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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2008 FEB -3 P 4: 17

February 29, 2008

**VIA OVERNIGHT DELIVERY**

Mr. Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Federal Elections Commission  
Office of the General Counsel  
999 E St., NW  
Washington D.C. 20463

Re: **MUR 5969**

Dear Mr. Jordan:

On behalf of Morris for Congress (the "Respondent"), this letter responds to the correspondence dated February 13, 2008 from the Federal Elections Commission (the "Commission") regarding a complaint dated January 15, 2008 (the "Complaint") filed by Michael Wundsam (the "Complainant").

Respondent is a federal candidate committee formed pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") for the purpose of electing Kirk Morris ("Morris") to the United State House of Representatives from Illinois 8<sup>th</sup> Congressional District.

Based on the material set forth below, the Respondent respectfully requests that the Commission find no reason to believe that the facts alleged in the Complaint pose a violation of the Act or its implementing regulations and that this matter be dismissed and that the Commission take no further action.

**I. BACKGROUND**

Morris was an unsuccessful candidate for the Republican nomination to the United State House of Representatives from Illinois 8<sup>th</sup> Congressional District on the primary held on February 5, 2008. Morris does not intend to seek federal office again at any time in the foreseeable future. Prior to receiving the Complaint, the Respondent had already begun efforts to wind down and terminate upon the filing of the April, 2008 quarterly report.

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From the time it was formed, through the primary campaign period and up until now, the Respondent did not enjoy great fundraising success and its efforts were fueled in large measure by a network of grassroots supporters eager to express gratitude to Morris for the sacrifices made by his family when he lost his son, Geoff, a member of the United States Marine Corps, during combat in the spring of 2004 in Iraq.

Despite the limited financial resources available to Respondent, it made best efforts to comply with the Act and urges the Commission to review this matter quickly and permit it to terminate its reporting obligations following the filing the April 2008 quarterly report.

## II. RESPONSE TO COMPLAINT

The Complaint makes three allegations and the response to each is set forth below.

### A. "Best Efforts" Notification

The Complaint states that the Respondent did not include a "best efforts" notification on its website solicitation for funds as required under 11 C.F.R. 104.7. In support of its allegation, Respondent attached a paper copy of a page from Respondent's website dated January 16, 2008 that depicts an uncompleted on-line contribution form.

During the primary campaign, the Respondent's website experienced numerous technical problems. Respondent acknowledges that these technical problems with its website may have prevented the Respondent from complying with the best efforts notice requirement of 11 C.F.R. 104.7 on the date the Complainant performed the screen scrape attached to the Complaint.

However, the Commission should note that in the Report of Receipts and Disbursements that Respondent filed on January 22, 2008 did properly disclose the employer and occupation of each contributor who made a contribution in excess of \$200. Therefore, whatever technical violation of the "best efforts" requirement that may have occurred due to technical problems on the date that Complainant viewed the website did not prevent the Respondent from fully complying with the Commission's disclosure requirements for accounting for contributions over \$200 as set forth at 11 C.F.R. 102.9(a)(2).

In an effort to reduce expenses during the wind down period, Respondent has removed the on-line contribution feature from its website. Prospective contributors who visit the website during the campaign wind down period are urged to contact the Respondent on a telephone line. The highlighted portion of the Respondent's attached Exhibit A clearly shows that the "best efforts" notification language recommended by the Commission is prominently displayed in the event a prospective donor wishes to contribute over the phone until the website is taken down in the next several weeks.

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**B. Maximum Donations Allowed and Permitted Sources of Contributions**

The Complaint next alleges that the Respondent failed to post “the maximum donations allowed as well as who is barred from donating to a political campaign committee in not given on their website”. It is unclear whether the Complaint is alleging that there is an obligation under the Act or Commission regulations to include information about maximum donations and permitted sources of contributions. Nonetheless, Respondent’s Exhibit A shows that it now provides guidance regarding maximum donations and permitted sources of contributions to prospective donors who may want to call into make a contribution.

**C. Disclaimer Language on Website and Yard Signs**

Finally, the Complaint alleges that the Respondent did not include a proper disclaimer notice on its website and yard sign indicating that these public communications were paid for by the Respondent pursuant to 11 C.F.R. 110.11, *et seq.*

Unfortunately, the paper copy of the page from Respondent’s website submitted in support of Complainant’s allegation is cut off at the bottom and does not conclusively prove that the disclaimer notice was not displayed.

However, Respondent’s Exhibit A demonstrates that the disclaimer is clearly displayed on a more recent page view from the Respondent’s website.

Furthermore, the two photographs attached as Respondent’s Exhibit B clearly depict an image of Respondent’s yard signs used during the primary campaign where the disclaimer notice is displayed in a clear and conspicuous manner as required under Commission regulations.

