



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

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SENSITIVE

May 7, 2007

MEMORANDUM

TO: The Commission

THROUGH: Patrina M. Clark *me*
Staff Director

FROM: Margarita Maisonet *mm*
Chief Compliance Officer

Deborah Ruth Kant *DK*
Director, ADR Office

BY: Lynn M. Fraser *LF*
Assistant Director, ADR Office

SUBJECT: ADR 376 Jeff Fortenberry for United States Congress and Steven D. Ralls,
Treasurer, Recommendation to Dismiss

On January 16, 2007, the ADR Office received MUR 5846 from the Office of General Counsel ("OGC") to review, and determine its appropriateness for ADR processing. Based on that review, we recommend that it be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by the ADR Office if the Commission approves the Recommendation in this Memorandum. OGC concurs in the description of this matter, and that it not be returned to OGC for further action.

ADR Case: ADR 376

Source No. MUR 5846

Respondents:
Jeff Fortenberry for US Congress
Steven D. Ralls, Treasurer

Respondents' Rep.:
Steven D. Ralls

Complainant: Stacy Munger

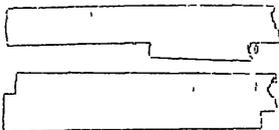
Committee Name: Jeff Fortenberry for US Congress

Date Complaint Filed: 10/16/2006

Committee Type: Authorized

Date Forwarded to ADRO: 1/16/2007

District #/or State: NE 1st C.D.



Election - Won/Lost: Won

Election Cycle: 2006

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Summary and Analysis of Case: The FECA requires all public communications for which a political committee makes a disbursement include a disclaimer. If the communication is paid for and authorized by a candidate, an authorized committee of a candidate, or an agent of either of the foregoing, the disclaimer must clearly state that the communication has been paid for by the authorized political committee. The specifications require that the disclaimer be clear and conspicuous to provide the reader, observer, or listener adequate notice of the identity of the person or political committee that paid for and, where required, that authorized the communications. One specification for printed communications is that the disclaimer be contained within a printed box set apart from the other contents of the communication.

The Complainant alleges that billboards erected by Respondents, while there was a disclaimer on each, did not have the disclaimer contained within a box. Photographs of one of the billboards show the disclaimer in black on a red background, and in what appears to be an adequate size to be legible, but lacking a box around the disclaimer. Respondents contend that the box around the disclaimer was inadvertently left off the billboards, although all other campaign materials had a box around the disclaimer. Respondents submitted photographs of yard signs and other materials to demonstrate that disclaimers were contained within a box.

RECOMMENDATION:

- 1. Dismiss ADR 376 (MUR 5846), and close the file.**
- 2. Approve the appropriate letters.**

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