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June 18, 2018

VIA EMAIL

Jeff Jordan, Esquire
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20436

Re: MUR 7396
Beth Lindstrom for U.S. Senate, Inc.

Dear Mr. Jordan:

This letter responds on behalf of Beth Lindstrom for U.S. Senate, Inc. and Cabell Hobbs, in his official capacity as Treasurer (collectively, the "Respondents"), to the complaint in the above-referenced MUR. That complaint, filed by the President of a federal independent expenditure-only PAC supporting Beth Lindstrom's Massachusetts Senate primary opponent,¹ alleges a disclaimer violation on a printed card distributed by the Respondents. 11 C.F.R. § 110.11(c) *et seq.* The Commission should dismiss the complaint and close the file.

The complaint fails to state facts describing a violation of the Federal Election Campaign Act (the "Act") or the Commission's regulations, as is required by 11 C.F.R. § 111.4(d)(3). It alleges that the card's "paid for by" disclaimer is "in smaller font and lighter ink than anything else on the card." In reality, the complaint's exhibit shows the disclaimer is the same type size as the text immediately above it, and is printed in the same dark blue ink on a solid white background as the rest of the printed text on the card. *See* 11 C.F.R. § 110.11(c)(2)(iii) (safe harbor provision for color contrast).

Complainant Martin Lamb has a history of filing politically-motivated frivolous complaints. In 2017, the Commission unanimously dismissed a similar complaint by Mr. Lamb alleging technical violations of the disclaimer regulation.² The prompt dismissal of this complaint is consistent with the

¹ *About Us*, DEAL HER OUT, <https://www.dealherout.com/about.php> (last visited June 13, 2018).

Complainant Martin Lamb was recently quoted regarding his organization's support for Diehl in the Massachusetts Republican Senate primary. *See, e.g., Deal Her Out PAC Calls on MA Republicans to Stand Behind Rep. Diehl*, GO LOCAL WORCESTER (May 1, 2018), <http://www.golocalworcester.com/politics/deal-her-out-pac-calls-on-ma-republicans-to-stand-behind-rep.-diehl>.

² MUR 7245 (Shiva 4 Senate), Certification (Oct. 26, 2017).

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Commission's decision in MURs 6799 and 6842 (Frank Scaturro for Congress) (the purpose of the disclaimer regulation is ensuring voters' awareness of political communication sponsorship).³ Here, as the complaint's exhibit shows, the card includes the required "Paid for by Beth Lindstrom for U.S. Senate" disclaimer, along with a picture of the candidate and the campaign's logo. There is no doubt that the sponsorship of the communication was readily apparent to voters.

In light of the foregoing, we respectfully request that the Office of General Counsel dismiss this matter and close the file.

Respectfully submitted,



Allison Davis Tuck
Megan Sowards Newton

³ MURs 6799 & 6842 (Frank Scaturro for Congress), Factual & Legal Analysis at 5-6 (Nov. 5, 2015).