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OFFICE OF GENERAL COUNSEL

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Federal Election Commission

999 E Street, NW

Washington, DC 20463

To: Federal Elections Commission, General Counsel's Office

From: James Slepian, Renacci for Congress

Date: November 19, 2012

Re: *Frivolous complaint filed by Chris Redfern of the Ohio Democratic Party against the Renacci for Congress Campaign. MUR# 6679*

On November 7, 2012, our campaign received a copy of a complaint filed by Ohio Democratic Party Chairman, Chris Redfern, alleging a violation of the Federal Election Campaign Act of 1971. Specifically, the complaint alleges that our campaign engaged in illegal advertising coordination with a third party organization (the Congressional Leadership Fund). The allegation is patently false, and for the reasons set forth below, the matter should be dismissed.

In the complaint, Mr. Redfern claims that our campaign "canceled $850,000 of broadcast advertising" in the closing days of the election, despite having "ample money on hand", and relies on those assertions as a central crux of the coordination allegation. The complaint points to spending by an outside group, the Congressional Leadership Fund, during the period that Redfern alleges our campaign cancelled $850,000 in advertising, as "proof" of coordination.

The facts, set forth below, show that not only is the allegation of coordination entirely false, but the underlying factual assertions made in support of the allegation are also untrue.

THE FACTS

Initial Ad Reservation

In April of 2012, the Renacci campaign made its initial reservation of broadcast advertising time in the Cleveland media market for the 2012 general election. The initial reservation covered the final four weeks of the campaign cycle and was simply a reservation of broadcast television points, not an actual purchase of advertising time. Due to the heavy presence each of the presidential campaigns occupied in the Cleveland media market beginning early in 2012, the inventory for advertising in that media market was rapidly disappearing, which is why the campaign opted to reserve advertising time at such an early date—with the full understanding that the decision on how and when to air those points would be subject to change as the election approached.

Initial Ad Purchase and Reservation Adjustment

In August of 2012, as the airwaves in Cleveland became more cluttered, our campaign made a strategic decision to air advertisements earlier than we had initially anticipated. As the network records indicate (see attachment), we began airing broadcast ads on August 27, 2012 and stayed on the air every week between that point and Election Day. Consequently, many of the broadcast points we had initially reserved for the final weeks of the campaign were pulled forward as we began purchasing air time in August. In total, the Renacci campaign spent $1.46 million on television advertising from August 27 through Election Day—maintaining a steady presence on the airwaves throughout that entire period, regardless of and entirely independent from any other groups or organizations that opted to run ads during that time.

Final Ad Purchase and Reservation "Cancelation"

The complaint erroneously alleges that the Renacci campaign cancelled $850,000 in broadcast advertising in the final two weeks of the campaign, which is a complete fallacy. At no point had the campaign even reserved $850,000 in advertising for the final two weeks. The initial advertising reservation, placed in April of 2012, reserved approximately $900,000 worth of ad time, spread over the final four weeks of the campaign. The initial reservation for the final two weeks amounted to approximately $450,000-$500,000, not $850,000. And as is detailed above, the initial reservation was later spread out over a much longer period of time. Consequently, the campaign ran fewer points on broadcast over the final weeks of the campaign than we had initially reserved in April of 2012, as we were operating with finite resources and simply chose to spread those resources out over a longer advertising window. In the end, the campaign spent approximately $100,000 on television during the final two weeks, as opposed to the $450,000-$500,000 initially reserved, a decision based solely on the amount of money we had left to spend.

"Ample Money on Hand"

The other false assertion on which the coordination allegation is based is that our campaign had limitless resources that we simply chose not to spend during the closing days of the campaign. Mr. Redfern alleges that our campaign had "ample money on hand" during the final two weeks of the campaign, and therefore our decision not to spend that money is evidence of coordination with an outside group. What Mr. Redfern fails to provide is any evidence of the "ample money" he references in the complaint—and he is unable to do so because, as our FEC report will detail, the funds he casts wild allegations about simply never existed.

