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COMMISSION

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OFFICE OF GENERAL
COUNSEL

November 1, 2010

Christopher Hughey, Esquire
Acting General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Unknown Political Committee

MUR # 6429

Dear Mr. Hughey:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against Unknown Political Committee ("the Committee") for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations, and more specifically, for violation of the disclaimer provisions for political advertising set forth in 11 CFR § 110.11 and the coordination provisions set forth in 11 CFR § 109.21.

Facts

The Committee is an unknown entity who sent several mail pieces (enclosed) to voters in Alabama's 2nd Congressional District within a week of the November 2, 2010, general election. The mail piece(s) featured a photograph of and attacked Martha Roby, a candidate for the U.S. House of Representatives for Alabama's 2nd Congressional District ("Mailers"). The Mailers contained no return address or disclaimer. The only identifying mark on the Mailers is indicium which reads "PRSRT STD U.S. POSTAGE PAID WC MLG 10314."

Additionally, several automated calls expressly advocating against Martha Roby were sent to voters in the district lacking the proper disclaimer.

Martha Roby is challenging Bobby Bright, the incumbent Representative for Alabama's 2nd Congressional District.

Relevant Law

Communications made by a political committee, specifically, electronic mail of more than 500 substantially similar communications sent by a political committee, must display a disclaimer. 11 CFR § 110.11(a)(1).

If a public communication is paid for and authorized by a candidate, an authorized committee of a candidate, or an agent of either, the disclaimer must clearly state that the communication has been paid for by the authorized political committee. 11 CFR § 110.11(b)(1). If a public communication is not authorized by a candidate, authorized committee of a candidate, or an agent of either of the foregoing, the disclaimer must

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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 that communication is not authorized by any candidate or candidate's committee. 11 CFR § 110.11(b)(3).

All disclaimers must be "clear and conspicuous". 11 CFR § 110.11(c)(1). In addition, disclaimers on printed materials must be of sufficient type size to be clearly readable, set aside in a box, and printed with a reasonable degree of color contrast between the background and the printed statement. 11 CFR § 110.11(c)(2).

A payment for a coordinated communication made for the purpose of influencing a Federal election is an in-kind contribution to the candidate or authorized committee with whom or which it was coordinated. 11 CFR § 109.21(b)(2). In-kind contributions, like other contributions, are subject to federal contribution limits. 2 USC § 441a(a), 11 CFR Part 110.

A coordinated communication is a communication that satisfies a three pronged test. This test considers (1) the source of payment ("the payment prong"), (2) the subject matter of the communication ("the content prong") and (3) the interaction between the person paying for the communication and the candidate or political party committee ("the conduct prong"). 11 CFR § 109.21(a).

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Legal Analysis

The identity of the Committee is absolutely unknown. Since the identity of the Committee is unknown, there is no way to determine if the Committee has properly reported the expenditure that it has made for the Mailers or if the Committee has coordinated with Bobby Bright's campaign. Furthermore, it is impossible to tell if a illegal contribution has been made to Bobby Bright's campaign. What is known is that the Committee sent the Mailers, attacking Martin Rott, with no return address or disclaimer. This Mailers certainly assists Bobby Bright's campaign committee and the mere fact that the Committee has not identified itself supports the conclusion that the Committee has something to hide.

Conclusion

Upon information and belief, and based upon the facts relayed herein, Unknown Political Committee has violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations. Accordingly, we respectfully request that the Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.


The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,


Joel P. Williams

Dothan, AL 36305

Sworn to and subscribed before me this 1st day of November, 2010.


Notary Public

My Commission Expires: 6-19-2011

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Martha Roby: What Part of Illegal Immigration Doesn't She Understand?

Martha Roby believes we should only deport those illegal immigrants who have committed a crime. She doesn't think illegal immigrants should be deported until after they are convicted criminals and receive final deportation orders.¹ Isn't it a crime to cross the border illegally? Taxpayers shouldn't have to pay for their stay, Martha.

**Call Martha Roby: (334) 239-8660.
Tell her to get tough on Illegal Immigration.**

1. <http://www.martharoby.com/page/39/immigration-return>

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T15 P1
MR. JOEL WILLIAMS
DOTHAN AL 36305

Alabama has been hit especially hard
by illegal immigration...

So, why isn't Martha Roby fighting back?

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MR. JOEL WILLIAMS

DOT-AM 42 03-11



PRST STD
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***What is Martha Roby
spending our taxpayer
money on?***



Martha Roby has criticized "Slush Fund" spending,

but as a Montgomery City Council Member, she spent \$660,000 of taxpayer money over three years—on whatever she wanted!¹ Does that sound like the right way to reduce wasteful spending?

(334) 239-8660

Tell her to say NO to wasteful slush fund spending.

PSRT STD
U.S. POSTAGE
PAID
WC MLG
10314

P-28 P58 *****ECRL0T D099A**R028
MR. JOEL WILLIAMS

DOTHAN AL 36305



Shouldn't all illegal immigrants be deported?

Not according to Martha Roby.

Martha Roby says only illegal immigrants
with criminal convictions should be deported

Martha Roby thinks we should only deport illegal immigrants if they are convicted of a crime and have final deportation orders. Great idea, Martha: wait until they commit a crime. Then we can pay for the lawyer, the trial, the appeal, the stay in jail, the immigration hearing, the appeal of the deportation order, and the trip home.

Being in this country illegally is a crime, Martha. That should be enough.

Call Martha Roby: (334) 239-8660.
Tell her to get tough on immigration.