)

Mailing Address 430 E E Street

City Purcellville State VA Zip Code 20132-3319

Purpose of Disbursement Fundraising List Purchase

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 04 / 20 / 2011

Transaction ID : SB21B-40583-31002-e

Amount of Each Disbursement this Period: 625

Category/Type: 001

SUBTOTAL of Disbursements This Page (optional).....▶	2126.75
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 71 OF 78				
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial)
A. C&M Strategies

Mailing Address 1617 Parkdale Circle N

City Erie State CO Zip Code 80516-2402

Purpose of Disbursement Fundraising: Fundraising Consulting

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 05 / 06 / 2011

Transaction ID : SB21B-120182-35348-e

Amount of Each Disbursement this Period: 9175

Category/Type: 003

Full Name (Last, First, Middle Initial)
B. Wesley Enos

Mailing Address 501 34th Avenue SW

City Altoona State IA Zip Code 50009-2634

Purpose of Disbursement Management Consulting

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 05 / 06 / 2011

Transaction ID : SB21B-88254-35346-e

Amount of Each Disbursement this Period: 2310.07

Category/Type: -01

Full Name (Last, First, Middle Initial)
C. The Richard Norman Company

Mailing Address 44084 Riverside Parkway Suite 350

City Lansdowne State VA Zip Code 20176-6823

Purpose of Disbursement Fundraising: Direct Mail Fundraising

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 05 / 20 / 2011

Transaction ID : SB21B-40602-35354-e

Amount of Each Disbursement this Period: 300

Category/Type: 003

SUBTOTAL of Disbursements This Page (optional)..... ▶ 11785.07

TOTAL This Period (last page this line number only)..... ▶

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 74 OF 78				
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. McGill Consulting		Date of Disbursement
Mailing Address 7643 S Bay Drive		05 / 13 / 2011
City Bloomington	State MN	Zip Code 55438-2901
Purpose of Disbursement Fundraising: Fundraising Consulting	003	Transaction ID : SB21B-40644-35360-e
Candidate Name	Category/ Type	Amount of Each Disbursement this Period
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	250
State: _____ District: _____		

Full Name (Last, First, Middle Initial) B. C&M Strategies		Date of Disbursement
Mailing Address 1617 Parkdale Circle N		05 / 18 / 2011
City Erie	State CO	Zip Code 80516-2402
Purpose of Disbursement Fundraising: Fundraising Consulting	003	Transaction ID : SB21B-120182-35349-e
Candidate Name	Category/ Type	Amount of Each Disbursement this Period
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	4325
State: _____ District: _____		

Full Name (Last, First, Middle Initial) C. American Express		Date of Disbursement
Mailing Address PO Box 53852		05 / 16 / 2011
City Phoenix	State AZ	Zip Code 85072-3852
Purpose of Disbursement Fundraising: Credit Card Fees	003	Transaction ID : SB21B-120179-35369-e
Candidate Name	Category/ Type	Amount of Each Disbursement this Period
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	1.74
State: _____ District: _____		

SUBTOTAL of Disbursements This Page (optional).....	4576.74
TOTAL This Period (last page this line number only).....	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)		PAGE 77 OF 78			
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. American Express		Date of Disbursement MM / DD / YYYY 05 / 24 / 2011
Mailing Address PO Box 53852		Transaction ID : SB21B-120179-35373-e
City Phoenix	State AZ	
Zip Code 85072-3852		Amount of Each Disbursement this Period 6.38
Purpose of Disbursement Fundraising: Credit Card Fees		
Candidate Name		Category/ Type 003
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State:	District:	

Full Name (Last, First, Middle Initial) B. C&M Strategies		Date of Disbursement MM / DD / YYYY 05 / 25 / 2011
Mailing Address 1617 Parkdale Circle N		Transaction ID : SB21B-120182-35350-e
City Erie	State CO	
Zip Code 80516-2402		Amount of Each Disbursement this Period 9000
Purpose of Disbursement Fundraising: Fundraising Consulting		
Candidate Name		Category/ Type 003
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State:	District:	

