

## CAPLIN &amp; DRYSDALE

One Thomas Circle, N.W.  
Suite 1100  
Washington, DC 20005  
Tel: 202.862.5000  
Fax: 202.429.3301  
[caplindrysdale.com](http://caplindrysdale.com)

202.862.7836 Direct  
bmorgan@capdale.com

June 8, 2022

**VIA ELECTRONIC MAIL**

([cela@fec.gov](mailto:cela@fec.gov))

Mr. Roy Q. Lockett, Esq.  
Acting Assistant General Counsel  
Federal Election Commission  
Office of Complaints Examination  
& Legal Administration  
Attn: Christal Dennis, Paralegal  
1050 First Street, NE  
Washington, DC 20463

**Re: MUR 7995 Response of Jamie McLeod-Skinner, Jamie for Oregon, and Jef Green, Treasurer of Jamie for Oregon**

Dear Mr. Lockett:

On behalf of Jamie McLeod-Skinner, Jamie for Oregon, and Jef Green in his official capacity as Treasurer of Jamie for Oregon (collectively “Jamie for Oregon” or the “Committee”), I write in response to the Compliant in MUR 7995.<sup>1</sup> I respectfully urge the Commission to dismiss the Complaint as an exercise of its prosecutorial discretion due to the nature of the alleged violation, the prompt remedial actions taken by the Committee, and the Commission’s consistent approach in treating similar allegations as appropriate for prompt dismissal.<sup>2</sup>

The Complaint alleges that the Committee failed to include the required “paid for by” disclaimer on certain Committee yard signs.<sup>3</sup> The Complaint does not claim that the omission resulted in any confusion or uncertainty on the part of the Complainant or anyone else regarding who paid for the yard signs at issue.<sup>4</sup> The yard signs prominently feature the text “McLeod-Skinner for Congress,” and, on some versions, include the Committee’s logo.<sup>5</sup> The Complainant

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<sup>1</sup> Jamie for Oregon is registered with the Commission as the principal campaign committee for Jamie McLeod-Skinner’s 2022 congressional campaign.

<sup>2</sup> Heckler v. Chaney, 470 U.S. 821 (1985).

<sup>3</sup> 52 U.S.C. § 30120; 11 C.F.R. § 110.11(a)(1), (c)(2).

<sup>4</sup> Fed. Election Comm’n, MUR 7995, Complaint of Dina Cabbage at 1 (April 29, 2022) (stating that the yard signs at issue were “financed and distributed by Respondents.”).

<sup>5</sup> Compl. at 3-6.

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was apparently able to easily identify the Committee as the sponsor of the yard signs, and does not allege facts that suggest the omission was intentional or that it impacted the electoral process in any way.<sup>6</sup>

The Committee learned of the allegations contained in the Complaint through the news media on or about May 2, 2022, which was before it received notification of the Complaint from the Commission on May 5, 2022. Upon learning the allegations, the Committee immediately directed valuable and scarce financial and human resources to correcting the mistake as soon as possible. Specifically, the Committee took the following remedial actions:

- On May 4-5, 2022, the Committee promptly designed and printed stickers bearing the appropriate “Paid for by Jamie for Oregon” disclaimer. Two versions of the sticker were printed. The first version features “Paid for by Jamie for Oregon” in black print on a white background in order to create a “reasonable degree of color contrast between the background and the printed statement” and the required “printed box”<sup>7</sup> when affixed to the Committee’s blue signs. The second version of the sticker features the proper “Paid for by Jamie for Oregon” disclaimer in black print on a white background contained within a black printed box when affixed to the campaign’s yard signs. Images of the stickers affixed to the yard signs are included in Exhibit A.<sup>8</sup>
- On May 4-5, 2022, the Committee drafted, printed, and mailed letters to all known purchasers of yard signs omitting the required disclaimer to alert them of the requirement to affix the sticker to the sign. An image of the letter as well as an image of the letters prior to mailing are included in Exhibit B. The mailing included both the letter and a disclaimer sticker. The letter urged recipients to “Please help us to be compliant by attaching this enclosed ‘paid for by Jamie For Oregon’ sticker to the street facing side of your Jamie sign on the bottom right.”<sup>9</sup>
- On May 4, 2022, the Committee sent an email to all recipients who had, to their knowledge, signed up to receive a free yard sign that omitted the required disclaimer. The email urged them to take corrective action and offered to mail them a disclaimer sticker if they responded with their mailing address or otherwise deliver a disclaimer sticker to them at a Committee event or pick-up location.<sup>10</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> 11 C.F.R. § 110.11(c)(2)(ii)-(iii).

<sup>8</sup> In the Committee’s early efforts to quickly correct the error, stickers designed for blue yard signs were in some cases affixed to white yard signs.

<sup>9</sup> *See* enclosed Exhibit B.

<sup>10</sup> *See* enclosed Exhibit C.