**III. CONCLUSION**

Based on the foregoing, the Respondent requests that the Commission affirmatively find no reason to believe the Respondent violated the Act and that this matter be dismissed and the Commission take no further action.

In submitting this material to the Commission, the Respondent does not waive any of its rights that any future action on this matter shall be kept confidential pursuant to relevant Commission regulations.

Respectfully Submitted,

  
William J. Cadigan  
Counsel for the Respondent

Attached Exhibits A and B

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# RESPONDENT'S EXHIBIT A

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Microphone is off

Address: http://www.kirkmorrisforcongress.com/index.php

File Edit View Favorites Tools Help  
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Send to

# Kirk MORRIS

## for U. S. Congress

South Republic of Leadership for Illinois 5th District

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### MAIN MENU

- A very kind letter to the Editor
- View the 8th District Map
- Kirk Morris: Election sold by Phony Press
- Kirk Morris: Brian on the Ballot
- NEWS: MAPPING MISSOURI

### POPULAR

- Kirk Morris on January action
- Kirk Morris on Health Care
- Kirk Morris on Bill Middle East
- View the 8th District Map
- Kirk Morris on Taxes

### A very kind letter to the Editor

With all the hard work that goes into a campaign, letter like the one below are one of the things that makes it all worth it.

Morris has the heart for Congress

### SYNDICATE

- NEWS
- POPULAR
- CONTACT
- ABOUT
- LINKS

I received a phone call recently indicating that this year's elections should expect to cost more than \$300 million per party.

The politicians talk about "big business" and we need to vote because of our "children." Politics is big business and they are hurting my kids with their costly and wasteful legislation.

Candidates are selected by their parties on the assembly and "steep pockets."

We need a national referendum for term limits.

It's time for a change in the Senate and Congress, especially in the 8th Congressional District.

As I neither Melissa Owen, I do not see her participation in supporting veterans' issues or sponsoring issues for the veterans and the troops. Support for Morris (God Star Deal) who is running in the 8th District against

### MESSAGE OF THE DAY

Melissa Owen voted "Yes" to making the Patient Act permanent. Kirk Morris believes that very act that allows for potential threats to our liberties, while sometimes necessary in dangerous times, should have a sunset provision. Wouldn't you agree?

### SUPPORT KIRK MORRIS

To donate to the campaign, please call the Campaign Office at (647) 263-4188.

Federal election law requires political committees to use best efforts to report the name, mailing address, occupation, and name of employer of individuals whose contributions exceed \$200 during an election cycle. An individual may not contribute more than a total of \$200 per election to the committee.

Federal law prohibits contributions to the committee from the general treasury funds of a corporation, labor organization or national banks (including corporate or other business entity credit cards), from any person contributing another's funds, from a Federal government contractor, or from a foreign national who lacks permanent resident status. Contributions are not deductible for Federal income tax purposes.

### POLLS

The most important issue

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ISSUES

We need a national referendum for term limits  
It's time for a change in the Senate and Congress, especially in the 8th Congressional District.

As I monitor Melissa Damm, I do not see her participation in supporting veterans' issues or sponsoring issues for the veterans and the troops. Support Sgt Morris (Gold Star Dad), who is running in the 8th District against the traditional Republican elders

Since his son's death, he has worked tirelessly for supporting the troops, Gold Star Families, Fisher House, and U. Gov. Pat Quinn's program supporting the Guard, Reserves and lives inside the 8th District.

Google did't Morris, and then Google he opponents and decide who should be the next Republican candidate to represent the 8th District  
Kot doesn't have deep pockets, but he has the heart to represent the 8th District, the veterans community and can get the job done

Mike Rutner

Kim Morris Endorsed by Pioneer Press Who is Kim Morris?

The Pioneer Press Newspaper endorse Kim Morris for the 8th District Republican nomination. Kim Morris has spent his life as an 8th District resident. Born in Paducah, he has lived in Gurnee and Richmond, 17 years. He and wife, Vickie, care for a blended family that includes a daughter, a college student, two sons, Lauren and Taylor, sophomore Austin, and 4th grader Dylan. The family mourns the loss of the oldest son, Marine PFC Geoff, killed in Iraq on April 4th of 2004, who was looked up to and adored by his younger siblings

Kim Morris has spent his life as an 8th District resident. Born in Paducah, he has lived in Gurnee and Richmond, 17 years. He and wife, Vickie, care for a blended family that includes a daughter, a college student, two sons, Lauren and Taylor, sophomore Austin, and 4th grader Dylan. The family mourns the loss of the oldest son, Marine PFC Geoff, killed in Iraq on April 4th of 2004, who was looked up to and adored by his younger siblings

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Kim Morris on the job  
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**RESPONDENT'S EXHIBIT B**

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U.S. Congress

MEMORIALS

