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**BEFORE THE
FEDERAL ELECTION COMMISSION**

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FEDERAL ELECTION
COMMISSION

2010 SEP 16 AM 11:14

OFFICE OF GENERAL
COUNSEL

Sam Lieberman
Chair, Nevada State Democratic Party
1210 S Valley View Blvd, Suite 114
Las Vegas, NV 89102

Complainant,

v.

MUR # 6377

Sharron E. Angle
P.O. Box 33058
Reno, NV 89533

Friends of Sharron Angle
Alan B. Mills, Treasurer
P.O. Box. 33058
Reno, NV 89533

Harry Reid Votes
Allison Van Over, Treasurer
3008 Campbell Circle
Las Vegas, NV 89107

Danny Tarkanian
3008 Campbell Circle
Las Vegas, NV 89107

Respondents.

COMPLAINT

Complainant files this complaint with the Federal Election Commission (the "FEC" or "Commission") under 2 U.S.C. § 437g(a)(1) (2010) against Nevada Senate candidate Sharron Angle; her authorized campaign committee, Friends of Sharron Angle, Alan B. Mills, Treasurer; Daniel "Danny" Tarkanian; and Harry Reid Votes ("HRV"), Allison Van Over, Treasurer (collectively "Respondents") for numerous violations of the Federal Election Campaign Act of 1971, as amended ("FECA" or the "Act"). Danny Tarkanian is apparently an agent of the Angle campaign, and yet has also registered and is operating a political committee, HRV, in order to

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attack Angle's opponent, Senator Harry Reid. Accordingly, HRV's expenditures for communications attacking Senator Reid constitute coordinated communications, and thus excessive contributions to Angle. It appears that HRV is making and Angle is accepting contributions in violations of the Act. Furthermore, the use of "Harry Reid" in HRV's name, as well as HRV's disclaimers on certain advertisements, also constitute violations of the Act and the FEC's regulations.

A. Factual Background

Although Danny Tarkanian lost to Sharron Angle in the Nevada Republican Senate Primary, he has since begun to campaign on her behalf. For example, as reported in the Las Vegas Sun, Tarkanian hosted a "Tark Week," seven days of campaigning for the Republican Party, during which "[h]e and his wife, Amy, joined volunteers in calling hundreds of people to ask them to support Reid opponent Sharron Angle."¹ Furthermore, Tarkanian is making appearances to support Angle's campaign, including at "Gun Rights Night," a Friends of Sharron Angle event at which both Sharron Angle and Tarkanian will be speaking.² Tarkanian appears to be working as an agent of the Angle campaign.

At the same time Tarkanian has been working with the Angle campaign, he has also formed a separate political committee, HRV.³ HRV filed as a 527 organization with the Internal Revenue Service on August 20, 2010, listing Tarkanian as the organization's custodian of records.

¹ See Delen Goldberg, "Lois Tarkanian likes Harry Reid, Danny aids GOP," Las Vegas Sun (August 9, 2010), available at <http://www.lasvegassun.com/news/2010/aug/09/lois-likes-reid-danny-aids-gop/>.

² See "Gun Rights Night" flyer, attached hereto as Attachment A.

³ See Amanda Terkel, "Sharron Angle Surrogate Danny Tarkanian: I Disagree with Advocating 'Second Amendment Remedies,'" Huffington Post (September 12, 2010), available at http://www.huffingtonpost.com/2010/09/12/sharron-angle-danny-tarkanian-second-amendment-remedies_n_714011.html; Associated Press, "New Group to Target Reid in Nevada Senate Race," [www.newsmax.com](http://www.newsmax.com/InsideGov/US-Nevada-Senate/2010/08/23/id/368191) (August 23, 2010), available at <http://www.newsmax.com/InsideGov/US-Nevada-Senate/2010/08/23/id/368191> ("Tarkanian, who finished behind fellow Republican Sharron Angle in the state's June primary, has formed a political committee to launch a website and run radio and TV ads dissecting Sen. Harry Reid's voting record.").

