

June 29, 2006

FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

2006 JUL 10 A 10:35

Lawrence H. Norton, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

MUR # 5771

Re: Complaint against Yarmuth for Congress

Dear Mr. Norton:

We respectfully file this complaint against Yarmuth for Congress, the campaign committee for John Yarmuth, a candidate for the U.S. House of Representatives in Kentucky's Third Congressional District; for failure to include a proper disclaimer notice in two radio advertisements.

In the first advertisement "Dreams," first aired in April on station WMJM 101.3 FM and still posted on the Yarmuth for Congress website, former Congressional candidate Eleanor Jordan urges listeners to vote for "[her] friend, John Yarmuth." While the candidate states near the end of the ad that he approves of the message, the disclaimer fails to disclose who paid for the advertisement in clear violation of federal law. In the second advertisement "Passion," first aired in May on station WMJM 101.3 FM and still posted on the Yarmuth for Congress website, former Kentucky State Senator Georgia Powers urges listeners to vote for "[her] dear friend, John Yarmuth." While the candidate states that he approves of the message, the disclaimer fails to disclose that the advertisement was paid for by Yarmuth for Congress, in clear violation of the law.

FEC regulations treat radio advertisements as "public communications" subject to the disclaimer requirements outlined in 11 CFR §110.11. As such, the Commission requires all radio spots to include, in a clear and conspicuous manner, a verbal disclaimer in the candidate's own voice that a) identifies the candidate by name, b) declares his-or-her authorization of the advertisement, and c) reveals who paid for the advertisement. 11 CFR §110.11(b). See also §110.11(c)(3)(i) (Requiring that the candidate make the statement in the radio advertisement).

Yarmuth's first advertisement "Dreams" fails to comply with Commission regulations and leaves the listener wondering who paid for the advertisement—Yarmuth for Congress, Mr. Yarmuth himself, Eleanor Jordan, or some unnamed fourth party. We have no way of knowing, for instance, who is responsible for proper disclosure of electioneering communication and whether such disclosure took place as required under 2 U.S.C. §434(f). In Yarmuth's second ad "Passion," John Yarmuth incorrectly indicates that he personally paid for the radio ad, instead of

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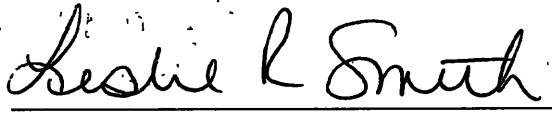
his campaign committee. We respectfully ask the Commission to investigate this violation and penalize Yarmuth for Congress, accordingly.

Respectfully,



Ted Jackson  
Campaign Chairman, Northup for Congress  
P.O. Box 7313  
Louisville, KY 40257  
(502)895-5171

Sworn before me this 30 day of June, 2006.



NOTARY PUBLIC

Commission Expires June 21~~st~~, 2010

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