

# arizona DEMOCRATIC P A R T Y

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Phoenix, AZ 85012  
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Fax (602) 298-7117  
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August 5, 2010

Thomasenia P. Duncan  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

MUR #

6348

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2010 AUG 10 PM 3:15  
OFFICE OF CLERICAL  
COUNSEL

Dear Ms. Duncan:

On behalf of the Arizona Democratic Party, I am writing to bring to your attention a gross violation of federal campaign finance law by David Schweikert for Congress and its Treasurer, Joyce Schweikert (hereinafter collectively referred to as "Schweikert Campaign")

My name is Luis A. Heredia (Complainant). Please direct all correspondence to the following address: 2910 North Central in Phoenix, AZ 85012

David Schweikert for Congress is the principal campaign committee for David Schweikert, Republican candidate for House of Representatives for the Fifth District of Arizona. Sometime during the last week of July, the Schweikert Campaign sent out a mailing attacking Jim Ward, his Republican opponent in the primary election (A copy of the mailing is attached). Although barely noticeable, the campaign placed a sideways disclaimer of a yellowish type over the picture in the upper right hand corner of the mailing. Based upon the negative nature of the campaign piece, we believe that the placement of the disclaimer was a clear attempt to evade accountability for such an antagonistic and divisive piece of communication.

The Schweikert Campaign has knowingly and willfully violated federal law and regulations by deliberately obscuring its disclaimer so that the average reader could not locate or read it in the off chance they could actually locate it. The placement of the disclaimer is in clear violation of 2 U.S.C. § 441d(c) and 11 C.F.R. § 110.11(c).

Commission regulations require that a disclaimer be presented in a "clear and conspicuous manner" to give the reader adequate notice of the identity of the person or political committee that paid for the communication. 11 C.F.R. § 110.11(c)(1).

Contributions are not tax deductible for state or federal income tax purposes

Paid for by the Arizona Democratic Party, Rick McGinnis, Treasurer  
2910 North Central Avenue | Phoenix, AZ 85012

That contributions within existing campaign contribution election laws are subject to the limitations and prohibitions of the Federal Election Campaign Act. Federal law requires us to use our best efforts to collect and report names, mailing address, occupation and name of employer of the individuals whose contributions exceed \$200 per calendar year. Not authorized by any candidate or candidate committee.

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In order for a communication to be clear and conspicuous, FEC regulations require

- 1 The disclaimer may not be placed where it could be easily overlooked
- 2 The disclaimer be of sufficient size
- 3 The disclaimer be set off in a printed box
- 4 The disclaimer be printed with a reasonable degree of color contrast between the background and the text

11 C F R §§ 110 11(c)(1) & (2)

The sideways placement, use of print color and placement of the disclaimer over a picture was an obvious attempt by the Schweikert Campaign to disguise its involvement in this negative and misleading mailing. The disclaimer is so well camouflaged that it took our attorney and several staff members of the ADP several readings of the mailing just to find it.

To be sure, the FEC's disclaimer regulation is essential to ascertain who is paying for communications and whether an outside organization has paid for such a mailing. Of course, with respect to campaign committees, these laws are designed to ensure that candidates take responsibility for the dissemination of negative campaign messages.

We request that the Commission promptly and aggressively investigate the clear violation of federal campaign finance regulations and seek any and all injunctive and financial penalties permitted by law.

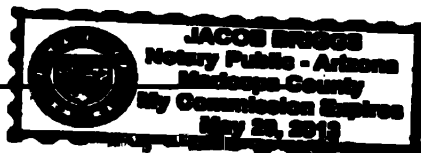
Sincerely,

  
Luis A. Heredia, Executive Director  
Arizona Democratic Party

SUBSCRIBED AND SWORN to before me this 5th day of August, 2010

  
Notary Public

My Commission Expires 5-29-2013



11044290163

# And Jim Ward has some San Francisco ideas to solve Arizona's illegal immigration problem

Jim Ward believes the federal government should use Olympic dollars to fund a taxpayer-funded immersion program for most illegal immigrants instead of deporting them.

Jim Ward wants to use our tax dollars to teach them English and how to use our banking system.

Jim Ward thinks that instead of deporting illegal immigrants, we should teach them English and let them stay here.

**THAT'S AMNESTY...AND THAT'S THE WRONG THING TO DO ABOUT ILLEGAL IMMIGRATION**



*Jim Ward*

A candidate from the San Francisco area.

With San Francisco solutions to illegal immigration.

Ward's ideas are not  
new. They are old.  
They are the ideas of  
amnesty.

11044290165

# Meet Jim Ward

He came to town just last year

Ward just registered to vote

Ward has never voted in an Arizona primary

Ward has no real connection to Arizona

PRRT STD  
US POSTAGE  
PAID  
FDMA

|||||  
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Jim Ward moved  
here from the  
San Francisco area just  
to run for Congress