As was stated above, our campaign made a strategic decision to spend our resources earlier and spread them out over an extended period of time, rather than concentrating our advertising in the final weeks of the election. Consequently, the campaign had spent nearly all of our resources by the close of the election and the cash reserves Mr. Redfern cites simply never existed. In fact, Mr. Renacci himself had to loan the campaign $100,000 in the closing days to finance our final broadcast television buy—a buy that Mr. Redfern also seems to deny ever occurred.

CONCLSUION

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In summary, the absurd allegation made in this complaint should be seen for what it is—a wild a desperate political stunt in the closing days of a campaign that is devoid of any merit or truth. Not only is the principle allegation of coordination completely false—our campaign never coordinated with any outside group at any time, but the underlying assertions regarding our campaign's advertising purchases and financial position in the final weeks of the race are also entirely inaccurate.

Perhaps the most astonishing element of this politically motivated, baseless complaint is that the Sutton for Congress campaign, on whose behalf the complaint was filed, engaged in precisely the same type of behavior the complaint cites as evidence of coordination. Rather than maintaining a prolonged and constant presence on television, the Sutton campaign made the unusual decision to run no television advertising at all until October, after early voting had already begun. However, in the preceding months of September and August, outside groups supportive of the Sutton campaign spent heavily on Cleveland television, running attack ads against Jim Renacci. It was not until these groups completed their advertising buys that the Sutton campaign began airing their own ads—a move that certainly gives the appearance of the same type of coordination that the complaint falsely alleges the Renacci campaign to have engaged in. Therefore, if an inquiry into coordination in the race for Congress in Ohio's 16th district is warranted, the appropriate target of that inquiry would be the Sutton for Congress campaign, not the Renacci campaign.

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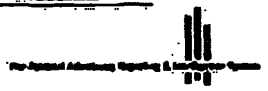
James Taylor – Sign out

14 weeks

2 Advertisers

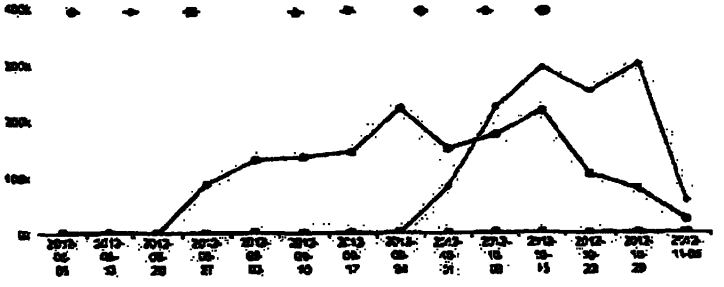
All Markets

All Mediums



OH-16 Gen 12

Week by Week

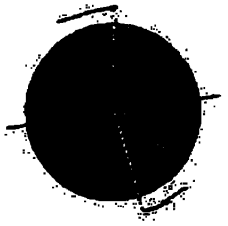


Media Markets

Cleveland, OH

$2,571,[illegible]
total spent on political ads in this media market
[illegible]
total points in political ads in this media market
XX.X%
of the market is within the state
XX.X%
of the GOP vote is from this market

Share of Voice



Congressional Leadership Fund $2,[illegible],167 in total ad buys

Spend Breakdown

Points

Media Market	Broadcast TV	Cable TV	Radio
Cleveland, OH	0	0	[illegible]

