

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

FIRST GENERAL COUNSEL'S REPORT

MUR: 6502
DATE COMPLAINT FILED: October 7, 2011
DATE OF NOTIFICATION: October 17, 2011
LAST RESPONSE RECEIVED: December 8, 2011
DATE ACTIVATED: January 18, 2012

EXPIRATION OF SOL: July 20, 2016 –
October 4, 2016

COMPLAINANT:

Mark Fahleson, Chairman, Nebraska Republican
Party

RESPONDENTS:

Nebraska Democratic Party (f/k/a Nebraska
Democratic State Central Committee) and
Gerry Finnegan, in his official capacity as
treasurer¹
Ben Nelson 2012 and Susan Landow, in her official
capacity as treasurer
Senator Ben Nelson

**RELEVANT STATUTES AND
REGULATIONS:**

2 U.S.C. § 441a(a)
2 U.S.C. § 441a(d)
2 U.S.C. § 441a(f)
2 U.S.C. § 441d(a)
11 C.F.R. § 100.22
11 C.F.R. § 109.21(d)
11 C.F.R. § 109.37
11 C.F.R. § 110.21

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

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¹ On April 4, 2012, the Nebraska Democratic State Central Committee filed a Statement of Organization with the Commission changing its name to the Nebraska Democratic Party.

I. INTRODUCTION

This matter concerns allegations that the Nebraska Democratic Party (f/k/a Nebraska Democratic State Central Committee) and Gerry Finnegan, in his official capacity as treasurer ("NDP"), made, and Senator Ben Nelson of Nebraska and his principal campaign committee, Ben Nelson 2012 and Susan Landow, in her official capacity as treasurer ("Nelson Committee"), accepted, excessive in-kind contributions in the form of coordinated party expenditures when the NDP paid over \$450,000 to create and air a series of television and radio advertisements that featured Senator Nelson beginning in July 2011. The complainant asserts that the NDP ads satisfy the test for coordinated party communications articulated in the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations, because the ads constitute republication of Nelson Committee campaign materials. The complainant also alleges that the NDP ads contained unclear and misleading disclaimers.

As discussed below, because the ads do not republish Nelson Committee campaign materials or otherwise satisfy the content prong of the coordinated party communications test, the Office of General Counsel recommends that the Commission find no reason to believe that the NDP violated 2 U.S.C. §§ 441a(a) and 441a(d). We also recommend that the Commission find no reason to believe that the Nelson Committee and Senator Nelson violated 2 U.S.C. § 441a(f). We recommend that the Commission dismiss, as a matter of prosecutorial discretion, the allegation that the NDP violated 2 U.S.C. § 441d(a) and send a letter cautioning them about the disclaimer requirements of the Act and Commission regulations. Finally, we recommend that the Commission close the file in this matter.

II. FACTUAL SUMMARY

The complaint alleges that the NDP made, and Senator Nelson and the Nelson Committee accepted, excessive in-kind contributions in the form of coordinated party communications. The complaint identifies four radio and television ads funded by the NDP that featured Senator Nelson in voiceover and on camera. The complaint states that the NDP began running radio ads in July 2011 and spent \$18,602 for the radio ad buys. The complaint further states that the NDP began running television ads in September 2011 and spent \$440,563 for the television ad buys.² Complaint at 3. On December 7, 2006, well before the ads aired, Senator Nelson filed a Statement of Candidacy in connection with the 2012 Senate election for Nebraska.³ The transcripts of the ads, which the complaint provides, are as follows:

Radio Ad 1 – "Promise"

Ben Nelson: There's a right way and a wrong way to cut government spending. This is Senator Ben Nelson, and I approve this message because we need to tear up Washington's credit card, but not balance the budget on the backs of senior citizens.

Some want to change Medicare into a voucher system, and privatize Social Security, risking your money in the stock market. Their ideas will drastically change Medicare and Social Security, cut benefits, and raise premiums. It's a bad idea. We made a promise to seniors and I intend to keep it. I will vote to cut spending, but I will not vote to destroy Medicare and Social Security.

Stand with me. Go to SaveNebraskaSeniors.com, and sign my online petition to protect Social Security and Medicare. Tell Washington to keep their hands off your retirement, and get their own house in order. Remember, go to SaveNebraskaSeniors.com.

