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By OGC/CELA at 7:41 pm, Jul 01, 2024

JUNE 30, 2024

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

RE: Amended Response to MUR 8065

Amended 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 candidates 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 Complainant. Exclusion of one candidate does not establish the event as a non compliance variable.

Supplements to the Complaint were received by the Office of General Counsel on Oct 5, 2022 and Nov 2, 2022 including VermontPublic.org and WCAX BY CRIS ERICSON.

I, Gerald Malloy state the following:

4. 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.
The provisions of 11 CFR 110.13 CLEARLY states that a newspaper may appropriately sponsor a non-partisan debate of candidates for federal elections.
6. 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 candidates must participate.
 - b. Such debates must be non-partisan in that they do not promote one candidate over another.

The debate with VermontPublic.org and WCAX 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 and or supplements dated September 12, 2022, October 5, 2022 or November 2, 2022
2. I was the Republican Nominee for US Senate, Vermont, 2022 as certified by Vermont Secretary of State.
3. Peter Welch was the Democratic Nominee for US Senate, Vermont, 2022 as certified by Vermont Secretary of State.
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 September 8, 2022
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 Ericksons 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. On October 5, 2022 Cris Ericson submitted a supplement with additional complaints.
10. I did not act willfully and intentionally in conjunction with Congressman Peter Welch, vtdigger.org, Necrason Group, VermontPublic.org and or the State of Vermont to exclude Cris Ericson from the debate on October 13, 2022.
11. I was requested to attend via email from VermontPublic.org to my Campaign electronic email address on file with the Vermont Secretary of State (see Exhibit B attached).
12. I had no knowledge or input as to the font used or the accommodation allegedly made for Natasha Diamondstone-Kohout on the ballot in the 2022 election cycle, which is under the administration of Vermont Secretary of State Jim Condos.
13. On October 28 2022 Cris Ericson submitted a second supplement with additional complaints.
14. I was requested to attend via email from WCAX to my Campaign electronic email address on file with the Vermont Secretary of State (see Exhibit C attached).
15. I did not act willfully and intentionally in conjunction with Congressman Peter Welch, vtdigger.org, Necrason Group, VermontPublic.org, WCAX station and or the State of Vermont to exclude Cris Ericson from the debate on October 26, 2022.

16. Thomas Datwyler is the Treasurer for my Gerald Malloy for US Senate, Limited 2024 campaign and was not the Treasurer in the 2022 cycle.
17. Thomas Datwyler had no knowledge or input into any of the complaint or supplement matters.
18. I request and feel it appropriate for the Complaint and Supplements to MUR 8065 be dismissed, expenses reimbursed to parties and the file closed.

Respectfully Submitted,



Gerald Malloy, Republican Nominee, for US Senate

July 1 2024
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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On Sep 1, 2022, at 5:21 PM, Matthew Smith
<msmith@vermontpublic.org> wrote:

Hi Malloy campaign –

I'm putting together our debates ahead of the
November election for Vermont Public.

Currently we have 2 weeks to do 4 debates (US
House, US Senate, Governor and Lt. Gov).

Would Gerald be available for a debate with
Democrat Peter Welch on Thursday, Oct. 13?

The debate will be live at the Vermont Public TV
studio in Winooski, directions and parking here:
[https://r.vermontpbs.org/files/
VERMONT_PBS_DIRECTIONS_ONE_PAGE.pdf](https://r.vermontpbs.org/files/VERMONT_PBS_DIRECTIONS_ONE_PAGE.pdf)

Our plan is to do a 60-minute debate at 12pm each
day, broadcast it live on the radio and YouTube, and
air a very lightly edited version at 7pm on TV (and
rebroadcast on radio again).

We are still operating under a requirement for people
to show proof of COVID-19 vaccination to enter our
facilities; would this policy be an issue? Let me know,
and please confirm if this date is available for you.

Thanks,

Matthew Smith

Managing Editor & Senior Producer for Vermont Edition
Vermont Public

| M: [REDACTED]

EXHIBIT C

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED] City Council Item

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

permitted.

The questions will cover a wide range of topics. Some will be asked of both candidates; some will be tailored specifically for each candidate. The moderators will announce the length of time allotted for each answer (between :30 and 2:00) and there is a timekeeper with a lighted display and a bell. There will be some opportunities for rebuttals.

Each candidate will also have two opportunities to question the other candidate. The questions should take no more than :30 to ask. There will be no rebuttal after your opponent answers a question posed by you.

There will be no opening statements. Each candidate will receive one minute to make a closing statement.

We are asking each candidate to be accompanied by no more than two people inside our building. There will be no audience in the studio. Guests can watch the debate from our lobby or green room.

Thanks,

Roger Garrity
News Director



www.wcax.com

[30 Joy Drive](#)

[South Burlington, VT 05403](#)

Em: garrity@wcax.com

Ph: 802-652-6370