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BEFORE THE
FEDERAL ELECTION COMMISSION

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STEVE ROBERTSON, CHAIRMAN
REPUBLICAN PARTY OF KENTUCKY

COMPLAINANT

V.

FRIENDS OF BRUCE LUNSFORD

RESPONDENT

COMPLAINT

MUR # 6006

Comes the Complainant, Steve Robertson, Chairman, Republican Party of Kentucky, and pursuant to Federal Election Campaign laws and Federal Election Commission (hereinafter "FEC") regulations, submits this Complaint against Respondent, Friends of Bruce Lunsford (hereinafter "Bruce Lunsford's campaign"). In support of this Complaint against Bruce Lunsford's campaign, Complainant hereby states the following:

INTRODUCTION

Bruce Lunsford (hereinafter "Lunsford") is a candidate for the Democrat nomination for the United States Senate. (See FEC Candidate Listing, attached as Exhibit 1.) As explained in this Complaint and evidenced by the exhibits attached hereto, Bruce Lunsford's campaign knowingly and willfully violated Federal Election Campaign laws and FEC regulations when it paid for a public communication and failed to adhere to the disclaimer requirements for such communications. For the reasons set forth below, Complainant respectfully requests that the FEC initiate an immediate investigation into this matter and impose all penalties warranted under the law.

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STATEMENT OF FACTS

On April 21, 2008, Bruce Lunsford appeared in a television broadcast on the CW's "Louisville Live this Morning" program. (See PageOneKentucky excerpt, attached as Exhibit 2, also available at <http://pageonekentucky.com/2008/04/21/bruce-lunsfords-appearance-on-louisville-live/>.) The full broadcast of this television appearance is contained in Chapter 1 of a DVD included with this Complaint as Exhibit 3.

The most important point to note about Lunsford's appearance on this television broadcast is that the show's host, Dan Spangler, admits that Lunsford *paid* for the segment, thereby transforming the appearance into a campaign advertisement, or infomercial. (See Exhibit 3, Chapter 1.) Spangler's exact words were:

"...Just to let you know, we are an entertainment show not necessarily a newscast and the Lunsford for Senate Campaign today paid for the extended segment to be able to discuss the important issues beyond the 30 second commercial or 10 second sound bite."

(See Exhibit 3, Chapter 1.)

It is also noteworthy that Lunsford made unchallenged and highly critical remarks about Republican Senate Leader Mitch McConnell [and Lunsford's potential opponent] and President George W. Bush on this infomercial. (See Exhibit 3, Chapter 1.) An example of one of Lunsford's negative attacks on Senator McConnell and President Bush during this infomercial is the following verbatim statement made by Lunsford:

"One thing you can easily see is that the Bush Administration and...and certainly led by Senator McConnell through the Senate – they basically have taken down middle America. You know the upper crust, they're doing great. I mean they've got wonderful tax

benefits...um...it seems like we give 'em more and more to get more and more. But the truth is middle America is really suffering and I think long term that upper America, the upper income group are going to suffer too because if you don't have a strong middle America, you aren't going to have a strong upper America."

(See Exhibit 3, Chapter 1.)

Lunsford further used this infomercial as an opportunity to make several self-aggrandizing, unchallenged claims regarding how Kentucky Governor Steve Beshear and other national Democrats urged him to run for Kentucky's U.S. Senate seat. (See Exhibit 3, Chapter 1.) Additionally, Lunsford's campaign website address and phone number, as shown below, were prominently displayed on the screen throughout the televised broadcast:

CAMPAIGN INFO: (502) 458-7500
www.bruce2008.com

(See Exhibit 3, Chapter 1.)

At no time during this paid-for public communication, or infomercial, did Lunsford ever make an oral disclaimer approving the communication, and at no time during this communication did a clearly readable, written disclaimer statement appear on the screen. (See Exhibit 3, Chapter 1.) For these reasons, and because Lunsford has demonstrated a clear understanding of the Federal Election Campaign laws and FEC regulations regarding public communications in this election (as explained below), probable cause exists to believe that his campaign has committed knowing and willful violations of these laws and regulations.