Paid for by the Nebraska Democratic Party and authorized by Ben Nelson.

² The complaint alleges that the Democratic Senatorial Campaign Committee transferred the funds used for the ads featuring Senator Nelson to the NDP to avoid the appearance that "Washington, D.C. money" paid for the ads. Complaint at 3-4. However, this does not appear to allege a separate violation of the Act because national party committees may transfer unlimited funds to state party committees. 2 U.S.C. § 441a(a)(4).

³ On December 27, 2011, Senator Nelson announced that he will not seek reelection in 2012. See http://www.haguelen.senate.gov/press/press_releases/statement-by-senator-ben-nelson-on-his-plans-for-2012.cfm.

⁴ Available at <http://www.youtube.com/watch?v=s2uOmbdMQNw&feature=youtu.be>.

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Radio Ad 2⁵ – "Wrong Way"

Ben Nelson: I said there is a right way and a wrong way to cut spending. Unfortunately Congress chose the wrong way. This is Senator Ben Nelson. I approve this message to let you know why I voted against raising the debt limit.

I voted against this so-called debt reduction plan because it left Medicare vulnerable to billions in unnecessary cuts while using budget gimmicks and accounting tricks to create the illusion of cutting spending now. We need to cut spending and balance the budget, but not on the backs of senior citizens.

There are those that want to destroy Social Security and Medicare and turn them into a voucher system or let Wall Street run it. This budget plan is the first step in that direction. So stand with me. Go to SaveNebraskaSeniors.com and sign my online petition to protect Social Security and Medicare. Tell Washington to keep their hands off of your retirement and get their own house in order.

Paid for by the Nebraska Democratic Party and authorized by Ben Nelson.

Television Ad 1⁶ – "Nelson Ad"

Ben Nelson: They don't get it. They put politics ahead of what is best for the country. We need to balance the budget, but not on the backs of senior citizens, bring our troops home with pride and dignity, and invest in American jobs and America's future. I am Ben Nelson, I approve this message because we need to stop playing politics and find common sense solutions.

On-screen disclaimer: PAID FOR BY NEBRASKA STATE CENTRAL COMMITTEE
AND APPROVED BY BEN NELSON⁷

⁵ Available at <http://www.youtube.com/watch?v=bHgwSMH9rEU&feature=youtu.be>.

⁶ Available at http://www.youtube.com/watch?v=aGweSoO-klc&feature=player_embedded.

⁷ The transcripts of the television ads in the complaint include the language "authorized by Ben Nelson" in the disclaimer; however, the ads actually include the language "approved by Ben Nelson."

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Television Ad 2^a – "Skunk"

Ben Nelson: I am Ben Nelson. I approve this message because as Governor I balanced eight budgets, cut taxes 41 times and left the state with a big surplus. As your Senator, I sponsored a constitutional amendment to require a balanced budget, but I voted against raising the debt ceiling because Washington's budget deal didn't really cut spending, but could cut millions from Medicare. Like most Nebraskans, I can smell a skunk, and that deal stunk even for Washington.

On-screen disclaimer: PAID FOR BY NEBRASKA DEMOCRATIC STATE
CENTRAL COMMITTEE AND APPROVED BY BEN NELSON

The complaint alleges that the ads are coordinated party communications and that the NDP exceeded its combined coordinated party expenditure limitation with the Democratic National Committee ("DNC"), or that the ads exceeded the NDP's direct candidate contribution limitation. Complaint at 6. See 2 U.S.C. §§ 441a(d) and 441a(h). The complaint contends that the communications satisfy the three-part test for coordinated party communications set out at 11 C.F.R. § 109.37. The complaint states that the payment and conduct prongs are met because the NDP paid for the communications and Senator Nelson is featured in the ads and states his approval and authorization of the ads. Complaint at 6-7.

The complaint alleges that the content prong is satisfied because the ads disseminate, republish, or distribute campaign materials prepared by a candidate, the candidate's authorized committee, or an agent of the foregoing. See 11 C.F.R. § 109.37(a)(2)(i). Complaint at 7. The "Promise," "Wrong Way," and "Nelson Ad" ads state that Senator Nelson will not balance the budget "on the backs of seniors," a phrase that was used in a "tweet" posted on the Nelson Committee's Twitter account on May 25, 2011. The "Skunk" ad discusses potential Medicare cuts, which was the subject of a May 23, 2011 Nelson Committee tweet that stated "Nebraskans can count on me to stand up for seniors and fulfill our commitments to future generations." *Id.*

^a Available at <http://www.youtube.com/watch?v=ORv0HDeOnvs>.

1 *see* <http://twitter.com/bennelson2012>. The complaint argues that the ads republish Nelson
2 Committee campaign materials because Senator Nelson designed the Nelson Committee tweets
3 and created them before the NDP ads aired. The complaint also alleges that the ads
4 communicate Senator Nelson's "express re-election message" and that they cannot be interpreted
5 as anything but campaign ads. Complaint at 7-8. Since all three prongs of the test for
6 coordinated party communications are satisfied, the complaint asserts, the ads must be treated as
7 a coordinated expenditure, in-kind contribution, or a combination of the two from the NDP to the
8 Nelson Committee. *Id.* at 7.

9 The complaint also alleges that the NDP ads contained unclear and misleading
10 disclaimers. Complaint at 8. The ads' disclaimers identify three different sponsors: the radio
11 ads "Promise" and "Wrong Way" state that they are paid for by the "Nebraska Democratic
12 Party," the television ad "Nelson Ad" states that it is paid for by the "Nebraska State Central
13 Committee," and the television ad "Skunk" states that it is paid for by the "Nebraska Democratic
14 State Central Committee." The complaint contends that these disclaimers violate the
15 requirement that a communication by an authorized political committee "clearly state that the
16 communication has been paid for by such authorized political committee," because only one of
17 the ads correctly identifies the sponsor of the ad by the name registered with the Commission at
18 the time (*i.e.*, before the NDP changed its name, *see* fn. 1), the Nebraska Democratic State
19 Central Committee. *Id.* at 6 and 8. *See* 2 U.S.C. § 441d(a)(1); 11 C.F.R. § 110.11.

20 The NDP's response to the complaint ("NDP Response") asserts that the ads are not
21 contributions or coordinated expenditures. NDP Response at 2. It states that the ads were
22 designed to inform Nebraska Democrats about issues before Congress and featured Senator
23 Nelson because he was the only Nebraska Democrat directly involved in the federal debate. *Id.*

1 at 1-2. The NDP Response asserts that the ads are not coordinated party communications
2 because the content prong is not satisfied. *Id.* at 2. The ads aired outside of the 90-day window
3 before any Nebraska election, did not contain express advocacy, and did not republish campaign
4 materials. *Id.* at 2-3. Citing to two similar matters recently considered by the Commission,
5 MUR 6044 (Musgrove) and MUR 6037 (Merkley), the NDP Response argues that the ads do not
6 republish campaign materials because the NDP created the ads without using any pre-existing
7 graphics, video, or audio materials produced by the Nelson Committee and because use of the
8 common phrase "on the banks of seniors" in the ad and Nelson Committee tweets does not
9 constitute republication. *Id.* at 3.

10 With respect to the allegation regarding the ads' disclaimers, the NDP Response
11 acknowledges that there was an inadvertent vendor error in the production of the "Nelson Ad"
12 that omitted the word "Democratic" from the disclaimer. *Id.* at 4. The NDP Response states that
13 a corrected version of the ad was sent to stations, but that one or more stations may have aired
14 the ad with the incorrect disclaimer only one or two times before they replaced it with a
15 corrected version. *Id.* The NDP Response asserts that the "Nebraska Democratic Party"
16 disclaimer on the "Promise" and "Wrong Way" ads complies with the Act and Commission
17 regulations because the names "Nebraska Democratic State Central Committee" and "Nebraska
18 Democratic Party" are used interchangeably on all of the party's materials, and the
19 Commission's regulations only state that the disclaimer contain the "full" name of the
20 sponsoring committee, not the registered name. *Id.* at 4-5. *See* 11 C.F.R. § 110.11(a)(3).

21 The Nelson Committee's response to the complaint ("Nelson Committee Response")
22 makes similar arguments: that the ads are not coordinated party communications because they

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1 do not meet the content prong of the Commission's coordination regulation.⁹ Nelson Committee
2 Response at 2. The response asserts that Senator Nelson's appearance in the ads does not
3 constitute republication of campaign materials under established Commission precedent because
4 the NDP created all of the video and audio content and did not use any pre-existing campaign
5 materials of the Nelson Committee. *Id.* at 3-4. The Nelson Committee Response also contends
6 that use of the phrase "on the backs of seniors" is not republication of campaign materials
7 because it is a short, common phrase that elected officials frequently use. *Id.* at 4-5.

