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August 12, 2010

Via Telecopy and US Mail

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

Re MUR #6319
In the matter of Vicky Hartzler for Congress et al

Dear Mr. Jordan:

This letter is submitted pursuant to 11 CFR § 111.6 and sets forth why no action should be taken against either Vicky Hartzler for Congress or the Committee's Treasurer Delbert Scott (collectively "the Committee") with respect to the Complaint filed in connection with MUR #6319. As you are aware, I am counsel for the Committee, and this response is being filed on August 12, 2010, pursuant to an extension of time to respond to the Complaint, as granted by Kim Collins in your office.

Specifically, the Committee respectfully requests that your office recommend that the Commission dismiss the Complaint without taking any action pursuant to 11 CFR § 111.7(b).

Dismissal is appropriate in this action. The sole allegation constituting MUR #6319 is an allegation that a single campaign banner hung in the campaign office "Vicky Hartzler US Congress" did not contain a disclaimer stating that it was paid for by the Committee. As is demonstrated by the photographs attached as Exhibit A to this letter, this oversight – which, again, is the sole basis for MUR #6319 – was immediately remedied upon being brought to the attention of the Committee and this single campaign banner now contains all "paid for" disclaimers required by 11 CFR § 110.11. Accordingly, there is simply no need for any action by the Commission.

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To be clear, the Complaint does *not* specifically allege, nor does it provide *any* support for, a contention that the Committee failed to include necessary "paid for" disclaimers on all, or even numerous, campaign materials, including solicitations to events at which the banner was put on display¹. Rather, this Complaint alleges only that one sign was missing one disclaimer. This sign now contains all necessary disclaimers. This enough is alone to warrant dismissal of the Complaint.

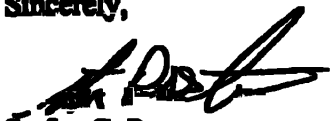
The necessity of dismissal becomes even more clear when the purpose for "paid for" disclaimers is examined. Specifically, 11 CFR § 110.11(c) sets forth the basis for the Commission's disclaimer requirements for general communications: "to give the reader, observer, or listener adequate notice of the identity of the person or political committee that paid for and, where required, that authorized the communication."

Here, the facts demonstrate that no reasonable person would have had any doubt as to who paid for the single sign that is the basis of the Complaint. Indeed, the Complaint itself states where this single sign was displayed: primarily at the Committee's campaign headquarters, and on occasion, at official campaign events. Attendees at these events were solicited via invitations making clear that the events were financed by the Committee. It is thus completely disingenuous to allege, as the Complaint does, that anybody would be confused as to who paid for a sign which read "Vicky Hartzler U.S. Congress," that was displayed in the storefront of the campaign headquarters of Vicky Hartzler for U.S. Congress. As such, and because the sign now contains all necessary disclaimers, no further action is required on the Complaint.

Given these facts, action at this juncture would place the Commission in an untenable position by encouraging campaigns to file baseless, politically motivated complaints for even the most trivial of matters. Clearly, prosecuting one missing disclaimer on one sign that was displayed at the Committee's headquarters is not an efficient use of the Commission's resources, particularly given that the sign now contains all necessary disclaimers. As such, the Committee respectfully requests that the Commission dismiss the Complaint with no action.

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

Sincerely,


Stefan C. Passantino

¹ As is demonstrated by Exhibit B to this letter, the Committee is well aware of the disclaimer requirements set forth by 11 CFR § 110.11 and is in compliance with such requirements.

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Exhibit A

10044281159

VICKY HARTZLER



U . S . C O N G R E S S



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ON

Paid for by Vicky Hartzler for Congress
Delbert Scott, Treasurer

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Exhibit B

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Host Committees

Aaron & Krista Asmund
Brent & Rebecca Baker
David & Cheri Baker
David & Donna Beldinger
Dan & Debbie Boudley
Mike & Fran Cook
Bill & Vicki Day
Eben Douglas
Chris & Kelly Flax
Bill & Nancy Freeman
JD & Katherine Fleming
Donald & Martha Fries
Mark & Vickie Gausman

Reynold & Debbie Giesmer
Mike & Teresa Hatcher
Jay & Dorothy Hatcher
Mary Ann Hatcher
David & Peggy Hurd
David & Shirley Hurling
John & Ellen Hoffman
Loren & Laura Holden
Shawn & Susan Holden
Bob & JoAnn Hudson
Bill & Ann Kierstuen
James & Cindy Lammert
Mark & Susan Lockard

Chris & Joanne MacLaughlin
Chris & John McHenry
Chris & Mary McHenry
Marjorie Macintosh
Richard & Linda Pico
Tom & Barbara Pider
Delbert & Donna Reed
Al & Kathy Sheridan
Mark & Lydia Skowron
Nancy & Jerry Sprunt
Aaron & Mary Thoms
Doreen & Susan Tison
Ted & Virginia Ziskew

Please join the Host Committees For a Campaign Kick-Off & BBQ

**To support
Vicky Hartzler
4th Congressional District Candidates**

Monday, September 21, 2009

**Doors Open 5:30 pm
Dinner 6:00 pm**

**The Farm
28710 S State Rte. 7
Garden City, MO 64747**

Casual Attire

Reply Card enclosed

*For more information please contact Sandy Muller 314-377-6426

Paid for by Vicky Hartzler for Congress

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