

June 10, 2008

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

Re: Complaint against Elizabeth Dole & Dole for Senate

Dear Ms. Duncan,

I write this letter to file a complaint pursuant to 2 U.S.C. § 437g(a)(1) against Elizabeth Dole and her principal campaign committee, Elizabeth Dole Committee, Inc. ("Respondents"). The facts indicate that Respondents violated the "Stand By Your Ad" requirements of the Bipartisan Campaign Reform Act of 2002.

THE FACTS

On or about June 9, 2008, Respondents began to air a broadcast television advertisement, which can be found at http://projects.newsobserver.com/under_the_dome/does_new_ad. At the beginning of the advertisement, Ms. Dole's image grows gradually larger as she is heard saying "I'm Elizabeth Dole, and I approved this message." At the beginning of this statement, her image is approximately 70% of screen height; at the end, it is approximately 90% of screen height.

At the end of the advertisement, a written disclaimer appears that states, in its entirety: "Paid for by the Elizabeth Dole Committee, Inc." Throughout the advertisement, no written statement ever appears identifying the candidate or noting that she has approved the communication.

LEGAL ARGUMENT

The Bipartisan Campaign Reform Act of 2002 added a "Stand By Your Ad" provision requiring that broadcast television advertisements contain statements by a candidate noting that he or she has approved the advertisement. Under the applicable Federal Election Commission regulations, a television advertisement authorized by a candidate must contain an audio statement by the candidate identifying the candidate and stating that he or she approved the message; the audio voice-over must be accompanied by either "an unobscured, full-screen view" of the candidate, or else a picture of the candidate that is "at least eighty (80) percent of the vertical screen height." 11 C.F.R. § 110.11(c)(3)(ii). The advertisement must also contain "a similar statement that must appear in clearly reading writing at the end of the television communication." *Id.* §110.11(c)(3)(iii).

Respondents' advertisement does not conform to these requirements. First, Ms. Dole's image at the beginning of her advertisement is not of a sufficient size. Second, nowhere in the advertisement does there appear a written statement identifying Ms. Dole or stating that she has approved this advertisement.

While these requirements are technical, they serve an important purpose: they require candidates to endorse, clearly and plainly, the content of their advertisements. By including an insufficient image of herself, and by neglecting a written approval statement, Ms. Dole and her campaign have failed to meet those requirements, and have thus blatantly violated federal election law.

The Commission should investigate immediately the violations presented herein, enjoin Elizabeth Dole and her campaign from further violations, and fine them the maximum amount permitted by law.

Sincerely,

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2008.

Notary Public

My Commission Expires:
