



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 21 2011

Betty Breck
P.O. Box 441
Grobbil, SD 57445

RE: MUR 6415
Kristi Noem;
Kristi for Congress
and Ted Hustead, in his official
capacity as treasurer

Dear Ms. Breck:

On November 15, 2011, the Federal Election Commission considered the allegations contained in your complaint dated October 29, 2010, but was unable to agree on findings in this matter and voted to close the file. *See* Certification of Commission Action in MUR 6415, attached. A Statement of Reasons providing a basis for the Commission's decision will follow.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's action. *See* 2 U.S.C. § 437g(a)(8). If you have any questions, please contact Phillip A. Olaya, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Shonkwiler", written over a horizontal line.

Mark D. Shonkwiler
Assistant General Counsel

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COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 6415
Kristi for Congress and Ted Husted, in)
his official capacity as treasurer; Kristi)
Lynn Noem)

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on November 15, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed on a vote of 2-4 to:
 - a. Find Reason to Believe that Respondent Kristi for Congress and Ted Husted, in his official capacity as treasurer, violated 2 U.S.C. § 441d and 11 CFR § 110.11 and to authorize the Office of General Counsel to conduct a limited investigation in order to determine the costs associated with the production and dissemination of the newspaper ad consisting of the dark format that occupies the bottom 1/3 of the newspaper page and that did not contain the required disclaimer.
 - b. Authorize the Office of General Counsel to enter into pre-Probable Cause Conciliation with an opening civil penalty offer equal to 20 percent of the costs associated with the production and dissemination of the newspaper ad that did not contain the required disclaimer.

Commissioners Bauerly and Walther voted affirmatively for the motion. Commissioners Hunter, McGahn II, Petersen, and Weintraub dissented.

2. Failed on a vote of 1-5 to:
 - a. Dismiss the allegation that Respondent Kristi for Congress and Ted Husted, in his official capacity as treasurer, violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11.
 - b. Find no reason to believe that Respondent Kristi Lynn Noem violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11.
 - c. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated August 30, 2011.

d. Approve the appropriate letters and

e. Close the file.

Commissioner Weintraub voted affirmatively for the motion. Commissioners Bauerly, Hunter, McGahn II, Petersen, and Walther dissented.

3. Failed on a vote of 3-3 to:

- a. Find no reason to believe that the allegation that Respondent Kristi for Congress and Ted Husted, in his official capacity as treasurer, violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11.
- b. Find no reason to believe that Respondent Kristi Lynn Noem violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11.
- c. Approve the appropriate letters.
- d. Close the file.

Commissioners Hunter, McGahn II, and Petersen voted affirmatively for the motion.

Commissioners Bauerly, Walther, and Weintraub dissented.

4. Decided by a vote of 6-0 to:

- a. Close the file.
- b. Send the appropriate letters.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 17, 2011
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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