Full Name (Last, First, Middle Initial) C. Envision Marketing		Date of Disbursement MM / DD / YYYY 05 / 11 / 2011
Mailing Address PO Box 4275		Transaction ID : SB21B-40612-35355-e
City Lynchburg	State VA	
Zip Code 24502-0275		Amount of Each Disbursement this Period 11655
Purpose of Disbursement Fundraising: Direct Mail Fundraising		
Candidate Name		Category/ Type 003
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State:	District:	

SUBTOTAL of Disbursements This Page (optional).....▶	20661.38
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 75 OF 78
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	
	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b	

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. TK Loney & Son Printing		Date of Disbursement 05 / 26 / 2011
Mailing Address 1413 Juliet Avenue		Transaction ID : SB21B-116752-35362-e
City Saint Paul	State MN	
Purpose of Disbursement Printing and Copying		Amount of Each Disbursement this Period 1359.83
Candidate Name		Category/ Type -01
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State:	District:	

Full Name (Last, First, Middle Initial) B. American Express		Date of Disbursement 05 / 20 / 2011
Mailing Address PO Box 53852		Transaction ID : SB21B-120179-35372-e
City Phoenix	State AZ	
Purpose of Disbursement Fundraising: Credit Card Fees		Amount of Each Disbursement this Period 1.75
Candidate Name		Category/ Type 003
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State:	District:	

Full Name (Last, First, Middle Initial) C. C&M Strategies		Date of Disbursement 05 / 31 / 2011
Mailing Address 1617 Parkdale Circle N		Transaction ID : SB21B-120182-35351-e
City Erie	State CO	
Purpose of Disbursement Fundraising: Fundraising Consulting		Amount of Each Disbursement this Period 1500
Candidate Name		Category/ Type 003
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State:	District:	

SUBTOTAL of Disbursements This Page (optional).....▶	2861.58
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)								PAGE 35 OF 54		
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial)
A. C&M Strategies

Mailing Address 1617 Parkdale Circle N

City Erie State CO Zip Code 80516-2402

Purpose of Disbursement Fundraising: Fundraising Consulting

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 06 / 20 / 2011

Transaction ID : SB21B-120182-36989-e

Amount of Each Disbursement this Period: 5750

Category/Type: 003

Full Name (Last, First, Middle Initial)
B. Paysimple

Mailing Address 1436 E 17th Avenue Suite 300

City Denver State CO Zip Code 80218-1613

Purpose of Disbursement Fundraising: Credit Card Fees

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 06 / 02 / 2011

Transaction ID : SB21B-120839-37001-e

Amount of Each Disbursement this Period: 34.95

Category/Type: 003

Full Name (Last, First, Middle Initial)
C. Cardinals FEC Compliance Services, PLC

Mailing Address PO Box 4182

City Saint Paul State MN Zip Code 55104-0182

Purpose of Disbursement Accounting Fees

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 06 / 17 / 2011

Transaction ID : SB21B-40443-36994-e

Amount of Each Disbursement this Period: 3885

Category/Type: 001

SUBTOTAL of Disbursements This Page (optional)..... ▶ 9669.95

TOTAL This Period (last page this line number only)..... ▶

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)		PAGE 11 OF 15								
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial)
A. Campaign Solutions

Mailing Address 117 N Saint Asaph Street

City Alexandria State VA Zip Code 22314-3109

Purpose of Disbursement Fundraising: TM Expense

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 07 / 21 / 2011

Transaction ID : SB21B-119392-37587-e

Amount of Each Disbursement this Period: 43.84

Category/Type: 003

Full Name (Last, First, Middle Initial)
B. C&M Strategies

Mailing Address 1617 Parkdale Circle N

City Erie State CO Zip Code 80516-2402

Purpose of Disbursement Fundraising Consulting

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 07 / 11 / 2011

Transaction ID : SB21B-120182-37583-e

Amount of Each Disbursement this Period: 2500

Category/Type: 001

Full Name (Last, First, Middle Initial)
C. American Express

Mailing Address PO Box 53852

City Phoenix State AZ Zip Code 85072-3852

Purpose of Disbursement Fundraising: CC Fees

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 07 / 01 / 2011

Transaction ID : SB21B-120179-37580-e

Amount of Each Disbursement this Period: 2.32

Category/Type: 003

SUBTOTAL of Disbursements This Page (optional)..... ▶ 2546.16

TOTAL This Period (last page this line number only)..... ▶

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 17 OF 19				
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. RMLC		Date of Disbursement MM / DD / YYYY 08 / 02 / 2011	
Mailing Address Two Riverbend		Transaction ID : SB21B-120515-37760-e	
City Lansdowne	State VA	Zip Code 20176	Amount of Each Disbursement this Period 810
Purpose of Disbursement Direct Mail Fundraising		Category/ Type	
Candidate Name			
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		
State:	District:		

Full Name (Last, First, Middle Initial) B. Alliance Bank		Date of Disbursement MM / DD / YYYY 08 / 03 / 2011	
Mailing Address 115 5th St E #55		Transaction ID : SB21B-5-37738-e	
City St. Paul	State MN	Zip Code 55101	Amount of Each Disbursement this Period 26.95
Purpose of Disbursement Bank Fees		Category/ Type	
Candidate Name			
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		
State:	District:		

Full Name (Last, First, Middle Initial) C. C&M Strategies		Date of Disbursement MM / DD / YYYY 08 / 03 / 2011	
Mailing Address 1617 Parkdale Circle N		Transaction ID : SB21B-120182-37742-e	
City Erie	State CO	Zip Code 80516-2402	Amount of Each Disbursement this Period 5000
Purpose of Disbursement Fundraising Consulting		Category/ Type	
Candidate Name			
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		
State:	District:		

SUBTOTAL of Disbursements This Page (optional).....▶	5836.95
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 14 OF 16
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	
	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b	

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial)
A. C&M Strategies

Mailing Address 1617 Parkdale Circle N

City Erie State CO Zip Code 80516-2402

Purpose of Disbursement Fundraising: Fundraising Consulting

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 09 / 01 / 2011

Transaction ID : SB21B-120182-37831-e

Amount of Each Disbursement this Period: 5000

Category/Type: 003

Full Name (Last, First, Middle Initial)
B. Alliance Bank

Mailing Address 115 5th St E #55

City St. Paul State MN Zip Code 55101

Purpose of Disbursement Bank Fees

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 09 / 12 / 2011

Transaction ID : SB21B-5-37825-e

Amount of Each Disbursement this Period: 15.03

Category/Type: 001

Full Name (Last, First, Middle Initial)
C. Cardinals FEC Compliance Services, PLC

Mailing Address PO Box 4182

City Saint Paul State MN Zip Code 55104-0182

Purpose of Disbursement Accounting Fees

Candidate Name

Office Sought: House Senate President

Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement: 09 / 20 / 2011

Transaction ID : SB21B-40443-37833-e

Amount of Each Disbursement this Period: 424

Category/Type: 001

SUBTOTAL of Disbursements This Page (optional)..... ▶ 5439.03

TOTAL This Period (last page this line number only)..... ▶

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 11 OF 16
	<input checked="" type="checkbox"/> 21b 27	<input type="checkbox"/> 22 28a	<input type="checkbox"/> 23 28b	<input type="checkbox"/> 24 28c	<input type="checkbox"/> 25 29	<input type="checkbox"/> 26 30b	

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. C&M Strategies		Date of Disbursement MM / DD / YYYY 11 / 01 / 2011
Mailing Address 1617 Parkdale Circle N		Transaction ID : SB21B-120182-37948-e
City Erie	State CO	
Zip Code 80516-2402	Purpose of Disbursement Fundraising Consulting	Amount of Each Disbursement this Period 5000
Candidate Name	Category/ Type	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

Full Name (Last, First, Middle Initial) B. Alliance Bank		Date of Disbursement MM / DD / YYYY 11 / 22 / 2011
Mailing Address 115 5th St E #55		Transaction ID : SB21B-5-37947-e
City St. Paul	State MN	
Zip Code 55101	Purpose of Disbursement Bank Fees	Amount of Each Disbursement this Period 9.26
Candidate Name	Category/ Type	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

