



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OCT -2 2015

Cecilia R. Weaver

Monroe, LA 71201

RE: MUR 6879
Ralph Abraham for Congress

Dear Ms. Weaver:

The Federal Election Commission reviewed the allegations in your complaint received on October 7, 2014. On September 29, 2015, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to dismiss the allegations that Ralph Abraham for Congress and Chad Elias in his official capacity as treasurer violated 52 U.S.C. § 30120 and 11 C.F.R. § 110.11, and close its file in this matter. Accordingly, the Commission closed its file in this matter on September 29, 2015.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8) (formerly 2 U.S.C. § 437g(a)(8)).

Sincerely,

Daniel A. Petalas
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Ralph Abraham for Congress
and Chad Elias,¹ as treasurer

MUR 6879

I. INTRODUCTION

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations by Ralph Abraham for Congress and Chad Elias in his official capacity as treasurer (the "Committee"). It was scored as a relatively low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

Complainant Cecilia R. Weaver alleges that several candidates in the 2014 election for Louisiana's 5th Congressional District, "including but not limited to Ralph Abraham," failed to display a required disclaimer on "yard signs and [other] large signs," in violation of the Act.² Compl. at 1. The Complaint includes two color photographs of what appear to be two different yard signs. One sign contains dark blue lettering on a white background and reads, "Ralph Abraham for Congress," with "ralphabraham.com" in small text underneath ("White Sign"). *Id.*

¹ Carol Lobrano was the treasurer of record for Ralph Abraham for Congress at the time the Complaint was filed. Chad Elias is the Committee's current treasurer. See Amended Statement of Organization, dated April 13, 2015.

² Complainant does not reference any other candidate beside Ralph Abraham. As such, only Ralph Abraham for Congress is named as a respondent in this Matter.

1 The other sign features white and red lettering on a dark blue background and reads, “Ralph
2 Abraham for Congress,” with unidentifiable text underneath (“Blue Signs”).³

3 The Committee responds that the White Sign depicted in the Complaint “was made
4 without [the Committee’s] knowledge by a supporter,”⁴ and acknowledges that the sign does not
5 contain a required disclaimer. Resp. at 1. The Committee states that, to its knowledge, only one
6 White Sign was made and that the sign was removed before the Committee filed its response in
7 this matter. *Id.*

8 The Committee contends that all of the Blue Signs include the disclaimer, “Paid for by
9 Ralph Abraham for Congress.” The Committee concedes that the disclaimer is not contained
10 within a printed box set apart from the text of the communication, as required by Commission
11 regulations. *Id.* at 1-2; *see also* Resp. Attach., Luke Letlow Aff. (Oct. 28, 2014). The
12 Committee states it was unaware of this requirement, and that it has since ordered “stickers” with
13 a disclaimer placed within a printed box to be affixed to “as many of the [Blue] Signs as can be
14 found.” Resp. at 2; *see also* Letlow Aff. The Committee does not indicate the number of Blue
15 Signs produced, but contends that “only a small dollar amount [is] at issue.” *Id.*

16 **B. Legal Analysis**

17 Public communications⁵ authorized and paid for by a candidate, an authorized committee
18 of a candidate, or an agent of either, must clearly state that the communications were paid for by
19 the authorized political committee. 52 U.S.C. § 30120(a)(1); *see also* 11 C.F.R. § 110.11(b)(1).

³ The image of the Blue Sign provided in the Complaint is not of sufficient clarity to determine the content, size, and font of the disclaimer text.

⁴ The Committee does not identify the name of the individual or party responsible for the White Sign.

⁵ A public communication includes an “outdoor advertising facility” and “any other form of general public political advertising,” including yard signs. 11 C.F.R. § 100.26.

1 Public communications authorized by a candidate, an authorized committee of a candidate, or an
2 agent of either but paid for by another person, must clearly state that the communications were
3 paid for by such person but authorized by the political committee. 52 U.S.C. § 30120(a)(2); *see*
4 *also* 11 C.F.R. § 110.11(b)(2). Finally, public communications not authorized by a candidate or
5 authorized committee that expressly advocate the election or defeat of a clearly identified
6 candidate, must include a disclaimer clearly stating the name and permanent address, telephone
7 number or World Wide Web address of the person who paid for the communications, and state
8 that they were not authorized by any candidate or candidate's committee. 52 U.S.C.
9 § 30120(a)(3); *see also* 11 C.F.R. § 110.11(b)(3).

10 Under the Act and Commission regulations, any disclaimer on a printed communication
11 that expressly advocates the election or defeat of a clearly identified candidate shall be of
12 sufficient type size to be clearly readable, be contained in a printed box set apart from the other
13 contents of the communication, and be printed with a reasonable degree of color contrast
14 between the background and the printed statement. 52 U.S.C. § 30120(c). *See also* 11 C.F.R.
15 § 110.11(c)(2).

16 Here, the White Sign appears to have been produced by an unnamed party without the
17 knowledge or consent of Abraham or the Committee, and the Committee asserts that, to its
18 knowledge, only one White Sign was produced and that the sign was removed before the
19 Committee filed its Response. *See Resp.* at 1. As to the Blue Signs, although it appears that the
20 Committee did not include the proper disclaimer format, the Committee asserts that it has taken
21 steps to correct the affected signs. The Blue Signs, moreover, included a partial disclaimer that
22 stated, "Paid for by Ralph Abraham for Congress," meaning it is unlikely the public was
23 confused about the source of the funds for the signs.

- 1 Under the circumstances presented, the Commission exercises its prosecutorial
- 2 discretion and dismisses the allegations that Ralph Abraham for Congress and Chad Elias in his
- 3 official capacity as treasurer violated the Act or Commission regulations. *See Heckler v.*
- 4 *Chaney*, 470 U.S. 821 (1985).

4-10-2016