ARGUMENT

As defined in Federal Election Campaign laws and FEC regulations, the term "public communication" includes:

- Broadcast, cable or satellite transmission;
- Newspaper;
- Magazine;
- Outdoor advertising facility (e.g., billboard);
- Mass mailing (defined as more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period);
- Telephone banks (defined as more than 500 telephone calls of an identical or substantially similar nature within any 30-day period); or
- Any other general public political advertising. General public political advertising does not include Internet ads, except for communications placed for a fee on another person's web site

11 CFR 100.26; 2 U.S.C. 431 (22).

Pursuant to CFR 110.11(c)(3)(ii), "televised public communications must include an oral disclaimer spoken by the candidate in which the candidate identifies himself or herself and states that he or she has approved the communication." This disclaimer can be conveyed in one of two ways:

- A full-screen view of the candidate making the statement (11 CFR 110.11(c)(3)(ii)(A)); or
- A "clearly identifiable photographic or similar image of the candidate" that appears during the candidate's voice-over statement. (11 CFR 110.11(c)(3)(ii)(B)).

Pursuant to CFR 110.11(c)(3)(iii), the communication must also include a "clearly readable" written statement that appears at the end of the communication "for a period of at least four seconds" with a "reasonable degree of color contrast" between the background and the disclaimer statement.

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Clearly, the CW television broadcast, paid for by Bruce Lunsford's campaign, constitutes a "public communication" pursuant to 11 CFR 100.26; 2 U.S.C. 431 (22). As such, Lunsford was required to include an oral and written disclaimer in accordance with CFR 110.11(c)(3)(ii),(iii). Lunsford failed to comply with these provisions of Federal Election Campaign laws and FEC regulations, despite his obvious understanding of and prior adherence to them.

Bruce Lunsford's campaign has already aired two television advertisements, the first entitled "Real World" and the second entitled "Bottom Line," in which Lunsford adheres to the aforementioned laws and regulations. Both advertisements include the oral and written disclaimers required by Federal law and the FEC. These advertisements are included on the enclosed DVD, Exhibit 3, as Chapters 2 and 3, respectively. Therefore, it is obvious that Lunsford knows the requirements and mandates of campaign finance laws and FEC regulations, and willfully and knowingly violated them with his paid appearance on the CW's "Louisville Live this Morning" program.

WHEREFORE, as probable cause exists to believe that Bruce Lunsford's campaign violated multiple provisions of Federal Election Campaign laws and FEC regulations, Complainant respectfully requests that the FEC initiate an immediate investigation of this matter and impose all penalties upon Bruce Lunsford's campaign warranted under the law.

Respectfully submitted:



Steve Robertson
Chairman, Republican Party of Kentucky
Post Office Box 1068

Frankfort, Kentucky 40602
Phone: 502-875-5130
Facsimile: 502-223-5625

Commonwealth of Kentucky

County of Franklin

Sworn to and acknowledged before me by Steve Robertson, Chairman of the Republican Party of Kentucky, on this the 30 day of April, 2008.

[Signature]
Notary Public

My commission expires: 4/20/09

CERTIFICATE OF SERVICE

I hereby certify that the enclosed Complaint and exhibits were sent via U.S. mail, along with three (3) copies of same, to the following recipient, this 30th day of April, 2008:

Office of General Counsel, Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

[Signature]
Complainant

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Presented by the Federal Election Commission**Candidates that match specified criteria:****NOTE:**

Candidate listings may appear here as a result of draft committees or independent expenditure committees registering with the FEC. If no official documents of an authorized committee appear below, the individual identified here has taken no action to become a candidate.

LUNSFORD, BRUCE	
Address:	LOUISVILLE, KY 40207
Office Sought:	Senate
State:	Kentucky
District:	00
Party:	Democratic Party

Total of 1 Committee(s) matched criteria

TRY A: NEW SEARCH NEW ADVANCED SEARCH
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Exhibit 1

thank us. Download it.



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- It's Thursday. Hot & Humid Update Edition.
- KDP Announces Fundraising Event with Ominous "National Guests"
- Lunsford Launches Third TV Ad
- Noonthirty Update: Walnuts & Barry Invade!
- Fischer Camp Management: Start Paying Attention
- Late Tuesday Afternoon Dept of Newsy Stuff
- Fischer Launches Pseudo Attack Ad

• Archives

- April 2008 (118)
- March 2008 (153)
- February 2008 (139)
- January 2008 (116)
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- November 2007 (90)
- October 2007 (124)
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Bruce Lunsford's Appearance on Louisville Live

April 21st, 2008 • 1 Comment

Bruce Lunsford, Democratic candidate for U.S. Senate, appeared on the CW's Louisville Live this morning (Greg Fischer declined the opportunity and wasn't mentioned) to discuss his race.

Topics of conversation included: Washington, Mitch McConnell, Bush Misadministration taking down middle America, devaluation of the dollar, our beautiful and thriving economy, Steve Beshear asking him to run in December, national Democrats asking him to run.

Peep the video below:

Exhibit 2

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• SPONSOR