Full Name (Last, First, Middle Initial) C. Win Right Data Company, LLC		Date of Disbursement MM / DD / YYYY 11 / 28 / 2011
Mailing Address 264 N Lumpkin Street Suite 202		Transaction ID : SB21B-40616-37953-e
City Athens	State GA	
Zip Code 30601-2832	Purpose of Disbursement Direct Mail	Amount of Each Disbursement this Period 120
Candidate Name	Category/ Type	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

SUBTOTAL of Disbursements This Page (optional).....▶	5129.26
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)						PAGE 16 OF 16
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	
	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b	

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial)
A. Win Right Data Company, LLC

Date of Disbursement: 11 / 28 / 2011

Mailing Address: 264 N Lumpkin Street, Suite 202

City: Athens, State: GA, Zip Code: 30601-2832

Purpose of Disbursement: Website

Candidate Name: _____

Office Sought: House, Senate, President

Disbursement For: Primary, General, Other (specify) _____

State: _____ District: _____

Transaction ID: SB21B-40616-37962-e

Amount of Each Disbursement this Period: 75

Full Name (Last, First, Middle Initial)
B. C&M Strategies

Date of Disbursement: 11 / 30 / 2011

Mailing Address: 1617 Parkdale Circle N

City: Erie, State: CO, Zip Code: 80516-2402

Purpose of Disbursement: Fundraising Consulting

Candidate Name: _____

Office Sought: House, Senate, President

Disbursement For: Primary, General, Other (specify) _____

State: _____ District: _____

Transaction ID: SB21B-120182-37949-e

Amount of Each Disbursement this Period: 5000

Full Name (Last, First, Middle Initial)
C.

Date of Disbursement: _____

Mailing Address: _____

City: _____, State: _____, Zip Code: _____

Purpose of Disbursement: _____

Candidate Name: _____

Office Sought: House, Senate, President

Disbursement For: Primary, General, Other (specify) _____

State: _____ District: _____

Amount of Each Disbursement this Period: _____

SUBTOTAL of Disbursements This Page (optional).....▶	5075.00
TOTAL This Period (last page this line number only).....▶	20226.43

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)		PAGE 13 OF 15			
	<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
	<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

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NAME OF COMMITTEE (In Full)
Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial) A. Cardinals FEC Compliance Services, PLC		Date of Disbursement MM / DD / YYYY 12 / 20 / 2011
Mailing Address PO Box 4182		Transaction ID : SB21B-40443-38009-e
City Saint Paul	State MN	
Zip Code 55104-0182	Purpose of Disbursement Accounting and Reporting	Amount of Each Disbursement this Period 826.5
Candidate Name	Category/Type 001	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

Full Name (Last, First, Middle Initial) B. C&M Strategies		Date of Disbursement MM / DD / YYYY 12 / 06 / 2011
Mailing Address 1617 Parkdale Circle N		Transaction ID : SB21B-120182-38011-e
City Erie	State CO	
Zip Code 80516-2402	Purpose of Disbursement Fundraising Consulting	Amount of Each Disbursement this Period 20000
Candidate Name	Category/Type 001	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

Full Name (Last, First, Middle Initial) C. Paysimple		Date of Disbursement MM / DD / YYYY 12 / 02 / 2011
Mailing Address 1436 E 17th Avenue Suite 300		Transaction ID : SB21B-120839-38005-e
City Denver	State CO	
Zip Code 80218-1613	Purpose of Disbursement Credit Card Fees	Amount of Each Disbursement this Period 5
Candidate Name	Category/Type 001	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		

SUBTOTAL of Disbursements This Page (optional).....▶	20831.50
TOTAL This Period (last page this line number only).....▶	

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

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NAME OF COMMITTEE (In Full)

Many Individual Conservatives Helping Elect Leaders Everywhere (MICHELEPAC)

Full Name (Last, First, Middle Initial)

A. Campaign Solutions

Mailing Address 117 N Saint Asaph Street

City Alexandria State VA Zip Code 22314-3109

Purpose of Disbursement
Credit Card Fees

001
Category/
Type

Candidate Name

Office Sought: House Senate President
Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement

01 / 04 / 2012

Transaction ID : SB21B-119392-38069-e

Amount of Each Disbursement this Period

654.32

Full Name (Last, First, Middle Initial)

B. United States Postal Service

Mailing Address 791 Currell Blvd

City Woodbury State MN Zip Code 55125

Purpose of Disbursement
Administrative/Salary/Overhead: Postage

001
Category/
Type

Candidate Name

Office Sought: House Senate President
Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement

01 / 04 / 2012

Transaction ID : SB21B-33303-38034-e

Amount of Each Disbursement this Period

300

Full Name (Last, First, Middle Initial)

C. C&M Strategies

Mailing Address 1617 Parkdale Circle N

City Erie State CO Zip Code 80516-2402

Purpose of Disbursement
Fundraising Consulting

001
Category/
Type

Candidate Name

Office Sought: House Senate President
Disbursement For: Primary General Other (specify) ▼

State: District:

Date of Disbursement

01 / 03 / 2012

Transaction ID : SB21B-120182-38032-e

Amount of Each Disbursement this Period

20000

SUBTOTAL of Disbursements This Page (optional)..... ▶

20954.32

TOTAL This Period (last page this line number only)..... ▶

EXHIBIT B

**SCHEDULE B-P
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE 1729 / 1981

<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27a
<input type="checkbox"/> 27b	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

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NAME OF COMMITTEE (In Full)
Bachmann for President

Full Name (Last, First, Middle Initial)

A. C&M Strategies

Mailing Address 1617 Parkdale Circle, N.

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y	Y
07			29			2011			

City State Zip Code
Erie CO 80516

Transaction ID : BAF55029FA1614897A65

Purpose of Disbursement
fundraising consulting

Amount of Each Disbursement this Period

33750.00

Candidate Name

Category/
Type

Office Sought: House
 Senate
 President

Disbursement For: 2012
 Primary General
 Other (specify) ▼

State: District:

Full Name (Last, First, Middle Initial)

B. C&M Strategies

Mailing Address 1617 Parkdale Circle, N.

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y	Y
09			12			2011			

City State Zip Code
Erie CO 80516

Transaction ID : B0AE1EFABD27044A7A43

Purpose of Disbursement
fundraising consulting

Amount of Each Disbursement this Period

25830.00

Candidate Name

Category/
Type

Office Sought: House
 Senate
 President

Disbursement For: 2012
 Primary General
 Other (specify) ▼

State: District:

Full Name (Last, First, Middle Initial)

C. Campaign Services, LLC

Mailing Address P. O. Box 1=56271

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y	Y
08			09			2011			

City State Zip Code
Atlanta GA 30343

Transaction ID : BDC73B6EB5FC7490AB00

Purpose of Disbursement
campaign t-shirts

Amount of Each Disbursement this Period

15000.00

Candidate Name

Category/
Type

Office Sought: House
 Senate
 President

Disbursement For: 2012
 Primary General
 Other (specify) ▼

State: District:

Subtotal Of Receipts This Page (optional)..... **74580.00**

Total This Period (last page this line number only).....

**SCHEDULE B-P
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE 1996 / 2246

<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27a
<input type="checkbox"/> 27b	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

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NAME OF COMMITTEE (In Full)
Bachmann for President

Full Name (Last, First, Middle Initial) A. Brad Johnson Investments, LC		Date of Disbursement MM / DD / YYYY 12 / 30 / 2011
Mailing Address P. O. Box 13375		Transaction ID : B1550DE32EA8E43D4B1F
City Des Moines	State IA	
Purpose of Disbursement office rent	Candidate Name	Amount of Each Disbursement this Period 5000.00
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President		Disbursement For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼
State:	District:	
Full Name (Last, First, Middle Initial) B. C&M Strategies		Date of Disbursement MM / DD / YYYY 10 / 11 / 2011
Mailing Address 1617 Parkdale Circle, N.		Transaction ID : B5E3C43B7D3574642BCF
City Erie	State CO	
Purpose of Disbursement fundraising consulting	Candidate Name	Amount of Each Disbursement this Period 22500.00
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President		Disbursement For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼
State:	District:	
Full Name (Last, First, Middle Initial) C. C&M Strategies		Date of Disbursement MM / DD / YYYY 11 / 09 / 2011
Mailing Address 1617 Parkdale Circle, N.		Transaction ID : BE60D000D3F6449918AA
City Erie	State CO	
Purpose of Disbursement fundraising consulting	Candidate Name	Amount of Each Disbursement this Period 22500.00
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President		Disbursement For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼
State:	District:	

