



Federal Election Commission  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2014 FEB -6 PM 2:18

**SENSITIVE**

**MEMORANDUM**

February 6, 2014

TO: The Commission

THROUGH: Alec Ralmer *AR*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Lynn M. Fraser *LMF*  
Director, ADR Office

BY: Krista J. Roche *KJR*  
Assistant Director, ADR Office

SUBJECT: ADR 695 Committee to Elect Joyce Dickerson for US Senate and Joyce Dickerson, Treasurer  
Recommendation to Dismiss

The Office of General Counsel (OGC) referred P-MUR 568, and the ADR Office designated the matter as ADR 695. The ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985). We include a summary and discussion of the matter for your information.

**Summary and Analysis of Case:** Due to the low dollar amount at issue and the efforts to remedy the error, the ADR Office recommends this matter be dismissed. The Committee to Elect Joyce Dickerson for US Senate and Joyce Dickerson, Treasurer, (Respondents or the Committee) filed a *sua sponte* submission dated December 17, 2013, indicating that disclaimers were inadvertently omitted from some printed materials distributed by the Committee. In a second submission dated January 2, 2014, Respondents estimate that 50-75 walking cards and less than 50 yard signs lacking disclaimers were distributed. The cost of these items totals \$151.00. In the *sua sponte* submissions, Respondents indicate that every effort is being made to immediately identify the distributed materials, recall them, and affix stickers containing a disclaimer.

14190293963

In the second submission, Respondents provide a sample of the disclaimer stickers attached to the recalled materials. Pursuant to 2 USC §441d and 11 CFR §110.11, a disclaimer identifying the committee who paid for the communication is required for public communications authorized and paid for by a candidate's principal campaign committee. In addition, 110.11(c)(2)(i), (ii), and (iii) require that the disclaimer be set apart in a printed box, be of sufficient type size as to be clearly readable, and that there must be a reasonable degree of color contrast between the print and the background. In this instance, the black print on the white stickers provides ample contrast and the type size appears clearly readable. However, there is no printed box on the stickers. While this is technically noncompliant, on some of the materials the white stickers themselves clearly contrast the background of the printed materials. On other materials, the white background does not contrast, but the disclaimer is placed centrally on the communication making it clearly visible. Lastly, the Committee name appears as the "committee to elect Joyce Dickerson to the US Senate" and the "committee to elect Joyce Dickerson US Senate" rather than the "Committee to Elect Joyce Dickerson for US Senate". While this is in error, because there are no similarly-named committees, it is unlikely that the public suffered any harm or confusion based on these minor errors. Due to the low dollar amount in violation, Respondents' efforts to remedy the errors, and the fact that the public is not likely to suffer harm from the technical deficiencies in Respondents disclaimer stickers, the ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985).

**RECOMMENDATION:**

- 1. Dismiss ADR 695 (P-MUR 568), and close the file.**
- 2. Approve the appropriate letters.**

1419029364