8 III. ANALYSIS

9 A. Coordinated Party Communications

10 A political party committee's communications are coordinated with a candidate, a
11 candidate's authorized committee, or an agent of the candidate or committee when the
12 communication satisfies the three-pronged test set forth at 11 C.F.R. § 109.37: (1) the
13 communication is paid for by a political party committee or its agent; (2) the communication
14 satisfies at least one of the content standards set forth in 11 C.F.R. § 109.37(a)(2); and (3) the
15 communication satisfies at least one of the conduct standards set forth in 11 C.F.R. § 109.21(d).
16 The payment by a political party committee for a communication that is coordinated with a
17 candidate must be treated by the political party committee as either an in-kind contribution to the
18 candidate or a coordinated party expenditure. 11 C.F.R. § 109.37(b). The costs of a coordinated
19 communication must not exceed a political committee's applicable contribution or expenditure
20 limits set forth in the Act.

⁹ Senator Nelson did not separately respond to the complaint.

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Thus, here, the NDP could not contribute more than \$5,000 to the Nelson Committee¹⁰ or make over \$126,100¹¹ in coordinated party expenditures on behalf of the Nelson Committee. See 2 U.S.C. §§ 441a(a)(2)(A) and 441a(d)(3)(A). In addition, the Nelson Committee could not knowingly accept an excessive contribution. 2 U.S.C. § 441a(f).

1. Payment

In this matter, the payment prong of the coordinated communications test is satisfied because the NDP, a political party committee, admits that it paid for the ads. NDP Response at 1; see 11 C.F.R. § 109.37(a)(1).

2. Conduct

The conduct prong is satisfied because Senator Nelson appeared in and authorized the ads. He was thus materially involved in the content of the ads. See 11 C.F.R. §§ 109.37(a)(3) and 109.21(d).

To determine whether particular actions meet the criteria for material involvement, the Commission has explained that the conduct at issue must be considered on a case-by-case basis. See Explanation and Justification, *Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 433 (Jan. 3, 2003). The Commission has determined that a federal candidate's appearance in a communication creates the presumption that the federal candidate was "materially involved" in

¹⁰ The contribution limitation of \$43,100 cited in the complaint reflects the contribution limit to a Senate candidate per campaign shared by the national party committee and the Senatorial campaign committee. 2 U.S.C. § 441a(h).

¹¹ This amount applies to expenditures made "in connection with the general election campaign of a candidate" See 2 U.S.C. § 441a(d)(3). Senator Nelson withdrew from the race well before the primary election, and the NDP does not appear to have reported any such expenditures on behalf of his campaign.

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1 the content of the communication and thus may satisfy the conduct prong.¹² See 11 C.F.R.
2 § 109.21(d)(2)(i); 68 Fed. Reg. at 434.

3 Here, the NDP and the Nelson Committee do not dispute that the conduct prong was
4 satisfied. See NDP Response at 2-3 and Nelson Committee Response at 3.

5 **3. Content**

6 The content prong is satisfied where the communication meets one of the following
7 standards: a public communication that republishes, disseminates, or distributes candidate
8 campaign materials; a public communication containing express advocacy; or a public
9 communication that refers to a clearly identified federal candidate that was publicly distributed
10 or disseminated 90 days or fewer before a primary or general election, and was directed to voters
11 in the jurisdiction of the clearly identified candidate. 11 C.F.R. § 109.37(a)(2)(i)-(iii).

12 The ads aired more than 90 days before any primary or general election in Nebraska and
13 thus do not satisfy the timing standard articulated in the content prong. See 11 C.F.R.
14 § 109.37(a)(2)(iii).

15 Although the complaint does not specifically allege that the ads contain express
16 advocacy, it contends that the ads communicate Senator Nelson's "express re-election message"
17 and that they cannot be interpreted as anything but campaign ads. Complaint at 7-ft.
18 Nonetheless, the ads do not contain express advocacy. See 11 C.F.R. § 109.37(a)(2)(ii).

