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FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

MUR: 6448

DATE COMPLAINT FILED: 12/27/10

DATE OF NOTIFICATION: 1/04/11; 2/10/11

LAST RESPONSE RECEIVED: 2/28/11

DATE ACTIVATED: 2/10/11

STATUTE OF LIMITATIONS: 4/01/14-  
10/31/15

COMPLAINANT:

Alexander Stone

RESPONDENTS:

NoTolls.com  
U.S. Digital  
David Madore

RELEVANT STATUTES  
AND REGULATIONS:

2 U.S.C. § 431(17)  
2 U.S.C. § 433(a)  
2 U.S.C. § 434(a)  
2 U.S.C. § 434(c)  
2 U.S.C. § 441a(a)  
2 U.S.C. § 441a(f)  
2 U.S.C. § 441b(a)  
2 U.S.C. § 441d(a)  
11 C.F.R. § 100.22  
11 C.F.R. § 110.11

INTERNAL REPORTS CHECKED:

None

FEDERAL AGENCIES CHECKED:

None

**I. INTRODUCTION**

The complaint alleges that NoTolls.com ("NoTolls"), a state-registered committee not registered with the Commission, violated the Federal Election Campaign Act of 1971, as amended ("the Act"), when it failed to register and file reports with the Commission despite

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1 exceeding the statutory limits for political committee status through contributions received or  
2 expenditures made for its website and a mailer that promoted two federal candidates. Complaint  
3 at 1-2. In addition, the complaint alleges that NoTolls's website and mailer are independent  
4 expenditures that did not include disclaimers compliant with the Act. *Id.* at 2. Finally, the  
5 complaint alleges that the contributions made to NoTolls by U.S. Digital and by its CEO David  
6 Madore exceeded the Act's limitations. *Id.*

7 In its response, NoTolls asserts that it "never purposely campaigned for any federal  
8 candidates," although it acknowledges that its website and mailer included two federal  
9 candidates. See NoTolls Response at 1-2. NoTolls also asserts that it took remedial action prior  
10 to the complaint. *Id.* NoTolls did not address the allegation that it exceeded the statutory  
11 threshold for political committee status by contributions received or expenditures made, nor did  
12 it address the allegations that it was required to include a disclaimer on its website and mailer.  
13 David Madore and U.S. Digital in their responses acknowledged that they made contributions to  
14 NoTolls, but assert their conduct was limited to local election activity. See David Madore  
15 Response at 1; U.S. Digital Response.

16 For the reasons discussed below, we recommend that the Commission find no reason to  
17 believe that NoTolls failed to register and file reports as a political committee or failed to include  
18 a disclaimer on its website. We also recommend that the Commission find no reason to believe  
19 that U.S. Digital and David Madore made, or NoTolls accepted, excessive contributions.  
20 Finally, we recommend that the Commission dismiss the allegations that NoTolls violated  
21 2 U.S.C. §§ 441d(a) and 434(c) by failing to include a complete disclaimer on its mailer and  
22 failing to report its independent expenditures for its website and mailer, caution NoTolls, and  
23 close the file. See *Heckler v. Chaney*, 470 U.S. 821 (1985).

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1 **II. FACTUAL AND LEGAL ANALYSIS**

2 NoTolls is a Washington State-registered committee organized in July 2010 to oppose  
3 tolls and light rail transportation across the Columbia River by way of Interstate 5 and its state  
4 and local bypasses. The complaint included a screenshot of NoTolls's website and a copy of a  
5 mailer, herein referred to as "Columbia River." See Attachments 1 and 2. The website  
6 screenshot begins with a NoTolls.com logo and states "Your vote is urgently needed to stop  
7 permanent tolls on the I-205, SR-500, SR-14, I-5 and I-5 corridor." See Attachment 1. The site  
8 continues with the statement that "NoTolls.com proudly recommends these candidates....," and  
9 contains photographs of eighteen candidates with their names and elective offices sought. The  
10 first two candidates recommended are Dino Rossi, the Republican candidate for U.S. Senate  
11 from Washington State, and Jaime Herrera, the Republican candidate for U.S. Representative  
12 from Washington's 3<sup>rd</sup> Congressional District. See *id.* In its response, NoTolls asserts that its  
13 campaign focused only on a local issue and explained that it solicited the position of all  
14 Democratic and Republican candidates on this issue, and when candidates responded, NoTolls  
15 posted the results. See NoTolls Response at 2.

16 The "Columbia River" mailer is a three-page communication. The first page contains a  
17 drawing of a bridge with the words "We all agree...A new bridge across the Columbia River  
18 would be GREAT!! but..." The second page begins "NOT AT THIS COST!!" See  
19 Attachment 2. The second page also contains a cartoon depiction of a bridge and light rail  
20 system with indicators addressing potential toll collection points. On the same page at the  
21 bottom left it states "Re-elect incumbents for more of the same OR Elect NEW LEADERSHIP  
22 to get us back on track. **THE CHOICE IS YOURS!**" [emphasis in original]. The bottom right  
23 of this page states "NoTolls.com proudly supports the following candidates....," and lists in four

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rows of various fonts the names of 20 candidates. The first row, in bold, contains the first and last names of three local candidates. The remaining rows contain the last names of seventeen candidates, the first two of whom are Rossi and Herrera. The last page of the "Columbia River" mailer contains a disclaimer, "Paid for by NoTolls.com" above NoTolls's return address, and a postage paid permit.

NoTolls asserts that "[a]s soon as [it] recognized that there was an error regarding the mailer, prior to Mr. Strane's complaint, [it] immediately stopped printing the mailer." See NoTolls Response at 1.<sup>1</sup> NoTolls asserts that it distributed the mailer within a "local district," not state-wide or congressional district 3-wide, and that NoTolls properly disclosed its mailer to the state disclosure commission. See *id.* NoTolls further asserts that it "pulled the radio ad (promoting local candidates), then contacted the [Washington] Public Disclosure Commission ('PDC') immediately to report that [it] made an error and explained how it was rectified." See *id.* NoTolls states that it reported to the PDC on October 20, 2010. See *id.*<sup>2</sup> Finally, NoTolls states that it did not attempt to violate any law or conceal any records. See *id.* at 2.

#### A. Political Committee Status

Citing NoTolls's state disclosure reports (attached to the complaint), the complaint alleges that as of October 9, 2010, NoTolls met the threshold requirements for political committee status by receiving or spending in excess of \$1,000 in connection with federal elections in support of federal candidates Dino Rossi and Jaime Herrera. See Complaint at 1-2. Under the Act, groups that trigger political committee status are required to register with the

<sup>1</sup> David Madore states in his response that "[a]s soon as NoTolls recognized the problem, the website was amended removing the reference to the two federal candidates and NoTolls discontinued the mailer." See David Madore Response at 1.

<sup>2</sup> The complaint in the instant matter was filed on December 27, 2010.

Commission and publicly report all of their receipts and disbursements. 2 U.S.C. §§ 433(a) and 434(a). The Act defines a "political committee" as any committee, association, or other group of persons that receives "contributions" or makes "expenditures" for the purpose of influencing a Federal election which aggregate in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The term "contribution" is defined to include "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(8)(A)(i). The term "expenditure" is defined to include "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." 2 U.S.C. § 431(9)(A)(i). An organization will not be considered a "political committee" unless its "major purpose is Federal campaign activity (*i.e.*, the nomination or election of a Federal candidate)." Political Committee Status: Supplemental Explanation and Justification, 72 Fed. Reg. 5595, 5597 (Feb. 7, 2007). *See Buckley v. Valeo*, 424 U.S. 1, 79 (1976); *FEC v. Massachusetts Citizens for Life, Inc. (MCFL)*, 479 U.S. 238, 262 (1986).

#### 1. NoTolls.com contributions received

The complaint alleges that during the 2010 election cycle, David Madore and U.S. Digital funded NoTolls through extensive and in-kind corporate contributions that NoTolls subsequently used to support two federal candidates. *See* Complaint at 1-2. In their responses, Madore and U.S. Digital acknowledge that they provided financial support to NoTolls. *See* Madore Response at 1; U.S. Digital Response. Both responses assert that this support was related to a local issue and not federal election activity. *See* Madore Response at 1; U.S. Digital Response. Neither response detailed the amounts of support that either Respondent provided to NoTolls, but state disclosure reports attached to the complaint reflect that NoTolls received in excess of \$177,000

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1 in total contributions during the 2010 election cycle. The majority of these funds were the result  
2 of cash and in-kind contributions from Madore (approximately \$134,000 and \$25,000,  
3 respectively), and cash and in-kind contributions from U.S. Digital (approximately \$14,000).<sup>3</sup>

4 Although NoTolls received in excess of \$1,000 from David Madore and U.S. Digital, the  
5 available information does not suggest that NoTolls solicited funds for the purpose of  
6 influencing federal elections. The complaint asserts that NoTolls's fundraising solicitations did  
7 not inform donors that their contributions would be used in connection with federal elections,  
8 although the complaint did not provide copies of any solicitations. See Complaint at 2. NoTolls  
9 similarly did not provide a copy of any of its solicitations, but asserts that while its mailer  
10 included two federal candidates, its conduct was limited to local district activity. See NoTolls  
11 Response at 1. Based on the available information, it does not appear that NoTolls has satisfied  
12 the statutory threshold for political committee status by receiving contributions for the purpose  
13 of influencing federal elections exceeding \$1,000. See 2 U.S.C. § 431(4)(A).

#### 14 2. NoTolls.com expenditures made

15 The complaint alleges that NoTolls's website and "Columbia River" mailer advocate the  
16 election of two federal candidates. See Complaint at 1. The Act's definition of expenditure,  
17 when applied to communications made independently of a candidate or a candidate's committee,  
18 restricts only funds used for communications "expressly advocating the election or defeat of a  
19 clearly identified candidate." 2 U.S.C. § 431(17). The Commission has defined express

20  
<sup>3</sup> See Washington State Public Disclosure Commission,  
[http://www.pdc.wa.gov/viewreports/results.aspx?rpt=http://hera.pdc.wa.gov/PublicAppXtender/ISubmitQuery.aspx?DSN=IMAGE&AppName=PDC&FILER+NAME=NOTOLLS.COM\\*&FORM+TYPE=List:%20%27C6%27.%27C6%20AMENDED%27](http://www.pdc.wa.gov/viewreports/results.aspx?rpt=http://hera.pdc.wa.gov/PublicAppXtender/ISubmitQuery.aspx?DSN=IMAGE&AppName=PDC&FILER+NAME=NOTOLLS.COM*&FORM+TYPE=List:%20%27C6%27.%27C6%20AMENDED%27).

advocacy in the regulations set forth at 11 C.F.R. § 100.22. Under Section 100.22(a),

Expressly advocating means any communication that – (a) uses phrases such as “vote for the President,” “re-elect your Congressman,” “support the Democratic nominee,” “cast your ballot for the Republican challenger for U.S. Senate in Georgia,” “Smith for Congress,” “Bill McKay in '94,” “vote Pro-Life” or “vote Pro-Choice” accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, “vote against Old Hickory,” “defeat” accompanied by a picture of one of more candidate(s), “reject the incumbent,” or communications of campaign slogan(s), or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say “Nixon’s the One,” “Carter ’76,” “Reagan/Bush” or “Mondale!”

11 C.F.R. § 100.22(a).

The website and mailer contain express advocacy under 11 C.F.R. § 100.22(a) because both refer to federal candidates Rossi and Herrera by name and contain language urging their election. The website stated that it “proudly recommends these candidates,” and posted pictures of the two federal candidates and other state candidates, while the mailer stated that “NoTolls.com proudly supports the following candidates...,” “Re-elect incumbents for more of the same OR Elect NEW LEADERSHIP to get us back on track. **THE CHOICE IS YOURS!**” [emphasis in original].<sup>4</sup> See Attachments 1 and 2. Accordingly, the disbursements NoTolls made for its website and mailer constitute expenditures under the Act that count toward the statutory threshold for political committee status.

The complaint alleges that NoTolls spent \$13,714.05 for the “Columbia River” mailer and \$10,963.76 for its website. See Complaint at 1-2. These figures correspond to the payments for postage, mail house services, and mailer printing for the mailer and website design, editing,

<sup>4</sup> The website and “Columbia River” communication constitute express advocacy as defined in Section 100.22(a); therefore, an analysis of the “Columbia River” communication under section 100.22(b) is unnecessary.

1 and administration fees disclosed in NoTolls's state disclosure reports.<sup>5</sup> According to the  
2 complaint, NoTolls exceeded the statutory threshold for expenditures made based on a per-  
3 candidate allocation of the total costs for the website and mailer. The complainant divided the  
4 costs of the website by the 18 candidates promoted, concluding that NoTolls spent \$609.10  
5 toward each candidate, and divided the total mailer costs by the 20 candidates promoted,  
6 concluding that NoTolls spent \$685.70 toward each candidate. See Complaint at 1-2. However,  
7 NoTolls disclosed in a Washington State reporting form for independent expenditures dated  
8 October 28, 2010, that it attributed \$488 of the total independent expenditure expense for its  
9 mailer to each federal candidate.<sup>6</sup> The available information does not explain the difference  
10 between the complaint's \$685.70 per-candidate allocation and NoTolls's \$488 per-candidate  
11 allocation for the mailer.<sup>7</sup> In any event, the total cost attributed to federal candidates on the  
12 website is \$1,218.20 (\$609.10 x 2), and the total cost attributed to federal candidates in the  
13 mailer is at least \$976 (\$488 x 2), for a grand total of at least \$2,194.20 in expenditures,  
14 exceeding the \$1,000 statutory threshold for political committee status. See 2 U.S.C.  
15 § 431(4)(A).

<sup>5</sup> See [http://www.pdc.wa.gov/qviewreports/results.aspx?rpt=http://hera.pdc.wa.gov/PublicAppXtender/ISubmitQuery.aspx?DSN=IMAGE&AppName=PDC&FILER+NAME=NOTOLLS.COM\\*&FORM+TYPE=List:%20%27C6%27.%27C6%20AMENDED%27](http://www.pdc.wa.gov/qviewreports/results.aspx?rpt=http://hera.pdc.wa.gov/PublicAppXtender/ISubmitQuery.aspx?DSN=IMAGE&AppName=PDC&FILER+NAME=NOTOLLS.COM*&FORM+TYPE=List:%20%27C6%27.%27C6%20AMENDED%27).

<sup>6</sup> See [http://www.pdc.wa.gov/qviewreports/results.aspx?rpt=http://hera.pdc.wa.gov/PublicAppXtender/ISubmitQuery.aspx?DSN=IMAGE&AppName=PDC&FILER+NAME=NOTOLLS.COM\\*&FORM+TYPE=List:%20%27C6%27.%27C6%20AMENDED%27](http://www.pdc.wa.gov/qviewreports/results.aspx?rpt=http://hera.pdc.wa.gov/PublicAppXtender/ISubmitQuery.aspx?DSN=IMAGE&AppName=PDC&FILER+NAME=NOTOLLS.COM*&FORM+TYPE=List:%20%27C6%27.%27C6%20AMENDED%27). NoTolls did not disclose its website as an independent expenditure.

<sup>7</sup> Overall, the principle of allocating the overall costs of the mailer between the federal and non-federal candidates is consistent with the Commission's regulations regarding the allocation of expenses between candidates. See 11 C.F.R. § 106.1(a). We have no information regarding how NoTolls allocated its expenses. It is possible that it attributed a pre-candidate cost based upon the placement and font size of the candidate's name. The two federal candidates included on the subject mailer were listed on the second tier with a font size smaller than the first group, but larger than a third group of candidates. In addition, only the first tier contained the candidates' first and last names. See Attachment 2.

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1 Although NoTolls appears to meet the statutory threshold for political committee status,  
2 it does not appear that its major purpose was "Federal campaign activity (*i.e.*, the nomination or  
3 election of a Federal candidate)." See Political Committee Status: Supplemental Explanation and  
4 Justification, 72 Fed. Reg. at 5597. The responses and other available information indicate that  
5 NoTolls was formed to oppose tolls and light rail transportation for local infrastructure. In its  
6 response, NoTolls asserts that its "campaign was specific to local candidates." See NoTolls  
7 Response at 2. Only two of the eighteen candidates promoted on NoTolls's website were federal  
8 candidates and only two of the 20 candidates promoted in NoTolls's mailer were federal  
9 candidates. While NoTolls acknowledges including two federal candidates on its website and  
10 mailer, it insists that it "never officially campaigned" for Rossi and Herrera because its mailers  
11 were only sent to a local district. See NoTolls Response at 1. In his response, David Madore  
12 reiterated NoTolls's assertion that its website and mailer were intended to promote candidates  
13 who opposed placing tolls on the local highways, and that it was not formed to support  
14 candidates for federal office. See David Madore Response at 1. As such, the available  
15 information indicates that the focus of NoTolls's activities related to a local issue regarding tolls,  
16 not the election of federal candidates. Accordingly, we recommend that the Commission find no  
17 reason to believe that NoTolls.com violated 2 U.S.C. §§ 433(a) or 434(a) by failing to register  
18 and report as a political committee.

19 **B. Disclaimers**

20 The complaint alleges that NoTolls's website and its "Columbia River" mailer did not  
21 include the required disclaimers. See Complaint at 2. All public communications made by a  
22 political committee and all Internet websites of political committees available to the general  
23 public must include disclaimers. See 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(a)(1). Any person

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1 that makes a disbursement for a public communication that expressly advocates the election of a  
2 clearly identified candidate must include a disclaimer that conforms to the requirements in  
3 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11(a)-(c). Public communications include any mass  
4 mailing to the general public or any other form of general public political advertising. 11 C.F.R.  
5 § 100.26. Mass mailing is defined as a mailing by U.S. mail or facsimile of more than 500  
6 pieces of mail matter of an identical or substantially similar nature within any 30-day period.  
7 2 U.S.C. § 431(23); 11 C.F.R. § 100.27.

8 NoTolls's "Columbia River" mailer expressly advocated the election of federal  
9 candidates Rossi and Herrera. See 11 C.F.R. §§ 100.22(a). According to NoTolls's state  
10 disclosure reports, it spent a total of \$13,714.05 for the mailer, of which it spent \$7,729.92 for  
11 postage. Thus, it is reasonable to conclude NoTolls distributed more than 500 copies of the  
12 mailer. See 11 C.F.R. § 100.27. Accordingly, the disclaimer provisions of the Act apply. See  
13 2 U.S.C. § 441d(a)(1)-(3); 11 C.F.R. § 110.11(a)-(c). The mailer contains a disclaimer in the  
14 return address, which states "Paid for by NoTolls.com" and contains a street address. See  
15 Attachment 2. However, the mailer does not state whether the communication was authorized by  
16 any federal candidate or candidate's committee. See 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(b).<sup>8</sup>  
17 Therefore, it appears that NoTolls's "Columbia River" mailer does not satisfy the disclaimer  
18 requirements in the Act; thus, NoTolls appears to have violated 2 U.S.C. § 441d(a).

19 As for NoTolls's website, it too expressly advocates the election of federal candidates  
20 Rossi and Herrera. See 11 C.F.R. § 100.22(a). However, because we conclude that NoTolls is  
21 not a political committee under the Act, and its website does not meet the definition of a public  
22 communication, the disclaimer provisions do not apply to the website. See 2 U.S.C. § 441d(a);

<sup>8</sup> In addition, the disclaimer information is not contained in a printed box. See 2 U.S.C. § 441d(c)(2); 11 C.F.R. § 110.11(c)(2)(ii).

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11 C.F.R. §§ 110.11(a) and 100.26. Accordingly, we recommend that the Commission find no reason to believe that NoTolls violated 2 U.S.C. § 441d(a) by failing to include a disclaimer on its website.

#### C. Independent Expenditure Reporting

The complaint alleges that the NoTolls's "Columbia River" mailer and website are independent expenditures. *See* Complaint at 2. An independent expenditure is an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate and that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents. 2 U.S.C. § 431(17); 11 C.F.R. § 100.16. Under the Act, every person other than a political committee who makes independent expenditures in excess of \$250 must file a report that discloses information regarding its expenditures and identifies each person who made a contribution in excess of \$200 for the purpose of furthering an independent expenditure. 2 U.S.C. § 434(c). The mailer and website expressly advocate the election of two clearly-identified federal candidates. *See* 11 C.F.R. § 100.22(a). NoTolls's state disclosure reports disclose that it spent \$13,714 and \$10,983.76 for the mailer and website, respectively, with an allocated federal expenditure portion of at least \$2,194.20. Therefore, it appears that NoTolls

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was required to file an independent expenditure report with the Commission, and thus appears to have violated 2 U.S.C. § 434(c).<sup>9</sup>

#### **D. Alleged Excessive Contributions**

Citing NoTolls's state disclosure reports, the complaint alleges that David Madore made, and NoTolls accepted, excessive contributions totaling over \$134,000, and that U.S. Digital made, and NoTolls accepted, contributions in excess of \$5,000. *See* Complaint at 2; 2 U.S.C. §§ 441a(a) and 441a(f). Because NoTolls is not a federal political committee, it is not subject to the Act's contribution limits. Accordingly, we recommend that the Commission find no reason to believe that NoTolls.com violated 2 U.S.C. § 441a(f) by receiving excessive contributions. Similarly, because NoTolls is not a federal political committee, the monetary and in-kind donations made by U.S. Digital or David Madore are not considered to be "contributions" under the Act, and are not subject to the Act's contribution limits.<sup>10</sup> *See* 2 U.S.C. §§ 431(8)(A), and 441a(a). Therefore, we recommend that the Commission find no reason to believe that U.S. Digital or David Madore violated 2 U.S.C. § 441a(a).

#### **E. Conclusion**

It appears that NoTolls violated 2 U.S.C. §§ 441d(a) and 434(c) by failing to include a complete disclaimer on its "Columbia River" mailer and failing to file an independent expenditure report for its mailer and website. Considering the small federal share of the amount

<sup>9</sup> There is an additional independent expenditure reporting requirement at 2 U.S.C. § 434(g) under which persons that make independent expenditures aggregating \$1,000 or more after the 20<sup>th</sup> day, but no more than 24 hours, before the date of an election, must file a report within 24 hours with the Commission describing the expenditure. NoTolls's state disclosure reports disclose that it made disbursements related to the "Columbia River" mailer on October 9, 2010, before the 20-day timeframe for section 434(g) reporting.

<sup>10</sup> Although not specifically alleged in the complaint, if NoTolls were a political committee, the issue would arise whether U.S. Digital, a corporation incorporated in Washington State as U.S. Digital Corporation, made, and NoTolls accepted, prohibited corporate contributions. *See* 2 U.S.C. § 441b(a). Because we conclude that NoTolls is not a federal political committee, those donations made by U.S. Digital, and accepted by NoTolls, are not subject to the Act's source prohibitions, *see id.*, and we make no recommendations as to this issue.

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1 in violation, pursuit of this matter would not merit the further use of Commission resources.

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3 Accordingly, we  
4 recommend that the Commission exercise its prosecutorial discretion and dismiss the allegations  
5 that NoTolls violated 2 U.S.C. § 441d(a) by failing to include a disclaimer on its mailer and  
6 2 U.S.C. § 434(c) by failing to file the required independent expenditure report, and caution  
7 NoTolls.com. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Finally, we recommend that the  
8 Commission close the file in this matter.

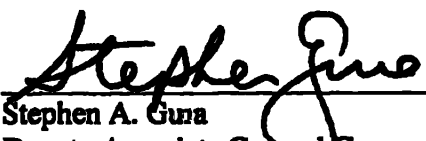
### 9 III. RECOMMENDATIONS

- 10 1. Find no reason to believe that NoTolls.com violated 2 U.S.C. §§ 433(a), 434(a)  
11 or 441d(a) by failing to register and report as a political committee and failing to  
12 include a disclaimer on its website.
- 13 2. Find no reason to believe that NoTolls.com violated 2 U.S.C. § 441a(f).
- 14 3. Find no reason to believe that David Madore or U.S. Digital violated 2 U.S.C.  
15 § 441a(a).
- 16 4. Dismiss the allegations that NoTolls.com violated 2 U.S.C. §§ 441d(a) and 434(c)  
17 by failing to include a disclaimer on its "Columbia River" mailer, and failing to  
18 file the required independent expenditure report, and caution NoTolls.com.
- 19 5. Approve the attached Factual and Legal Analyses.
- 20 6. Approve the appropriate letters, including a letter cautioning NoTolls.com.
- 21 7. Close the file.

