In the matter of:

Checks and Balances for Economic Growth

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington ("CREW") and Melanie Sloan bring this complaint before the Federal Election Commission ("FEC or "Commission") seeking an immediate investigation and enforcement action against Checks and Balances for Economic Growth for direct and serious violations of the Federal Election Campaign Act ("FECA").

Complainants

2. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

3. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal office and publicizes those who violate federal campaign finance laws through its website, press releases and other methods of distribution. CREW also files complaints with the FEC when it discovers violations of the FECA. Publicizing
campaign finance violators and filing complaints with the FEC serves CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

4. In order to assess whether an individual, candidate, political committee or other entity is complying with federal campaign finance law, CREW needs the information contained in receipts and disbursements reports political committees must file pursuant to the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1, and in independent expenditure and electioneering communications disclosure reports that must be filed pursuant to the FECA, 2 U.S.C. § 434(c), (f); 11 C.F.R. §§ 104.20(b), 109.10(b)-(d). CREW is hindered in its programmatic activity when an individual, candidate, political committee or other regulated entity fails to disclose campaign finance information in reports required by the FECA.

5. CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated disclosure reports are the only source of information CREW can use to determine if an individual, candidate, political committee or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all disclosure reports required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

6. Complainant Melanie Sloan is the executive director of Citizens for Responsibility and Ethics in Washington, a citizen of the United States, and a registered voter and resident of the District of Columbia. As a registered voter, Ms. Sloan is entitled to receive information contained in disclosure reports required by the FECA, 2 U.S.C. §§ 434(a)(2), 434(c), 434(f); 11 C.F.R. §§
104.1, 104.20(b), 109.10(b)-(d). Ms. Sloan is harmed when an individual, candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA. *See FEC v. Akins, 524 U.S. 11, 19 (1998), quoting Buckley v. Valeo, 424 U.S. 1, 66-67 (1976)* (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support). Ms. Sloan is further harmed when the FEC fails to properly administer the FECA’s reporting requirements, limiting its ability to review campaign finance information.

### Respondent

7. Checks and Balances for Economic Growth ("CBEG") is a tax-exempt organization established in 2002, organized under section 501(c)(4) of the Internal Revenue Code, and based in Washington, D.C. CBEG’s contact information is as follows:

   Checks and Balances for Economic Growth  
   1747 Pennsylvania Ave., NW  
   Suite 1000  
   Washington, D.C. 20006  
   (202) 271-3959

8. Dan Perrin is the president of CBEG and a director of the organization.

### Factual allegations

9. In October 2012, CBEG broadcast two television advertisements in Ohio attacking President Obama and Sen. Sherrod Brown (D-OH). The advertisements are included on the disc attached as Exhibit A, and are available at  
   [http://www.youtube.com/channel/UCr8VvfmlAleontsS1te72-w?feature=watch](http://www.youtube.com/channel/UCr8VvfmlAleontsS1te72-w?feature=watch).

10. The first advertisement is titled “Why Would You Lie?” It begins with a photograph of President Obama and the words “Absolute Lies” on screen. The narrator then says: “Absolute
Lies. That’s what these coal miners had to say about Barack Obama’s claim that they were forced to attend a campaign rally for Mitt Romney.” The ad then shows video of a coal miner at a press conference saying: “There is a war on coal . . . and we do want to protect our jobs.” Next, the ad shows photographs of Mitt Romney at a campaign rally at the Murray Energy Corporation’s Century Mine in Bealsville, Ohio, while the narrator says: “In a letter, the miners make it clear no one was forced to attend the rally, no attendance records were taken, and there were no penalties for not attending.” The ad concludes by showing more video of the miner at the press conference, saying: “Why would you lie about the 500 working miners who have signed this letter?” At the end of the advertisement appears a written disclaimer: “Paid for by Checks and Balances for Economic Growth.”

11. The second advertisement is titled “The War On Coal: Sherrod Brown v. Ohio Coal Miners.” It begins with video of Sen. Brown from an October 15, 2012 debate with his Republican opponent, Ohio State Treasurer Josh Mandel, saying: “There is no war on coal. Period.” A narrator then says, “Sherrod Brown is lying” as the words “Sherrod Brown is not telling the truth” appear on screen. The advertisement then shows video of the coal miner at a press conference used in the first advertisement, this time saying, “There is a war on coal . . . and we do want to protect our jobs. . . . President Obama and those like Sherrod Brown . . . are job killers.” The narrator then asserts: “Coal production is down 33 percent nationwide. Thousands are out of work. And incremental electricity costs are up 800 percent.” Next, the ad shows a photograph of Sen. Brown while the narrator says: “And Sherrod Brown votes with Obama 95 percent of the time.” The ad then again shows the video of the coal miner at a press conference saying, “There is a war on coal . . . and we do want to protect our jobs. . . . President Obama and those like Sherrod Brown . . . are job killers.” During the last
sentence, the ad again shows a photograph of Sen. Brown and the words “Stop The War On Coal” on screen. At the end of the advertisement appears a written disclaimer: “Paid for by Checks and Balances for Economic Growth.”

12. CBEG spent at least $896,290 on air time to broadcast television these advertisements in Ohio. A forthcoming analysis of interest group spending in the 2012 election reports CBEG was among the top 25 sponsors of advertisements in the 2012 presidential election, spending $896,290 to air ads supporting Republicans 981 times. Michael M. Franz, Interest Groups in Electoral Politics, The Forum: A Journal of Applied Research on Contemporary Politics, (forthcoming Volume 10, Issue 4), Table 3 (Top 25 Sponsors of Ads in Presidential General Election) (excerpts attached as Exhibit B). The spending figures in the article are derived from data provided to the Wesleyan Media Project by the Campaign Media Analysis Group, which tracks political advertisements broadcast on local, national, and cable television. Id.; see also http://mediaproject.wesleyan.edu/about/ (describing source of data).

13. Around the time CBEG was broadcasting the advertisements, news reports similarly reported CBEG intended to spend approximately $900,000 on air time. Alexander Burns, Anti-Obama Group Putting $900k Into Ohio, Politico, October 15, 2012 (attached as Exhibit C); Neil W. McCabe, There Is A ‘War On Coal’, Human Events, October 19, 2012 (attached as Exhibit D). See also Erica Martinson, It’s Miner Versus Miner In Ohio Coal War Ads, Politico, October 17, 2012 (attached as Exhibit E).

14. In addition, television stations in Ohio submitted to the Federal Communications Commission (“FCC”) copies of contracts, invoices, and purchase orders for at least $534,850 worth of air time for CBEG between October 16 and October 29, 2012 (attached as Exhibit F). On
information and belief, these records do not reflect all of CBEG's purchases of air time because the
FCC only requires some television stations to submit information for the online political file.

15. On information and belief, CBEG also spent money to produce the advertisements in
addition to its expenditures for air time.

16. On information and belief, Mr. Perrin is knowledgeable about campaign finance law,
specifically including the FECA provisions and FEC regulations regarding the reporting of
electioneering communications and independent expenditures. Prior to serving as president of
CBEG, Mr. Perrin was president of the American Taxpayers Alliance ("ATA"). See ATA 2002
Form 990 Tax Return (excerpts attached as Exhibit G). While Mr. Perrin served as president, ATA
submitted comments to the FEC in response to a Notice of Proposed Rulemaking that addressed in
detail proposed rules regarding electioneering communications. See Letter from ATA to FEC,
August 21, 2002; Letter from ATA to FEC, August 29, 2002 (attached as Exhibit H). ATA
subsequently filed additional comments to the FEC in response to a later Notice of Proposed
Rulemaking that again addressed in detail proposed revisions to the rules regarding electioneering
communications. See Letter from ATA to FEC, October 1, 2007 (attached as Exhibit I). It is
unclear if Mr. Perrin was still president of ATA at that time, however, because ATA failed to file
Form 990 tax returns with the Internal Revenue Service ("IRS") after 2005, which resulted in the
IRS revoking ATA's tax-exempt status in 2010. See IRS, Automatic Revocation of Exemption
Information, American Taxpayers Alliance (attached as Exhibit J).

17. Mr. Perrin also is knowledgeable about campaign finance law as a result of a series
of lawsuits and complaints filed against ATA while he served as president. One lawsuit involved
allegations that ATA violated California law by failing to report expenditures for election-related

18. CBEG did not file any electioneering communications reports or independent expenditure report with the FEC regarding the two advertisements.

**Legal background**

19. An “independent expenditure” is an expenditure by a person for a communication “expressly advocating the election or defeat of a clearly identified candidate” that is not coordinated with a candidate or a political party. 2 U.S.C. § 431(17); 11 C.F.R. § 100.16(a).

20. The Commission’s regulations define “expressly advocating” as any communication that either use phrases such as “Smith for Congress” or “Bill McKay in ’94,” 11 C.F.R. § 100.22(a), or “[w]hen taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because - (1) The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and (2) Reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other kind of action,” 11 C.F.R. § 100.22(b).

21. The FECA requires a person who makes independent expenditures aggregating $10,000 or more on a given election in a calendar year up to the 20th day before the date of an election to file a report describing the expenditure with the Commission within 48 hours. 2 U.S.C.
§ 434(g)(2)(A). Commission regulations specify that the report must be filed not later than “11:59 p.m. Eastern Standard/Daylight Time on the second day following the date on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated.” 11 C.F.R. § 109.10(c).

22. The FECA requires a person who makes independent expenditures aggregating $1,000 or more on a given election after the 20th day before the date of an election but more than 24 hours before the day of the election to file a report describing the expenditure with the Commission within 24 hours. 2 U.S.C. § 434(g)(1)(A). Commission regulations specify that the report must be filed not later than “11:59 p.m. Eastern Standard/Daylight Time on the day following the date on which a communication is publicly distributed or otherwise publicly disseminated.” 11 C.F.R. § 109.10(d).

