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COMMISSION
OFFICE OF GENERAL
COUNSEL

THE NEW HAMPSHIRE DEMOCRATIC PARTY
2 ½ BEACON STREET
CONCORD, NH 03301
Kathy Sullivan, Chair

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MUR # 5513

August 10, 2004

Lawrence Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Complaint Against Nader for President, Choices for America and
and Norway Hill Associates, Inc.

Dear Mr. Norton:

Pursuant to the Commission's rules, 11 C.F.R. §111.4, the New Hampshire Democratic Party hereby files a complaint against Nader for President 2004, Choices for America and Norway Hill Associates, Inc., for violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and the Commission's regulations. Specifically, public reports indicate that Norway Hill Associates, Inc., a for-profit corporation, has been collecting signatures on petitions to get Ralph Nader on the ballot as an independent candidate for President, in the State of New Hampshire. The corporation—headed by a veteran Republican political consultant—has been paid nothing for this work, to date. The consultant has stated that he hopes to get paid by the organization that requested Norway Hill to do the work, Choices for America, a nonprofit organization.

Under these circumstances, it is clear that the Nader for President 2004 (the "Nader Campaign") has received an unlawful in-kind contribution—either from the corporation, Norway Hill, or from the nonprofit organization, Choices for America, that may have agreed to pay the corporation. In either case, it is clear that the Nader Campaign has violated 2 U.S.C. §441a(a)(1)(A) and/or 2 U.S.C. §441b(a), by accepting in-kind contributions excessive in amount and/or from impermissible sources (corporations), for the direct benefit of his presidential campaign. Either Norway Hill

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and/or Choices for America has also violated these statutory provisions by making these in-kind contributions.

A. Complainant

The Complainant is:

New Hampshire Democratic Party
2 1/2 Beacon Street
Concord, NH 03301
(603) 225-6899

B. Respondents

Nader for President 2004 is the authorized committee of Ralph Nader for the office of President of the United States, FEC ID No. C00395038.

Norway Hill Associates, Inc. is a New Hampshire corporation, registered at 30 Norway Hill, Hancock, NH 03449.

Choices for America is a Missouri non-profit organization, claiming exemption from taxation under section 501(c)(4) of the Internal Revenue Code of 1986, as amended. Its co-founder is reportedly a Republican consultant from Las Vegas, Nevada and the son-in-law of the Nevada Republican State Party chair. (New Hampshire Union Leader, Aug. 10, 2004).

C. Facts

The principal of the Norway Hill firm is a veteran new Hampshire Republican political consultant named David Carney. (Manchester Union Leader, Aug. 10, 2004, copy of article attached). Carney is quoted as saying that he was approached by Choices for America about undertaking the work of gathering signatures on petitions to get Ralph Nader on the ballot as an independent candidate for the office of President in New Hampshire. Norway Hill has been gathering those signatures. (*Id.*)

Carney is quoted as saying that Choice for America has not paid Norway Hill but "we hope to get paid someday. They were under the gun and we said we'd help them out and we haven't gotten to that part of it, yet." (*Id.*) Carney is also quoted as saying, "Sure, we're Republicans....It's not a conflict. We don't do any Bush work or Republican Party work. We do this kind of stuff all over the country. We're just trying to help out." (*Id.*)

D. Violations

Funds expended in connection with getting a federal candidate on or keeping him off the ballot are for the purposes of influencing a federal election and are subject to the limits and prohibitions of the Act. FEC Advisory Opinion 1980-57.

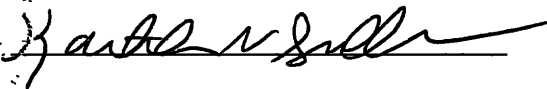
If Norway Hill has not been paid, and is not going to be paid, it is clear that they have expended corporate resources for the direct benefit of the Nader Campaign, resulting in an in-kind contribution to the Nader Campaign in violation of 2 U.S.C. §441b(a). The Nader Campaign has violated this provision by accepting this in-kind contribution.

If Norway Hill is going to be paid by Choices for America, then it is clear that Choices for America, which is not a federal political committee, has made excessive and/or impermissible in-kind contributions to the Nader Campaign, in violation of 2 U.S.C. §441a(a)(1)(A) and/or 2 U.S.C. §441b(a).

CONCLUSION

Based on the allegations in this Complaint, the Commission should find reason to believe that Nader for President, Norway Hill and Choices for America have violated the Act and the Commission's regulations, and should commence an investigation. 2 U.S.C. §437g(a).

I, Kathleen N. Sullivan, of 192 S. Mammoth Road, Manchester, Hillsborough County, the State of New Hampshire, do depose and say that the facts set out in the foregoing complaint are true and correct to the best of my information, knowledge and belief.