Media Market Points
Cleveland, OH -

Market Comparisons

Points

- Cleveland, OH

  $1,[illegible],762
  - Remn
  - Renewal

  $1,461,926

-

Flights

Advertiser	Medium	Market	Race	Start Date	End Date	Amount	Length	Points	Notes
CLF	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-11-01	2012-11-06	99970	30	95	
Renewal	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-10-27	2012-11-06	108150	30	147	
CLF	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-10-10	2012-11-06	300020	30	512	ADD
Renewal	Cable	Cleveland, OH	OH-16 Gen	12 2012-10-24	2012-10-30	71976	30		
Hmpn Maj PAC	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-10-23	2012-10-29	597746	30	1000	
CLF	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-10-26	2012-11-06	716050	30	1003	
CLF	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-10-19	2012-10-25	687055	30	916	
SEIU	Cable	Cleveland, OH	OH-16 Gen	12 2012-10-09	2012-10-15	108500	30		
Satan	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-10-05	2012-10-08	128650	30	300	
Renewal	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-10-03	2012-10-09	77625	30	201	
Renewal	Cable	Cleveland, OH	OH-16 Gen	12 2012-10-03	2012-10-09	14824	30		
Renewal	Cable	Cleveland, OH	OH-16 Gen	12 2012-09-26	2012-10-02	14824	30		
Renewal	Cable	Cleveland, OH	OH-16 Gen	12 2012-09-19	2012-09-25	14824	30		
Renewal	Cable	Cleveland, OH	OH-16 Gen	12 2012-09-12	2012-09-18	14824	30		
Renewal	Broadcast	Cleveland, OH	OH-16 Gen	12 2012-09-26	2012-10-02	244000	30	501	

Advertiser	Medium	Market	Race	Start Date	End Date	Amount	Length	Pulses	Notes
AFSCME	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-12	2012-09-23	648785	30	1000	
House Maj PAC	Cable	Cleveland, OH	OH-16 Gen 12	2012-09-10	2012-09-27	101500	30		
AFSCME	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-01	2012-10-07	454650	30	800	100% OH-16
AFSCME	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-24	2012-09-30	166887	30	300	100% OH-16
Brunsel	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-19	2012-09-25	131725	30	300	
Rasmussen	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-12	2012-09-18	124500	30	302	
Rasmussen	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-05	2012-09-11	128800	30	302	
Rasmussen	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-08-29	2012-09-04	131600	30	301	
DCCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-11	2012-09-17	98950	30	100	est. 100% OH-16
DCCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-04	2012-09-10	89976	30	90	CMAG est. 100% OH-16
NRCC	Broadcast	Cleveland, OH	OH-16 Gen 12	DCCC 10-09	2012-10-13	214975	30	500	
NRCC	Broadcast	Cleveland, OH	OH-16 Gen 12	DCCC 10-09	2012-10-15	264750	30	501	
NRCC	Broadcast	Cleveland, OH	OH-16 Gen 12	DCCC 10-08	2012-10-18	284675	30	502	
AFSCME	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-05	2012-09-07	45255	30		
Rasmussen	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-10	2012-10-16	217550	30	500	
CLF	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-21	2012-09-27	202156	30	460	
CLF	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-14	2012-09-20	202850	30	460	
SEIU	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-08	2012-10-15	109774	30	200	
SEIU	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-08	2012-10-15	109774	30	200	
House Maj PAC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-18	2012-10-01	282667	30	550	
16 Gen Maj PAC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-18	2012-10-08	294597	30	525	
Sutton	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-10	2012-11-06	314550	30	750	
Sutton	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-23	2012-10-29	297533	30	500	
Sutton	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-16	2012-10-22	312050	30	750	
NRCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-19	2012-10-25	252775	30	501	
NRCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-12	2012-10-18	252150	30	502	
NRCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-05	2012-10-11	252275	30	500	
NRCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-09-28	2012-10-04	252525	30	501	
Brunsel	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-31	2012-11-06	0	30	0	cum. $423,650
Brunsel	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-24	2012-10-30	0	30	0	cum. $397,750
Brunsel	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-17	2012-10-23	217200	30	500	
DCCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-30	2012-11-06	225566	30	825	est. 100% OH-16
DCCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-23	2012-10-29	229468	30	660	est. 100% OH-16
DCCC	Broadcast	Cleveland, OH	OH-16 Gen 12	2012-10-16	2012-10-22	242945	30	500	est. 100% OH-16

Recent Activity

Favorite Races

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Other Races

- No recent activity
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2012-08-06
2012-11-05

- Check all
- Uncheck all
-
- ■ Cleveland, OH
- Filter by Medium
-
- ■ broadcast