23. The FECA and FEC regulations further require a person who makes independent expenditures aggregating more than $250 in a calendar year to file quarterly reports regarding the expenditures. 2 U.S.C. § 434(c)(2) (referencing 2 U.S.C. § 434(a)(2)); 11 C.F.R. § 109.10(b). Those reports must describe the expenditure. 2 U.S.C. § 434(c)(2)(A) (referencing 2 U.S.C. § 434(b)(6)(B)(iii)); 11 C.F.R. § 109.10(e)(1). The FECA further requires these reports to identify each person who made a contribution in excess of $200 to the person filing the report “which was made for the purpose of furthering an independent expenditure.” 2 U.S.C. § 434(c)(2)(C). FEC regulations interpret these provisions to require the reports to identify each person who made a
contribution in excess of $200 to the person filing the report which "was made for the purpose of furthering the reported independent expenditure." 11 C.F.R. § 109.10(e)(1)(vi).1

24. The FECA and FEC regulations define an "electioneering communication" as any broadcast, cable, or satellite communication that: (1) refers to a clearly identified candidate for Federal office; (2) is publicly distributed within 60 days before a general election for the office sought by the candidate; and (3) is targeted to the relevant electorate, in the case of a candidate for the Senate. 2 U.S.C. § 434(f)(3); 11 C.F.R. § 100.29(a). A "clearly identified candidate" is one whose name, nickname, photograph or drawing appears, or whose identity is apparent through unambiguous reference. 11 C.F.R. § 100.17.

25. The FECA requires a person who makes electioneering communications aggregating $10,000 or more during a calendar year to file a statement describing the disbursement within 24 hours. 2 U.S.C. § 434(f)(1). Commission regulations specify that the report must be filed not later than "11:59 p.m. Eastern Standard/Daylight Time on the day following the disclosure date." 11 C.F.R. § 104.20(b). The statement must report the amount and recipient of the disbursement and, if the disbursement was made by a corporation or labor union, the name and address of each donor who donated an amount aggregating $1,000 or more to the corporation or labor union "for the purpose of furthering electioneering communications." 11 C.F.R. § 104.20(c)(9).

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1 The FEC's interpretation fails to give full effect to the statutory provisions. At a minimum, the statute requires identification of persons who made contributions "for the purpose of furthering an independent expenditure," but the regulation only requires identification of persons who made contributions "for the purpose of furthering the reported independent expenditure" (emphasis added).
26. Any person who knowingly and willingly violates any provision of the FECA involving the making, receiving, or reporting of any contribution aggregating more than $25,000 in a calendar year is subject to up to five years in prison and fines. 2 U.S.C. § 437g(d)(1).

Count I

27. The television advertisements CBEG broadcast were either independent expenditures or electioneering communications, but none of them were reported to the Commission.

28. The advertisement titled “The War On Coal: Sherrod Brown v. Ohio Coal Miners” is an independent expenditure because, when taken as a whole, it could only be interpreted by a reasonable person as advocating the defeat of two clearly identified candidates, Sen. Brown and President Obama. The advertisement clearly identified Sen. Brown by name, photograph, and video, and President Obama by name. The advertisement told voters just weeks before the election that Sen. Brown “is lying” and Sen. Brown and President Obama are “job killers,” and used excerpts from Sen. Brown’s campaign debate with Mr. Mandel. The advertisement strongly suggests Sen. Brown and President Obama are part of a “war on coal,” and urges viewers to “Stop The War On Coal,” but does not encourage viewers to contact Sen. Brown or President Obama or provide any way to contact them. In the context of an advertisement broadcast in mid-to-late October of an election year, the advertisement could only be reasonably interpreted as containing advocacy of the election or defeat of the candidates.

29. For broadcasts of the advertisement up to 20 days before the date of the election, CBEG should have filed an independent expenditure report with the Commission within 48 hours. For broadcasts of the advertisement broadcast within 20 days of the date of the election, CBEG should have filed an independent expenditure report with the Commission within 24 hours. CBEG
also should have filed quarterly reports for any quarter in which it made independent expenditures aggregating more than $250.

30. As of April 2, 2013, CBEG had not filed any independent expenditure reports regarding the advertisement.

31. Even if this advertisement was not an independent expenditure, it was an electioneering communication. The advertisement (1) referred to two clearly identified candidates, Sen. Brown and President Obama, (2) was publicly distributed within 60 days of the election, and (3) for Sen. Brown, was targeted to the relevant electorate by being broadcast in Ohio.

32. The advertisement entitled "Why Would You Lie?" also was an electioneering communication. This advertisement (1) referred to two clearly identified candidates, President Obama, and his Republican opponent, Mitt Romney, and (2) was publicly distributed within 60 days of the election.

33. CBEG should have filed electioneering communications reports with the Commission within 24 hours of broadcasting each of these advertisements.

34. As of April 2, 2013, CBEG had not filed any electioneering communications reports regarding the advertisements.

35. By broadcasting advertisements that were either independent expenditures or electioneering communications and failing to report those expenditures to the FEC, CHGO violated 2 U.S.C. § 434(g) and 11 C.F.R. § 109.10(c)-(d), and/or 2 U.S.C. § 434(f)(1) and 11 C.F.R. § 104.20(b).

36. On information and belief, Mr. Perrin is knowledgeable about the specific FECA provisions and FEC regulations regarding the reporting of electioneering communications and
independent expenditures. As a result, CBEG's violations were knowing and willful, and thus subject to criminal penalties and referral to the Department of Justice. 2 U.S.C. §§ 437g(a)(5)(C), 437g(d)(1).

**Count II**

37. An independent expenditure or electioneering communication in the form of a communication transmitted through television must include a disclaimer. 2 U.S.C. § 441d(d)(2); 11 C.F.R. §§ 110.11(a)-(b), (c)(4). The communication “must clearly state the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication,” 11 C.F.R. § 110.11(b)(3), and must include the audio statement that “[the person paying for the communication] is responsible for the content of this advertising,” conveyed by a representative of the person paying for the communication either in an unobscured, full-screen view of the representative or in a voiceover, 2 U.S.C. § 441d(d)(2); 11 C.F.R. § 110.11(c)(4)(i)-(ii). The communication must also include this statement in a “clearly readable manner.” 2 U.S.C. § 441d(d)(2); 11 C.F.R. § 110.11(c)(4)(iii).

38. All of the television advertisements paid for by CBEG were independent expenditures or electioneering communications, but none of them included either the audio or written disclaimer stating CBEG is responsible for the content of the advertising. By failing to include the disclaimer, CHGO violated 2 U.S.C. § 441d(d)(2) and 11 C.F.R. §§ 110.11(a)-(b), (c)(4).
Conclusion

WHEREFORE, Citizens for Responsibility and Ethics in Washington and Melanie Sloan request that the FEC conduct an investigation into these allegations, declare the respondent to have violated the FECA and applicable FEC regulations, impose sanctions appropriate to these violations and take such further action as may be appropriate, including referring this case to the Department of Justice for criminal prosecution.

ON BEHALF OF COMPLAINANTS

Melanie Sloan
Executive Director
Citizens for Responsibility and Ethics in Washington
1400 Eye St., N.W., Suite 450
Washington, D.C. 20005
(202) 408-5565 (phone)
(202) 588-5020 (fax)
Verification

Citizens for Responsibility and Ethics in Washington and Melanie Sloan hereby verify that

the statements made in the attached Complaint are, upon information and belief, true. Sworn


[Signature]

Melanie Sloan

[Notary Seal]

Notary Public

Affidavit before me this 2nd day of April, 2013.

[Notary Seal]

CARRIE LEVINE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires: August 30, 2015
EXHIBIT B
Interest Groups in Electoral Politics: 2012 in Context

Michael M. Franz
Bowdoin College
Department of Government and Legal Studies
9800 College Station
Brunswick, ME
04011
www.bowdoin.edu/~mfranz
mfranz@bowdoin.edu

DRAFT: December 16, 2012

Abstract
The paper uses data from the Wesleyan Media Project and the Wisconsin Advertising Project to compare the levels of ad spending from outside groups and traditional party organizations across seven federal election cycles. The data show clearly that outside groups advertised at historic levels in 2012. Such intense efforts send two important signals to students of American campaign finance. First, the system of limited donations to candidates and party committees faces a crisis moving forward, its efficacy and purpose challenged by huge investments from outside interests. The second lesson refers to the long debate in political science about whether parties or candidates should be the center of our electoral process. The debate is old, but it now risks irrelevancy as a collection of well-funded outside groups has asserted its role as the primary pivot point in many competitive election campaigns. The paper concludes with a consideration of possible reforms that might help restore parties and candidates to the center of issue debates in competitive federal elections.

KEYWORDS: Citizens United, campaign advertising, interest groups

Author Notes: Michael Franz is associate professor of government at Bowdoin College and co-director of the Wesleyan Media Project (WMP). His research interests include campaign finance, political advertising, and interest groups. He is author or co-author of four books, including The Persuasive Power of Campaign Advertising (Temple, 2011) and Choices and Changes: Interest Groups in the Electoral Process (Temple, 2008). He has published articles in the Journal of Politics, American Journal of Political Science, American Politics Research, and Political Communication. He especially thanks The John S. and James L. Knight Foundation, the Rockefeller Brothers Foundation, Wesleyan University and Wesleyan’s Quantitative Analysis Center for their support of this project. In addition, he thanks his two collaborators, Travis Ridout and Erika Franklin Fowler, and the WMP Project Manager, Laura Baum, along with the entire Media Project team across all three institutions.
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Total $840,369,640  1,216,668

*Super PAC

Source: Wesleyan Media Project
Anti-Obama group putting $900k into Ohio (Updated)

By ALEXANDER BURNS | 10/15/12 6:37 PM EDT

Barack Obama's about to get hit with almost a million dollars in negative ads in Ohio from a group calling itself Checks and Balances for Economic Growth, according to a source tracking the Buckeye State air war.