19 Under the Commission's regulations, a communication contains express advocacy when
20 it uses phrases such as "re-elect your Congressman," "vote against Old Hickory," or "Bill
21 McKay in '94," or uses campaign slogan(s) or individual word(s), which in context have no
22 other reasonable meaning than to urge the election or defeat of one or more clearly identified

¹² The safe harbor for endorsements and solicitations by federal candidates and the safe harbor for commercial transactions do not apply to these communications. See 11 C.F.R. § 109.21(g) and (i).

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1 candidate. 11 C.F.R. § 100.22(a). The Commission's regulations also provide that a
2 communication will be considered express advocacy if it contains an "electoral portion" that is
3 "unmistakable, unambiguous, and suggestive of only one meaning" and about which "reasonable
4 minds could not differ as to whether it encourages actions to elect or defeat" a candidate when
5 taken as a whole and with limited reference to external events, such as the proximity to the
6 election. 11 C.F.R. § 100.22(b).

7 The NDP ads do not contain phrases or individual words that promote Senator Nelson's
8 election; they do not contain an unmistakable electoral portion and are subject to a reasonable
9 interpretation other than urging the reelection of Senator Nelson. See 11 C.F.R. § 100.22.

10 Although Senator Nelson appears in the ads, the ads do not acknowledge his candidacy, and all
11 of the ads are focused on legislative issues, including the debt ceiling, Social Security, and
12 Medicare. Some of the ads, including "Promise" and "Wrong Way," contain a specific call to
13 action to visit the website SaveNebraskaSeniors.com. Thus, the ads cannot meet the content
14 prong based on express advocacy.

15 The complaint argues, and the responses dispute, that the ads republish Nelson
16 Committee campaign materials because Senator Nelson personally appears in the ads and
17 because the ads contain phrases or themes from Nelson Committee tweets. But these facts do
18 not amount to republication.

19 Unlike here, in prior enforcement matters, the Commission has concluded that
20 republication involves material belonging to or emanating from a campaign. See, e.g.,
21 MUR 5743 (Betty Sutton) (photograph obtained from campaign); MUR 5879 (Harry Mitchell for
22 Congress) (video originally produced by campaign); MUR 5672 (Save American Jobs) (video
23 broadcast on association's website was originally produced and used by candidate's campaign).

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1 In MUR 6044 (Musgrove), the Commission found that a candidate's appearance and
2 participation in an advertisement produced and disseminated by the Democratic Senatorial
3 Campaign Committee ("DSCC") did not constitute republication of campaign materials by the
4 DSCC. See MUR 6044 Statement of Reasons of Commissioners Walther, Petersen, Bauerly,
5 Hunter, and McGahn at 4. Following this Commission precedent, in this matter, because the
6 NDP created all of the video and audio content used in the ads and did not utilize any pre-
7 existing Nelson Committee campaign materials, Senator Nelson's appearance in the ads does not
8 constitute republication of campaign materials.

9 Nor do the similarities between some of the ads at issue and Senator Nelson's tweets
10 suffice to establish republication. MUR 6037 (Merkley) is instructive. That MUR involved ads
11 produced by the Democratic Party of Oregon that featured a candidate and contained issues and
12 messages similar to several of the candidate's press releases. Both the party ads and the
13 candidate press releases used the phrase "respect they deserve," but also included different
14 language and phrases. The Office of General Counsel recommended, and the Commission
15 agreed, that the similarities in the materials did not rise to a level sufficient to indicate
16 republication of campaign materials, although some Commissioners did not endorse the specific
17 reasoning set forth in the First General Counsel's Report. See MUR 6037 Statement of Reasons
18 of Commissioners Hunter, Petersen, and McGahn at 1; see also MUR 2766 (Auto Dealers and
19 Drivers for Free Trade PAC) (similar sentences used in two campaigns do not rise to the level
20 sufficient to indicate republication of campaign materials because of differences in wording or
21 phrasing).

22 Here, although the Nelson Committee's tweet and the NDP ads use the phrase "on the
23 backs of seniors," that phrase is commonly used in political discourse, and the ads also contained

1 significant additional language that differed from the campaign materials. While the NDP ads
2 are thematically similar to the second Nelson Committee tweet that "Nebraskans can count on
3 me to stand up for seniors and fulfill our commitments to future generations," this also does not
4 appear to rise to the level of republication consistent with Commission precedent. And the
5 content prong of the Commission's coordination regulation is therefore not met.

