

FEC Admonishes PAC Regarding Pictures from Candidate's Website

May 2007

In an April 11 press release, the Federal Election Commission announced that, while it had dismissed complaints raised against the candidate committee for Betty Sutton and against EMILY's List, it had admonished EMILY's List with regard to in-kind contributions, reminding the political committee that in-kind contributions that exceed applicable contribution limits violate federal law.

As described in Matter Under Review (MUR) 5743, photographs in communications by EMILY's List appeared to be similar or identical to those included on communications and the website of the candidate, Betty Sutton. Replication of pictures or other materials prepared by a candidate committee is considered a contribution. Despite the fact that EMILY's List had contributed the maximum amount to the candidate's committee for the primary election, which would mean that any additional contribution would have exceeded the contribution limit, the FEC determined that the use of a photograph from a publicly available website with no coordination between the campaign committee and the contributing committee was of *de minimis* value. As such, the FEC elected to dismiss the complaint against EMILY's List, but not before admonishing the committee as to the ramifications of exceeding applicable contribution limits. Because the FEC found no evidence of coordination, it dismissed the matter against Ms. Sutton's campaign committee.

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