

COPY

RECEIVED
FEDERAL ELECTION
COMMISSION

2010 NOV 15 PM 1:11

OFFICE OF GENERAL
COUNSEL

Raymond Buckley
105 North State Street
Concord, New Hampshire, 03301

November 1, 2010

Christopher Hughey, Esq.
Acting General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR # 6431

Re: Complaint against Republican Senate Majority Committee

Dear Mr. Hughey,

I write this letter to file a complaint pursuant to 2 U.S.C. § 437g(a)(1) against the Republican Senate Majority Committee ("Committee").

The record demonstrates that while the Committee has made expenditures aggregating in excess of \$1,000 in connection with federal elections in the state of New Hampshire, it has not registered as a political committee with the Commission. The record further demonstrates that the Committee has accepted contributions from prohibited sources and has failed to include on public communications that expressly advocate for the election of federal candidates a written disclaimer indicating whether the communications were authorized by a candidate or candidate's committee. The Commission should act immediately to investigate this matter and to enjoin future violations of law.

THE FACTS

The Committee is a registered nonfederal political committee in the state of New Hampshire. According to statements filed with the New Hampshire Secretary of State, its mailing address is P.O. Box 488, Milford, New Hampshire 03055. A review of the Statements of Receipts filed by the Committee with the Secretary of State indicates that it regularly accepts contributions from corporations.

On November 1, 2010, at least four New Hampshire newspapers, including the *Union Leader*, the *Concord Monitor*, the *Nashua Telegraph Daily*, and the *Foster's Daily Democrat*, published half-page advertisements paid for by the Committee. Each of the advertisements included a large photograph of United States Senate candidate Kelly Ayotte, her name, and the following text: "Please Vote This Tuesday!" The advertisements also included Ayotte's endorsement of various New Hampshire state senate candidates, along with smaller photographs of the state senate candidates.

12044310621

The written disclaimer on the advertisements stated as follows: "Paid for by the Republican Senate Majority Committee, Peter Bragdon, Chairman." The advertisements did not state whether they were authorized by a candidate or candidate's committee. Copies of the advertisements are attached to this Complaint as Exhibit One.

The published fees for half-page advertisements in the newspapers listed above are as follows: \$1,839.60 for the *Union Leader*; \$1,086.75 for the *Concord Monitor*; at least \$1,600 for the *Nashua Telegraph*; and \$1,257 for the *Foster's Daily Democrat*.

ARGUMENT

The Federal Election Campaign Act of 1971 (the "Act") requires committees to register with the Commission within 10 days after becoming a "political committee." See 2 U.S.C. § 433(a); 11 C.F.R. § 102.1(d). The Act defines a "political committee" to include "any committee, club, association, or other group of persons ... which makes expenditures aggregating in excess of \$1,000 during a calendar year." See 2 U.S.C. § 431(4); 11 C.F.R. § 100.5. An "expenditure" is defined as "any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made by any person for the purpose of influencing any election for Federal office." See 2 U.S.C. § 431(9); 11 C.F.R. § 100.111.

Here, the Committee has paid for at least four newspaper advertisements that expressly advocate for the election of Kelly Ayotte, a clearly identified federal candidate. The advertisements prominently display Ayotte's name and photograph, and ask readers to "Please Vote This Tuesday!" For the four newspaper advertisements alone, the Committee made expenditures aggregating in excess of \$5,783 – far more than the \$1,000 that triggers registration as a federal political committee. Yet, to date, the Committee has not registered as a federal political committee, and has not reported any of its receipts or disbursements to the Commission.

The Act further prohibits federal political committees from accepting contributions from corporations. See 2 U.S.C. § 441b(a). Yet the Committee has reported multiple contributions from corporations on reports filed with the New Hampshire Secretary of State.

Finally, public communications that expressly advocate for the election of a clearly identified candidate must include a written disclaimer that identifies who paid for the communication and whether the communication was authorized by a candidate or candidate's committee. If the communication was not authorized by a candidate or candidate's committee, then the disclaimer must include the full name and permanent street address, phone number, or web address of the person who paid for the communication. See 11 C.F.R. § 110.11. Here, although the newspaper advertisements include a statement indicating that they were paid for by the Committee, the disclaimer

does not state whether the advertisements were authorized by a candidate or candidate's committee.

