



Eric Klingemann

23 April, 2012

Candidate, US House of Representatives, District 31, Texas

PO Box 31

Georgetown, TX 78627

Jeff S. Jordan

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Federal Elections Commission

Enforcement Division of the Office of the General Counsel

999 E. Streets, NW

Washington, DC 20463

Fax (202) 219-3923

REF: MUR# 6548

Dear Sir,

This is in response to a complaint filed with the FEC and received by the Eric For Texas Campaign office on 16 April, 2012. The MUR# is 6548.

Upon receipt of this complaint, the immediate first step was to contact the FEC information line. On April 16<sup>th</sup>, 2012, Eric Klingemann spoke with Dainab. The goal was to make sure that the Eric For Texas campaign was following the law, as required. It was her accurate and helpful information that was used in composing our response to this complaint.

The Eric For Texas Campaign believes that "No Action Should Be Taken" for the reasons listed below:

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1. This is no more than an attempt to "smear" the candidate Eric Klingemann. The complaint is from one of the LARGEST donors to the incumbent opponent (as verified by a search of the FEC donor database). The motivation of the complaint is to use the FEC as a tool in the arsenal of the incumbent's political campaign. I believe this taints the honor and integrity of the FEC, as well as the incumbent opponent, Congressman John Carter.
2. There was no intent to mislead, or deceive. As a grassroots candidate, with very little funding, it is a struggle to manage volunteers with little or no experience in regard to Federal Elections. Our constant and over-riding goal is to follow the law. Volunteers from the Eric For Texas campaign call the FEC almost weekly to get clarification and guidance to make sure we are in accordance with the law.
3. Accusation: "...committee failed to include the disclaimers required by 2 USC 441d."
  - a. Response: This was an email, from a private individual, to a discrete list of recipients. On page 139 of the Campaign Guide for Congressional Candidates and Committees, it states, in note 1, "The term general public political advertising does not include any Internet communication."
4. Accusation: "...knowingly accepting illegal corporate contributions and corporate-facilitated contributions."
  - a. Response: No Corporate contributions or donations of any kind have been offered, or received, by the Eric For Texas Campaign in relation to this raffle.
    - i. The firearms will be purchased at a fair market price, and, when they are purchased, reported as campaign expenditures.
    - ii. GUNS+ Gun Store has offered, at some point in the future to handle the transfer of the fire arms to the winners. This is a non-binding offer, for some future, unspecified, date. When,

and if, they do follow up, and if the FEC believes it would be an "in-kind" contribution, it will be reported in accordance with the law.

5. Accusation: "...corporations are prohibited from using corporate resources (trademarks and logos) in fundraising activities."

- a. Response: As an exempted "internet communication" it is unclear if this statute applies. Nonetheless, in an effort to avoid any appearance of impropriety, the Eric For Texas Campaign will ask the private citizen to remove the logos from his email, and any future communications. Additionally, no corporation has authorized the Eric For Texas Campaign to use corporate resources. No statement of endorsement is used, or implied, in the flier. The logos were used on the "list of guns" are there to show that the prizes are from reputable manufacturers, and confirm the value of the guns. The logos were in black and white, scanned images, and were "askew." No reasonable person under similar circumstances would have any reason to assume that 21 different gun manufacturers are supporting or endorsing the Eric For Texas Campaign. However, as referenced above, the private citizen has been asked to remove the logos in order to avoid an appearance of impropriety.

6. Accusation: "Guns+ is a corporation and is lending its endorsement to the campaign."

- a. Response: Guns+ clearly states on their website that they are "A family owned business." Regardless, the name of the gun store is used to inform people of where they will have to go to accept the firearms. This is relevant and necessary information since an interested raffle ticket buyer in Arizona or Alabama might not want to drive to Guns+ in Georgetown, Texas to pick up a firearm.

7. Accusation: "In order to deposit undesignated contributions into its federal account, the committee must inform donors....."

- a. The FEC was consulted before filing the first FEC quarterly report, in order to ensure that FEC guidelines were followed. On the advice of the FEC, these funds are being maintained in a separate account, not part of the general federal campaign fund. This was for several reasons:
  - i. To avoid any semblance of impropriety, as is being suggested by the complainant.
  - ii. To be able to, in the event that the raffle must be canceled, return all funds to the participants.
- b. As stated above, this solicitation was from a private citizen to a discrete list of friends and family, and that this method of internet communication is exempt from requirements of disclosures. However it was made abundantly clear by the private citizen that the contributions were to be used in the support of a Congressional Candidate. The complainant even clearly understood that this was for a Congressional Campaign. In order to avoid any semblance of impropriety, the private citizen will be asked to add the "Federal Election Purpose Notification" to the flier.
- c. Again, it is believed that this is an "exempt internet communication;" however the donation amount was not over \$100 per individual, and names, and addresses are collected as part of the necessities of the raffle, in order to notify winners, and will be reported in accordance with the law. Again, to avoid any semblance of impropriety, the private citizen will be asked to add the "Best Efforts Notification" to the flier.
- d. Finally, as is clearly shown by the Q1 FEC report for the Eric For Texas Campaign, there is no risk of 'normally' exceeding \$100,000 in receipts. Therefore the IRS Disclosure notice is not required.

Thank you for your prompt dismissal of this claim. Additionally, please advise us if there is any recourse, through the Federal Elections Commission, to hold an individual accountable for baseless, politically motivated accusations. As you are

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aware, it is the mere hint of scandal which will damage a candidate's credibility. The truth and validity of the claim are often not even considered. Sadly, this is one of the reasons why so few candidates step forward to try to serve their country.

Sincerely,

  
Eric Klingemann  
Candidate for US House of Representatives  
District 31, Texas

Attached;  
Updated Raffle Flier with disclosures included and logos removed.

Sworn to and subscribed before me this \_\_\_\_ day of April, 2012.

\_\_\_\_\_  
Notary Public

My Commission Expires: