

LAW OFFICES OF  
**HOLMES WEDDLE & BARCOTT**

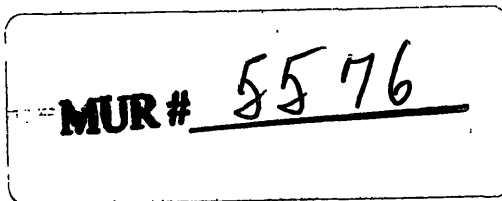
A PROFESSIONAL CORPORATION

701 WEST EIGHTH AVENUE, SUITE 700 ANCHORAGE, ALASKA 99501-3408  
TELEPHONE (907) 274-0666 FAX (907) 277-4657

October 20, 2004

**VIA EXPRESS MAIL**

Lawrence Norton  
General Counsel  
Federal Election Commission  
999 E Street  
Washington DC 20463



RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 OCT 22 1 P 12:00

**Re: *Complaint against Tony Knowles, a candidate for the US Senate from Alaska, the Tony Knowles for Senate Committee, Leslie Riddle, Treasurer, and New Democrat Network***  
**Our File No. 4079.18035**

Dear Mr. Norton:

Please consider this to be an amendment to the complaint in this matter that I filed which was dated October 18, 2004. Since filing that complaint, additional facts have come to light which reinforce the fact that the NDN and the Knowles campaign have engaged in improper coordination about public communications and I wanted to bring those facts to the Commission's attention.

The New Democrat Network is running television advertisements in Alaska in connection with the U.S. Senate Race. Attached is a partial transcript of the ads from the NDN webpage. The transcript omits the tag line of the spot, which says: "Visit newdem.org to find out how you can help." I have also attached the "home" page of newdem.org for your information.

As you can see, the ad mentions the "...Republicans in Washington..." and the disclaimer on the ad shows that it was paid for by the "New Democrat Network." The website to which the ad refers viewers energetically promotes the "Democratic" agenda and repeatedly refers to "Democrats."

Apparently the New Democrat Network considers its ads to be "independent expenditures" which were not coordinated with the Knowles Campaign.

However, the NDN commercials are clearly "coordinated communications" under the Federal Election Commission's regulations. Under 11 CFR 109.21 a communication is coordinated if meets three tests—

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- 1) If the communication is paid for by a person other than the candidate, an authorized committee or a political party or agent of any of the foregoing;
- 2) If the communication satisfies at least one of the content standards in Paragraph (c) of the regulations;
- 3) If the communication satisfies at least one of the conduct standards in Paragraph (d) of the regulations.

Here the NDN messages are being paid for by the NDN, i.e. someone other than the Knowles campaign or its agents, and the NDN is not a party political committee. So the first element is satisfied.

The messages are public communications under the applicable regulations. Under 11 CFR 109(21)(c)(4) the ad refers to not one but two political parties. The public communication is publicly distributed 120 days or fewer before a general election, it is directed to voters in the state of Alaska where candidates for both the named parties appear on the ballot in the general election. Therefore, this communication meets all of the three criteria listed under 11 CFR 109(21)(c)(4) and, therefore, the "content" element of 11 CFR 109(21)(c) is satisfied.

Finally, the conduct standards of 11 CFR 109.21(d) are met. Here the same media-buying firm is buying the time for NDN and the Knowles campaign. It is not possible that the "Buying Time" firm is not aware of the content, the means and mode, the specific media outlets, the timing and frequency of the communication or the duration of the communications being made by the Knowles campaign, and has not been materially involved in some if not all of the decisions regarding those same issues with the NDN. Clearly the buying firm "Buying Time" is an agent of the Knowles campaign and the NDN. It is unclear whether the NDN has produced and distributed these ads at the suggestion or request of the Knowles campaign or after substantial discussion with the Knowles campaign but, given the fact that the same media buyer is being used to buy the time for both the Knowles Campaign and NDN, it seems likely that there has been discussions between "Buying Time", and its client NDN, and the Knowles campaign.

Buying Time is a common vendor for both the Knowles campaign and the NDN and has obviously communicated with both entities about the purchasing of advertising slots, the selection of audiences, and providing media advice. It is unclear, but seems likely, that the common vendor has communicated information concerning the plans of the Knowles campaign and the NDN to these other clients.

Thus, the conduct standard of 11 CFR 109.21(d) has been violated. The three-part test concerning coordinated activity has thus been met and the expenditures made by NDN cannot be independent expenditures.

I hope that the foregoing information is helpful to the Commission as you analyze the complaint that we filed.

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General Counsel  
October 20, 2004  
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I again request that the FEC immediately take steps to halt these illegal activities. I request that you immediately initiate a full investigation of the activities of the NDN and the Knowles campaign and require them to fully comply with the law.

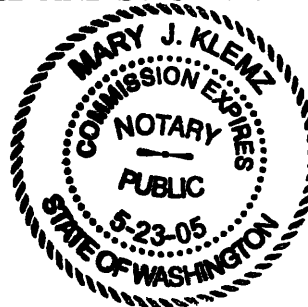
If you have any further questions or desire further evidence of this illegal conduct please let me know

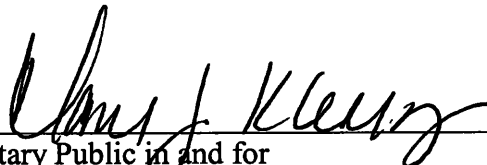
Sincerely,



Timothy A. McKeever

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SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of October,  
2004.



  
Notary Public in and for  
the state of Washington  
Notary's Printed Name: MARY J. Klemz  
My Commission Expires: 5-23-05

TAM:mjk  
Enclosure

cc: New Democrat Network – *via U.S. Mail*  
777 North Capitol Street NE, Suite 410  
Washington, DC 20002  
Phone: (202) 544-9200  
Fax: (202) 547-2929

cc: Tony Knowles for Senate – *via U.S. Mail*  
PO Box 201902  
Anchorage, Alaska 99520  
Phone: (907) 332-2004  
Fax: (907) 646-7719



# Restoring the Promise of America

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## Restore the Promise of America

[National](#) [Alaska](#) [Colorado](#) [Oklahoma](#)

**With the Democratic Agenda:** **With the Republican Agenda:**

262,800 New Oklahoma Jobs

45,000 Oklahomans Lost Their Jobs

Health Care for 40,000 More Oklahoman Children

60,000 More Oklahomans Lack Health Insurance

\$817 Share of *Surplus* for Each Oklahoman

\$1360 Share of *Deficit* for Each Oklahoman

**Learn about the Democrats' plan to Restore the Promise of America in Oklahoma**

**Click to Watch the Ad**

Windows Media Player  
QuickTime

46,000 Oklahoma jobs lost



AD Script

For 8 years, America enjoyed the strongest economy in history. In the last four, Republicans in Washington have given us the worst economy in a generation. Now, Americans are sending a message. More than a million jobs lost. 45 million without health insurance. A record surplus transformed into a record deficit. It's time to restore the promise of America. **MORE**

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### Resources

[Help Wanted Posters >>](#)



[Fact Sheets >>](#)

- [National](#)
- [Alaska](#)
- [Colorado](#)
- [Oklahoma](#)

Visit our other National Media Campaign:  
[The Hispanic Project >>](#)

He  
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Am

Cont

Sign

Help fight agenda - 1 campaign

E-mail:

First:

Last:

State:  
Choose C

ZIP:

Submit



# Restoring the Promise of America

New Democrat Network

[Home](#) [About NDN](#) [Hispanic Project](#) [New Leaders](#) [New Majority Coalition](#) [Newsroom](#) [Blog](#) [Jobs](#)

## About NDN

NDN is a leading issue advocacy organization fighting to restore the promise of America. Its initiatives include:

## Promise Campaign

NDN has launched a new multi-million media campaign focused on how the Democratic agenda will "Restore the Promise of America."

## Hispanic Project

NDN's Hispanic Project is an unprecedented effort to communicate the message that, with the Democratic agenda, Hispanics everywhere will have a better life.

## New Leaders

The core of the NDN mission since our creation in 1996 has been the support of the very best candidates running in the toughest races.

## NDN Agenda

NDN's Agenda, "A Commitment to Hope and Progress" was crafted with help from NDN members from across the country. It serves as the basis of all of NDN's issue advocacy.

[MORE](#) >

RSVP for  
NDN's Bay Area  
"Restore the Promise"  
Party on  
OCTOBER 21st  
[Here](#) >

## NDN Expands National Media Campaign

Learn about the Democratic Plan for jobs, health care, and fiscal responsibility >



[Click to Watch the Ad](#) >

Windows Media Player  
QuickTime

NDN has dramatically escalated its national "Restore the Promise" campaign, adding a compelling new set of television ads in Alaska, Colorado and Oklahoma and a new national effort to engage millions of citizens on the Internet.

This campaign focuses on how the Democrats brought unprecedented prosperity and security in the 1990s, the reckless Republican agenda has weakened the nation and failed the American people, and now Democrats have a plan to restore prosperity, security, hope and progress to an anxious world.

This new effort builds on NDN's \$6 million Spanish-language campaign that has been running ads in five battleground states for months. To date NDN has run television ads in seven battleground states this year - Alaska, Arizona, Colorado, Florida, New Mexico, Nevada, and Oklahoma.

# Help

Restore the Promise of America

## Contribute

Help us raise \$1 million in 8 days!

\$630,670

Day 8

## Sign Up

Help fight the Republican agenda - become part of the campaign.

E-mail:

First:

Last:

State:

Choose One

ZIP:

[Submit](#)

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