Kathleen N. Sullivan, Chair
New Hampshire Democratic Party

State of New Hampshire)
County of Hillsborough) ss:

On this 10th day of August, 2004, personally appeared the above-named Kathleen N. Sullivan and subscribed and made oath to the foregoing document.

Before me, -



, Notary Public.

JOHN A. LASSEY
Notary Public / Justice of the Peace
My Commission Expires September 17, 2008

◆Choices for America: Local GOP consulting firm hired to collect signatures.

By JOHN DISTASO
Senior Political Reporter

Veteran New Hampshire Republican consultant David Carney worked with a Missouri-based nonprofit organization to gather petition signatures aimed at getting consumer advocate Ralph Nader's name on the New Hampshire Presidential ballot.

Carney, the White House political director under President George H.W. Bush, said he was approached about a week ago by Choices for America, whose co-founder is reportedly a Republican consultant from Las Vegas and the son-in-law of the Nevada Republican party chair.

Carney, owner of Norway Hill Associates in Hancock, said an intern in his office hired 10 to 15 people to gather signatures outside of President George W. Bush's appearance at a Stratham farm last Friday.

Carney said that overall for the past week, his firm hired about 30 people who also gathered signatures "at malls and

fairs and town concerts and all kinds of places."

He said that while he does not know much about Choices for America, he believes it is not a Nader-only group but rather "a foundation working on getting ballot access across the country for candidates of all different parties."

But Carney said he is not trying to hide the fact that he is a Republican and that getting Nader on the ballot may hurt Democrat John Kerry and help President George W. Bush win the state's four electoral votes.

"Sure, we're Republicans," Carney said. "It's not a conflict. We don't do any Bush work or Republican Party work. We do this kind of stuff all over the country. We're just trying to help out."

The Bush and Nader campaign have denied any connection to Norway Hill's efforts.

Carney said he had never heard of Choices for America until he was recently contacted by "a friend of a friend" about it.

Carney said he also never heard of Steve Wark, a Las Vegas political consultant who last month told the Las Vegas Sun he raised \$30,000 from



ASSOCIATED PRESS

New Hampshire GOP consultant David Carney worked with a Missouri-based nonprofit organization to gather petition signatures aimed at getting consumer advocate Ralph Nader, above, on the New Hampshire Presidential ballot.

friends and Republicans to pay for a signature-gathering effort for Nader in his state.

According to the Las Vegas newspaper, Choices for America is a nonprofit organization based in Union, Mo., that was founded on April 22. The group's nonprofit designation is given to educational and social organizations, so it does not have to file federal campaign information. Most of its activities must be nonpartisan in

order to keep the nonprofit designation.

Carney said Choices for America has not paid Norway Hill, but "we hope to get paid someday. They were under the gun and we said we'd help them out and we haven't gotten to that part of it, yet."

State Democratic Party Chairman Kathy Sullivan said, "If Norway Hill is not being paid, I have real questions about whether this is a corporate, in-kind donation to at least one candidate, if not to two candidates and whether that violates federal election law."

Carney said if it Norway Hill's efforts turn out to be a donation, "I'd have to report that. I haven't figured out, yet, if it's a personal contribution on our behalf or an in-kind contribution to the foundation. We haven't worked that out yet. But I can tell you I don't need Kathy Sullivan's help on how to deal with reporting questions."

Republican State Party Chairman Jayne Millerick said that while the state GOP has nothing to do with Carney's efforts, "What are the Democrats so afraid of here?"

"What that says about their message is when their candidate is not successful, they blame it on another candidate," said Millerick. In the 2000 general election, Nader received 22,000 New Hampshire votes, while Al Gore lost the state to George W. Bush by 7,200 votes. Had the state's four electoral votes gone to Gore, he would have won the election.

State Democrats plan a news conference today to call on the state Nader campaign to reject petition signatures collected by Carney's firm.

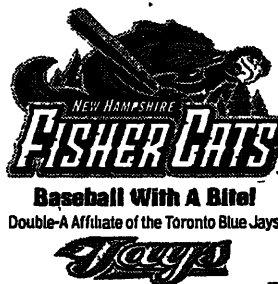
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UPCOMING HOME GAMES

FRIDAY 8/13	SATURDAY 8/14
7:05pm	5:05pm
Gill Stadium Night	Post-Game: Play Catch on the Field
Gill Stadium Replica Giveaway (First 1,000 Fans)	Mini-Bat Giveaway (First 1,000 Child Fans)
Courtesy: Hannaford	Courtesy: Barber Foods



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