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To <secretary@fec.gov>, <webmaster@fec.gov>,  
cc  
Subject Comments on Advisory Opinion Request 2015-09

Ellen L. Weintraub, Chair  
Federal Election Commission  
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Washington, DC 20463  
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[secretary@fec.gov](mailto:secretary@fec.gov), [webmaster@fec.gov](mailto:webmaster@fec.gov)

Re: Comments on Advisory Opinion Request 2015-09 (Senate Majority PAC and House Majority PAC)

Dear Chair,

The Federal Election Commission (FEC) should reject the request from Senate Majority PAC and House Majority PAC to follow the lead of a number of GOP Super PACs in breaking a variety of laws through coordinated activities with candidates. Watchdog groups filed comments on the Advisory Opinion Request 2015-09, where the Super PACs outlined a number of proposed interactions with candidates that the requestors admit are illegal but state they will undertake themselves in the event of an FEC deadlock on the request.

This Advisory Opinion Request is nothing more than a high stakes attempt by the requestors to rip off the campaign finance laws. The requestors list various activities that they admit are illegal, knowing that the FEC may well split 3 to 3 on the request, as the agency does on numerous matters. The requestors then claim that a 3 to 3 deadlock by the FEC, in essence, will constitute authorization for them to do the activities which they have recognized are illegal. This is wrong as a matter of law, as a 3 to 3 split means the agency takes no position on the legal issues involved.

The fact that the requestors know that these activities are illegal, furthermore, means that if they proceed to engage in the activities set forth in their AOR, their violations will be knowing and willful violations, subject to the jurisdiction of and potential prosecution by the Criminal Division of the Justice Department. We have brought other campaign finance cases involving knowing and willful violations to the Justice Department and if requestors proceed to knowingly violate the campaign finance laws we will be prepared at that point to file complaints with the Justice Department.

The twelve questions submitted by the Super PACs involve pre-candidacy activities, the conduct triggering federal candidacy and post-candidacy activities. Many of these proposed activities have already been undertaken by current candidates and Super PACs and have drawn numerous complaints with the FEC and the Department of Justice from the Campaign Legal Center, Democracy 21 and other groups.

The comments filed today emphasize that the Advisory Opinion Request should be rejected as an invalid AOR because it outlines only theoretical acts by unnamed future candidates and Super PACs while FEC regulations require requestors of advisory opinions to set forth a "specific transaction or activity" that they, themselves, plan to undertake.

Groups comments:

[http://www.democracy21.org/wp-content/uploads/2015/10/CLC\\_D21-Comments-on-AOR-2015-09\\_10\\_27.15.pdf](http://www.democracy21.org/wp-content/uploads/2015/10/CLC_D21-Comments-on-AOR-2015-09_10_27.15.pdf)

Seriously consider these comments set forth.

Yours Sincerely,  
Robert E. Rutkowski

cc: House Minority Leadership

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