The group has reserved a $900,000 flight starting tomorrow and running through Oct. 29 -- right up to the week before election day. Its ads will air in the Cleveland, Columbus, Charleston, Wheeling, Parkersburg, Zanesville and Youngstown markets.

That's pretty wide coverage and based on the targeting -- including West Virginia-based markets that reach Ohio but excluding areas like Cincinnati and Dayton -- my source suggests we're likely looking at a hard hit related to the coal industry.

UPDATED: And here's the ad, which is indeed an anti-Obama message on coal:

THERE IS A 'WAR ON COAL'

Sen. Sherrod Brown (D-Ohio)

By: Neil W. McCabe
10/19/2012 11:32 AM

Seen here first, this ad, produced by the advocacy group Checks and Balances for Economic Growth, was funded with what a spokesperson called "a significant statewide buy in Ohio." The ad calls out incumbent Ohio Democrat Sen. Sherrod Brown for his claim that there was no "War on Coal." Brown made this statement during an Oct. 15 debate with his GOP challenger Ohio State Treasurer Josh Mandel.

Here is the video:
EXHIBIT E
It's miner versus miner in Ohio coal war ads

By: Erica Martinson
October 17, 2012 02:48 PM EDT

It's an ad about an ad about an ad.

The back and forth over a rally for Mitt Romney at an Ohio coal mine took a fresh twist this week with the release of a new ad that seeks to clear the air on misunderstandings about the event.

Yes, the coal miners say in the ad, we were thrilled to attend the August campaign rally for the Republican presidential nominee — not forced to go.

The ad, released Monday, shows the employees at Murray Energy's Century Mine at a news conference; there, a miner identified as Mitch Miracle says the chance to stand behind Romney was "a once-in-a-lifetime event right here in the Ohio Valley."

The salvo is the latest in the battle of the airwaves, which started in August when local radio host David Bloomquist reported that about a dozen hourly employees at the mine told him anonymously that while the mine was closed for the day of the rally, they were required to attend the event without pay, and they weren't happy about it.

In an on-air interview with Bloomquist, Murray Energy Vice President Rob Moore said, "We had managers that communicated to our workforce that the attendance at the Romney event was mandatory, but no one was forced to attend the event."

The controversy grew after Romney used footage from the August rally in a campaign ad, re-igniting the contention that the miners were coerced to become props for the candidate.

The Obama campaign grabbed onto the charge, releasing its own ad that featured Bloomquist's report.

But that wasn't the end.

"Absolute lies. That's what these coal miners had to say about Barack Obama's claim that they were forced to attend a campaign rally for Mitt Romney," the new ad says.

So why did the miners only come forward now?

"My comment is, where have you been?" Bloomquist said to POLITICO. "This story has been out there for two months. Not one person has contacted me to say it's false."

The miners in the ad sent a letter to President Barack Obama and to Bloomquist, saying his sources were likely discharged or disgruntled former employees.
The radio host said he feels like he has been caught in the crosshairs of a political fight that is not his. "I reported a news story ... it's been turned into a political tool by the Obama administration."

And as for the miners, "it just seems like they're trying to play damage control," he said.

"Murray's VP came on my air and said attendance was mandatory but nobody was forced to go. What the hell was that supposed to mean?" Bloomquist asked.

POLITICO was not able to get in touch with the miner Miracle, and Murray said the company was not involved in the news conference.

The newest ad is paid for by nonprofit Checks and Balances for Economic Growth, whose address puts it at the office of Pennsylvania law firm Webster, Chamberlain & Bean, LLP. But tax records indicate the CEO is Dan Perrin, president of the HSA Coalition. The group took in — and spent — more than $2 million in 2010, according to the nonprofit's IRS filing from that year. Perrin declined to comment on the ad or its funding.

Checks and Balances for Economic Growth is also responsible for Ohio-based ads targeting Sen. Sherrod Brown, saying his support for the Obama EPA is going to result in 850 percent boosts to electricity bills.

The Obama campaign did not respond to request for comment.

No word yet on whether there will be an ad about the ad about the ad about the ad.

This article first appeared on POLITICO Pro at 1:37 p.m. on October 17, 2012.
EXHIBIT F
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**CONFIRMATION CONTRACT**

Accepted Agency/Advertiser:  
Date:  
Accepted Station:  
Date:  
Comments:  

"WBNS-TV, Inc., and its stations do not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made a part of the particular contract, is hereby rejected."
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Weekly Totals: Total Spots (Ord Spots) = 11 14 2 27
### Strategic Media Placement

**Checks And Balance For Economic Growth/ Issue**

7669 Stagers Loop
Submission Number 9190 Issue 1

Delaware OH 43015

---

**NBC 4 / WCMH**
3165 Olentangy River Road
Columbus, OH 43202
PHONE (614) 263-4444 FAX (614) 447-9100

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**Grand Totals**

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**Spots:** 27

**Gross Total:** 50,500.00
**Commission:** 7,575.00
**Net Total:** 42,925.00

---

Client Copy 03:31:11 10/17/2012 Page 2 of 2
WCPO

ORDER

Flight Dates: 10/20/12-10/29/12

Product: OH Checks and Balances For Ei

Agency: Strategic Media Placement

Agency Contact:
7669 Stagers Loop
Delaware, OH 43015

Primary Account Executive:
Daniel Baylog

Order Totals

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Advertiser Checks and Balances For Ei

Original Date / Revision: 10/19/12 10/19/12

Advertiser: Checks and Balances For Ei

Agency: Checks and Balances 10.20-10.

Billing Contact:
7669 Stagers Loop
Delaware, OH 43015

Order Sep: 00:20:00

Alt Order #: 2997

Billing Type: Cash

Order Type: GENERAL

Billing Calendar: BROADCAST

Agency Ref:

Billing Type:
Cash

Order Type:
GENERAL

Billing Calendar:
BROADCAST

Demographic:
A35+

Rev Codes:
POL  POL  ISS

Product Codes:
PL

Priority:
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Advertiser Ref:
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Totals: 21 $41,300.00
WEWS

ORDER

Flight Dates: 10/16/12-10/29/12

Order Sep: 00:20:00

Order Totals

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<tr>
<th>Month</th>
<th># of Spots</th>
<th>Net Amount</th>
<th>Gross Amount</th>
<th>Rating</th>
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</thead>
<tbody>
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<td>$66,200.00</td>
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<td>November 2012</td>
<td>2</td>
<td>$4,505.00</td>
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Billing Plan

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<th># of Spots</th>
<th>Net Amount</th>
<th>Gross Amount</th>
</tr>
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<tbody>
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<td>10/01/12</td>
<td>10/28/12</td>
<td>23</td>
<td>$56,270.00</td>
<td>$66,200.00</td>
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<tr>
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<td>10/29/12</td>
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<td>$5,300.00</td>
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<table>
<thead>
<tr>
<th>Channel</th>
<th>Start</th>
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<th>Inventory Code</th>
<th>Break</th>
<th>Start/End Time</th>
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<tbody>
<tr>
<td>N1</td>
<td>WEWS</td>
<td>10/16/12</td>
<td>M-F GMA 7-9a</td>
<td>CM</td>
<td>7-9a</td>
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<tr>
<td></td>
<td></td>
<td>10/19/12</td>
<td>M-F GMA 7-9a</td>
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<th>Start Date</th>
<th>End Date</th>
<th>Weekdays</th>
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<th>Rate</th>
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<td>--WTVF--</td>
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<td>0.00</td>
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<td>10/28/12</td>
<td>M-TWTF</td>
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<td>0.00</td>
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<tr>
<td>Week: 10/29/12</td>
<td>11/04/12</td>
<td>--</td>
<td>1</td>
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<td>0.00</td>
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## Advertiser Checks and Balances for Product OH Checks & Balances 10.1 Estimate # 2928

<table>
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<tr>
<th>Ln</th>
<th>Ch</th>
<th>Start Date</th>
<th>End Date</th>
<th>Inventory Code</th>
<th>Break Start/End Time</th>
<th>Days</th>
<th>Spots</th>
<th>Rate</th>
<th>Pri</th>
<th>Rtg Type</th>
<th>Spots</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
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<td>WEWS</td>
<td>10/16/12</td>
<td>10/29/12</td>
<td>M-F 5-6p News</td>
<td>CM 5-6p</td>
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<td>$2,500.00 P-1</td>
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<tr>
<td>3</td>
<td>WEWS</td>
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<td>10/29/12</td>
<td>M-F 6-630p News</td>
<td>CM 6-630p</td>
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<td>4</td>
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<td>10/29/12</td>
<td>M-SU 11-1135p Late News</td>
<td>CM 11-1135p</td>
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**Totals**: 25 $71,500.00
**CONTRACT**

**Product:**

<table>
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<th>As Order #:</th>
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**Contract Dates:**

<table>
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<tr>
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<th>Description</th>
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</thead>
<tbody>
<tr>
<td>10/16/12</td>
<td>10/29/12</td>
<td>News</td>
</tr>
</tbody>
</table>

**Advertiser:**

- **Strategy:** Checks and Balances for Economic Growth
- **Billing Code:** 10/15/12 / 10/15/12

**Agency:** WJW

- **Address:** 7669 Staggers Loop, Delaware, OH 43015
- **Contact:** John Zartena

**Spots/Week/Rate:**

<table>
<thead>
<tr>
<th>Spot Description</th>
<th>Start Date</th>
<th>End Date</th>
<th>Days</th>
<th>Length</th>
<th>Rate</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>7a-8a Rotator</td>
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<tr>
<td>8a-10a Rotator</td>
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<td>10/29/12</td>
<td>30</td>
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</tr>
<tr>
<td>6p-7p News</td>
<td>10/16/12</td>
<td>10/29/12</td>
<td>30</td>
<td>NM</td>
<td>$32,200.00</td>
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<tr>
<td>Late News Rotator</td>
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<td>10/29/12</td>
<td>30</td>
<td>NM</td>
<td>$27,200.00</td>
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</table>

**Totals:**

- **Time Period:** 10/16/12 - 10/29/12
- **Total Spots:** 29
- **Gross Amount:** $80,800.00
- **Net Amount:** $68,880.00

**Signature:** __________________________  

**Date:** __________________________

---

(*Line Transactions: N = New, E = Edited, D = Deleted)

Note: Contracted advertising is for broadcast only and must be submitted at least three days prior to the date specified. Any changes must be communicated in writing. Approval of advertisement is contingent upon client's written acceptance of terms and conditions. Payment for advertising services shall be made in advance of publication. The above specified cancellation notice is required unless otherwise specified. LocalTV does not accept advertising contracts that impose discriminatory restrictions on the basis of race or ethnicity.)
Local 12 WKRC-TV
1906 Highland Ave
Cincinnati, OH 45219
Main: (513) 763-5500
Billing: (513) 763-5407

www.local12.com

Billing Address:
Strategic Media Placement
Attention: Accounts Payable
7669 Stagers Loop
Delaware, OH 43015

Send Payment To:
Local 12 WKRC-TV
Newport Television LLC
PO Box 841646
Dallas, TX 75284-1646

<table>
<thead>
<tr>
<th>Line</th>
<th>Start Date</th>
<th>End Date</th>
<th>Description</th>
<th>Start/End Time</th>
<th>MTWTFSS</th>
<th>Length</th>
<th>Rate</th>
<th>Type</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>10/22/12</td>
<td>10/29/12</td>
<td>6a Good Morn Cincinnati</td>
<td>6:00 AM-6:30 AM</td>
<td>111111--</td>
<td>:30</td>
<td>5</td>
<td>$1,200.00</td>
</tr>
<tr>
<td></td>
<td>10/29/12</td>
<td>10/29/12</td>
<td>6a Good Morn Cincinnati</td>
<td>6:00 AM-6:30 AM</td>
<td>111111--</td>
<td>:30</td>
<td>1</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>2</td>
<td>10/29/12</td>
<td>11/04/12</td>
<td>6a Good Morn Cincinnati</td>
<td>6:00 AM-6:30 AM</td>
<td>111111--</td>
<td>:30</td>
<td>1</td>
<td>$1,200.00</td>
</tr>
</tbody>
</table>

Total Spots: 3

Payment Terms 30 Days

Gross Total: $6,000.00
Agency Commission: $900.00
Net Amount Due: $5,100.00

We warrant that the actual broadcast information shown on this invoice was taken from the program log. Our stations and its associated parent company do not discriminate in advertising contracts on the basis of race or gender. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or gender, even if handwritten, typed, or otherwise made a part of a particular contract, is hereby rejected.
# INVOICE

Local 12 WKRC-TV
1906 Highland Ave
Cincinnati, OH 45219
Main: (513) 763-5408
Billing: (513) 763-5500

www.local12.com

Billing Address:
Strategic Media Placement
Attention: Accounts Payable
7669 Stagers Loop
Delaware, OH 43015

Send Payment To:
Local 12 WKRC-TV
Newport Television LLC
PO Box 841646
Dallas, TX 75284-1646

## Invoice Details

- **Invoice #:** 67231-1
- **Invoice Date:** 10/28/12
- **Invoice Month:** October 2012
- **Invoice Period:** 10/01/12 - 10/28/12

## Station
- **Station:** WKRC-TV
- **Account Executive:** LSM LSM
- **Sales Office:** Cincinnati
- **Sales Region:** Local

## Advertiser
- **Advertiser:** Checks and Balances for Oil
- **Product:** Oil Checks & Balances
- **Estimate Number:** 2997

## Billing Address
- **Strategic Media Placement**
  - **Attention:** Accounts Payable
  - **Address:** 7669 Stagers Loop
  - **City:** Delaware
  - **State:** OH
  - **Zip Code:** 43015

## Send Payment To
- **Local 12 WKRC-TV**
- **Newport Television LLC**
  - **Address:** PO Box 841646
  - **City:** Dallas
  - **State:** TX
  - **Zip Code:** 75284-1646

## Invoice Items

<table>
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<tr>
<th>Line</th>
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<th>End Date</th>
<th>Description</th>
<th>Start/End Time</th>
<th>MTWTFSS</th>
<th>Length</th>
<th>Rate</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10/22/12</td>
<td>10/29/12</td>
<td>6a Good Morn Cincinnati</td>
<td>6:00 AM-6:30 AM</td>
<td>11111--</td>
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<td>$1,200.00 NM</td>
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<td>10/28/12</td>
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<td>10/22/12</td>
<td>10:28/12</td>
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<td>10/28/12</td>
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<td>5</td>
<td>$1,200.00 NM</td>
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</table>

**Note:** We warrant that the actual broadcast information shown on this invoice was taken from the program log.

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INVOICE

Send Payment To:
Local 12 WKRC-TV
Newport Television LLC
PO Box 841646
Dallas, TX 75284-1646

www.local12.com

<table>
<thead>
<tr>
<th>Line</th>
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<th>Description</th>
<th>Start/End Time</th>
<th>MTWTFSS</th>
<th>Length Week</th>
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<td>5</td>
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<td>10/28/12</td>
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<tr>
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<td>.30</td>
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<tr>
<td></td>
<td>10/22/12</td>
<td>10/28/12</td>
<td>6p Local 12 News at Six</td>
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<tr>
<td>11</td>
<td>10/20/12</td>
<td>10/20/12</td>
<td>Big East Football</td>
<td>12p-3:30p</td>
<td>---------</td>
<td>.30</td>
<td>2</td>
<td>$500.00 NM</td>
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Send Payment To:
Local 12 WKRC-TV
Newport Television LLC
PO Box 841646
Dallas, TX 75284-1646

INVOICE

Advertiser: Checks and Balances for
Product: oh checks & balances
Estimate Number: 2997

<table>
<thead>
<tr>
<th>Line</th>
<th>Start Date</th>
<th>End Date</th>
<th>Description</th>
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<th>MTWTFSS</th>
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<th>Week</th>
<th>Rate</th>
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<tbody>
<tr>
<td>11</td>
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<td>10/20/12</td>
<td>Big East Football</td>
<td>12p-330p</td>
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<td>NM</td>
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<td>10/21/12</td>
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Payment Terms 30 Days

Gross Total: $59,600.00
Agency Commission: $8,940.00
Net Amount Due: $50,660.00

We warrant that the actual broadcast information shown on this invoice was taken from the program log. Our stations and its associated parent company do not discriminate in advertising contracts on the basis of race or gender. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or gender, even if handwritten, typed, or otherwise made a part of a particular contract, is hereby rejected.
Orders
- Order / Rev: 67231
- Alt Order #: 2997
- Flight Dates: 10/20/12 - 10/29/12
- Original Date / Rev: 10/19/12 / 10/19/12
- Order Type: GENERAL

Agency
- Name: Strategic Media Placement
- Billing Contact: 7669 Stagers Loop
- Delaware, OH 43015

Advertiser
- Name: Checks and Balances for Economic G
- Demographic: HH
- Product Codes: Issues/Propositions
- Priority: P-1
- Revenue Codes: AGY, POL-ISS, GEN

Bill Plan

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<th>End Date</th>
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<th>Net Amount</th>
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Totals
- Month: October 2012
- # Spots: 35
- Gross Amount: $65,600.00
- Net Amount: $55,760.00

Account Executives
- LSM LSM
- Sales Office: CVG
- Sales Region: Local

Order Share
- Share: Total
- Local 12 WKRC-TV: 41% $65,600.00
- Market: 100% $160,000.00

Competitive Share
- Share: Total
- EKRC: 1% $1,600.00
- UNKWN: 58% $92,800.00
- WCPO: 0% $0.00
- WLWT: 0% $0.00
- WSTR: 0% $0.00
- WXIX: 0% $0.00

Inventory Code
- Start Date-End Date: Week: 10/22/12-10/28/12
- Inventory Code: 6a Good Morn Cincinnati
- Start/End Time: AM-6:30 AM-11:11 PM-30
- Days: 5
- Cost: $1,200.00 P-1
- Rate: 0.00 NM
- Total: $7,200.00

Other inventory codes and data points are similarly organized.
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<tr>
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<th>Ch</th>
<th>Start Date</th>
<th>End Date</th>
<th>Inventory Code</th>
<th>Break Days</th>
<th>Start/End Time</th>
<th>Days Len</th>
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**Totals:** $65,600.00
## Contract Agreement

**WOIO**

1717 East 12th Street
Cleveland, OH 44114
(216) 771-1943

**Strategic Media Placement**

7899 Stagers Loop
Delaware, OH 43015

---

### Contract

**CONTRACT**

**Print Date:** 10/15/12

---

### Billing Cycle

- **Billing Calendar:**
- **Cash/Trade:**
- **Broadcast:**
- **Cash:**
- **Station Account Executive:**
- **Sales Office:**
- **WOIO:**
- **House WOIO/WUAB Cleveland Local**

### Special Handling

- **Cash In Advance**

### Demographics

- **Adults 18+**

### ISBN

- **Advertiser Code**
- **Product Code**

### Agency Ref

- **Advertiser Ref**

---

### Time Period

- **Start Date:** 10/15/12
- **End Date:** 10/29/12

---

### Signature:

**Date:**

---

(*Line Transactions: N = New, E = Edited, D = Deleted*)

---

### Time Period

- **# of Spots:**
- **Gross Amount:**
- **Net Amount:**

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<td>$1,800.00</td>
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</tbody>
</table>

**Totals:**

| 22 | $22,000.00 | $18,700.00 |

---

This statement does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, is hereby rejected.
# CHECKS & BALANCES FOR ECONOMIC GROWTH

**Client:** OH CHECKS & BALANCES  
**Media:** TV  
**Product:** TV  
**Market:** Cleveland  
**Separation between spots:** 30  
**Buyer:** GREG PHELPS  

**Date:** 10/15/2012

## Estimate Comments:

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**Total Spots:** 2 2 2 2 0 0 2 2 2 2 0 0 2 2 20

**Total Cost:** $3,500.00 $2,975.00

**Signature:**

---

**Revision #: 0**
Summary by Station/System

Client: OH CHECKS & BALANCES
Media: TV
Product: TV
Market: Cleveland

Separation between spots: 30

Buyer: GREG PHELPS

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Date: 10/15/2012
## Summary by Station/Day

Date: 10/15/2012

**Client:** OH CHECKS & BALANCES  
**Media:** TV  
**Product:** TV  
**Market:** Cleveland  

**Operation between spots:** 30  
**Buyer:** GREG PHELPS

**Estimate Comments:**

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<td>Th</td>
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**CONFIRMATION CONTRACT**

Accepted-Agency/Advertiser: Date: Accepted-Station: Date: Comments:
# Contract # 1393435

- **Schedule Dates:** 10/16/12-10/29/12
- **Advertiser:** Checks and Balances for Economic Growth (74671)
- **Agency:** Strategic Media Placement (6694)
- **Product:** POLITICAL ISSUE (1187)
- **Brand:** 2928 OH Checks & balances (480271)
- **Salesperson:** HOUSE-COLUMBUS, WSYY/WTTE/EYX/WWHO (2)
- **Sales Office:** WSYY/WTTE/EYX/WWHO
- **Buyer Name:** Phelps, Greg
- **Phone/Fax:** (740) 201-5511 / 2928
- **Account Type:** Local/Political Issue Agency BRD
- **Billing Type:** Standard
- **Comments:** WTTE

## Confirmation Contract:

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<td>$2900.00</td>
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<td>10/15/12</td>
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<td>10/15/12</td>
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Printed At: 09:45 AM on Thursday, October 18 2012
# Contract Agreement

**Contract Between:**

**WUAB**
1717 East 12th Street
Cleveland, OH 44114
(216) 771-1943

And:

Strategic Media Placement.
7868 Stagers Loop
Delaware, OH 43015

## CONTRACT

**Print Date 10/15/12**

**Product**
OH Checks & Balances Oct 16-Oct 29

**Contract Dates**
10/16/12 - 10/29/12

**Adviser**
Checks & Balances for Economic Growth
10/15/12 / 10/15/12

**Billing Cycle**
EDM/EOC/Broadcast

**Cash/Trade**
Cash

**Station**
WUAB

**Account Executive**
House WOIO/WUAB
Cleveland Local

**Special Handling**
Cash In Advance

**Democratic**
Adults 18+

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**Signature:** ____________________________ 
**Date:** ____________________________

(* Line Transactions: N = New, E = Edited, D = Deleted*)

Notwithstanding any bill, order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typewritten or otherwise, this contract, is hereby rejected.

This station does not discriminate in advertising or in making employment decisions against any person on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise, is hereby rejected.
## CHECKS & BALANCES FOR ECONOMIC GROWTH

**Client:** OH CHECKS & BALANCES  
**Media:** TV  
**Product:** TV  
**Market:** Cleveland  
**Separation between spots:** 30  
**Buyer:** GREG PHELPS

### Estimate Comments:

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**Total Cost:** $22,000.00  
**Total Spots:** 2  
**Signature:**

**Page:** 1
# Summary by Station/Day

**Client:** OH CHECKS & BALANCES  
**Media:** TV  
**Product:** TV  
**Market:** Cleveland  
**Estimate:** 2028  
**Description:** OH CHECKS & BALANCES OCT16-OCT29  
**Flight Start Date:** 10/16/12 5:00:00 AM  
**Flight End Date:** 10/29/12 4:59:00 PM  
**Separation between spots:** 30  
**Buyer:** GREG PHELPS

**Estimate Comments:**

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<th>10/25</th>
<th>10/26</th>
<th>10/27</th>
<th>10/28</th>
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**ORDER**

**Orders**
- Order / Rev: 67227
- Order #: 67227
- Product Desc: OH Checks & Balances
- Estimate: 2997
- Flight Dates: 10/22/12 - 10/26/12
- Original Date / Rev: 10/19/12 / 10/19/12
- Order Type: GENERAL

**Agency**
- Name: Strategic Media Placement
- Buying Contact: 
- Billing Contact: 7669 Stagers Loop, Delaware, OH 43015

**Advertiser**
- Name: Checks and Balances for Economic G
- Demographic: HH
- Product Codes: Issues/Propositions
- Priority: P-1
- Revenue Codes: AGY, POL-ISS, GEN

**Bill Plan**

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**Order Share**

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**Totals**

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<td>11111--</td>
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| Totals     | 5        | $2,750.00 |
# INVOICE

**Invoice #**: E7227-1  
**Invoice Date**: 10/28/12  
**Invoice Month**: October 2012  
**Invoice Period**: 10/01/12 - 10/26/12

**Station**: EKRC  
**Account Executive**: LSM  
**Sales Office**: Cincinnati  
**Sales Region**: Local

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<th>Advertiser Checks and Balances for</th>
<th>Product OH Checks &amp; Balances</th>
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<tbody>
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<td>2997</td>
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**Billing Address**:  
Strategic Media Placement  
Attention: Accounts Payable  
7669 Stagers Loop  
Delaware, OH 43015

Send Payment To:  
EKRC-TV  
Newport Television LLC  
Po Box 841646  
Dallas, TX 75284-1646

**Payment Terms 30 Days**

**Gross Total**: $2,750.00  
**Agency Commission**: $412.50  
**Net Amount Due**: $2,337.50

---

We warrant that the actual broadcast information shown on this invoice was taken from the program log.  
Our stations and its associated parent company do not discriminate in advertising contracts on the basis of race or gender. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or gender, even if handwritten, typed, or otherwise made a part of a particular contract, is hereby rejected.
EXHIBIT G
### Form 990

**Return of Organization Exempt from Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except Black Lung Benefit Trust or Private Foundation)

**Open to Public Inspection**

#### A. For the 2002 calendar year, or tax year beginning 2002, and ending

- **Address change**
- **Name change**
- **Initial return**
- **Final return**
- **Amended return**

**Application pending**

- Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

**H.** If not applicable to section 527 organizations.

- **(a)** Is this a group return for affiliates? [ ] Yes [ ] No
- **(b)** If Yes, enter number of affiliates... [ ]
- **(c)** Are all affiliates included? [ ] Yes [ ] No

- **K.** Check here [ ] if the organization's gross receipts are normally not more than $25,000. The organization must not file a return with the IRS; but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.

#### B. Check if applicable:

- **Address change**
- **Name change**
- **Initial return**
- **Final return**
- **Amended return**

**Application pending**

- **Address change**
- **Name change**
- **Initial return**
- **Final return**
- **Amended return**

**Web site:** [http://www.americandefensecouncil.com](http://www.americandefensecouncil.com)

#### J. Organization type (check only one): [ ] 501(c) 4 (insert text) 4947(a)(1) or 527

**Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12.**

#### L. Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12. 6,547,661.

### Part I. Revenue, Expenses, and Changes in Net Assets or Fund Balances (See instructions)

1. **Contributions, gifts, grants, and similar amounts received:**
   - **(a)** Direct public support...
   - **(b)** Indirect public support...
   - **(c)** Government contributions (grants)...
   - **(d)** Total (add lines $6,547,661. noncash $)

2. **Program service revenue including government fees and contracts (from Part VII, line 93).**

3. **Membership dues and assessments.**

4. **Interest on savings and temporary cash investments.**

5. **Dividends and interest from securities.**

6. **Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12.**
   - **(a)** Gross amount from sales of assets other than inventory...
   - **(b)** Loss: cost or other basis and sales expenses...
   - **(c)** Gain (or loss) (attach schedule).
   - **(d)** Net gain (or loss) (combine line 8c, columns (A) and (B)).

7. **Special events and activities (attach schedule):**
   - **(a)** Gross revenue (not including $) of contributions reported on line 1a.
   - **(b)** Less: direct expenses other than fundraising expenses.
   - **(c)** Net income (or loss) from special events (subtract line 9a from line 9b).

8. **Gross sales of inventory, less returns and allowances.**
   - **(a)** Gross profit (or loss) from sales of inventory (attach schedule) (subtract line 10a from line 10b).

9. **Other revenue (from Part VII, line 103).**

### Part II. Contributions and Expenses (See instructions)

10. **Excess or (deficit) for the year (subtract line 17 from line 12).**

11. **Net assets or fund balances at the end of year.**

**BAA For Paperwork Reduction Act Notice, see the separate instructions.**

**TEA0167L 09/04/02** Form 990 (2002)
Reconciliation of Revenue per Audited Financial Statements with Revenue per Return (See instructions.)

| a | Total revenue, gains, and other support per audited financial statements | 6,549,691 |
| b | Amounts included on line a but not on line 12, Form 990: |
| (1) Net unrealized gains on investments | $ |
| (2) Donated services and use of facilities | $ 2,030 |
| (3) Recoveries of prior year grants | $ |
| (4) Other (specify): | $ |
| c | Line a minus line b: | 6,547,661 |
| d | Amounts included on line 12, Form 990 but not on line a: |
| (1) Investment expenses not included on line 66, Form 990 | $ |
| (2) Other (specify): | $ |
| e | Total revenue per line 12, Form 990 (line c plus line d): | 6,625,257 |

Reconciliation of Expenses per Audited Financial Statements with Expenses per Return (See instructions.)

| a | Total expenses and losses per audited financial statements: |
| b | Amounts included on line a but not on line 17, Form 990: |
| (1) Donated services and use of facilities | $ |
| (2) Prior year adjustments reported on line 20, Form 990 | $ |
| (3) Losses reported on line 20, Form 990 | $ |
| (4) Other (specify): | $ |
| c | Line a minus line b: | 6,675,757 |
| d | Amounts included on line 17, Form 990 but not on line a: |
| (1) Investment expenses not included on line 66, Form 990 | $ |
| (2) Other (specify): | $ |
| e | Total expenses per line 17, Form 990 (line c plus line d): | 6,625,257 |

List of Officers, Directors, Trustees, and Key Employees (List each one even if not compensated; see instructions.)

<table>
<thead>
<tr>
<th>(A) Name and address</th>
<th>(B) Title and average hours per week devoted to position</th>
<th>(C) Compensation (if not paid, enter -0-)</th>
<th>(D) Contributions to employee benefit plans and deferred compensation</th>
<th>(E) Expense account and other allowances</th>
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<tr>
<td>DANIEL B. PERRIN</td>
<td>President</td>
<td>82,514</td>
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<td>9103 BAY PORT CIRCLE</td>
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<td>ALAN P. DYE</td>
<td>Sec/Treasurer</td>
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<td>SCOTT REED</td>
<td>Chairman/Director</td>
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<td>J. Erwin Stone II</td>
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<td>Robert Pederson</td>
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</tbody>
</table>

75 Did any officer, director, trustee, or key employee receive aggregate compensation of more than $100,000 from your organization and all related organizations, of which more than $10,000 was provided by the related organizations? □ Yes □ No
Via E-Mail, Fax and Hand Delivery

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Notice of Proposed Rulemaking: Electioneering Communications

Dear Ms. Dinh:


ATA is a § 501(c)(4) non-profit organization dedicated to government reform through grassroots organization and public education and discussion of issues. ATA regularly expresses its opinions on issues in the media and uses television to educate and lobby the public. Some of ATA's positions on issues are unpopular and controversial and for these reasons cause strong, and often adverse reactions. Consequently, many of ATA's donors contribute to ATA to support its speech and positions yet remain protected from disclosure and subsequent harassment.

ATA appreciates the opportunity to comment on these proposed rules, and requests the opportunity to testify, through undersigned counsel, at the hearings to be conducted on August 28 and 29.

In submitting these comments, ATA does not concede that any of the proposed regulations addressed, or the statutory provisions underlying them, are constitutional. Indeed, ATA strongly believes that many provisions of the BCRA
unconstitutionally regulate protected speech, including direct and grassroots lobbying and issue advocacy, and are not justified by any compelling governmental interest. Furthermore, ATA believes that many provisions of the BCRA will effectively dissuade individuals and non-profit organizations from participating in the political debate.

Nevertheless, ATA is mindful of Congress' directive to the Commission to promulgate rules to implement the BCRA. Furthermore, although the court has the power to rule on the constitutionality of BCRA's provisions currently being challenged, the Commission must exercise its discretion, whenever possible, and promulgate only regulations within Constitutional limits. As officials of the executive branch who have independently taken an oath to uphold the Constitution, the Commission must implement the BCRA in a constitutional fashion regardless of what legislation representatives of a co-equal branch of government have passed. Indeed, if the Commission fails to exercise discretion, whenever possible, and blindly adheres to BCRA's express language, it will not be difficult, if not impossible, to fashion constitutional regulations.

Although these comments generally assume, for purposes of this regulatory process only, that the applicable provisions of the BCRA will survive judicial challenge and that the Commission's regulations will govern ATA, ATA urges the Commission to implement the BCRA in a manner that is least offensive to the First Amendment and that least infringes upon the rights of non-profit organizations to engage in constitutionally protected speech. The Commission's foremost obligation is to the Constitution, which demands no less.

I. Role of Non-Profit Organizations

In implementing these regulations in the least offensive manner possible, it may be helpful to the Commission to understand the role of non-profit organizations in the political process and how the electioneering provisions of the BCRA specifically affect them.

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1 Courts assume that Congress legislates with constitutional limitations in mind and will speak clearly when it seeks to test those limitations. See Rust v. Sullivan, 500 U.S. 173, 191 (1991). Thus, unless Congress clearly states that it intends to test the constitutional waters, courts will not presume that Congress intended to authorize an agency to do so. See Williams v. Babbitt, 115 F.3d 657, 662 (9th Cir. 1997); International Union, United Auto., Aerospace & Agric. Implement Workers of Am., UAW v. OSHA, 938 F.2d 1310, 1317 (D.C. Cir. 1991).
Section 501(c)(4) organizations are tax exempt and focused on promoting the social welfare of the community. Some § 501(c)(4) organizations operate to bring about civic betterments and social improvements and do not qualify as § 501(c)(3) organizations because a substantial part of their activities may involve lobbying.

There are no restrictions under the Internal Revenue Code ("IRC") on the timing or amount of lobbying, whether direct or grassroots, in which § 501(c)(4) organizations may engage. Additionally, under the IRC, § 501(c)(4) organizations may engage in nonpartisan voter education activities, which enhance public awareness of social and political activities. Finally, the IRC permits § 501(c)(4) organizations to intervene in political campaigns so long as the organization is primarily engaged in other activities that promote social welfare.

Many § 501(c)(4) organizations, including ATA, advocate controversial positions, or at a minimum, positions that are not always held by a majority of elected officials. Rather than risk ostracism, harassment and public criticism that would result if they themselves took these positions, many citizens instead choose to contribute to organizations that share their views. These organizations, including ATA, use the pooled resources of their donors to educate, lobby and persuade members of the public and Congress to adopt certain positions. The importance of anonymity to donors is evidenced by ongoing litigation involving ATA. The Gray Davis Committee has sued ATA in California state court to force ATA to disclose the names of its donors because ATA ran television ads criticizing Governor Davis’ energy policies more than eight months before the primary election. The Governor Gray Davis Committee v. American Taxpayers Alliance, No. A096658 (Cal. Ct. App. filed Feb. 28, 2002). To protect its donors’ anonymity, as well as to avoid compelled disclosure of information which it is not required to disclose, ATA is vigorously litigating the case.

The NPRM affects non-profits in several critical ways. Clearly, the BCRA’s requirements that § 501(c)(4) organizations disclose its donors of $1,000 or more if they air electioneering communications will have a significant impact on non-profit organizations. Non-profits that choose to exercise their First Amendment rights before an election will see their donor bases shrink, and/or will see donors refusing to give more than $1,000. Non-profits that receive donations from corporations to promote social welfare and better society will have to make a choice between continued receipt of these funds and speaking or lobbying on issues before an election.
The NPRM also significantly affects the speech and activities of non-profits. If non-profits choose to air grass roots lobbying advertisements before an election, non-profits will have to structure their communications so that they are not targeted and, therefore, banned electioneering communications, thus significantly reducing the effectiveness of their ads in influencing the position of named Members of Congress, and their ability to educate and lobby the public.

The reach of the definition of electioneering communication to ads run 30 or 60 days before an election significantly hamstrings ATA and other non-profits in their lobbying and education efforts, especially if Congress is still in session. The timing of ATA's speech and lobbying on these public issues is largely dictated by Congress. Assuming funds are available, ATA's issue advertisements are driven by whether the issue is being debated, about to be debated, or should be debated, by Congress. Therefore, to avoid being on the sidelines during an important debate in Congress before an upcoming election, ATA would be forced to dilute its speech to avoid it falling within the definition of "targeted."

In implementing these regulations, the Commission should take great care to ensure that the proposed rules do not take that power away from citizens and associations and instead place it in the hands of government bureaucrats. "In the free society ordained by our constitution, it is not the government, but the people – individually as citizens and candidates and collectively as associations and political committees – who must retain control over the quantity and range of debate on public issues in a political campaign." *Buckley v. Valeo*, 424 U.S. 1, 57 (1976). Consistent with the Constitution, the Commission should fashion regulations that permit non-profit organizations to retain as much freedom over their lobbying, speech, and activities as possible.

II. Specific Comments on Proposed Regulations

These Proposed Regulations are lengthy and detailed, and for that reason, ATA will not attempt to comment on every issue raised in the NPRM. The BCRA, including the electioneering provision of the statute which the Commission is tasked with implementing, is currently being challenged in court, and therefore, ATA generally will not discuss the constitutionality of the BCRA. However, no implication should be drawn from its failure to comment on particular issues raised by the Commission, or its choice not to debate the Act's constitutionality. ATA submits these comments to aid the Commission in upholding its oath to the Constitution to implement regulations that are least offensive to the First Amendment and most protective of the rights of non-profit organizations to engage
in free speech. ATA would welcome the opportunity to comment on, or expand upon, any of these issues at the hearing later this month.

What is an Electioneering Communication?

Definition of “Broadcast, Cable or Satellite Communication”

ATA agrees that the legislative history of the BORA indicates that this regulation should be limited to television and radio. ATA would urge the Commission to adopt a definition which is a traditional reading of television and radio, i.e., one that excludes simultaneous webcasts over the Internet, web TV and digital audio radio satellite.

Definition of “Targeted to the Relevant Electorate”

ATA again urges the Commission, in implementing a definition of “targeted to the relevant electorate,” to adopt a definition that most protects non-profits’ First Amendment rights. Therefore, ATA agrees with the Commission’s approach in construing the term “person” as applying to natural persons residing in a given jurisdiction. Census information is one way to determine the number of natural persons residing in a given jurisdiction. A more narrow definition of person would include only registered voters or individuals eligible to serve on juries, and could also easily be measured.

Although cognizant of the difficulties of measuring 50,000 persons in a relevant area, ATA believes that the least offensive definition to its free speech rights must ensure that each natural person is counted only once and that persons from irrelevant electorates are not included within the total. To the greatest extent possible, any data obtained to measure 50,000 persons must exclude businesses, schools, organizations, and any other entity that is not a natural person. Any audience data obtained from the FCC must also be able to be segregated by congressional district or state. To ensure that each natural person is counted only once and in the proper district or state, ATA requests that the Commission not adopt an approach that would aggregate communications or which would aggregate recipients of the same communication from multiple outlets.

Presidential Primary Candidates

ATA urges the Commission to adopt the alternative interpretation of BCRA which removes communications that refer to a Presidential or Vice-Presidential candidate from the definition of targeted communication. However, assuming
arguendo the Commission does not adopt this interpretation, ATA concurs with the Commission's proposed definition of "publicly distributed" in Alternative 1-B to ensure that there is not a 240 day nationwide blackout on communications mentioning a Presidential candidate. This definition would have far less impact on fundamental First Amendment rights than the nationwide blackout.

What is Not an Electioneering Communication?

Other Exceptions

The exceptions listed in proposed 11 CFR 100.29(c)(1), (c)(5), (c)(6) and (c)(7) are a good start at ensuring that the Proposed Regulations are least offensive to the constitutional rights of non-profits. As noted above, Congress dictates when nonprofits air most ads. If Congress is in session 30 or 60 days before an election, non-profits are prevented from airing targeted grassroots lobbying ads that merely mention a federal candidate. To prevent such a significant infringement of non-profits' First Amendment rights, a broad exception for direct and grassroots lobbying ads should be included in the final rules.

In fashioning a necessary exemption for lobbying communications, the Commission should be mindful of the IRC definitions under which non-profits operate. Section 4911(d) of the IRC defines grassroots lobbying as any attempt to influence any legislation through an effort to affect the opinions of the general public or any segment thereof. A communication is treated as a grass roots lobbying communication only if the communication refers to specific legislation, reflects a view on such legislation, and encourages the recipient of the communication to take action with respect to such legislation. Reg § 56.4911-2(b)(2)(ii). A communication encourages a recipient to take action with respect to legislation if the communication (Reg § 56.4911-2(b)(2)(iii)): (1) states that the recipient should contact a legislator or an employee of a legislative body, or should contact any other government official or employee who may participate in the formulation of legislation (but only if the principal purpose of urging contact with the government official or employee is to influence legislation); (2) states the address, telephone number, or similar information of a legislator or an employee of a legislative body; (3) or specifically identifies one or more legislators who will vote on the legislation as: opposing the communication's view with respect to the legislation; being undecided with respect to the legislation; being the recipient's representative in the legislature; or being a member of the legislative committee that will consider the legislation.
August 22, 2002
Page 7

A communication may encourage the recipient to take action with respect to legislation, but it would not "directly" encourage such action under (3) above, if the communication does no more than identify one or more legislators who will vote on legislation and how they will vote. Reg § 56.4911-2(b)(2)(iv). A communication that encourages the recipient to take action with respect to legislation but that does not "directly" encourage the recipient to take such action may be within the exception for nonpartisan analysis, study or research. Reg § 56.4911-2(b)(3). With one exception, the grass roots definition of lobbying is also applicable to mass media communications. Reg § 56.4911-2(b)(5).2

Any communication that meets the IRC definition of grass roots lobbying should automatically be exempted from the definition of electioneering communication. However, because grass roots lobbying is any attempt to influence any legislation through an effort to affect the opinions of the general public or any segment thereof, the IRC's definition of lobbying should not be the only criterion in formulating an exception.

An exception that requires non-profits to meet all the requirements of the IRC's definition of grass roots lobbying would still exclude a substantial amount of speech that is intended to influence legislative outcomes rather than electoral outcomes. ATA, as well as other non-profits, frequently do grass roots lobbying ads to influence public opinion on general issues, rather than specific pending legislation. There are several reasons for this. First, there may be several competing pieces of legislation, none of which completely reflect the non-profit's position. Second, there may be proposals being bandied about, but none formally introduced. Third, a non-profit may want to air an ad that generally discusses a Member's proposal, not yet formally introduced, regarding a particular issue. Fourth, a non-profit may not yet be ready to take a position on particular legislation.

2 A communication is presumed to be grass roots lobbying if the communication is in the mass media within two weeks before a vote by a legislative body, or by a legislative committee, on a highly publicized piece of legislation, if the communication reflects a view on the general subject of the legislation or encourages the public to communicate with legislators on the general subject of the legislation. Reg § 56.4911-2(b)(5)(ii). The organization can rebut the presumption by demonstrating that the communication is a type of communication regularly made by the organization in the mass media without regard to the timing of legislation or that the timing of the communication was unrelated to the upcoming legislative action. Reg § 56.4911-2(b)(5).
but may want to lobby generally on the issue. The exception should not be so narrowly drawn that it would force non-profits to take a stand on one particular piece of legislation, and prohibit them from lobbying the public generally on an issue. For example, a non-profit should be able to air ads on the prescription drug issue without being forced to take a position on a specific piece of legislation merely to fall within a narrowly drafted exception. Because of the way in which the political process works, with multiple pieces of legislation introduced and numerous amendments offered, many non-profits have found that sometimes it is easier and more effective to educate and lobby generally on the issue and let the viewer, armed with this knowledge, decide how best to lobby, rather than try to address specific bills. Therefore, any exception the Commission adopts should not rigidly require that ads mention a specific piece of legislation and contain a telephone number.

Whatever exceptions the Commission creates, the Commission must avoid drafting ambiguous exceptions that place the power in the hands of bureaucrats to determine whether a communication is issue advocacy or a so-called "sham issue ad." Furthermore, any exception must permit non-profits to determine at the outset whether their proposed communications fall outside the definition of electioneering communication.

Who May Not Make or Fund Electioneering Communications?

Effect of the Snowe-Jeffords and Wellstone Amendments on 501(c)(4) and 527 Organizations

Although not set out in the proposed rules, the Commission seeks comment on an alternative interpretation of BCRA which would remove communications that refer to a candidate for the office of President or Vice-President from the definition of "targeted communication." This interpretation is supported by § 441b(c)(6)(B), and, because such an interpretation would construe and implement BCRA in a way least likely to raise constitutional concerns, and in fact, would remove some constitutional issues, the Commission should adopt it.

Are Amounts Given to Persons Making Electioneering Communication Contributions?

ATA agrees with the Commission's approach in the Proposed Regulations in not treating donations to persons that are not political committees as contributions. Non-profits, particularly § 501(c)(4) organizations, donations to which are not tax deductible, already face multiple difficulties in raising money and should not be required to assume PAC-like limitations as well. As the Wellstone Amendment
effectively nullifies any exception to the ban on non-profit targeted electioneering communications 30 or 60 days before an election, there is no compelling need to impose contribution limits on non-profits.

When Must Electioneering Communications Be Reported?

Does the $10,000 Reporting Threshold Include the Direct Costs of Both Producing and Airing Electioneering Communications, or Does It Include Only One or the Other?

BCRA defines "disclosure date" as the date on which the direct costs of producing or airing exceed $10,000. 2 U.S.C. 434(f)(1). Thus, the final rules should not aggregate the direct costs of producing and airing, but rather, require reporting only when the direct costs of producing or airing exceed $10,000. This interpretation is supported by the definition of "or." Black's Law Dictionary defines "or," in part, as a "disjunctive particle used to express an alternative or to give a choice of one among two or more things." Black's Law Dictionary 756 (abridged 6th ed. 1991). This meaning of "or" as a connector of alternative choices has been interpreted by courts disjunctively. See Kustom Signals, Inc. v. Applied Concepts, Inc., 995 F. Supp. 1229, 1236 (D. Kansas 1998); Hull v. State Farm Mutual Automobile Insurance Co., 586 N.W.2d 863, 867 (Wis. 1998); State v. Bolar, 917 P.2d 125 (Wash. 1996); Beauregard-Bezou v. Pierce, 487 N.W.2d 792, 795 (Mich. Ct. App. 1992). Presumably, Congress knew this and if it had intended to use "and," it would have done so.

Must Reports Be Filed When the Disbursements Exceed the Threshold, or When the Electioneering Communication is Aired?

BCRA's sponsors have explained that the electioneering communications provisions are designed to ensure that campaign advertisements do not circumvent FECA's prohibition on the use of union and corporate treasury funds in connection with Federal elections, which prohibition is to prevent corruption and its appearance.