Subtotal Of Receipts This Page (optional).....	50000.00
Total This Period (last page this line number only).....	

April 24, 2013

William J. McGinley
202-457-6561
wmcginley@pattonboggs.com

VIA EMAIL

Kedric L. Payne, Esquire
Deputy Chief Counsel
Scott Gast, Esquire
Investigative Counsel
Office of Congressional Ethics
425 3rd Street, SW
Suite 1110
Washington, DC 20024

Re: The Honorable Michele Bachmann
Review No. 13-1274

Dear Messrs. Payne and Gast:

At the close of this novel and unprecedented Review, we herein summarize the ample legal and factual bases compelling the OCE to conclude that dismissal is required because The Honorable Michele Bachmann complied with all applicable laws and ethical rules and consistently instructed all those working on her behalf to do the same, without exception.

The allegations in this Review were never really about Michele Bachmann: They are born of petty and spiteful grudges by certain campaign vendors against other campaign consultants, and the OCE unfortunately was dragged down to the level of trivial bickering and finger-pointing among former Bachmann for President independent contractors that had absolutely nothing to do with Representative Bachmann. From the beginning, we have explained in painstaking detail that there never was any basis to form a reasonable belief that Representative Bachmann violated any federal law or House Rule in connection with any of the three issues under review: (1) allegations concerning MichelePAC payments to vendor C&M Strategies; (2) allegations concerning compensation of Iowa State Senator Kent Sorenson; and (3) the unfairly belated allegations concerning the promotion of Representative Bachmann's book *Core of Conviction*.

Despite her undeniable innocence, Representative Bachmann sadly has already suffered irreparable reputational damage as a result of the unauthorized disclosure of this supposedly confidential Review in the national and local press. That deplorable disclosure certainly is owing to former vendors with personal agendas, but equally clear is that the leak was exacerbated by OCE attorney Bill Cable's on-the-record and prejudicial comments in news articles concerning the Review appearing in Representative Bachmann's hometown newspapers, for which he indefensibly was quoted in his official capacity. This was the subject of our March 26, 2013 letter

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to Messrs. Payne and Gast respectfully requesting immediate termination of the review at that point. Now, a month later, the media frenzy and resulting reputational harm have only worsened. Such an abdication of confidentiality would be bad enough in any review, but it is particularly unforgivable here where it was clear from the outset that the allegations do not involve Member conduct and never should have been reviewed by OCE in the first instance.

1. Representative Bachmann Did Not Violate Federal Campaign Finance Laws or House Rules With Respect to MichelePAC Payments to its Longstanding Vendor, C&M Strategies.

- As the record reflects, there is no evidence to suggest — and indeed no allegation — that Representative Bachmann directed, authorized, was aware of or otherwise personally involved in MichelePAC payments made to C&M Strategies.
- Representative Bachmann acted reasonably in supervising her political committees by hiring reputable, professional treasurers and political consultants to administer the expenditures of each of her federal committees and neither they nor Representative Bachmann had any reason to question the validity of payments to C&M Strategies.
- No one ever stated or even suggested to Representative Bachmann that Guy Short or C&M Strategies had been paid by MichelePAC as compensation for work on the Presidential campaign. Representative Bachmann stated clearly and consistently in her OCE interview that she never even contemplated that possibility.
- When these payments first were brought to Representative Bachmann's attention *months after they were made*, the only issue raised was whether Mr. Short had overcharged MichelePAC for the work he had done for MichelePAC. Representative Bachmann appropriately tasked a trusted advisor with resolving that issue, and subsequently was assured unequivocally that there had been no impropriety and the issue had been resolved satisfactorily.
- To this day, neither Representative Bachmann nor we are aware of *any* evidence that MichelePAC's payments to C&M Strategies were unlawful.