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- On May 6, 2022 the Committee released a corrected design of its yard signs for sale on its website. Images of the Committee’s corrected yard signs are included in Exhibit D and can be found today on the Committee website.<sup>11</sup>
- On May 7-8, 2022, the Committee distributed corrective disclaimer stickers during canvassing events throughout the district and at designated pick-up locations.

The Committee acknowledges that it inadvertently omitted the required disclaimer from certain of its yard signs. The Committee takes this matter seriously as demonstrated by the prompt remedial actions described herein.

Commission staff have consistently determined that a complaint such as this alleging omission of the required disclaimer from yard signs is a “low priority for Commission action” pursuant to the Commission’s established Enforcement Priority System.<sup>12</sup> This is especially the case where, such as here, the respondents have taken prompt and appropriate remedial actions. For these reasons, I respectfully urge the Commission to dismiss the Complaint consistent with its past treatment of similar allegations and its prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.

Sincerely,



Bryson B. Morgan  
Member  
Caplin & Drysdale, Chartered

**Enclosure:** Exhibits A-D.

<sup>11</sup> See enclosed Exhibit D. See also <https://store.jamieforeregon.com/> (last accessed on June 7, 2022).

<sup>12</sup> See e.g., MUR 7702 (Tricia Zunker for Wisconsin) (dismissed even though EPS Dismissal Report noted that Commission staff could not verify the respondents’ remedial actions); MUR 7725 (Caesar Gonzalez for Congress) (dismissed, with EPS Dismissal Report citing “Respondents’ prompt remedial actions” including applying disclaimer labels on yard signs, among other factors); MUR 7749 (Romero for Senate) (dismissed, with EPS Dismissal Report citing “technical nature of disclaimer violations” regarding the alleged omission of disclaimers from the campaign website, Facebook page, and yard signs); MUR 7644 (Matt Prosch for Congress) (dismissed, with EPS Dismissal Report citing “the Committee’s representation that it has taken remedial actions”); and MUR 7518 (Campaign to Elect Josh McCall) (dismissed, with EPS Dismissal Report noting that the respondent committee “acknowledges the error, and asserts that it added stickers containing a ‘paid for’ disclaimer to the yard signs in its inventory and to many already-posted signs”).

**EXHIBIT A**



*(Corrective disclaimer sticker affixed to blue yard sign)*



*(Corrective disclaimer sticker affixed to white yard sign)*

**EXHIBIT B**



*(Text of letter mailed on May 5, 2022 to known purchasers of yard signs)*



*(Letters mailed on May 5, 2022 to known purchasers of yard signs)*

**EXHIBIT C**

----- Forwarded message -----

From: Nichole van Eikeren <[nichole@jamiefororegon.com](mailto:nichole@jamiefororegon.com)>  
 Date: Wed, May 4, 2022 at 11:29 PM  
 Subject: Yard Sign Disclaimer  
 To: Nichole van Eikeren <[nichole@jamiefororegon.com](mailto:nichole@jamiefororegon.com)>

Dear Friends,

**Thank you** for your support and for proudly displaying a Jamie yard sign.

Our signs require a "paid for by Jamie For Oregon" disclaimer.

Please help us to be compliant by adding a "paid for by Jamie for Oregon" on the street facing side of your sign.

You may take a sharpie and write on the bottom right (see the below example). This option works great on our white signs.



Other options include:

- We will mail to you a "paid for by Jamie For Oregon" sticker, which you may place on the sign.
- You can [join a canvass](#) this weekend to help reach voters and take home a "paid for by Jamie For Oregon" sign sticker.
- Or let us know if you'd like to pick up a sign sticker at one of our porch pick up locations, and we will ensure they have a sticker for you.

Thank you very much.

Reminder with May 17th face approaching, please join a door to door canvass or phone bank. However, **one of the easiest ways** (and highly effective method) is to reach out to your own network (via social media, text, phone, and email) and share your support for Jamie for Congressional District 5, **and ask them to join you in voting for Jamie.**

This recommendation not only reminds people to vote but also when our opponent is flooding the airways with dark money ads, it helps remind people why we need Jamie in Congress.

**Jamie** is a small business owner and emergency recovery coordinator who was raised by a single mom and paid her way through college and law school. That's why she's so passionate about fighting for Oregonians — by making housing, healthcare and education more affordable, raising the minimum wage, and fighting climate change. In Congress she'll fight corruption, refuse corporate donations, and put Oregonians first.

Thank you so much, we look forward to celebrating our win on May 17th, thanks to the hard work of all of you. Let's show him what true grassroots is, talking to our neighbors and friends and finding the common values we all want for our communities.

Best,

Nichole & all of us on Team Jamie

Nichole van Eikeren (she/her/hers)  
 Jamie For Oregon, Campaign Manager  
 (541) 981-4050  
[JamieForOregon.com](http://JamieForOregon.com)  
[Donate](#)  
[Facebook](#) | [Twitter](#) | [Instagram](#)

*(Email sent on May 4, 2022 to individuals who received a free yard sign)*



**EXHIBIT D**



*(Redesigned yard sign made available on Committee's website beginning May 6, 2022)*