



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission  
Staff Director  
General Counsel

FROM: Mary W. Dove/Veneshe Ferebee-Vines  
Acting Secretary of the Commission

DATE: October 31, 2000

SUBJECT: Statement Of Reasons For  
MUR 4920

Attached is a copy of the Statement of Reasons signed by  
Commissioner Danny L. McDonald, Commissioner Karl J. Sandstrom,  
Commissioner Bradley A. Smith and Commissioner Scott E. Thomas.

This was received in the Commission Secretary's Office on  
Tuesday, October 31, 2000 at 9:51 a.m.

cc: Vincent J. Convery, Jr.  
Press Office  
Public Information  
Public Records

Attachments

In the Matter of

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

Kind for Congress Committee )  
and Mary JoAnn Werner, )  
as treasurer )

MUR 4920

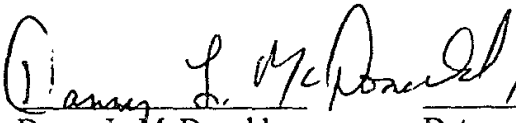
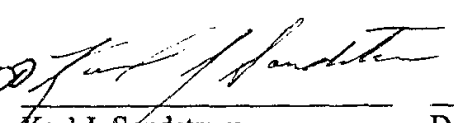
2000 OCT 31 A 9:51

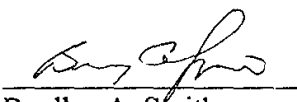
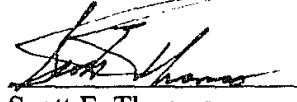
### STATEMENT OF REASONS

On July 25, 2000, the Commission found reason to believe that the Kind for Congress Committee (the "respondent") and Mary JoAnn Werner, as treasurer, violated 2 U.S.C. §441d(a) by failing to maintain a disclaimer on a campaign sign paid for and authorized by the respondent. The Commission rejected the General Counsel's recommendation to enter into pre-probable cause conciliation and instead voted to take no further action and close the file.

The Commission agreed with the General Counsel that the sign, which expressly advocated the candidate's election, should have contained a disclaimer. The sign, which was painted on the side of a building owned by the candidate, originally contained an appropriate disclaimer.<sup>1</sup> However, a few months after the sign was painted, graffiti was sprayed on the bottom part of the sign.<sup>2</sup> The facts suggest that in the process of removing the graffiti, the disclaimer also was inadvertently removed.<sup>3</sup> Upon notification the sign was without the required disclaimer, the respondent immediately had the disclaimer reapplied.<sup>4</sup>

In light of these circumstances, and in the exercise of prosecutorial discretion,<sup>5</sup> the Commission voted to take no further action and close the file.

 10-27-00  10/10/00  
\_\_\_\_\_  
Danny L. McDonald                      Date                      Karl J. Sandstrom                      Date  
Vice-Chairman    Commissioner

 10/30/00  10/25/00  
\_\_\_\_\_  
Bradley A. Smith                      Date                      Scott E. Thomas                      Date  
Commissioner    Commissioner

<sup>1</sup> September 13, 1999 Response at 1.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See *Heckler v. Chaney*, 470 U.S. 821 (1985).