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2014 AUG -8 PM 1:00

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August 8, 2014

BY HAND

Jeff S. Jordan, Esq.
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW, 6th Floor
Washington, DC 20463

Re: MUR 6814

Dear Mr. Jordan:

I represent Ms. Erin Bilbray Kohn in the above-referenced matter. A copy of a Statement of Designation of Counsel to that effect is attached. The complaint merits no further action and should be dismissed.

Ms. Bilbray Kohn is a candidate for the U.S. House of Representatives in Nevada's Third Congressional District. The complaint alleges that an electronic mail message, sent by her campaign on her behalf on March 11, 2014, did not comply with Commission disclaimer requirements. But the email clearly identified Ms. Bilbray's authorized committee, Erin Bilbray for Congress, as the sponsor. A footer at the end of the email read:

{{Disclaimer}}
Erin Bilbray for Congress
9101 West Sahara Avenue
Suite 105-B20
Las Vegas, Nevada 89117

Still, the complaint claims that, because the email did not include the explicit words, "Paid for by," Ms. Bilbray Kohn committed an "inexcusable" violation for which she must be "disciplin[ed]." Compl. at 2.

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There is no basis for further Commission action. The Federal Election Campaign Act of 1971, as amended ("the Act"), simply requires a communication financed by a candidate's authorized committee to "clearly state that the communication has been paid for such authorized political committee ..." 2 U.S.C. § 441d(a)(1). The email met this requirement. By including a footer that read "Disclaimer," followed by the name and address of the campaign, the email correctly identified the campaign as the entity paying for it. No reasonable person could have understood the disclaimer to mean otherwise.

Even if the Commission were to accept Complainant's extremely rigid view of the disclaimer statute, his complaint would still merit no further action. In MUR 5527, for example, Morse for Congress 2004 sponsored an advertisement with a disclaimer reading, "Paid for by www.morseforcongress.com." See Factual and Legal Analysis, MUR 5527, at 1. The Commission held that, while the regulations required the disclaimer to contain the registered name of the committee, in that case the name "was effectively subsumed within the URL of the committee's web site and pursuing this point is not worth the Commission's limited resources." See *id.* at 2 n.2. The Morse matter is only one of myriad cases in which the Commission has declined to pursue hyper-technical claims of disclaimer violations, like the Complainant tenders here.

Thus, the Commission should find no reason to believe that Ms. Bilbray Kohn committed any violation of the Act or its regulations. We appreciate the Commission's consideration of this response.

Very truly yours,



Brian G. Svoboda
Counsel to Respondents

Enclosure