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and contact person.⁴ HRV then registered as a political committee with the FEC on August 24, 2010, listing Tarkanian as the custodian of records and designated agent.⁵ HRV's Statement of Organization indicates that it was formed to oppose the candidacy of Harry Reid. HRV has created a website (www.harryreidvotes.com) and at least one radio advertisement opposing Senator Reid's candidacy. The radio advertisement ends with the disclaimer, "Harry Reid Votes is Responsible for the content of this advertisement."⁶ HRV is also planning on airing television advertisements attacking Senator Reid.⁷

Tarkanian was asked about "being in the campaign and doing this independent thing" in a recent television interview with Nevada reporter, Jon Ralston.⁸ Tarkanian responded that he was "a man of many hats," did not deny that he was a part of Angle's campaign, and asked "Do you want me to be just a one issue person here?" The interview segment ended with Ralston's observation that "All right. He's independent. He's in the Angle campaign."

B. Legal Analysis

1. Coordination and Excessive Contributions

Pursuant to 2 U.S.C. § 441a(a)(7)(B)(i), "expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate." The Commission's regulations implementing this provision further explain that an expenditure for a communication will be considered an in-kind contribution to a campaign if it is

⁴ See Political Organization Notice for Section 527 Status, Form 8871, Harry Reid Votes (August 20, 2010) attached hereto as Attachment B.

⁵ See Statement of Organization for Harry Reid Votes (August 24, 2010), attached hereto as Attachment C.

⁶ HRV's radio ad may be heard on its website, here:

<https://secure.campaignsolutions.com/harryreidvotes/donation2/?initiativekey=5L1O9VKXDYZY>.

⁷ Associated Press, "New Group to Target Reid in Nevada Senate Race," www.newsmax.com, (August 23, 2010), available at <http://www.newsmax.com/InsideCovgr/US-Nevada-Senate/2010/08/23/id/368191>.

⁸ An excerpt of Jon Ralston's interview with Tarkanian may be viewed here:

<http://www.youtube.com/watch?v=hwAgghrFkWo>.

(1) paid for by an entity other than the campaign; (2) meets certain content standards, including by being an electioneering communication, public communication that contains express advocacy, or a public communication that clearly identifies a candidate for the Senate within 90 days of an election; and (3) meets certain conduct standards regarding the coordination between who paid for the ad and the campaign or an agent of the campaign. See 11 C.F.R. §§ 109.20(b), .21. An individual is considered an "agent" of a campaign if he or she has authority to, *inter alia*, request, suggest, or make a communication on behalf of a campaign. 11 C.F.R. § 109.3(b). Tarkanian's role in the campaign is that of a spokesperson; in that role, he speaks for the campaign publicly and appears on public communications advertising events; he may also have a role in the creation of communications featuring his name. Thus, Tarkanian appears to be an "agent" of the Angle campaign as illustrated by his phone banking, speaking on behalf of the Angle campaign, appearances at events and on event publicity, as well as his wide range of other "surrogate" activities.

Because of Tarkanian's role in the Angle campaign, expenditures by HRV for radio or television advertisements opposing Harry Reid are coordinated communications and thus in-kind contributions to the Angle campaign. For example, HRV's radio advertisement currently available on its web site constitutes a "coordinated communication" because it is (1) paid for by HRV, a "person" other than the Angle campaign; (2) is a broadcast communication that advocates against a clearly identified federal candidate within 90 days of the November general election and thus satisfies the "content" standards in any number of ways; and (3) because Tarkanian, who runs HRV, is an agent of the Angle campaign. Because Tarkanian is an agent of the Angle campaign, his creation of advertisements through HRV are – by definition – coordinated communications.

Although it is unclear how much money HRV has spent attacking Senator Reid to date, there is no question that its expenditures for its planned radio and television advertisements, as well as any other public communications, will plainly exceed its \$5,000 contribution limit to the Angle campaign under 2 U.S.C. § 441a(a). HRV will therefore be making, and Angle will be accepting illegal contributions prohibited by the Act.

Even apart from Tarkanian technically acting as an agent of Angle's campaign, HRV's communications are probably still "coordinated communications." Given Tarkanian's role as a spokesman for Angle, it is likely that he, the campaign, and other individuals at HRV have engaged in activity that would independently satisfy the conduct prong of the Commission's coordination test. For example, through Tarkanian or other individuals, Angle or her campaign have probably requested or suggested that HRV create its ads, been materially involved or had substantial discussions about the creation of their ads, or otherwise coordinated their activities. In that case as well, HRV would again be making, and Angle receiving, illegal contributions. The Commission should investigate any and all possible avenues of coordination between HRV, Tarkanian, and Angle.

