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COUNSEL

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2006 OCT -4 A 9:05

September 25, 2006

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

MUR # 5832

Re: Complaint against the Braxton County Democratic Executive Committee

Dear Mr. Norton:

We respectfully file this complaint against the Braxton County Democratic Executive Committee (“the Committee”), an unregistered committee supporting the candidacy of Mike Callahan, Democratic candidate for West Virginia’s Second Congressional District. In addition to failing to register with the FEC, the Committee has aired two radio spots which both lack proper disclaimer notices.

1. The Committee Failed to Register with the FEC after Spending More than \$1,000 in Connection with a Federal Election.

On September 11, 2006, the Committee aired two separate radio spots on WDBS attacking Congresswoman Capito and expressly advocating Mike Callahan’s election. According to the station, the Committee paid \$1,600.96 to air the ads. However, the Committee has still failed to register with the FEC as required by federal law. 11 CFR § 100.5(c) (requiring local parties to register within 10 days of spending \$1,000 in connection with any federal election).

The FEC database contains no entry for the Committee, nor does the Committee maintain a website or provide any other contact information. We respectfully ask the Commission to review this shadowy group and punish them for violating the most basic committee registration and reporting requirements.

2. The Committee’s Radio Spots Do Not Include Proper Disclaimer Notices

These radio spots lack proper disclaimer notices as required by 11 CFR § 110.11. The ads’ lackluster notices simply say, “Paid for by the Braxton County Democratic Executive Committee. Jennifer Grindo, Treasurer.” It is unclear whether or not Mike Callahan approved the ads, but either way, the ads fail to meet the disclaimer burden required for public communications expressly advocating the election or defeat of a candidate for federal office. 11 CFR § 110.11(a)(2).

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If Callahan did authorize the advertisement, paid for by the Committee, the disclaimer must clearly state both that the Committee paid for the spot and that Callahan authorized it. 11 CFR § 110.11(b)(2). Callahan himself would have to identify himself by name and state that he authorized the message. 11 CFR § 110.11(c)(3)(i).

If Callahan did not authorize the advertisement, then the disclaimer must "clearly state the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication, and that the communication is not authorized by any candidate or candidate's committee." 11 CFR § 110.11(b)(3). In addition, the disclaimer must say "Braxton County Democratic Executive Committee is responsible for the content of this advertisement." 11 CFR § 110.11(c)(4)(i).

Either way, the Committee does not include proper disclaimers in either of these radio spots. We therefore respectfully ask the Commission to 1) investigate the Committee's failure to register, 2) look into these advertisements and their failure to include proper disclaimers, 3) determine whether these ads were made in coordination with the Callahan campaign and therefore trigger coordinated party expenditure reporting requirements, 4) determine if these ads were funded by corporate or other monies whose expenditure would be illegal in a federal campaign, and 5) punish the Braxton County Democratic Executive Committee to the fullest extent for their complete failure to follow basic federal election laws.

Respectfully,



Sworn before me this 26th day of September, 2006.

