

MURPHY, GOLDAMMER & PRENDERGAST, LLP
ATTORNEYS AT LAW

Jeremiah D. Murphy
Vance R.C. Goldammer
Terry N. Prendergast
Matthew S. McCaulley
Michael L. Luce

Christopher L. Fidler
Rochelle R. Sweetman
Paul V. Goldammer

101 North Phillips Avenue
Wells Fargo Building, Suite 402
Sioux Falls, SD 57104

Post Office Box 1535
Sioux Falls, South Dakota 57101-1535

Of Counsel:
James E. McMahon

ALSO LICENSED IN FLORIDA
ALSO LICENSED IN MINNESOTA

matt@mglawfirm.com
Personal Facsimile: 605-331-8301

Telephone: 605-331-2975
Facsimile: 605-331-6473

November 22, 2010

VIA US MAIL & FEDERAL EXPRESS – Tracking No. 872388531798

Christopher Hughey, Esquire
Acting General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20453

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COMMISSION
2010 NOV 23 PM 2:47
OFFICE OF GENERAL
COUNSEL

**Re: *Response of Kristi Lynn Noem and Kristi for Congress in MUR 6415*
*Our File No. 12180.003***

Dear Mr. Hughey:

This firm is counsel for the Respondents in the above referenced matter under review. Please accept this letter as the Response by the undersigned counsel on behalf of Mrs. Kristi Lynn Noem and Kristi for Congress in response to the Complaint designated as Matter Under Review 6415.

The Complaint in this matter was filed by Betty Breck of Groton, South Dakota. The Complaint is frivolous. In fact, the Complaint itself states that Kristi for Congress complied with federal law and the Federal Election Commission ("FEC") regulations.

Ms. Breck's sole allegation is that Kristi for Congress failed to print duplicate disclaimers on a full-page newspaper advertisement which was placed in newspapers throughout the state (the "Advertisement"). Specifically, Ms. Breck alleges that the Advertisement contained two boxes—the top box was black on white and the bottom box was white on black. The Complaint alleges that these two boxes gave the "appearance" of two separate advertisements and thus required two separate disclaimers.

Ms. Breck's Complaint goes on to state that the Advertisement was delivered "to the [South Dakota Newspaper Association] as one full-page, camera-ready ad, paid for by Noem and her committee." Also, according to the Complaint, the top box of the Advertisement was "clearly marked 'Paid for by Kristi for Congress', as required by law."

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Federal law, in particular 2 USC § 441d(a)(1), states "[w]henever a political committee makes a disbursement for the purpose of financing any communication through any...newspaper..., such communication if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by each authorized political committee..."

In addition, the applicable FEC regulations set forth specific requirements for printed communications. These requirements state that disclaimers on any printed public communication must be of sufficient type and size to be clearly readable by the recipient of the communication, that the disclaimer be contained in a printed box set apart from the other contents of the communication and that the disclaimer must be printed with a reasonable degree of color contrast between the background and the printed statement. 11 CFR § 110.11(c)(2).

Kristi for Congress did in fact pay for the Advertisement, which was a full-page newspaper advertisement that was placed in newspapers throughout the state of South Dakota. As stated in the Complaint, the Advertisement contained the language "Paid for by Kristi for Congress" as required by law. In addition, the required disclaimer language was clearly readable, contained in a printed box set apart from the other contents of the communication and was printed in black letters against a white background. The Advertisement completely and fully complies with all federal law and FEC regulations with respect to printed disclaimers.

Please feel free to contact me if you have any questions or require any additional information.

Sincerely,

MURPHY, GOLDAMMER
& PRENDERGAST, LLP



Matthew S. McCaulley

MSM/sem

cc: Kristi Lynn Noem (via email only)
Kristi for Congress (via email only)

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