



MISSOURI REPUBLICAN STATE COMMITTEE
RONALD REAGAN REPUBLICAN CENTER

General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Complaint Against the Association of Community Organizations for Reform Now
("Acorn")

Dear Sir:

Pursuant to 2 U.S.C. § 437g, and upon information and belief, this complaint concerns violations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. ("the Act"), and Commission regulations at 11 C.F.R. § 1.1 et seq., by the Association of Community Organizations for Reform Now ("Acorn") and their affiliated entity "Give Missourians a Raise, Inc."

Specifically, based upon publicly available information (including documentary video footage of Acorn employees) and press reports there is reason to believe that Acorn, and its affiliated entity "Give Missourians a Raise, Inc", must each file the independent expenditure reports required by 2 U.S.C. § 434(c) and 11 C.F.R. §§ 104.4(c), 104.5(c)(2) and 109.10 for at least all reporting periods in 2006 including the current reporting period. Further, there is reason to believe that Acorn and Give Missourians a Raise, Inc. have received contributions and/or made expenditures aggregating in excess of \$1,000 during a calendar year without registering as political committees under the Act and Commission regulations. See 2 U.S.C. §§ 431(4)(A), 433(a); 11 C.F.R. §§ 100.5(a), 102.1(d).

I. STATEMENT OF THE FACTS

A press report in the publication ROLL CALL summarizes a video that has been posted on the following web site. <http://www.youtube.com/watch?v=oJ6SrZODbHg>.

In this video footage former, mostly minority, employees of Acorn are protesting Acorn's failure to pay them for work performed for Acorn. These employees include Josephine Perkins who states she was a supervisor hired by Acorn to work on its voter registration project. Ms. Perkins notes that Acorn was directing their employees to solicit votes for Democrat candidate for the U.S. Senate, Claire McCaskill. Ms. Perkins' statements suggest that this was a willful and knowing violation of the Act by Acorn. Ms Perkins' statements suggest that the Acorn affiliate organization Give Missourians a Raise is actively working to expressly advocate the election of Claire McCaskill.

P O Box 73, 204 East Dunklin / Jefferson City, MO 65102 / (573) 636-3146 / www.mogop.org
Paid for by the Missouri Republican State Committee - Richard C. Peerson, Treasurer
This communication is not authorized by any candidate or candidate committee.

The ROLL CALL story of October 10th by David Drucker describes this as follows:

“ACORN Is Accused of Meddling in Senate Race: Former workers employed by a community activist group to register voters in support of a ballot initiative to raise the minimum wage are alleging they were instructed to promote state Auditor Claire McCaskill's (D) Senate candidacy - which, if true, could violate federal election laws. The Association of Community Organizations for Reform Now, commonly known as ACORN, is accused by a now-terminated employee of being told to urge individuals she was registering to vote as a part of the organization's campaign in favor of Proposition B to vote for McCaskill over Sen. Jim Talent (R). As reported by PubDef.net, a St. Louis political Web site, Josephine Perkins contends she was terminated last week after she notified the teams she supervised that it was illegal for them to campaign for McCaskill while being paid by ACORN and Give Missourians a Raise, the political action committee supporting Proposition B. Several other workers made similar charges - all of which were denied by ACORN....”

In the words of the Acorn employee on the video, “I get people to register to vote for Claire McCaskill”. And, former Acorn supervisor Perkins stated, “People were sent out to door knock for Claire McCaskill.”

II. LEGAL ANALYSIS

A. Independent expenditure reports.

The Act and Commission regulations provide that any person who makes independent expenditures in excess of \$250 must file a signed statement or report on FEC Form 5 with the Commission. See 2 U.S.C. § 434(c); 11 C.F.R. § 109.10(b).

The expenditures associated with the Acorn and Give Missourians a Raise campaign were made on behalf of U.S. Senate candidate Claire McCaskill and, as such, constitute "expenditures" under the Act and Commission regulations, 2 U.S.C. § 431(9) and 11 C.F.R. § 100.8, because those expenditures were expressly made for the purpose of influencing voters to support Claire McCaskill, a candidate for the U.S. Senate.

Accordingly, Acorn and Give Missourians a Raise must file quarterly disclosure reports beginning with the first quarter in which more than \$250 was disbursed for such independent expenditures and for every quarterly reporting period thereafter. See 11 C.F.R. §§ 109.10(b). Failure to file required independent expenditure reports constitutes a violation of the Act and Commission regulations and would warrant a through investigation by the Commission.

B. Failure to register as a political committee.

The Act and Commission regulations define a "political committee" as a committee, club, association or other group of persons which receives contributions or makes expenditures aggregating in excess of \$1,000 during a calendar year. See 2 U.S.C. § 431(4); 11 C.F.R. § 100.5. The costs associated with activity described by the Acorn employees in the video and any related communications advocating that voters support Democrat candidate Claire McCaskill – a clearly identified federal candidate – constitute expenditures under the Act and Commission regulations. See 11 C.F.R. § 109.1. If a group of individuals satisfy the definition of a political committee, they are required to file a Statement of Organization within ten days of qualifying. See 11 C.F.R. § 102.1(d).

A review of the Commission's web site indicates that neither Acorn nor Give Missourians a Raise have filed a Statement of Organization with the Commission. If the costs associated with the efforts in support of Senate candidate Claire McCaskill exceed \$1,000 in any year, then they are required to file a Statement of Organization. This failure to file such a statement constitutes a violation of the Act and requires further investigation by the Commission.

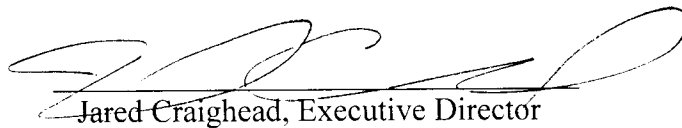
C. Knowing and Willful Violations of The Act.

The statements of the Acorn employees and former employees in the video suggest that Acorn was aware of the requirements of the Act and that, notwithstanding this awareness of the Act, they nonetheless violated the requirements of the Act. If found to be so, this would constitute a knowing and willful violation of the Act subject to those penalties specified in § 437g subsection (d).

III. CONCLUSION

The actions of Acorn and Give Missourians a Raise and their apparently willful failure to comply with the Act and Commission regulations warrants further investigation and enforcement by the Commission. Therefore, the Commission should immediately investigate this matter and find reason to believe that Acorn and Give Missourians a Raise have violated the Act and Commission regulations for the reasons set forth herein.

Under penalty of perjury, I, Jared Craighead, do state that the facts contained in this complaint are true to my best information and belief.

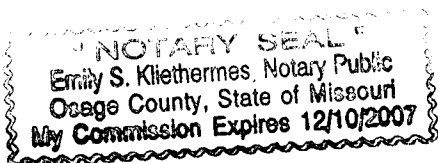


Jared Craighead, Executive Director
Missouri Republican State Committee

Date: 10-11-06

State of Missouri)
) ss
County of Osage)

Subscribed and sworn to before me this 11 day of October, 2006.


NOTARY PUBLIC

My commission expires 12/10/2007.

Enclosures