6 Because the ads do not satisfy the content prong of the coordinated party communications
7 test, the NDP's payment for the ads is neither a contribution to the Nelson Committee nor a
8 coordinated party expenditure. Accordingly, we recommend that the Commission find no reason
9 to believe that the NDP violated 2 U.S.C. §§ 441a(a) and 441a(d) and find no reason to believe
10 that the Nelson Committee and Senator Nelson violated 2 U.S.C. § 441a(f).

11 B. Disclaimers

12 The Act requires that a communication paid for by a political party committee and
13 authorized by a federal candidate "clearly state that the communication has been paid for by such
14 authorized political committee." 2 U.S.C. § 441d(a)(1). A communication authorized by a
15 candidate but paid for by any other person must clearly state that it is paid for by such other
16 person and is authorized by such candidate. 2 U.S.C. § 441d(a)(2); 11 C.F.R. § 110.11(b)(2).
17 Radio and television ads authorized by candidates must also comply with additional "stand by
18 your ad" requirements described in the Act and Commission regulations. See 2 U.S.C.
19 § 441d(d)(1); 11 C.F.R. § 110.11(c)(3). In this matter, the only question is whether the names
20 used to refer to the NDP in the ads' disclaimers comply with the Act and regulations'
21 requirement that the disclaimer "clearly state that the communication has been paid for by such
22 political committee." See 2 U.S.C. § 441d(a)(1); 11 C.F.R. § 110.11(b)(2).

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1 The disclaimer on the "Nelson Ad" states that the "Nebraska State Central Committee"
2 paid for the communication. The NDP Response acknowledges that there was an inadvertent
3 vendor error in the production of the "Nelson Ad" that omitted the word "Democratic" from the
4 disclaimer. NDP Response at 4. According to the NDP, a corrected version of the ad was sent to
5 stations, but one or more stations may have aired the ad with the incorrect disclaimer once or
6 twice before they replaced it with a corrected version. *Id.*

7 The lack of any reference to "Democratic" in the disclaimer risks obscuring the identity
8 of the payor of the "Nelson Ad." But the Commission has typically dismissed with caution
9 allegations of disclaimer violations in matters involving inadvertent vendor or other inadvertent
10 error followed by remedial action. *See, e.g.,* MUR 6118 (Bob Roggio for Congress), MUR 6316
11 (Pridemore for Congress), and MUR 6329 (Michael Grimm for Congress).

12 The disclaimer on the "Promise" and "Wrong Way" ads state that the "Nebraska
13 Democratic Party" paid for the communications at issue. Although this was not the NDP's
14 official name registered with the Commission during the period in question, it appears that the
15 NDP had used "Nebraska Democratic Party" interchangeably with "Nebraska Democratic State
16 Central Committee" on its materials. NDP Response at 3; *see* www.nebraskademocrats.org.
17 Accordingly, it does not appear likely that the public would be confused or misled about who
18 paid for these ads.

19 In these circumstances, we recommend that the Commission dismiss, as a matter of
20 prosecutorial discretion, the allegation that the NDP violated 2 U.S.C. § 441d(a) and send a letter
21 cautioning NDP about the disclaimer requirements of the Act and Commission regulations. *See*
22 *Heckler v. Chaney*, 470 U.S. 821 (1985). Finally, we recommend that the Commission close the
23 file in this matter.

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IV. RECOMMENDATIONS

1. Find no reason to believe that the Nebraska Democratic Party (f/k/a Nebraska Democratic State Central Committee) and Garry Finnegan, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(a) and 441a(d).
2. Find no reason to believe that Ben Nelson 2012 and Susan Landow, in her official capacity as treasurer, violated 2 U.S.C. § 441a(f).
3. Find no reason to believe that Senator Ben Nelson violated 2 U.S.C. § 441a(f).
4. Dismiss, as a matter of ~~editorial~~ ~~editorial~~ discretion, the allegation that the Nebraska Democratic Party (f/k/a Nebraska Democratic State Central Committee) and Gerry Finnegan, in his official capacity as treasurer, violated 2 U.S.C. § 441d(a), and send a caution letter.
5. Approve the attached Factual and Legal Analyses.
6. Approve the appropriate letters.
7. Close the file.

Date

5/17/12

Anthony Herman
General Counsel

BY:

Daniel A. Petalas
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