2. Representative Bachmann and BFP followed all applicable rules regarding the relationship with Iowa State Senator Kent Sorenson.

- Irrespective of any facts gathered during this review, Representative Bachmann and BFP cannot have violated the Iowa Senate Ethics Code or Rules, since federal law preempts all state regulation of federal campaigns. *See* 2 U.S.C. § 453(a); 11 C.F.R. § 108.7(b); *see also Teper v. Miller*, 82 F.3d 989, 994–96; FEC Advisory Op. 2002-05 at 5. OCE's jurisdiction

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is limited to allegations that a Member personally violated an applicable law or House Rule, neither of which is implicated by direct or indirect payments to Kent Sorenson in connection with a campaign for President of the United States.

- Further, Iowa Senate Ethics Rule 6 does not apply to a federal candidate's campaign or political action committee. First, the Iowa Senate Code of Ethics is plainly addressed only to members of the Iowa State Senate. *See* Iowa S. Code of Ethics Preamble. Second, Iowa Senate Ethics Rule 6 expressly excludes all candidate committees from its reach. Third, when read in conjunction with the Iowa Code, Rule 6 applies only to state political committees, not federal political committees. *See* Iowa S. Ethics R. 6; Iowa Code §§ 68A.102(4), 68A.102(20).
 - BFP followed federal law and FEC regulations regarding the reporting of its payments to vendors, including C&M Strategies. FECA and FEC regulations do not require a candidate's authorized committee to disclose on its reports the payments made by a primary vendor to its subcontractors. *See* 11 C.F.R. § 104.3(b)(4) and FEC Advisory Op. 1983-25. Accordingly, there was no requirement for BFP to ask about or report C&M Strategies' payments to any subcontractors. Thus, *even assuming the allegations on this issue were true*, neither BFP nor Representative Bachmann violated any applicable statute, regulation, or House Rule.
 - Though the facts are legally irrelevant here because even as alleged the arrangement with Senator Sorenson did not violate any federal law or House Rule, we note that Representative Bachmann stated consistently in her OCE interview that she has no recollection of anyone—including Andy Parrish—ever informing her of Senator Sorenson's compensation arrangement. As Mr. Parrish himself concedes, Representative Bachmann consistently instructed all who worked on her behalf to follow the law.
- 3. Representative Bachmann's book, *Core of Conviction*, was published in full consultation with the House Committee on Ethics staff and Representative Bachmann and BFP complied with House Ethics Rules and campaign finance laws regarding the purchase and promotion of the book.**
- Sixty-six days into the Review, and in flagrant contravention of OCE's authorizing resolution and rules, OCE completely changed the subject matter of the Review. Without a required vote of the OCE Board or the mandatory notice of review, you instead served a Supplemental Request for Information ("Supplemental RFI") dated April 1, 2013, requesting information for the first time related to *Core of Conviction* — an issue

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wholly unrelated to the original two specified campaign finance allegations that were the subject of the initial notice.

