



Federal Election Commission
Washington, DC 20463

May 22, 2007

Steven D. Ralls
Jeff Fortenberry for United States Congress
1601 N Street
Lincoln, NE 68508

Re: ADR 376 (MUR 5846)

Dear Mr. Ralls:

On November 16, 2006, the Federal Election Commission ("FEC" or "Commission") notified Jeff Fortenberry for United States Congress of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with the notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and take no further action against the Respondents Jeff Fortenberry for United States Congress and Steven D. Ralls, Treasurer. In its memorandum to the Commission, dated May 7, 2007, this office stated:

Summary: 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.

Accordingly, the Commission closed its file in this matter on May 11, 2007.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

If you have any questions regarding this matter please be in touch. My telephone number is 202-694-1665.

Sincerely,



Lynn M. Fraser, Assistant Director,
Alternative Dispute Resolution Office

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