

COPY

Nebraska Democrats

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RECEIVED
FEDERAL ELECTION
COMMISSION
GENERAL
OFFICE
COUNSEL

SEP 12 11 AM '04

September 3, 2004

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: FEC Complaint Filing

MUR 5528

Dear General Counsel:

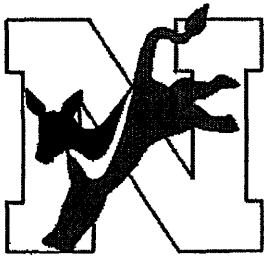
Please accept this document as an addendum to the complaint filed by this office against the **Jeff Fortenberry for United States Congress** Committee, September 1, 2004. This letter contains the correct address of the outdoor advertisement facility and the statutes I believe the Fortenberry Campaign violated. In the interest of accuracy, I respectfully request that this modified letter be amended to my previous complaint on September 1, 2004.

If you have any questions, feel free to contact me.

Sincerely,

Barry R. Rubin
Executive Director
Nebraska Democratic Party
633 S. 9th Street, Suite 201
Lincoln, NE 68508
402-434-2185

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Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: FEC Complaint Filing

Dear General Counsel:

Please accept this letter as my official request for a Federal Election Commission (FEC) investigation into multiple FEC violations by the **Jeff Fortenberry for United States Congress** Committee, the Nebraska Republican Party and possibly by unnamed third parties.

Complainant:

Barry R. Rubin
Executive Director
Nebraska Democratic Party
633 S. 9th Street, Suite 201
Lincoln, NE 68508
402-434-2185

Alleged Violations:

1. Billboard/Outdoor Advertising Facility with no authorization or disclaimer.

On August 31, 2004, I observed a new billboard with Jeff Fortenberry's image and campaign logo. The billboard is located on the corner of 10th/R Streets and the on-ramp to Highway 34 in downtown Lincoln, Nebraska. It remains on display as of today and I've enclosed a picture taken on this date, September 1, 2004 as supporting documentation. This is clearly an outdoor advertising facility expressly advocating for Jeff Fortenberry for Congress. FEC regulations require that any public communication by a political committee contain a disclaimer to state who paid for the communication. 11 C.F.R. § 110.11(a)(1). A billboard ("outdoor advertising facility") is considered a public communication. 11 C.F.R. § 100.26.

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As the attached picture indicates, there is no disclaimer on the above mentioned billboard. Therefore, it is impossible to

ascertain whether the Fortenberry campaign has paid for this billboard or whether a third party has paid for it. The failure of the entity who paid for the billboard to provide the appropriate disclaimer deprives the general public with the information required by federal law to determine whether the billboard was appropriately paid for and authorized by the candidate who benefits from the advertising.

If this billboard was produced by the Fortenberry campaign, then the campaign has violated 2 U.S.C. § 441d by failing to state whether it had paid for the billboard. If the billboard was paid for by a third party, then that third party has violated the federal campaign laws, and the FEC should initiate an investigation as to whether the Fortenberry campaign had coordinated this activity with that organization which may have resulted in both an illegal and/or excessive contribution to the Fortenberry campaign.

2. Failure to disclose operating expenditures/in-kind contributions

The Jeff Fortenberry for Congress campaign headquarters is adjacent to and within the same structure as the Nebraska State Republican Party headquarters. It is my understanding that the building was purchased by the State Republican Party during this election cycle. A review of the Fortenberry campaign's disclosure reports with the FEC fail to show any rent or utility payments during the 2004 election cycle. Further, I believe that the space that is currently occupied by the Fortenberry campaign is part of the building owned by the Nebraska State Republic Party. Furthermore, I believe that this building was purchased solely with non-federal funds that do not meet the prohibitions and limitations of federal law. In addition, the Nebraska Republican Party has failed to disclose any in-kind contributions to the Fortenberry Campaign for rent or utilities. A photograph of the facility is enclosed with this complaint. The address of the Fortenberry HQ is 1620 N Street, Lincoln, NE (the State Party is adjacent - 1610 N Street).

Therefore, based upon information and belief, the Fortenberry campaign and the Nebraska State Republican Party have violated 2 U.S.C. §§ 434, 441a and 441b by failing to disclose both an excessive and illegal in-kind contribution from the Nebraska Republican Party to the Fortenberry campaign.

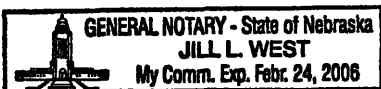
Thank you in advance for the Commission's serious and expeditious consideration of this matter. Please do not hesitate to contact me if you need further information or have additional questions.

Signed and Sworn Before Me:

Jill L. West
Notary Signature/Stamp

Barry R. Rubin
Executive Director

Barry R. Rubin
Complainant Signature:



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