



**SENSITIVE**

Federal Election Commission  
Washington, DC 20463

**MEMORANDUM**

February 23, 2007

**TO:** The Commission

**THROUGH:** Patrina M. Clark *PMC*  
Staff Director

Margarita Maisonet *MM*  
Chief Compliance Officer

**FROM:** Deborah Kant *DK*  
Director, ADR Office

**SUBJECT:** ADR 372, Johnson For Congress and John Eveleth, Treasurer,  
Recommendation to Assign

On December 28, 2006, the ADR Office received MUR/5864 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is appropriate for ADR, and recommend that it be assigned to the ADR Office. The ADR Office Recommendation includes a statement of the issues, a summary and analysis of the case, and potential settlement terms if the case is assigned to ADR. In addition, the Office of General Counsel reviewed the ADR Recommendation, and concurs in the description of the case.

**ADR Case:** ADR 372

**Source No.** MUR 5864

**Respondents:**  
Johnson for Congress  
John Eveleth

**Respondent's' Rep.:**  
Jay F. Malensky

**Complainant:** Michael C. Harrington

**Committee Name:** Johnson For Congress

**Date Complaint Filed:** 10/25/06

**Committee Type:** Authorized

**Date Forwarded to ADRO:** 11/28/06

**District #/or State:** CT -5<sup>th</sup> District

27190271500

**EPS Rating: 5**

**Election - Won/Lost: Lost**

**Tier Level: 4**

**Election Cycle: 2006**

**Issues:** Disclaimers for television communications, 2 U.S.C. § 441d, 11 C.F.R. §§ 110.11(c)(3)(ii) & (iii).

**Summary and Analysis of Case:** The FECA requires all television communications for which a political committee makes a disbursement to include written and oral disclaimers. If the communication is paid for and authorized by a candidate or an authorized committee of the candidate, or any agent of the foregoing, the advertisement (“ad”) must have a written statement that the committee paid for the ad and in the ad, the candidate must orally identify himself and state that he approved the ad.

In this case, Complainant alleges that Nancy Johnson, a candidate for the Fifth Congressional District in Connecticut, and her campaign recently ran a television advertisement in Spanish without the requisite disclaimers. Respondents state that the ad was scheduled to run for a fifteen-day period and cost \$12,245. Respondents allege that it discovered the error on November 6, 2006 and immediately corrected the ad with the appropriate disclaimer. Respondents explained that they mistakenly re-used the old script from August 2002 without the tag line required by the 2002 election laws. Respondents also state that they are in the process of reviewing their internal operating procedures in order to strengthen them and avoid future errors.

**RECOMMENDATION:**

- 1. Assign ADR 372 /MUR 5864 to the ADR Office.**

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