

arizona
**DEMOCRATIC
PARTY**

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October 26, 2004

Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

MUR # 5588

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 OCT 28 PM 2:46

Dear Sir or Madam:

I am writing to bring to your attention an apparent gross violation of federal campaign finance law by the Arizona Republican Party ("ARP").

Based upon information and belief, the ARP has paid for a pre-recorded phone call that expressly advocates the election of George Bush for President. It is our belief that the calls were made on or about October 22, 2004 and we have reason to believe that thousands of these calls were made at a significant cost to the ARP. A transcript of the phone call is as follows:

This is Bob Fannin, Chairman of the Arizona Republican Party. I'm calling to remind you to mail in your early ballot. President Bush continues to offer a plan for a safer world and a more hopeful America. On the other hand, the Democrats and their allies have shown us that they will stop at nothing to try to steal this year's election. Our signs have been vandalized and stolen, our offices broken into, and just today, one of our Arizona Republican County Headquarters received a bomb threat. Help us to put a stop to this type of politics by returning your early ballot today. Your vote matters. With your support, we are confident that George W. Bush and our Republican team will be re-elected. This call was paid for by the Arizona Republican Party. Not authorized by any candidate or candidate's committee. On the web at www.azgop.org.

A recorded audio version of this call is enclosed with this complaint.

Clearly, the phone calls "expressly advocates" the election of a clearly identified candidate and must therefore count as a contribution to, coordinated

Jim Pederson
Chairman

Paul Hegarty
Executive Director

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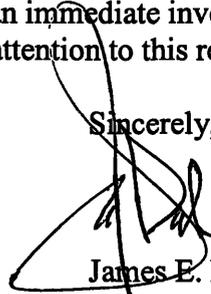
expenditure or independent expenditure on behalf of Bush-Cheney '04. Further, since the phone call is a pre-recorded communication, the ARP may not rely upon the get-out-the-vote exemption at 11 C.F.R. § 100.149. Based upon the disclaimer on the call, the ARP has apparently attempted to make an independent expenditure on behalf of Bush-Cheney '04. However, a review of reports filed with the Commission reveals no 24 or 48 disclosures reports for independent expenditures on behalf of any federal candidate. Furthermore, the pre-election report filed by the ARP on October 20, 2004 reveals no contributions or expenditures (independent or coordinated) on behalf of any federal candidate.

Therefore, at a minimum, it is clear that the ARP has violated 2 U.S.C. § 434(g) by failing to file the appropriate notice that an independent expenditure was made on behalf of the Bush/Cheney campaign within 24 hours of the onset of the phone calls.

Due to the complete lack of care and understanding of the federal campaign finance rules demonstrated by the ARP we are also concerned that the ARP may have used non-federal funds to finance all or a portion of the phone calls. According to 11 C.F.R. § 300.33(c)(1), any public communication that "promotes, supports, attacks or opposes" a federal candidate must be paid exclusively with federal funds. The Commission should investigate whether the phone calls were paid for properly with funds that were raised exclusively into the ARP's federal account and not paid for with any non-federal or Levin funds.

Public disclosure is the cornerstone of our campaign finance system. By failing to properly disclose the costs of these phone calls, it is impossible for our committee or the voters of Arizona to discern whether and how the ARP paid for these calls. The Commission should launch an immediate investigation into this matter. Thank you for your time and urgent attention to this request.

Sincerely,



James E. Pederson
Chairman

Milagro A. Ricardo

Notary



Notary Public State of Arizona
Mancopa County
Milagro A Ricardo
Expires May 29, 2008

Subscribed and sworn to before me this 26th day of October, 2004 in Maricopa County in the State of Arizona.

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