

File



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 8, 1977

Ms. Lois Gibson, Chairperson
Americans for Democratic Action
920 Nicollet Mall
Room 319
Minneapolis, Minnesota 55402

Re: MUR 349 (76)

Dear Ms. Gibson:

I am forwarding the enclosed complaint pursuant to §437g(a)(2) of the Federal Election Campaign Act for your information. As shown by the enclosed copy of my letter to complainant, the Commission believes that there is no basis for further action in this matter since there are no articulated standards defining when a notice of authorization or non-authorization is "clear and conspicuous." However, the Commission does plan to take regulatory action with regard to when a notice is "clear and conspicuous" under §441d.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William Oldaker".

William Oldaker
General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7704001137



FEDERAL ELECTION COMMISSION

125 K STREET, N.W.
WASHINGTON, D.C. 20543

File
FEB 08 1977

Ms. LaVonne J. Googins
2641 15th Avenue
South Minneapolis, Minnesota 55407

Re: MUR 349 (76)

Dear Ms. Googins:

77040061133
This letter further acknowledges your letter dated November 19, 1976, alleging certain violations of the Federal Election Campaign Act of 1971, as amended, by the Americans for Democratic Action. In view of the fact that there are at the present time no articulated standards defining what is a "clear and conspicuous" notice of authorization of non-authorization, the Commission has determined to take no action on your allegations and to close its files on the matter. However, we do wish to advise you, for your information, that the Commission plans to take regulatory action concerning when a notice is "clear and conspicuous" under §441d and we welcome your further comments in this regard.

Sincerely yours,

/s/

William Oldaker
General Counsel



RECEIVED
FEB 11 1977
OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Minnesota Chapter of the)
Americans for Democratic Action)

MUR 349 (76)

CERTIFICATION

77040061130
I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 27, 1977, the Commission determined by a vote of 5-0 that there was no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, had been committed in the above-captioned matter. Commissioner Tiernan was absent at the time of the vote.

Accordingly, the file in this matter has now been closed.

Marjorie W Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 29, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS *MJE by mee*

RE: MUR 349 (76)

On December 23, 1976 at 2:30 p.m. your office was notified that no objections had been received on MUR 319 (76).

Commissioner Springer has submitted an objection to the above mentioned MUR at 10:00 a.m., December 29, 1976.

MUR 349 (76) will be placed on the Compliance Agenda for January 6, 1976.





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 23, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS

RE: MUR 305 (76) and MUR 349 (76)

The above mentioned MURs were transmitted to the
Commissioners on December 22, 1976 at 2:30 p.m.

As of 2:30 p.m. on December 23, 1976, no objections
have been received on these MURs.



Spitzer

NO. MUR 349 (76)

DATE AND TIME OF TRANSMITTAL:

DEC 22 1976

2:30

REC'D: objection 2
Spitzer

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: LaVonne Joyce Googins, 2461 15th Ave.
South Minneapolis, Minnesota 55407.

Respondent's Name: Minnesota Chapter of the Americans for Democratic Action

Relevant Statute: 2 U.S.C. §441d(2)/§109.4 Proposed Regulations

Internal Reports Checked: None

Federal Agencies Checked: None

SUMMARY OF ALLEGATION:

The complainant alleges that a sample ballot prepared by the Minnesota Chapter of the Americans for Democratic Action did not carry the disclaimer notice, required by §441d in a clear and conspicuous fashion.

PRELIMINARY LEGAL ANALYSIS

§109.4(2)(i) defines clear and conspicuous as the face or front page of printed matter. The printed matter in question is a sample ballot with printing on both sides. Since it is unclear, in this instance, whether the disclaimer is printed on the front or back of the material, it does not appear that there is reason to believe a violation has been committed. However, respondent should be notified of the content of §109.4 of the Proposed Regulations.

RECOMMENDATION

Send attached correspondence and close files.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

763513

cc # 1028

MUR 349

2641 15th Avenue South
Minneapolis, Minnesota 55407
November 19, 1976

John Murphy
Federal Elections Commission
1325 K Street N.W.
Washington, D. C. 20463

Dear Mr. Murphy:

I believe a violation of the federal elections laws may have occurred and would like to file a complaint pursuant to Section 111.2 of the Federal Elections Commission rules and regulations.

1. Complainant:

LaVonne Joyce Googins
2641 15th Avenue South
Minneapolis, Minnesota 55407
612-722-3770

2. Complaint:

The Minnesota Chapter of the Americans for Democratic Action, in distributing its sample ballot for the November 2, 1976 election, appears to have violated the federal election law as provided in Section 109.4 of the Federal Elections Commission rules and regulations. The sample ballot which displays candidates Carter-Mondale does not appear to have the disclaimer displayed in a clear and conspicuous fashion as required by Section 109.4.

3. Enclosed is a sample ballot distributed by the Minnesota Chapter of the Americans for Democratic Action.

4. I am not a candidate and I am not filing this complaint on the behalf of or at the request or suggestion of a candidate for federal office.

