

Dr. Tom Hayhurst

260 436.2011

14 September 2006

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
Washington, DC 20463

Re MUR 5798

Dear Mr. Jordan

This letter is in regards to the recent complaint (MUR 5798) filed against the Tom Hayhurst for Congress Committee (the Committee) and its treasurer, Christopher Ruckman, by Maxine Young on 25 August 2006. The Committee asserts that it is not at fault in the use of items bearing the disclaimer, as required under 2 U.S.C. § 441d(a), which identifies Ms. Maxine Young as the Committee's treasurer. Because the disclaimer meets the minimum requirements set forth by the Federal Election Commission for the purpose of identifying the authorizing party, we urge the FEC to dismiss this complaint.

Ms. Young served as the Committee's treasurer from July 17, 2005 until June 30, 2006 when she formally resigned as the Committee's treasurer. However, by agreement with the Committee, she continued to act as the treasurer for purposes of filing the second quarter campaign finance report with the FEC on July 5, 2006. The FEC received this resignation on July 13, 2006. Only five days later, on July 18, 2006, the FEC received an amended statement of organization identifying Christopher Ruckman as the Committee's new treasurer.

Ms. Young claims that, because she is no longer the Committee's treasurer, the Committee is perpetrating a fraud by the use of her name, insofar as the disclaimer no longer accurately depicts the party that paid for and authorized the communication. This is incorrect. The items named in the complaint by Ms. Young constitute specific communications. Each of these communications bears a disclaimer accurately identifying the authorizing party at the time the communications were produced, as is required under 2 U.S.C. § 441d(a). The authorization of the communications' production was made during the time between the initial Statement of Organization, July 17, 2005, prior to the Committee's receipt of Ms. Young's letter of resignation. Although one of the authorizing parties is no longer associated with the campaign, under 2 U.S.C. § 441d(a), the disclaimer continues to be accurate in that it identifies the authorizing party at the time the communications were made.

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The inclusion of Ms Young's name on the disclaimer stems from her misunderstanding of 2 U.S.C. § 441d(a), as that statute references disclaimers that identify the authorizing parties on communications that advocate the election of one political candidate over another. At Ms. Young's insistence, her name and, on some campaign materials, her husband, Gerald Young's name, were noted in the disclaimer, identifying them as the Treasurer and Assistant Treasurer, respectively. Even though Indiana law requires that campaign materials bear a disclaimer that identifies the authorizing party and its treasurer, Federal code requires that the disclaimer identify only the authorizing party. Because there is no requirement that the disclaimer identify the treasurer, Ms. Young's insistence that her name be included in the disclaimer on campaign authorized communications was unwarranted.

Because the disclaimer on the items in question correctly identifies the party that authorized the communications at the time they were made, specifically the Tom Hayhurst for Congress Committee, the disclaimer satisfies the requirements promulgated in 2 U.S.C. § 441d(a). The Committee feels that the authorizing disclaimer is specific to the communications, and, in clearly identifying the authorizing party at the time of the communications' production, maintain their accuracy despite the departure of the treasurer. We respectfully request that no further action be taken against the Tom Hayhurst for Congress Committee.

Thank you for your attention to this matter.

Regards,



Christopher Ruckman
Treasurer
Tom Hayhurst for Congress Committee

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