

**BEFORE THE  
FEDERAL ELECTION COMMITTEE**

Regina Ballinger

Needham, MA 02492

Complainant,

**MUR # 7489**

v.

Geoff Diehl

Diehl for U.S. Senate

Susan L. Scholl, Treasurer

Respondent.

2018 AUG 27 PM 1:03  
OFFICE OF  
GENERAL COUNSEL

**COMPLAINT**

Complainant files this complaint against Geoff Diehl and Diehl for U.S. Senate ("Respondents") requesting that the Federal Election Commission (the "Commission") investigate violations of the Federal Election Campaign Act ("the Act"). As described below, Respondents have printed, distributed and erected yard signs across the Commonwealth of Massachusetts that does not display the proper disclaimer notice as required by the Act.

**A. FACTUAL ALLEGATIONS**

Geoff Diehl is a candidate for the United States Senate from the State of Massachusetts. He is a candidate in the primary election, to be held on September 4, 2018. Diehl for U.S. Senate is his principal campaign committee.

As per the normal course of campaigns, hundreds to thousands of yard signs are distributed all across the state and are placed in yards, at places of business, held at rallies,

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among other uses. On Tuesday, August 21, 2018, just 14 days before the Primary Election, it came to my attention that the "Diehl for US Senate" yard signs do not contain required FEC disclaimer language, specifically "Paid for by Diehl for US Senate". Attached you will find several photographs of the yard signs that will clearly show the required disclaimer notice is not depicted anywhere on the signs.

## B. LEGAL ANALYSIS

The Act provides that certain communications must include disclaimers. A "disclaimer" notice is defined as a statement placed on a public communication that identifies the person(s) who paid for the communication and, where applicable, the person(s) who authorized the communication.

As defined in FEC regulations, the term "public communication" includes: broadcast, cable or satellite transmission; newspaper; magazine; outdoor advertising facility (e.g. billboard); mass mailing; telephone banks; any other general public political advertising.

The actual wording of the disclaimer depends on the type of communication. On a public communication that is authorized and paid for by a candidate or his/her campaign committee, the disclaimer notice must identify who paid for the message. The disclaimer notice must be "clear and conspicuous" on the committee's communications, solicitations and materials. The notice will not be considered to be "clear and conspicuous" if: it is difficult to read or hear, or the notification is placed where it can be easily overlooked.

On printed materials, the disclaimer notice must appear within a printed box set apart from the other contents in the communication. The print must be of a sufficient type-size to be clearly readable by the recipient of the communication, and the print must have a reasonable

degree of color contrast between the background and the printed statement. In the case of single-sided documents and billboards, the disclaimer must appear on the front.

C. REQUESTED ACTION

For the reasons described above, we respectfully urge the Commission to investigate whether Respondents have violated the Act by not displaying the appropriate disclaimer language prominently on their yard signs. We further request that Respondents be enjoined from further usage of these signs for the duration of the campaign, have all signs that do not display the required disclaimer be removed, and be fined the maximum amount permitted by law.

Sincerely,

Regina Bellinger

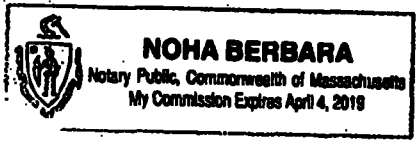
SUBSCRIBED AND SWORN to before me this <sup>23<sup>rd</sup></sup> day of August 2018.

