

★ **JOE**
★ **SESTAK**
★ Democrat for Senate

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2010 NOV -8 AM 9:

OFFICE OF GENERAL
COUNSEL

Jeff S Jordan
General Counsel Office
Federal Election Commission
999 E Street, NW
Washington, DC 20463

November 3, 2010

RE: MUR #6398

Dear Mr Jordan,

This letter is in response to the Federal Election Commission's letter dated October 26, 2010 regarding a complaint that Joe Sestak (the Candidate), Sestak For Senate (the Committee), and Margaret M Infantino (the Treasurer) violated the Federal Election Campaign Act of 1971, as amended ("the Act"). As set forth below, the Candidate, the Committee and the Treasurer did not violate the Act.

The FEC letter attached a complaint from Mary Barket of Nazareth, PA 18064 (the Claimant). In the complaint, Claimant states that the spoken requirements of the Act were not followed by one of Joe Sestak's ads.

The script of the ad, and as set forth in the complaint by the Claimant, is as follows. Also included with this letter is a disc which contains the ad.

Joe Sestak ad: *"I'm Joe Sestak and this is Bell. My family loves Bell, but she can make a mess, and we have to clean it up. I think about Bell when I see Congressman Toomey's ads attacking me. Made me sick to bail out the banks, but I had to clean up the mess left behind by these guys. They let Wall Street run wild. Now Pat Toomey's attacking me for cleaning up his mess. I authorize this message because we deserve leaders who solve problems instead of playing politics."*

Claimant cites 11 C.F.R. 110.11(c)(3)(iv) as the requirement for candidates' television advertisements. This section, however, only sets forth examples and states that that these examples are not the only allowable statements:

(iv) The following are examples of acceptable statements that satisfy the spoken statement requirements of paragraph (c)(3) of this section with respect to a radio, television, or other broadcast, cable, or satellite communication, but they are not the only allowable statements.

SESTAK FOR SENATE

PO Box 1224 • Media, Pennsylvania 19063
(610) 891-8956 • www.JoeSestak.com

Paid for by Sestak For Senate

11044293578

11044293579

The spoken requirements for candidates' television ads are set forth in 11 C.F.R. 110.11(c)(3)(ii) which states:

(ii) A communication transmitted through television or through any broadcast, cable, or satellite transmission, **must include a statement that identifies the candidate and states that he or she has approved the communication.** The candidate shall convey the statement either:

(A) Through an unobscured, full-screen view of himself or herself making the statement, or

(B) Through a voice-over by himself or herself, accompanied by a clearly identifiable photographic or similar image of the candidate. A photographic or similar image of the candidate shall be considered clearly identified if it is at least eighty (80) percent of the vertical screen height.

C.F.R. 110.11(c)(3)(ii) requires a candidate to (1) identify himself and (2) state that he approves the communication. The ad is entirely spoken by the Candidate and it clearly satisfies the disclaimer requirements:

1. In the first sentence of the ad, the candidate states who he is: "I'm Joe Sestak"
 - The visual of this part of the ad is a clear picture of the Candidate with Bell along with the Committee logo: Joe Sestak For Senate
2. In the last sentence of the ad, the candidate states that he approves the communication: "I authorize this message"
 - The visual of this part of the ad is a clear picture of the Candidate with Bell along with the Committee logo: Joe Sestak For Senate and the statement: Paid for by Sestak for Senate. Approved by Joe Sestak

The complaint does not set forth a possible violation of the Act, and therefore, no action should be taken against the Candidate, the Committee and/or the Treasurer in response to the complaint set forth in MUR #6398.

Sincerely,



Jared Solomon