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Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, DC 204663

Dear Sirs and Madams:

This letter is in response to a request for additional information issued to candidate ID number SOPA00434, Joseph Sestak, ("the Individual") on July 26, 2013.

"Friends of Joe Sestak" ("the Committee") remains a testing the waters committee and has not conducted any "candidate activities" as defined by Commission Regulations. All money raised has been in clear accordance with U.S.C. § 100.72, as the Committee has **not conducted any activities that would trigger such "candidate status."** "Friends of Joe Sestak" is solely conducting testing the water activities pursuant to the Federal Election Campaign Act of 1971, the Code of Federal Regulations, FEC law and regulations, and the advice of several specialists from the FEC compliance office.

In addition, the Individual nor the Committee has not given consent to another person to conduct campaign activities or raise money through campaign activity. If third parties that conduct campaign activities, not testing the waters activities, do exist, they have not been authorized or in coordination with the Individual nor the Committee. **The Individual and Committee disavow any such unauthorized campaign activities.**

At this point, the Individual and Committee have filed all necessary documents to continue to operate as a testing the waters committee. The FEC Testing the Waters Brochure, which exists in the March 2010 Record, [Attachment A] that was given to the Committee by contacting the FEC compliance office, clearly states that such is the case:

"An individual who merely test the waters, but does not campaign for office, does not have to register or report as a candidate even if the individual raises more than \$5,000—the dollar threshold that would normally trigger registration."

FEC guidance

The Individual and Committee sought FEC counsel before they initiated any testing the waters activities, and have been gratefully **guided by the FEC**

compliance office throughout the entire process to ensure the committee's testing the waters activities are in the fullest compliance with FEC law and regulations, from the formation of the testing the waters committee, to the receiving of funds, and to the reporting of such funds.

Communication between the Committee and the FEC compliance office was first established on 12/26/2012 3:47 PM EST, before the 2013 Q1 fundraising period began, and before the Individual began receiving funds. The Committee called the FEC compliance office and discussed the organization of the testing the waters committee, and laid out the guidelines as stated in U.S.C. § 100.72, as well as the FEC Testing the Waters Brochure. In addition, the compliance officer directed the name of the committee to be "Friends of Joe Sestak," as any other name indicating any possible election or election year would violate testing the waters activity guidelines. The Committee was further advised that the committee cannot trigger candidate status unless an unreasonable amount of were raised, specifically providing an "unreasonable" amount would be, "\$10 million for a race in North Dakota."

Throughout the fundraising period, the Committee further discussed their fundraising activities two more times with two different members of the FEC, and were ensured that the amounts they were receiving were under the guidelines of a testing the waters committee, and that all necessary actions were taken to fulfill all testing the waters requirements. Finally, after the Q1 fundraising period, a compliance officer analyzed the amount received during the quarter and deemed, "half a million is not unreasonable, but, perhaps for a small congressional race."

Three separate communications, with three different specialists from the FEC compliance office, confirm that the Individual's fundraising process was "reasonable," in compliance with testing the waters regulations, and that the individual and committee complied with every FEC law and regulation:

Compliance with every FEC law and regulation

- (1) The Committee raised only \$210,046 in 2013 Q2, an amount that is not "unreasonable" to test the waters for a Pennsylvania statewide race – where the last race was one of top ten most expensive races in the country.
- (2) All fundraising by the Committee was conducted by clearly stating that the committee was a "testing the waters" or "exploratory" committee. In addition, the Committee nor the Individual did not make, authorize, or advertise any statements indicating that Individual was a candidate.
- (3) All funds received by the Committee are under the 2013 contribution limits and prohibitions, as described by 11 CFR 114.2(a), (b), and (d), 110.20(a)(3), 115.2, and Advisory Opinion 1998-18.

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- (4) The Committee kept all financial records in accordance with 11 CFR 101.3 and were additionally disclosed.
 - (5) All funds were kept in a segregated testing the waters bank account named "Friends of Joe Sestak," exceeding the minimum requirement described in 11 CFR 102.10, 102.15, 103.2, 103.3(a).
 - (6) Testing the waters activities did not begin less than 90 days before the election that the Individual is testing the waters for.
 - (7) The Individual did not take action to qualify for the ballot or to seek nomination for election.

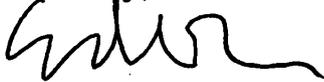
Conclusion

It is our conclusion that the Individual and Committee have abided by every FEC law and regulation, as well as even taking action to disclose more than what is required for a testing the waters committee. As laid out by FEC testing the waters guidelines, the Individual at this time is not required to file a Statement of Candidacy.

The Individual and Committee have and will continue to actively pursue FEC law and regulations to their strictest extent. **If the Individual or Committee do begin to conduct any such activities that indicate candidate status, they look forward to filing a Statement of Candidacy, a Personal Financial Disclosure, and all necessary documents in the most transparent and fullest accordance of Federal and State law.**

We will continue to fully coordinate and cooperate with the FEC for this matter until its conclusion. Thank you for your review, and please contact me with any further questions.

Sincerely,



Edwin Wee

Treasurer, Friends of Joe Sestak

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