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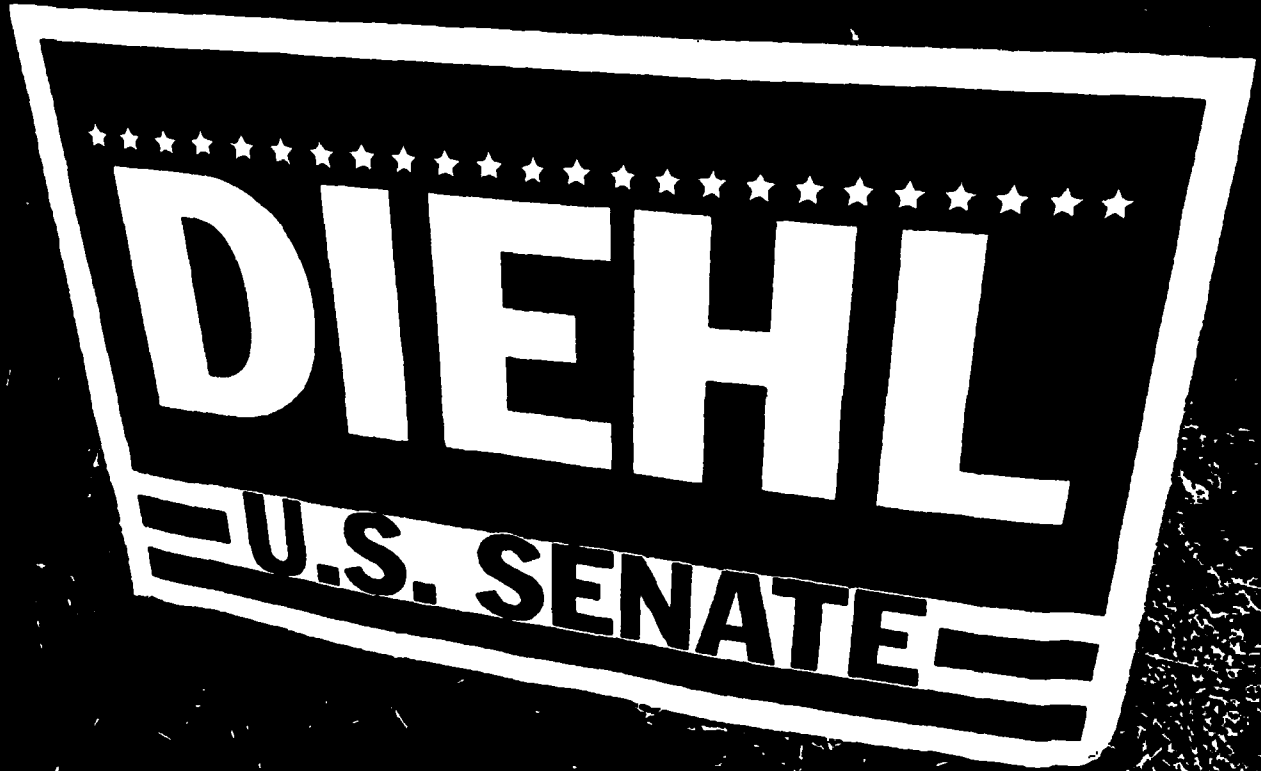
Notary Public

My Commission Expires:

04-04-2019



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Verizon

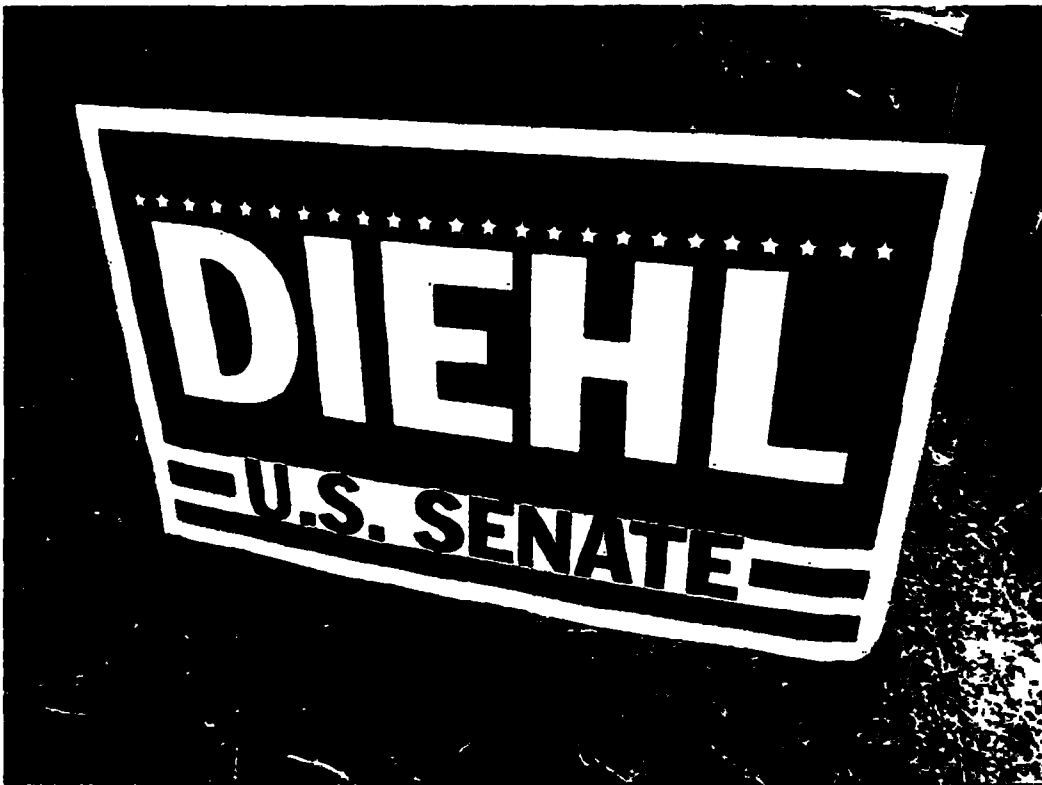
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Done

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