The Commission notes several practical difficulties, as well as potential constitutional issues with compelling disclosure of potential electioneering communications before they are finalized and aired. These difficulties and issues are real, but do not even need to be addressed because there is no justification for requiring reports to be filed at any time other than when the communication is aired. Until the communication airs, there can be no corruption or the appearance
of corruption, and therefore, no compelling governmental interest. Until a corporation or union airs the communication, they cannot “corrupt” the political system. Therefore, reports should not be required to be filed until after the advertisement has aired. Such an approach would be carefully circumscribed to reach no more speech than necessary.

What Information Must Be Reported About Electioneering Communications?

The Commission has proposed to require the identification of any person sharing or exercising direction or control over the activities of the person making the disbursement. ATA believes that this provision is unnecessary, intrusive and burdensome. Proposed § 114.14 already restricts corporations or labor organizations from providing funds to another to pay for an electioneering communication, and the proposed regulations also require disclosure of all donors of over $1,000.

Although this information is not required of political committees or other organizations making independent or coordinated expenditures, the Commission has proposed to delve into the decisionmaking processes of non-profits and require them to disclose confidential strategic information by requiring under proposed § 114.14 that the name of any officer, director, employee, volunteer, or donor that shares or exercises direction or control over the activities of the non-profit making the disbursement be disclosed. Competitors and opponents will be able to see who makes the non-profit’s decisions. Not only is this requirement incredibly burdensome by requiring non-profits to keep track of every individual who participates in decisionmaking, it is intrusive and serves no compelling purpose. It will further harm non-profits by eroding individual involvement in non-profit activities. Individuals who do not want their names disclosed if they donate more than $1,000, will be even further dissuaded from becoming involved with a non-profit if they know that their volunteering will be disclosed. Therefore, ATA urges the Commission to except non-profit corporations from this requirement.

III. Conclusion

Although the Commission is constrained to implement the BCRA, there exist opportunities for the Commission to exercise its discretion and remove some of the constitutional deficiencies of the Act. While portions of the BCRA will chill free speech and association, the Act should be implemented in a way that is least
offensive to the First Amendment rights of corporations, and in particular, non-profit organizations.

Respectfully submitted,

Heidi K. Abegg
Counsel for American Taxpayers Alliance
August 29, 2002

Via E-Mail (letter only), Fax and Hand Delivery

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Notice of Proposed Rulemaking: Electioneering Communications

Dear Ms. Dinh:

American Taxpayers Alliance ("ATA") submits through counsel, the following supplemental comments, in response to a request by Chairman Mason, on the Notice of Proposed Rulemaking, 67 Fed. Reg. 51131 (August 7, 2002), to implement certain provisions of the Federal Election Campaign Act of 1971 as amended ("FECA"), as further amended by the Bipartisan Campaign Reform Act of 2002, P.L. 107-55 ("BCRA").

ATA would like to reiterate that in supplementing its testimony, it is not conceding that any of the proposed regulations addressed, or the statutory provisions underlying them, are constitutional. ATA strongly believes that many provisions of the BCRA unconstitutionally regulate protected speech, including direct and grassroots lobbying and issue advocacy, and are not justified by any compelling governmental interest. However, ATA would like to help the Commission implement the BCRA in a manner that is least offensive to the First Amendment and that least infringes upon the rights of non-profit organizations to engage in constitutionally protected speech.

Due to time constraints, ATA is unable to provide more than the enclosed examples of ATA's grassroots issue advertisements, as requested by Chairman Mason. The first three attachments are copies of scripts of television advertisements run in California during the Summer of 2001 in California. The
third attachment is a copy of the script for a television advertisement run in May 2002 in several different states by American Seniors, a project of ATA. All four are typical examples of ATA’s grassroots issue advocacy.

ATA would also like to clarify a response given to a question by Mr. James Pehrkon. Mr. Pehrkon asked how many reports ATA thought it would need to file, to which counsel guessed about fifty. ATA conservatively estimates that, depending upon whether the Commission requires reporting of single advertisements or requires aggregation of advertisements run on different stations or networks, it might be required to file as many as seventy-five reports in a sixty day period.

Respectfully submitted,

Heidi K. Abegg
Counsel for American Taxpayers Alliance
EXHIBIT I
Via E-Mail
Mr. Ron B. Katwan
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Notice of Proposed Rulemaking: Electioneering Communications

Dear Mr. Katwan:

American Taxpayers Alliance ("ATA") and Americans for Limited Government ("ALG") submit through counsel, the following comments on the Notice of Proposed Rulemaking, 72 Fed. Reg. 50261 (August 31, 2007), to implement the Supreme Court's decision in FEC v. Wisconsin Right to Life, Inc., 127 S.Ct. 2652 (2007) ("WRTL II"). ATA and ALG appreciate the opportunity to comment on these proposed rules, and request the opportunity to testify, through undersigned counsel, at the hearing to be conducted on October 17, 2007.

ATA is a § 501(c)(4) non-profit organization dedicated to government reform through grassroots organization and public education and discussion of issues. ATA regularly expresses its opinions on issues in the media and uses television to educate and lobby the public. Some of ATA's positions on issues are unpopular and controversial and for these reasons cause strong, and often adverse reactions. Consequently, many of ATA's donors contribute to ATA to support its speech and positions yet remain protected from disclosure and subsequent harassment.

ALG is a § 501(c)(4) non-profit organization dedicated to limited government and Constitutional principles. ALG regularly educates the public and advocates for policies that reduce government spending and taxing power, defends property rights and aggressively asserts First Amendment rights. ALG's strong positions on its policies have led to attacks by its opponents. ALG fiercely guards its donors' anonymity.

In the NPRM, the Commission seeks comment on two proposed alternative ways to implement the WRTL II decision. In implementing the decision, the Commission must exercise its discretion, whenever possible, and promulgate only regulations within Constitutional limits. As officials of the executive branch who have independently taken an oath to uphold the
introduced. Third, a non-profit may want to air an ad that generally discusses a Member's proposal, not yet formally introduced, regarding a particular issue. Fourth, a non-profit may not yet be ready to take a position on particular legislation but may want to lobby generally on the issue. Because of the way in which the political process works, with multiple pieces of legislation introduced and numerous amendments offered, many non-profits have found that sometimes it is easier and more effective to educate and lobby generally on the issue and let the viewer, armed with this knowledge, decide how best to lobby, rather than try to address specific bills. Therefore, any safe harbor the Commission adopts should not rigidly require that ads mention a specific piece of legislation.

III. Conclusion

The Supreme Court's decision should be implemented in a way that is least offensive to the First Amendment rights of corporations, and in particular, non-profit organizations. Whatever safe harbors the Commission adopts, the Commission must avoid drafting ambiguous exceptions that place the power in the hands of bureaucrats to determine whether a communication is issue advocacy or unambiguously campaign related. Furthermore, any safe harbor must give non-profits autonomy over their speech, permit them to determine at the outset whether their proposed communications fall outside the definition of electioneering communication, and most important, allow them to hold our government officials accountable for their actions in office.

Respectfully submitted,

Heidi K. Abegg
Counsel for American Taxpayers Alliance and Americans for Limited Government
EXHIBIT J
Exempt Organizations Select Check

Automatic Revocation of Exemption Information

The federal tax exemption of this organization was automatically revoked for its failure to file a Form 990-series return or notice for each organization is historical; it is current as of the organization's effective date of automatic revocation. The information does not automatically reflect the organization's tax-exempt or non-exempt status. The organization may have been recognized by the IRS as tax-exempt after its effective date of automatic revocation. To check whether an organization is currently recognized by the IRS, contact Customer Account Services at (877) 829-5500 (toll-free number).

Revocation Date (effective date on which organization's tax exemption was automatically revoked):
15-May-2010

Employer Identification Number (EIN):
52-2013385

Legal Name:
AMERICAN TAXPAYERS ALLIANCE

Doing Business As:

Mailing Address:
1747 PENNSYLVANIA AVE NW STE 1000
WASHINGTON, DC 20006-4636
United States

Exemption Type:
501(c)(4)

Revocation Posting Date (date on which IRS posted notice of automatic revocation on IRS.gov):
09-Jun-2011
Illinois high court ads could be headed to U.S. Supreme Court

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SPRINGFIELD, Ill. -- A television ad campaign that heated up an otherwise low-key Illinois Supreme Court race could become a test case on election disclosure law.

The State Board of Elections authorized a public hearing Monday on a complaint about ads critical of Democrat Sue Myerscough that were financed by the Washington-based American Taxpayers Alliance.

The alliance spent $250,000 on ads that accuse Myerscough of "questionable calls" and rulings that were later overturned. Myerscough faces Supreme Court Justice Rita Garman, a Republican, in Tuesday's election.

Dan White, assistant director of the elections board, said the case ultimately could go to the U.S. Supreme Court for a ruling that would set a standard for issue-oriented ads.

The dispute involves whether the American Taxpayer Alliance should be required to register as a political committee under Illinois election law.

State law requires campaign groups that support or oppose a candidate to register. They are then required to disclose finances, including donors and spending.

Groups that address issues, without endorsing or opposing a candidate, are not required to register.

White said the taxpayer alliance argues its ads present issues, without taking sides.

Myerscough and Sangamon County Democratic Party Chairman Patrick "Tim" Timoney, who filed the complaint, allege the ads oppose Myerscough and support Garman.

Myerscough said voters deserve to know "exactly who is trying to influence" the race. Garman has said she was unaware of the ads and did not authorize them.

White said no date has been set for the public hearing, which will allow each side to present its arguments to the board. The board will then rule, he said, setting the stage for appeals that could take the case to the U.S. Supreme Court.