25 Christopher Hughey  
26 Acting General Counsel

27  
28  
29 5/6/11  
30 Date

31 BY:

32   
33 Stephen A. Gura  
34 Deputy Associate General Counsel  
35 for Enforcement

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Mark Allen by sf  
Mark Allen  
Assistant General Counsel

Shana M. Broussard  
Shana M. Broussard  
Attorney

**Attachments:**

1. NoTolls.com website screen shot
2. NoTolls.com "Columbia River" mailer

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In the 10th Judicial District, you will vote for one  
 Your vote is urgently needed to elect permanent  
 judges on the 120th, 5th, 30th, 35th, 40th and 45th  
 courts.

NoTolls.com proudly recommends these candidates...



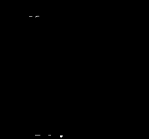
David Weber  
 120th District



John Ayers  
 5th District



Gary Larson  
 30th District



John Smith  
 35th District



Henry Thomas  
 40th District



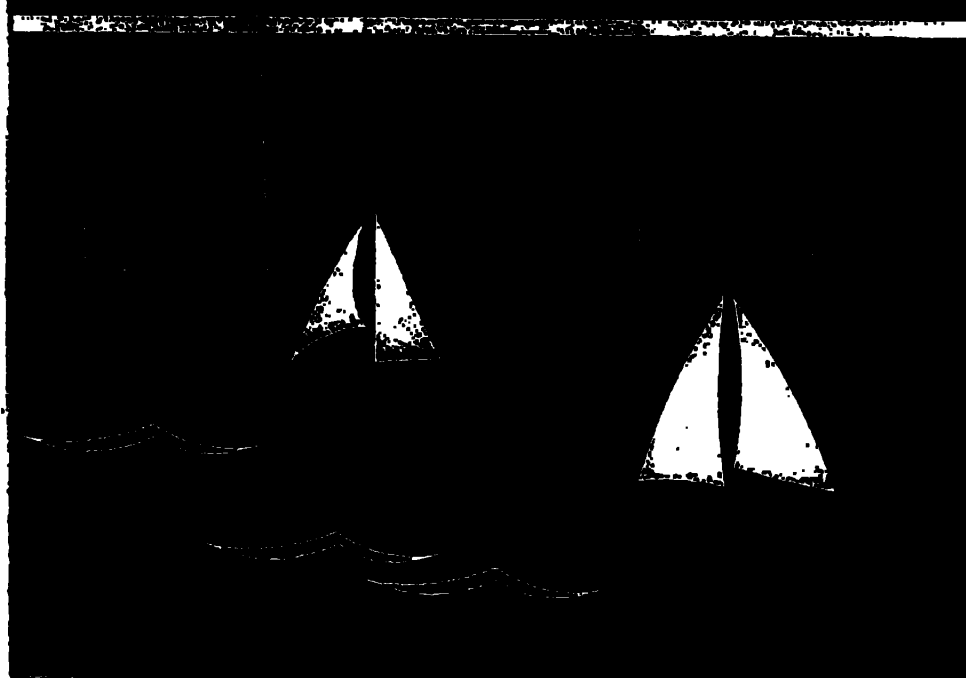
Richard L. Smith  
 45th District

Oregon's Judicial System recommends these judges for your court. NoTolls.com is the only  
 site with this information. For other ballot information, go to [www.noTolls.com](http://www.noTolls.com)  
 The National Voter Guide - get the  
 The National Voter Guide - learn to vote on-line



We all agree...  
A new bridge  
across the  
Columbia River  
would be  
GREAT!!

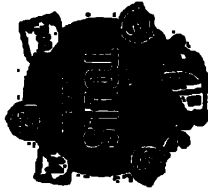
but...



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