2. Prohibited Use of a Candidate's Name

Pursuant to 11 C.F.R. § 102.14(a), the name of any non-connected political committee may not include the name of any candidate for federal office. In other words, only a candidate's authorized committee may register with his or her name. The only exception to this rule is for draft committees, or special projects of political committees that clearly and unambiguously show opposition to the named candidate. See 11 C.F.R. § 102.14(b).

Here, Tarkanian's political committee, "Harry Reid Votes," plainly includes the name of a federal candidate, "Harry Reid." This is not a special project, but the actual name of the political

committee. Accordingly, none of the exceptions apply and HRV and Tarkanian have clearly violated 11 C.F.R. § 102.14(a).

3. Insufficient Disclaimer

Under 11 C.F.R. § 110.11, "public communications," such as radio advertisements, from a political committee must include a statement clearly identifying the name of the committee that paid for the advertisement; the committee's street address, telephone number, or web site address; and whether or not the communication was authorized by any candidate or candidate's committee. Radio advertisements specifically must include an additional statement that the committee is "responsible for the content of this advertising." 11 C.F.R. § 110.11(c).

Here, HRV's radio advertisement states that "Harry Reid Votes is responsible for the content of this advertising," but it does not state "Paid for by Harry Reid Votes;" HRV's address, phone number, or web site; or whether the advertisement was authorized by any candidate, such as Sharron Angle. This last omission is particularly troubling given the apparent coordination of HRV's advertisements with the Angle campaign and its agents. By omitting this information, HRV has violated the FEC's disclaimer requirements.

C. REQUESTED ACTION

Danny Tarkanian has violated the Act because he has created a political committee to attack Harry Reid, while at the same time, acting as an agent of Sharron Angle's senate campaign. Expenditures made from Tarkanian's committee, Harry Reid Votes, constitute "coordinated communications" and in-kind contributions to the Angle campaign. As Harry Reid Votes has apparently spent well over \$5,000 on its coordinated expenditures attacking Senator Reid, the committee has made, and Sharron Angle has accepted, excessive contributions in violation of the law. Tarkanian and Harry Reid Votes have further violated the law by illegally

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including the name of a federal candidate in the name of an unauthorized political committee,
and by failing to satisfy the FEC's disclaimer requirements.

We respectfully request that the Commission investigate these violations and any
additional coordination between Harry Reid Votes, Tarkanian, and Sharron Angle and her
campaign; enjoin Respondents from further violations of the Act; and assign the maximum fines
permitted by law.

Sincerely,



Sam Lieberman

**Chair, Nevada State Democratic
Party**

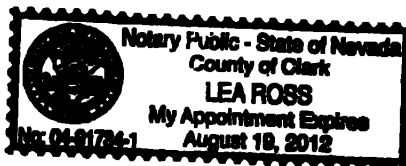
SUBSCRIBED AND SWORN to before me this 15 day of September, 2010.



Notary Public

My Commission Expires:

8/19/2012



FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL CENTER
2010 AUG 24 AM 11:07

OMB No. 3206-0047

1. NAME OF
COMMITTEE (in full)

(Check if name
is changed)

(Example: If typing, type
over the line.)

12754125

Harry Reid Victory

ADDRESS (number and street)

3008 Campbell Cir

(Check if address
is changed)

Las Vegas

NV

89103

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

(Check if address
is changed)

linfor@harryreidvictory.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address
is changed)

http://www.harryreidvictory.com

2. DATE

08 20 2010

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

X

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Allison Van Over

Signature of Treasurer

Allison VanOver

Date 08 23 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
(Use
Only)

For further information contact:
Federal Election Commission
Toll Free 800-424-9590
Local 202-694-1100

FEC FORM 1
(Revised 03/2009)

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5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of
CandidateCandidate
Party AffiliationOffice
Sought:

House

Senate

President

State

District

- (c) ☒ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of
Candidate

Harley Read

Party Committee:

- (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.

FEC ID number C

2.

FEC ID number C

3.

FEC ID number C

4.

