

September 29, 2022

Federal Election Commission
Office of Complaints Examinations
& Legal Administration
Att:Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

RE: Response to MUR 8065

ANSWER

On September 20, 2022, I, Gerald Malloy received a COPY of: Complaint to Office of the General Counsel, Federal Election Commission, 1050 First Street, N.E. WASHINGTON, D.C. 20463 BY CRIS ERICSON, INDEPENDENT CANDIDATE FOR UNITED STATES SENATOR 2022 IN VERMONT AGAINST U.S. Congressman Peter Welch, Gerald Malloy, vtdigger.org, Necrason Group, and State of Vermont for exclusion from political candidate debate held Sept 8, 2022.

I, Gerald Malloy state the following:

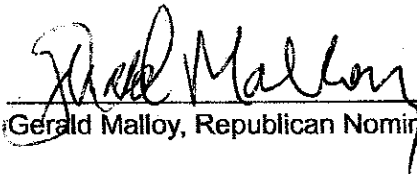
1. I, Gerald Malloy have attached a signed Affidavit hereto and incorporated herein by reference set forth the facts regarding the occurrence and structure of the public debate the subject of this Complaint.
2. The provisions of 11 CFR 110.13 CLEARLY states that a newspaper may appropriately sponsor a non-partisan debate of candidates for federal elections.
3. Those same provisions further indicate that the format of the debate shall be determined by the sponsoring organization in accordance with two controlling provisions:
 - a. At least two candidate must participate.
 - b. Such debates must be non-partisan in that they do not promote one candidate over another.

The attached affidavit clearly indicated that the debate had two participants. The participants were from opposing political parties. The Complaint and supporting document do not maintain that the debate itself was conducted in a partisan manner other than through the exclusion of the Complaint. Exclusion of one candidate does not establish the event as a non compliance variable.

AFFIDAVIT OF GERALD MALLOY
REPUBLICAN NOMINEE FOR US SENATE FOR THE STATE OF VERMONT, to the best of
my knowledge do hereby state:

1. I deny any and all allegations set forth in the complaint dated September 12, 2022.
2. I am the Republican Nominee for US Senate, Vermont, as certified by Vermont Secretary of State.
3. Peter Welch is the Democratic Nominee for US Senate, Vermont, as certified by Official result of Vermont Secretary of State's Office.
4. I did not act willfully and intentionally in conjunction with Congressman Peter Welch, vtdigger.org, Necrason Group, and or the State of Vermont to exclude Cris Ericson from the debate on
5. I had no knowledge as to the validity of the candidacy of Cris Ericson as a valid candidate.
6. I had no knowledge of facts and findings on facebook banning alleged by Cris Erickson.
7. I had no knowledge of facts or circumstances surrounding Cris Erickson's claim of being "shadowbanned".
8. I was requested to attend via email from VTdigger to my Campaign electronic email address on file with the Vermont Secretary of State (see Exhibit A attached).
9. I believe this is an improper complaint by Cris Ericson and should not be processed.
10. I request and feel it appropriate for the Complaint/MUR 8065 to be dismissed and the file closed.

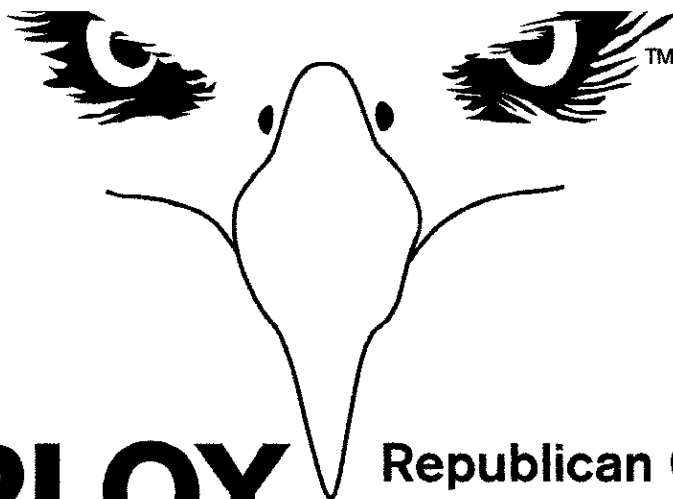
Respectfully Submitted,


Gerald Malloy, Republican Nominee, for US Senate

Sept. 29th 2022
Dated this day of:

CERTIFICATE OF SERVICE:
VIA EMAIL to: cela@fec.gov

EXHIBIT A



DEPLOY

DeployMalloy.com

Republican Candidate

MALLOY

Gerald Malloy for US Senate Vermont

Dear Mr. Malloy,

Congratulations on your nomination. VTDigger would like to invite you to our U.S. Senate debate, which is scheduled for Sept. 8, at 6 p.m., at the Southern Vermont Arts Center in Manchester. Could you please let us know soon whether you'll be able to make it? We'll send more details as they become available.

Thanks,
Paul Heintz

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Paul Heintz
Managing editor, VTDigger.org
(802) 598-8946

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