



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

In the Matter of)
Alvin M. Greene, *et al.*) MUR 6315
)

**STATEMENT OF REASONS
OF CHAIR ELLEN L. WEINTRAUB AND
COMMISSIONERS CYNTHIA L. BAUERLY AND STEVEN T. WALTHER**

This matter concerns Alvin M. Greene, a candidate for the United States Senate from South Carolina in the 2010 Election. Greene won the Democratic primary election with 59% of the vote, but lost the general election with 28% of the vote. Greene, however, did not file a Statement of Candidacy with the Federal Election Commission (the "Commission") and did not designate a principal campaign committee. Likewise, Alvin M. Greene for Senate (the "Committee") did not file a Statement of Organization or any disclosure reports with the Commission. No reports have been filed to date.

The complaint in this matter alleged that Greene and the Committee violated the Federal Election Campaign Act ("Act") by failing to register as a candidate within ten days of making in excess of \$5,000 in expenditures, and by failing to then register as a political committee and file disclosure reports as required by the Act. On February 16, 2011, the Commission unanimously found reason to believe that Greene and the Committee violated 2 U.S.C. §§ 432(e)(1) and 433(a) and 434(a) and (b), respectively, and authorized an investigation into Greene's campaign receipts and expenditures in order to determine the extent of the reporting violations.¹

The evidence gathered during the investigation supported the Commission's initial conclusion that Greene became a candidate on March 16, 2010, when he paid a \$10,400 ballot access fee to his state party, and failed to file a Statement of Candidacy with the Secretary of the Senate designating a principal campaign committee within fifteen days, by March 31, 2010.² The Committee failed to file a Statement of Organization with the Secretary of the Senate within ten days of the date that it should have been designated, by April 10, 2010, and failed to file reports of receipts and disbursements with the Secretary of the Senate beginning with the 2010 Pre-Primary Report.³ Although Greene filed a Notice of Candidacy with his state party,⁴ he failed to register with or provide any information to the Secretary of the Senate or the Commission. Greene was a major party candidate on a statewide ballot and the public

¹ Certification in MUR 6315, dated February 18, 2011.

² See 2 U.S.C. § 432(e)(1).

³ See 2 U.S.C. §§ 433(a), 434(a) and (b).

⁴ See S.C. Code Ann. § 7-11-15.

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was not provided with any information about him, as a candidate, or his campaign committee prior to the election. The evidence gathered during the investigation indicates that Greene raised over \$14,000 and spent approximately the same amount on his campaign. Notwithstanding the foregoing facts, the Office of General Counsel ("OGC") recommended that the Commission take no further action as to Greene and his Committee and issue a letter of caution.⁵ We could not support OGC's recommendation.⁶

Although the amounts at issue may not have been large, the requirement to register and file disclosure reports is not dependent on how much is raised or spent after becoming a candidate. "Effective disclosure" is what "enables the electorate to make informed decisions and give proper weight to different speakers and messages."⁷ Without this disclosure, the electorate was left guessing about Mr. Greene. It is not too much to ask that major party candidates follow the basic registration and reporting requirements or that the Commission address these violations and remedy the informational harm to the public. In our view, dismissing the matter in these circumstances, particularly where the violations are so plainly established, was inappropriate.

1/2/13
Date

Ellen L. Weintraub[®]
Ellen L. Weintraub
Chair

1/2/13
Date

Cynthia L. Bauerly
Cynthia L. Bauerly
Commissioner

1/2/13
Date

Steven T. Walther
Steven T. Walther
Commissioner

⁵ See Second General Counsel's Report at 8.

⁶ Then-Vice Chair Weintraub and Commissioners Bauerly and Walther voted to direct OGC to conciliate with Greene and the Committee in order to require that he disclose his campaign activity with the Commission. Then-Chair Hunter and Commissioners McGahn and Petersen dissented. Certification in MUR 6315, dated November 9, 2012. Subsequently, Commissioners Hunter, McGahn, and Petersen voted to take no further action as to Greene and the Committee and to issue a letter of caution. Commissioners Bauerly, Walther, and Weintraub dissented. Certification in MUR 6315, dated November 29, 2012.

⁷ *Citizens United v. FEC*, 558 U.S. ___, 138 S. Ct. 876, 916 (2010).

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