

Monday, Nov. 22, 2004

Mr. Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E. Street, NW  
Washington, D.C. 20463

RE: MUR 5589

Dear Mr. Jordan:

I am writing to you in response to the complaint filed against me, as the complainant, for The Buffalo County Progressives, by Mr. Kelly J. Herold.

The Buffalo County Progressives is a small group of friends and acquaintances that formed for the purpose of informing and educating the public about the many important issues of the day.

The Buffalo County Progressives believes that its flyers, newspaper and billboard advertisements are political speech protected by the First Amendment, and that it need not register as a political committee. The speech which is the subject matter of the complaint is not an exhortation to vote for or against a specific candidate with limited reference to external events.

Not only is the speech independent of anyone's campaign and not expressed advocacy of any candidates' elections, but also The Buffalo County Progressives major purpose is unrelated to the election of particular candidates. The major purpose of the ads is to inform the public of the issues, as can be seen by a review of the subject matter of the complaint: flyer and newspaper and billboard advertisements.

Finally, if the FEC determines that an ad constitutes expressed advocacy, the cost of any particular ad was less than the threshold expenditure required by the Federal Election Campaign Act of 1971 to come under its regulation.

If you should have any questions, please do not hesitate to contact me.

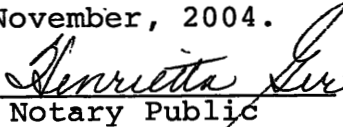
Sincerely,

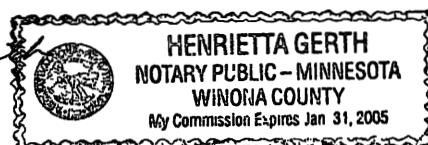


Cindy Killian

The Buffalo County Progressives

Signed this 22nd day of November, 2004.

  
Notary Public



RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 NOV 30 10:00

26044141061