

Roger Dale Salzgeber

Tucson, AZ 85741-2621

RECEIVED  
2010 OCT 12 PM 3:41  
FEC MAIL CENTER

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2010 OCT 13 AM 9:09  
OFFICE OF GENERAL  
COUNSEL

VIA FACSIMILE  
AND U.S. MAIL

October 4, 2010

MUR # 6392

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Non-Compliant Political Advertising Disclaimer

Dear Commissioners:

I, Roger Salzgeber, hereby file this complaint alleging violations of the Federal Election Campaign Laws by Kelly for Congress.

Respondents have violated the Federal Election Campaign Act of 1971, as amended ("FECA") and the Federal Election Commission ("FEC") regulations implementing that Act, by failing to include appropriate disclaimers on public communications as defined under 11 C.F.R. § 100.26.

### The Facts

Kelly for Congress is responsible for multiple political advertisements located throughout Arizona. Each advertisement contains tiny print stating that it was paid for by Kelly for Congress, but the text is not contained in a printed box as required by 11 C.F.R. § 110.11(c)(2)(ii). See enclosure at Tab 1.

### Violation of the Law

The Kelly for Congress advertisements constitute a "public communication" that "expressly advocate[s] the election or defeat of a clearly identified candidate." 11 C.F.R. §§ 100.26; 110.11(a)(2). As such, they must contain an appropriate disclaimer that provides the reader or observer with clear and conspicuous notice "of the identity of the person or political committee that paid for, and where

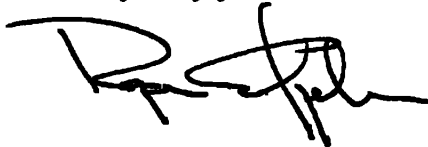
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required, authorized the communication." 11 C.F.R. § 110.11(c). Further, the disclaimer "must be contained in a printed box set apart from the other contents of the communication." 11 C.F.R. § 110.11(c)(2)(ii). As evident from the photograph enclosed at Tab f, the Kelly for Congress advertisements do not comply with this requirement.

**Conclusion**

This political advertising violates Federal Election law and regulations. Because this improper advertising is potentially viewed by thousands of individuals each day, I request that the Federal Election Commission conduct an immediate investigation into this matter, and subject Kelly for Congress to the highest penalties provided under this statute.

Very truly yours,



Roger Salzgeber

STATE OF AZ )

County of Pima )

SUBSCRIBED AND SWORN to before me this 5 day of October, 2010.

  
Notary Public

My Commission Expires:

March 4, 2013



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**TAB 1**

**Giffords CUT  
\$500 BILLION  
from YOUR MEDICARE**

PAID FOR BY KELLY FOR CONGRESS