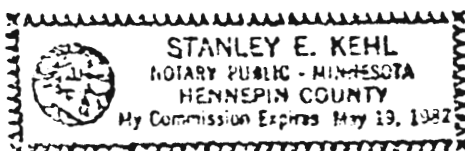
LaVonne J. Googins

LaVonne J. Googins

November 19, 1976

Subscribed to and sworn before me on this

19 day of NOVEMBER 1976.



FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

Ms. Lois Gibson, Chairperson
Americans for Democratic Action
920 Nicollet Mall
Room 319
Minneapolis, Minnesota 55402

Re: MUR 349 (76)

Dear Ms. Gibson:

This letter is to notify you that the Federal Election Commission has received a complaint against you which alleges certain violations of the Federal Election Campaign Act of 1971, as amended (the Act). A copy of the complaint is enclosed.

The Commission's Proposed Regulations (copy enclosed) state that a disclaimer must be printed on the face or front of printed matter. (See §109.4). All future communications expressly advocating the election or defeat of a clearly identified candidate financed by your organization should comply with these regulations. In the present instance, because it is unclear what is the face of your ballot, and accordingly, whether you have complied with §109.4, the Commission, upon my recommendation, has closed its files. If you have any questions, please contact David Spiegel (202/382-4055), the attorney assigned to this case.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

Ms. LaVonne J. Googins
2641 15th Avenue
South Minneapolis, Minnesota 55407

Re: MUR 349 (76)

Dear Ms. Googins:

This acknowledges receipt of your letter dated November 19, 1976 alleging a violation of the Federal Election Campaign Act of 1971, as amended, by the Minnesota Chapter of the Americans for Democratic Action.

Our review of the sample ballot indicates that it is unclear which side is the front and, accordingly, whether a violation has been committed. Accordingly, upon my recommendation, the Commission has closed its files in this matter.

If you have any questions, please contact David Spiegel (telephone no. 202/382-4055), the attorney assigned to this case.

Sincerely yours,

John G. Murphy, Jr.
General Counsel



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7704031143

763913

cc # 1088

MUR 349

2641 15th Avenue South
Minneapolis, Minnesota 55407
November 19, 1976

11:20 AM: 00

Mr. John Murphy
Federal Elections Commission
1325 K Street N.W.
Washington, D. C. 20463

Dear Mr. Murphy:

I believe a violation of the federal elections laws may have occurred and would like to file a complaint pursuant to Section 111.2 of the Federal Elections Commission rules and regulations.

1. Complainant:

LaVonne Joyce Googins
2641 15th Avenue South
Minneapolis, Minnesota 55407
612-722-3770

2. Complaint:

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3. Enclosed is a sample ballot distributed by the Minnesota Chapter of the Americans for Democratic Action.

4. I am not a candidate and I am not filing this complaint on the behalf of or at the request or suggestion of a candidate for federal office.

LaVonne J. Googins
LaVonne J. Googins

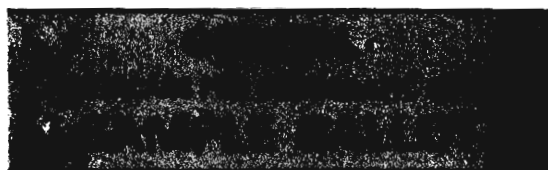
November 19, 1976

Subscribed to and sworn before me on this

19 day of NOVEMBER 1976.



77040031147



for President

Jimmy

CARTER



for Vice President

Walter Fritz

MONDALE



for U.S. Senate

Hubert H.

HUMPHREY



for U.S. House of
Representative 5th District
Donald

FRASER



YOUR LOCAL OFFICES



Minn. State Senate

Allan

SPEAR



Minn. State House of
Representative

Phyllis

KAHN



Henn. County Commissioner

Richard O.

HANSON



Henn. County Municipal
Judge

H. Peter

ALBRECT



CHARTER AMENDMENTS

No. 73 Increased Budget Responsibility for Mayor **YES**

No. 74 2 year appointments of fire chief **NO**

No. 75 Requiring an election to replace mayor in mid-term **YES**

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OFFICE OF GENERAL COUNSEL

LaVonne Joyce Googins
2641 15th Avenue South
Minneapolis, Minnesota 55406

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OFFICE OF THE
ATTORNEY GENERAL
MINNESOTA

33

Mr. John Murphy
Federal Elections Commission
1325 K Street N.W.
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

Memo to File Lum H. Brown - 1-31-77

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| ☐ (1) Classified Information | ☐ (6) Personal privacy |
| ☐ (2) Internal rules and practices | ☐ (7) Investigatory files |
| ☐ (3) Exempted by other statute | ☐ (8) Banking Information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☐ (5) Internal Documents | |

Signed

Kurt Brinkman

date

9-22-77

FEC 9-21-77

7704001140