

Tuesday, October 31, 2000

Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, D.C. 20463

MUR 5148

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 6 10 25 AM '00

Dear Commissioners,

This complaint asserts that the Nebraska Republican State Central Committee violated the Federal Election Campaign Act (the "Act"), 2 U.S.C. §§ 431 et seq., and related regulations of the Federal Election Commission ("FEC" or the "Commission"), 11 C.F.R. §§ 100.1 et seq.

Identifying itself only as the "Republican State Central Committee", the Nebraska Republican State Central Committee is currently airing an advertisement featuring GOP Presidential candidate Governor George W. Bush urging Nebraskans to vote for Don Stenberg. In the advertisement, Governor Bush says, "As this election draws to a close I want to ask Nebraska to vote for Don Stenberg."

The advertisement plainly fails to comply with the Commission's disclaimer requirements. If it is a coordinated expenditure made pursuant to 2. U.S.C. § 441 a(d), then it should have included a disclaimer reading "Paid for by the Nebraska Republican State Central Committee and Authorized by Stenberg for Senate 2000". If it purports to be an "independent expenditure" then the disclaimer should have read "Paid for by the Nebraska Republican State Central Committee and not authorized by any candidate."

In any event, the advertisement fails to disclose the full name of its sponsor. In addition to Nebraska, there are Republican State Central Committees registered with the Federal Election Commission in Indiana, Maryland, Montana, and South Dakota. While presumably it is the Nebraska party which is running the ad, voters cannot know for certain which of these entities is the actual sponsor.

As the Commission well knows, compliance with the disclaimer requirement is essential to a determination of whether the advertisement was properly financed within the Act's source restrictions and contribution limits. The failure to comply with the advertisement's disclaimer requirement may reflect the sponsor's belief that it does not expressly advocate the election or defeat of a candidate and could be financed with "soft" money – a belief that would be plainly wrong, given the fact that the ad asks citizens "to vote for Don Stenberg."

Because of the seriousness of this offense, I ask that the Commission investigate this complaint promptly, and seek the highest civil penalty available under law. I also ask the Commission to seek a permanent injunction against future violations of this nature.

The Nebraska Republican State Central Committee has sponsored a series of advertisements over the past few months attacking Ben Nelson on behalf of Don

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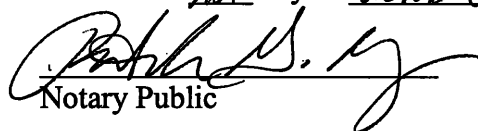
Stenberg that have played fast and loose with the facts. Their current advertisement demonstrates that in the closing days of the campaign, both the Stenberg campaign and the Nebraska Republican Party are willing to play fast and loose with the law as well.

Sincerely,


Anne Boyle

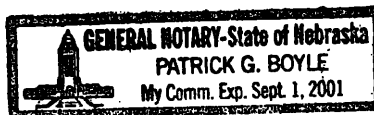
STATE OF NEBRASKA
County of Douglas

SUBSCRIBED AND SWORN to before me this 31st day of October, 2000.


Notary Public

My Commission Expires:

Sept 1, 2001



21-04-403-4609

21.04.403.4610

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