



FEDERAL ELECTION COMMISSION  
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**SENSITIVE**

March 25, 2008

**MEMORANDUM**

TO: The Commission

THROUGH: Patrina M. Clark *[Signature]*  
Staff Director

FROM: John D. Gibson *[Signature]*  
Chief Compliance Officer

Deborah Ruth Kant *[Signature]*  
Director, ADR Office

SUBJECT: ADR 457 Kirk Morris for Congress Committee and Suzanne Jerik, Treasurer, Recommendation To Dismiss

**Summary of Case:** Political committees who advertise and solicit contributions over the internet are required to include a disclaimer. 2 U.S.C. § 441d, 11 C.F.R. § 110.11. Other written communications, such as lawn signs must also have a disclaimer. *Ibid.* For an authorized committee of a candidate, the disclaimer must contain a written statement that the committee paid for the communication. 2 U.S.C. § 441d, 11 C.F.R. § 110.11(b)(1). The written disclaimer must be clear and conspicuous, and for printed communications, the disclaimer must be contained in a printed box set apart from the communication's contents. Written solicitations, including internet solicitations, must also contain a best efforts statement. 2 U.S.C. § 432(i), 11 C.F.R. § 104.7(b). Under the Commission's regulations, this statement must provide certain identifying information for contributors (*i.e.*, name, address, occupation, employer's name) whose contributions exceed \$200 per election cycle. *Ibid.*

In this case, Complainant, Michael Wundsam, asserts that Kirk Morris for Congress Committee and Susan Jerik, Treasurer (hereafter the "Committee" or "Respondents") that the Committee's website (which also solicited contributions) omitted the following information: a best efforts statement, a disclaimer declaring that the website was paid for by the Committee, and information regarding prohibited sources under the FECA and contribution limits. The complaint also alleges that the Committee's lawn signs did not contain the required disclaimer.

In response, the Committee explained that due to certain technical problems with the website, the best efforts statement was omitted from the website on the date the Complainant printed the screen. The Committee stated that it now has the best efforts statement on the website and that its FEC report, filed on January 22, 2008, disclosed all the identifying information from individuals whose contributions exceeded \$200. In addition, the website, according to

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Respondents, now contains information regarding sources prohibited from contributing to federal elections and contribution limits under the FECA and contains the required disclaimer.<sup>1</sup> The Committee further stated that the lawn sign now have the required disclaimers as shown by the photographs of the lawn signs attached to its response. Respondents also stated that the Committee is terminating, the candidate has no plans to run again in the foreseeable future and that the website will be taken down in the next several weeks.

**RECOMMENDATION:**

- 1. Dismiss ADR 457/MUR 5969 and close the file.**
- 2. Approve appropriate letters.**

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<sup>1</sup> The Committee also noted that the printed web page submitted by Complainant was cut off at the bottom so that it did not conclusively establish that the disclaimer was missing.

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