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ELECTIONS, LLC

Attorneys at Law

Justin R. Clark

E Justin.Clark@ElectionLawLLC.com

February 10, 2023

Roy Q. Luckett
Acting Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First St, NE
Washington, DC 20463

VIA EMAIL: cela@fec.gov

**RE: Response of Kelly for Alaska and Randy Ruedrich in his capacity as
Treasurer of Kelly for Alaska in MUR 8079**

Dear Mr. Luckett

This Response is submitted by the undersigned counsel on behalf of Kelly for Alaska and Randy Ruedrich, in his capacity as Treasurer of Kelly for Alaska (collectively, the "Respondents") in response to the October 11, 2022, complaint from Lisa Murkowski for US Senate, designated as Matter Under Review 8079 (the "Complaint"). For the reasons set forth below, the Federal Election Commission (the "Commission") should exercise its prosecutorial discretion and dismiss the Complaint.

The Complaint alleges Respondents violated the Federal Election Campaign Act of 1972, as amended (the "Act") and Federal Election Commission regulations (the "Regulations") by (i) receiving an impermissible corporate in-kind contribution as a result of receiving the candidate rate for a television commercial that allegedly violated 47 USC 315(a) and (ii) failing to include a text box on a limited number of billboard advertisements.

Kelly for Alaska ultimately paid the non-candidate rate for the advertisement at issue. The Complaint included correspondences between Lisa Murkowski for US Senate representatives and Gray Media Group, Inc. to support its allegation that Kelly for Alaska received an impermissible corporate in-kind for receiving the lowest unit rate during the primary election. The correspondences however show Gray Media Group received and relied upon guidance from the FCC in determining the rate for the advertisement. Ultimately, Kelly for Alaska paid the full, non-lowest unit rate for the advertisement which aired in the primary election window – the final settlement payment is reported on the year end 2022 report.

Kelly for Alaska acknowledges that some of its campaign yard signs were mistakenly produced and distributed without the requisite text box around the disclaimer language.

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The Respondents were unaware of the mistake prior to receipt of the Complaint, and would have taken corrective actions prior to the general election but were unable due to the timing. The printed disclaimers were included on all campaign material, and were clear and conspicuous, as required. However, at least a few were missing the required printed box.

The commission, in line with its historical precedence, should exercise its prosecutorial discretion and dismiss the complaint.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke and a small dot.

Justin R. Clark
Elections LLC
1050 Connecticut Ave, NW
Suite 500
Washington, DC 20036

Counsel to Kelly for Alaska and Randy Ruedrich, as Treasurer of Kelly for Alaska