- In circumventing its own rules and burdens of proof, waiting until the last minute to make new allegations that fall far outside the scope of the existing authorized Review and leaving Representative Bachmann insufficient time to defend herself as the authorizing resolution and OCE Rules specifically provide, OCE has violated Representative Bachmann's due process rights and surrendered its jurisdiction over this entire Review. See H. Res. 895, § (1)(c)(1)(A); House Comm. on Standards of Official Conduct, *In the Matter of Rep. Sam Graves*, H.R. Rep. No. 111-320, at 23 (2009) ("OCE's jurisdiction to review a matter is given only by virtue of OCE's authorizing resolution. **If OCE acts in contravention of its authorizing resolution, OCE loses jurisdiction over a matter.**") (emphasis added).
- Despite the oppressive time constraints imposed by OCE's actions with respect to the belated *Core of Conviction* allegation, the documents expeditiously located and produced paint a clear picture of Representative Bachmann's and BFP's commendable efforts in successfully complying with all applicable rules and regulations regarding the writing, publication, and promotion of *Core of Conviction* including the House Ethics Manual, campaign finance law, and FEC advisory opinions. See THMB_000013-79. Representative Bachmann confirmed in her OCE interview that she understood at all times that all book-related expenses were kept separate from campaign-related expenses and were properly paid by the publisher.
- Representative Bachmann's team was in constant contact with House Ethics staff regarding *Core of Conviction*, including specific consultation regarding her publishing contract, the addendum to her publishing contract outlining BFP's purchase of "giveaway copies" under the parameters of House Ethics Rules and FEC Advisory Opinions, and even a potential trip to New York for book-related purposes. See THMB_000013-79.
- Documents show that the book's publisher, Penguin-Sentinel, bore the responsibility and cost of book promotion including the book tour in late November and early December, 2011. Simply, Penguin-Sentinel paid for the cost of book tour-related expenses including the bus (rental, fuel, and driver expenses), bus wrap, a public relations firm, radio and internet book advertisements, signage, tour routing services, bus tour event sound and staging, and other ground transportation costs. See THMB_000001 to THMB_000012 and THMB_000080. The book tour was staffed by publisher personnel and local book store employees.

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- Because the book tour occurred over the course of approximately one week during an intense period of the 2012 presidential primary campaign, campaign staff accompanied Representative Bachmann during the tour to serve campaign purposes, *not* to promote sales of her book or to staff the book tour. As is obvious from the documents and witness statements, a Presidential campaign is all-encompassing and goes on twenty-four hours per day, seven days per week. It is thus eminently reasonable and appropriate that BFP campaign staff would have accompanied Representative Bachmann at all times, including during book-signing events. In fact, Representative Bachmann testified today that the campaign paid for rental cars during the book tour to carry some campaign staff and that campaign staff would enter and leave the bus depending on the needs of the campaign.
- Likewise, BFP did not use publisher resources to support Representative Bachmann's campaign. No aspect or element of the book tour violated any FEC regulations or precedent, and it is not for the OCE to interpret FEC regulations in ways the FEC has declined to do. For example, when the FEC considered whether it would be permissible for a campaign to conduct a campaign fundraiser during a trip for which the book publisher paid for air travel and accommodations for purposes of the candidate's book promotion, the FEC deadlocked, failing to come to a conclusion about the law on a set of facts far more explicit than those under review here. *See* FEC Advisory Op. 2011-02; *see also* FEC Draft Advisory Op. 2011-02, Draft A (for which three FEC Commissioners voted, which concluded that it would be permissible for Senator Brown to "host campaign fundraising events in cities where the book Publisher pays his travel costs to promote the book." *Id.* at 12).
- The House Ethics Manual repeatedly refers Members to FEC regulations and advisory opinions in dealing with issues of personal use of campaign funds and specifically in managing issues related to publishing books. The OCE does not have authority to make or change FEC regulations and precedents, and it does not have authority to interpret FEC regulations in a manner that contradicts the FEC's issued guidance and precedents. Similarly, the OCE does not have the authority to fill gaps that the OCE may perceive to exist in the regulatory regime.

PATTON BOGGS LLP

Kedric L. Payne, Esquire

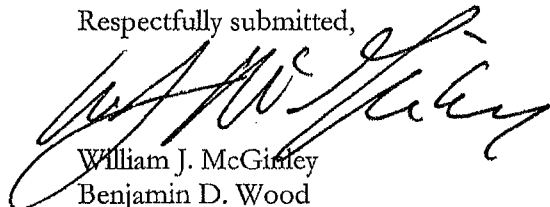
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With no factual or legal basis to conclude Representative Bachmann's personal conduct violated any federal law or House Rule, we respectfully request that the OCE Board vote to terminate this review immediately. Given the unusual circumstances and publicity, full termination—rather than a referral for dismissal—is warranted and necessary to mitigate the reputational harm this Review has inflicted on her.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William J. McGinley". The signature is written in a cursive style with a large, sweeping initial "W".

William J. McGinley

Benjamin D. Wood