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FEDERAL ELECTION  
COMMISSION

2011 JUN 10 PM 2: 58

BEFORE THE FEDERAL ELECTION COMMISSION

CELA

In the Matter of	)	
	)	
Joe Miller for US Senate and Bernadette	)	MUR 6419
C. Koppy, as treasurer: Case Closure	)	
(EPS)	)	

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 10, 2011, the Commission decided by a vote of 6-0 to dismiss MUR 6419, close the file, and approve the appropriate letters, as recommended in the General Counsel's Report dated May 20, 2011.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 10, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**JUN 14 2011**

Mary G. Schulz

Ketchikan, Alaska 99901

RE: MUR 6419  
Joe Miller for US Senate

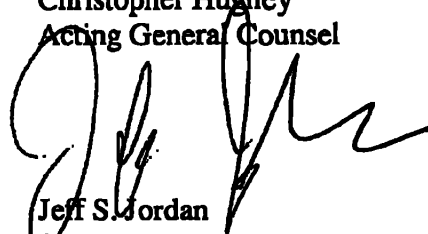
Dear Ms. Schulz:

The Federal Election Commission reviewed the allegations in your complaint received on November 2, 2010. On June 10, 2011, based upon the information provided in the complaint, and information provided by the respondent, the Commission decided to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on June 10, 2011.

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). A copy of the dispositive General Counsel's Report is enclosed for your information. 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* 2 U.S.C. § 437g (a)(8).

Sincerely,

Christopher Hughey  
Acting General Counsel

BY:   
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination and  
Legal Administration

Enclosure  
General Counsel's Report

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA FIRST CLASS MAIL**

**JUN 14 2011**

Cleta Mitchell, Esq.  
Foley & Lardner LLP  
3000 K Street, NW, Suite 600  
Washington, DC 20007

RE: MUR 6419  
Joe Miller for US Senate  
Bernadette C. Kopy, Treasurer

Dear Ms. Mitchell:

On November 2, 2010, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On June 10, 2011, based upon the information contained in the complaint, and information provided by you on behalf of Joe Miller for US Senate and Bernadette C. Kopy, as treasurer, the Commission decided to dismiss the complaint and closed its file in this matter. Accordingly, the Commission closed its file in this matter on June 10, 2011.

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). A copy of the dispositive General Counsel's Report is enclosed for your information.

If you have any questions, please contact Kim Collins, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,

Christopher Hughey  
Acting General Counsel

BY: Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination and  
Legal Administration

Enclosure  
General Counsel's Report

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RECEIVED  
FEDERAL ELECTION  
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION MAY 27 AM 9: 53

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In the Matter of )  
MUR 6419 ) DISMISSAL AND CASE  
JOE MILLER FOR US SENATE AND ) CLOSURE UNDER THE  
BERNADETTE C. KOPPY, AS TREASURER ) ENFORCEMENT PRIORITY  
 ) SYSTEM  
 )  
 )

GENERAL COUNSEL'S REPORT

13 Under the Enforcement Priority System ("EPS"), the Commission uses formal  
14 scoring criteria to allocate its resources and decide which cases to pursue. These criteria  
15 include, but are not limited to, an assessment of (1) the gravity of the alleged violation,  
16 both with respect to the type of activity and the amount in violation, (2) the apparent  
17 impact the alleged violation may have had on the electoral process, (3) the legal  
18 complexity of issues raised in the case, (4) recent trends in potential violations of the Act,  
19 and (5) development of the law with respect to certain subject matters. It is the  
20 Commission's policy that pursuing low-rated matters, compared to other higher-rated  
21 matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to  
22 dismiss certain cases. The Office of General Counsel has scored MUR 6419 as a low-rated  
23 matter and has also determined that it should not be referred to the Alternative Dispute  
24 Resolution Office. This Office therefore recommends that the Commission exercise its  
25 prosecutorial discretion to dismiss MUR 6419.

26 In this matter, the complainant, Mary Schulz, alleges that Joe Miller for US Senate  
27 and Bernadette C. Koppy, in her official capacity as treasurer ("Committee"), violated the  
28 Federal Election Campaign Act, as amended (the "Act") and Commission regulations by

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1 failing to include the appropriate disclaimers in newspaper advertisements. The complaint  
2 specifically alleges that the Committee placed newspaper ads in the Ketchikan Daily News  
3 on September 24-26, 2010 without appropriate disclaimers, as required by 11 C.F.R.  
4 § 110.11.

5 In its response, the Committee acknowledges that the newspaper advertisements  
6 did not include the required disclaimers. However, the Committee indicates that the  
7 postings clearly show that the source of the advertisements is the Joe Miller campaign. In  
8 addition, the Committee states that the failure to include disclaimers was unintentional, due  
9 to the Committee's volunteers' lack of knowledge concerning federal campaign finance  
10 laws. Finally, the Committee notes that the advertisements cost a total of \$474.48.

11 All public communications made by a political committee must include  
12 disclaimers. 2 U.S.C. § 441d; 11 C.F.R. § 110.11(a)(1). If a public communication is paid  
13 for and authorized by a candidate or an authorized committee of a candidate, then the  
14 communication must clearly state that it was paid for by such authorized political  
15 committee. 2 U.S.C. § 441d(a)(1); 11 C.F.R. § 110.11(b)(1). Additionally, such  
16 communications must meet certain specifications set forth in the Act, such as being  
17 contained in a printed box, which is set apart from the other contents of the  
18 communication. See 2 U.S.C. § 441d(c)(2); 11 C.F.R. § 110.11(c)(2)(ii).

19 The newspaper advertisements described in the complaint are a type of public  
20 communication that required written disclaimers. See 2 U.S.C. § 441d(a)(1); 11 C.F.R.  
21 §§ 100.26 and 110.11. As acknowledged by the Committee, the advertisements did not  
22 contain disclaimers as required by 2 U.S.C. § 441d and 11 C.F.R. § 110.11. However,

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1 it appears that the campaign advertisements at issue contained sufficient identifying  
2 information to prevent the public from being misled as to who paid for them.<sup>1</sup> In addition,  
3 given the stated costs of the advertisements, the potential amount in violation appears to be  
4 de minimis. Accordingly, under EPS, the Office of General Counsel has scored MUR  
5 6419 as a low-rated matter and, therefore, in furtherance of the Commission's priorities as  
6 discussed above, the Office of General Counsel believes that the Commission should  
7 exercise its prosecutorial discretion and dismiss this matter.


8 **RECOMMENDATIONS**

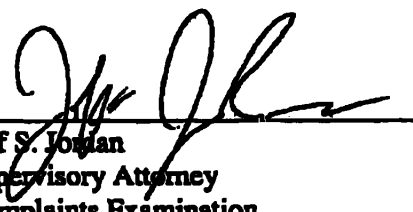
9  
10 The Office of General Counsel recommends that the Commission dismiss  
11 MUR 6419, close the file, and approve the appropriate letters.

12 Christopher Hughey  
13 Acting General Counsel

14  
15  
16  
17 5/20/11  
18 Date

19 BY:

  
20 Gregory R. Baker  
21 Special Counsel  
22 Complaints Examination  
23 & Legal Administration

  
24 Jeff S. Jordan  
25 Supervisory Attorney  
26 Complaints Examination  
27 & Legal Administration  
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<sup>1</sup> The advertisements were for a "Meet and Greet" and included the Committee's internet address and phone number, as well as a picture of the candidate along with an invitation to the function.

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*Jin Lee*  
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Jin Lee  
Attorney *by JJ*

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