FEC ID number C

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Write or Type Committee Name

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address

CITY

STATE

ZIP CODERelationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

7. **Custodian of Records:** Identify by name, address (phone number – optional) and position of the person in possession of committee books and records.

Full Name

Danny Tuckman

Mailing Address

3000 Campbell Circle

Las Vegas

W-1

871074

Title or Position

CITY

STATE

ZIP CODE

Registered Agent

Telephone number 702-378-5218

8. **Treasurer:** List the name and address (phone number – optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name

of Treasurer

Albus Dumbledore

Mailing Address

Good Campbell Circle

Lawyer

W.V

12/10/72

Title or Position

Trinidad

Telephone number 702-378-5212

Full Name of
Designated
Agent

Dana J. Tuckman

Mailing Address

3008 Campbell Circle

Las Vegas

CITY

NV

STATE

89107

ZIP CODE

Title or Position

Registered Agent

Telephone number

702-278-5213

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

No accounts established w/ of registration

Mailing Address

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

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Federal Election Commission	
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS	
The FEC added this page to the end of this filing to indicate how it was received.	
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<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
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<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
<i>Jm H</i> PREPARER	<i>8/24/10</i> DATE PREPARED

(3/2005)

Form
(Rev. July 2003)

Department of the Treasury
Internal Revenue Service

Political Organization Notice of Section 527 Status

OMB No. 1545-1603

8871

Part I General Information

1 Name of organization

HARRY REID VOTES

Employer identification number

27-3285024

2 Mailing address (P.O. box or number, street, and room or suite number)

3008 CAMPBELL CIRCLE

City or town, state, and ZIP code

LAS VEGAS, NV 89107

3 Check applicable box:

☒ Initial notice

☐ Amended notice

☐ Final notice

4a Date established

08/18/2008

4b Date of material change

5 E-mail address of organization

no@prml

6a Name of custodian of records

DANNY TARKANIAN

6b Custodian's address

3008 CAMPBELL CIRCLE

LAS VEGAS, NV 89107

7a Name of contact person

DANNY TARKANIAN

7b Contact person's address

3008 CAMPBELL CIRCLE

LAS VEGAS, NV 89107

8 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number

3008 CAMPBELL CIRCLE

City or town, state, and ZIP code

LAS VEGAS, NV 89107

9a Election authority

9b Election authority identification number

NONE

Part II Notification of Claim of Exemption From Filing Certain Forms (see instructions)

10a Is this organization claiming exemption from filing Form 8872, Political Organization Report of Contributions and Expenditures, as a qualified state or local political organization? Yes ☐ No ☒

10b If 'Yes,' list the state where the organization files reports:

11 Is this organization claiming exemption from filing Form 990 (or 990-EZ), Return of Organization Exempt from Income Tax, as a caucus or association of state or local officials? Yes ☐ No ☒

Part III Purpose

12 Describe the purpose of the organization

Provide public information on federal political races.

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Part IV List of All Related Entities (see instructions)

13 Check if the organization has no related entities. ☒

14a Name of related entity	14b Relationship	14c Address
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Part V List of All Officers, Directors, and Highly Compensated Employees (see instructions)

15a Name	15b Title	15c Address
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Alison Van Over	Officer	3008 CAMPBELL CIRCEE LAS VEGAS, NV 89107
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Under penalties of perjury, I declare that the organization named in Part I is to be treated as a tax-exempt organization described in section 527 of the Internal Revenue Code, and that I have examined this notice, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that I am the official authorized to sign this report, and I am signing by entering my name below.

ALLISON VAN OVER

02/20/2010

**Sign
Here**

Name of authorized official

Date

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"Gun Rights" Night

2nd Amendment Event

"...the right of the people to keep and bear Arms, shall not be infringed"



Featuring Guest speakers...

Steve Esh: History of gun rights

Danny Tarkanian: Is Harry really for gun rights?

Bob Irwin: Owner of the Gun Store/Candidate State Assembly

Key Note: *Sharron Angle*

US Senate Candidate that will defeat Harry Reid

September 9th

7:00 – 9:00

"The Gun Store"

2900 E. Tropicana, Las Vegas, Nevada 89121 (702) 454 – 1110

Paid for and authorized by Friends of Sharron Angle

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