

BEFORE THE
FEDERAL ELECTION COMMISSION

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COMMISSION
SECRETARIAT

Bridget Gallagher
Executive Director
Alaska Democratic Party
P.O. Box 231230
Anchorage, AK 99523-1230,

2004 NOV -4 A 11:40

Complainant,

v.

Gordon Harang
1517 Sawmill Creek Road
Sitka, AK 99835-9704; and

MUR # 5603

Eileen Harang,
1517 Sawmill Creek Road
Sitka, AK 99835-9704

SENSITIVE

2004 NOV -2 P 2:21
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Respondents.

COMPLAINT

Complainant files this complaint against Gordon and Eileen Harang (collectively, "Respondents"), for violations of the reporting provisions of the Federal Election Campaign Act and Federal Election Commission ("FEC") regulations, as described below. The facts indicate that Respondents have made an independent expenditure aggregating in excess of \$1,000, within 20 days of an election, and have failed to file a 24-hour report as required by federal election law.

I. FACTS

On Monday, October 25, 2004, the attached newspaper advertisement appeared in the *Alaska Daily News*. On information and belief, the newspaper advertisement space alone cost well over \$1,000, and the production costs of the advertisement must also have been high.

The disclaimer on the advertisement reads: "Paid for by Gordon and Eileen Harang and not authorized by any candidate or candidate's committee. Gordon and Eileen Harang can be reached at g.harang@att.net. Phone 747-8907."

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As of October 29, Gordon and Eileen Harang have not filed an independent expenditure report with the Federal Election Commission.

II. LEGAL ARGUMENT

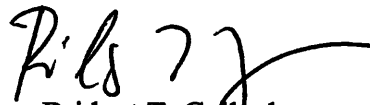
An independent expenditure is an expenditure "expressly advocating the election or defeat of a clearly identified candidate," and "that is not made in concert or cooperation with" that candidate or a political party committee. 2 U.S.C. § 431(17) (2004). This newspaper advertisement clearly constitutes express advocacy in its statement that "We're voting for Lisa Murkowski on Nov. 2nd." Moreover, Respondents included the disclaimer as required by section 441d(3), they acknowledge that this communication is express advocacy.

Persons who make an independent expenditure aggregating \$1,000 or more within 20 days of an election must file a report with the Commission within 24 hours of the expenditure. *See id.* § 434(g)(1)(A). Under the Commission's regulations, the reports are not due until 11:59 p.m. on the day after the communication is publicly distributed or otherwise publicly disseminated. 11 C.F.R. § 109.10(d) (2004). The Respondents' independent expenditure report was therefore due no later than 11:59 p.m. on Tuesday, October 26.

III. REQUESTED ACTION

As we have shown, the Respondents have violated the Federal Election Campaign Act. Accordingly, we request that they be fined the maximum amount permitted by law.

Sincerely,


Bridget T. Gallagher

SUBSCRIBED AND SWORN to before me this 29 day of Oct., 2004.


Notary Public

My Commission Expires:

Dec. 19, 2005



25190262281



Last Job in Alaska?

Only you can prevent job loss

Our Lower 48 union brothers are out-of-touch with Alaska's workers. Jimmy Hoffa is leading a charge to put Democrats in control of the U.S. Senate. He wants to kick Ted Stevens out of his powerful chairmanships and give Ted Kennedy the power. This would be disastrous for Alaska workers.

This election isn't about Lisa Murkowski versus Tony Knowles. It's about Alaska jobs.

If Democrats take control of the U.S. Senate, the only job left in Alaska, could be Park Ranger.



A Vote For Lisa is a Vote for Ted Stevens - (and against Ted Kennedy)...
We're voting for Lisa Murkowski on Nov. 2nd

(If you need an absentee ballot, go to <http://alaska.HelpingAmericansVote.org> before Oct. 26th)

Paid for by Gordon and Eileen Hatang and not authorized by any candidate or candidate's committee. Gordon and Eileen can be reached at g.hatang@att.net. Phone 747-8907