

**BEFORE THE FEDERAL ELECTION COMMISSION  
COMPLAINT**

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 NOV - 2 A 10: 30

RESPONDENTS

William D. Mason  
Friends of William D. Mason

MUR No. 5604

This complaint is filed on behalf of the Republican National Committee ("RNC") against William D. Mason, as well as his campaign committee, Friends of William D. Mason. Mr. Mason currently holds the position of Cuyahoga County Prosecutor, and in the course of his campaign for reelection has committed numerous violations of the Federal Election Campaign Finance Act of 1971, as amended (the "Act"), through the publication of campaign material on behalf of the Kerry Edwards campaign. See Attachment A. The violations of the Act are as follows:

**I. Prohibited Contribution to Publicly Funded Presidential Campaign**

Publicly funded presidential candidates are prohibited from accepting contributions from any source. In order to receive the public funds, the candidate must not accept private contributions for the campaign. The campaign material produced by Mr. Mason advocates the election of John Kerry both through assertions about positive things Mr. Kerry would allegedly do if elected ("As President, John Kerry will..."), and also through the republication of Mr. Kerry's campaign material (pictures of Mr. Kerry's "A Stronger America" campaign signs).

At least half of the cost of production and distribution of the Mason campaign material constitutes an in-kind contribution to the Kerry/Edwards campaign under the Act and Federal Election Commission ("FEC") Regulations. 2 U.S.C. § 431(8). Thus, the mailing represents a contribution to a publicly funded presidential campaign, in violation of the Act, 26 U.S.C. § 9001 *et. seq.*

**II. Failure to File as a Federal Political Committee**

The cost of Mr. Mason's campaign material attributable to the Kerry/Edwards campaign constitutes an "expenditure" under the Act and FEC Regulations. 2 U.S.C. § 431(9). Any organization that makes expenditures aggregating in excess of \$1,000 in a calendar year is a

27044154206

"political committee" 2 U.S.C. § 431(4)(A) and must register and report with the FEC. 2 U.S.C. § 434(a)(4). Friends of William D. Mason does not appear to have registered or filed any reports with the FEC.

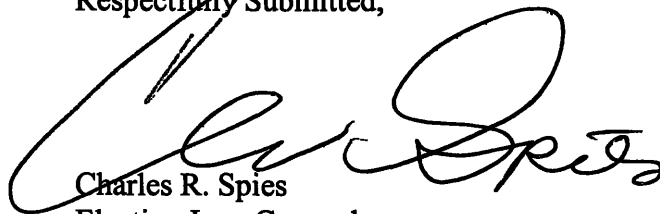
**III. Failure to Properly Identify Who Paid for the Mailing**

Section 441d of the Act requires disclaimers on political public communications. 2 U.S.C. § 441d. This federal disclaimer requirement explicitly provides that printed political material state who paid for the mailing, along with other identifying information for that responsible individual or organization, and that information must be "contained in a printed box set apart from the other contents of the communication." 2 U.S.C. § 441d(c)(2). The disclaimer on Mr. Mason's mailing does not meet this minimal requirement of federal law. In addition, it fails to identify whether this mailing was coordinated with and authorized by the Kerry/Edwards campaign.

**IV. Conclusion**

Mr. Mason, in his current position as County Prosecutor, has an obligation to the people of Cuyahoga County to personally comply with Federal and state law. Mr. Mason's willingness to flaunt Federal law in pursuit of partisan politicking on behalf of himself and the Kerry/Edwards campaign is troubling and demands swift and severe remedy by the Federal Election Commission. We thank the Commission in advance for your prompt attention to this matter.

Respectfully Submitted,



Charles R. Spies  
Election Law Counsel

27044154207

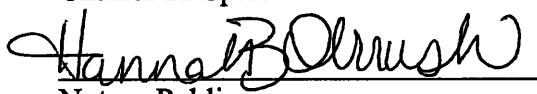
**VERIFICATION**

Charles R. Spies, hereby verifies that the statements made in the above complaint are, upon information and belief, true.

Sworn to pursuant to 18 U.S.C. § 1001.

  
Charles R. Spies

The foregoing instrument was subscribe and sworn  
before me this 1<sup>st</sup> day of November, 2004 by  
Charles R. Spies

  
Notary Public

My commission expires 7/31/2007

Sworn to before me this 1<sup>st</sup> day of November, 2004

  
Notary Public

HANNAH B. THRUSH  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
MY COMMISSION EXPIRES JULY 31, 2007

27044154208

# Prosecutor **Bill Mason** is keeping us **safe**

## **Cracking Down on Deadbeat Parents**

It's hard enough to raise a child without having to worry about nonpayment of child support. Bill Mason has cracked down on deadbeat parents by working with the Cuyahoga Support Enforcement Agency, which ensures that families receive the support they are due.

## **Creating Community Based Prosecution**

Prosecutor Mason knows fighting crime begins in our neighborhood. Community Based Prosecution takes prosecutors out of their offices and into communities to work directly with local leaders, residents, police, schools, business and civic groups.

## **Protecting Children from Internet Crimes**

With four children of his own, Bill Mason is made of the potential dangers of the Internet. Mason formed a special task force to prosecute child sexual offenders and works hard to ensure our community has the best information about how to protect our children.

## **Keeping Criminals Behind Bars**

When the State tried to free up dollars in their budget by releasing criminals early, Prosecutor Bill Mason sued to ensure that law enforcement and legal authorities are notified before early releases.

[www.billmason.us](http://www.billmason.us)

For more information, contact:  
The Bill Mason Group  
11111 E. 12th St., Suite 100  
Cuyahoga Falls, OH 44221



# **Bill Mason** and **John Kerry** fighting crime together

Bill Mason and John Kerry both have served as Prosecuting Attorneys. As a prosecutor for one of America's largest counties, John Kerry prosecuted murderers, rapists and mob bosses. As an assistant District Attorney, he transformed one of the largest and most active District Attorney's offices in the nation into an efficient crime fighting organization. He started a white-collar crime unit, a program for fast tracking violent crimes to trial, and a victim rights unit that was the first of its kind in Massachusetts and one of the first in the nation.

## **As president, John Kerry will:**

**End the Cop Crunch** - Putting more cops on our streets and in our communities.

**Keep Drugs Out Of Our Communities** - Targeting drug traffickers and funding expanded drug abuse treatment programs.

**Reduce Gang Violence** - Send a message of zero tolerance for gang violence and help youth get on the right track.



27044154209