For all of these reasons, I request that the Commission investigate immediately the violations presented herein. We further request that the Committee be enjoined from further violations, and be fined the maximum amount permitted by law.

Sincerely,

Raynel Buckley

SUBSCRIBED AND SWORN to before me this 1st day of November, 2010.

[Signature]
Notary Public

My Commission Expires:

March 10, 2015

12044310623

EXHIBIT ONE

Union Leader
11/01/10

12044310624

(Political Advertisement)

(Political Advertisement)

(Political Advertisement)

(Political Advertisement)

(Political Advertisement)

Kelly Ayotte Joe Kelly Levasseur Tom DeBlois



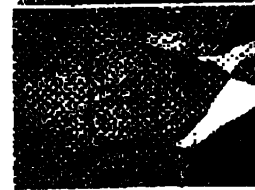
New Hampshire is at a crossroads.
The only way we will fix our problems is
with common sense solutions, not more
government spending and higher taxes.
I hope you'll join me in supporting
Joe Kelly Levasseur and Tom DeBlois
for State Senate.

**Please Vote
This Tuesday!**

**Joe Kelly
Levasseur**
For State Senate
District 20



Tom DeBlois
For State Senate
District 18



Paid for by the Republican Senate
Majority Committee, Peter Bragdon, Chairman

Concord Monitor
11/01/10

PAID ADVERTISEMENT

PAID ADVERTISEMENT

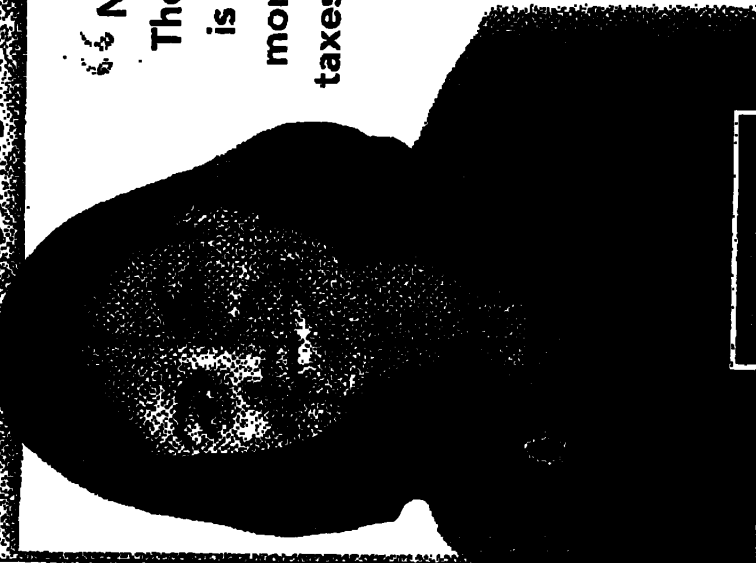
PAID ADVERTISEMENT

PAID ADVERTISEMENT

PAID ADVERTISEMENT

PAID ADVERTISEMENT

Kelly Ayotte - Andy Sanborn



New Hampshire is at a crossroads.
The only way we will fix our problems
is with common sense solutions, not
more government spending and higher
taxes. I hope you'll join me in supporting
Andy Sanborn for State Senate.

**Please Vote
This Tuesday!**



**Andy Sanborn
For State Senate
District 7**

Filed for Lt. Governor Senate Minority Campaign, Peter Brannen Chairman

[illegible]

Kelly Ayotte
Jim Luther
Gary Lam

New Hampshire is at a crossroads. The only way we will fix our problems is with common sense solutions, not more government spending and higher taxes. I hope you'll join me in supporting Jim Luther and Gary Lambert for State Senate.

**Please Vote
This Tuesday!**

**Gary
Lambert**
For State Senate
District 13

Jim Luther
For State Senate
District 12

Paid for by the Republic of
the United States of America

Printed for the Republican Senate Inquiry Committee, Prior Munson Chairman