

BEFORE THE
FEDERAL ELECTION COMMISSION

Campaign Legal Center
J. Gerald Hebert, Director of Litigation
Paul S. Ryan, Associate Legal Counsel
1640 Rhode Island Ave. NW, Suite 650
Washington, DC 20036
202-736-2200

v.

MUR No. _____

Republican National Committee
310 First Street, SE
Washington, DC 20003

COMPLAINT

1. In 1971, Congress enacted the Presidential Election Campaign Fund Act and, in 1974, amended the Federal Election Campaign Act (FECA), to create a voluntary system of public financing for presidential election campaigns. The presidential public financing system was created in order to reduce the threat of real or apparent corruption posed by unlimited campaign fundraising and spending.

2. Under the system of public campaign financing for presidential general elections, candidates must meet the eligibility requirements of 26 U.S.C. § 9003 in order to receive public funding. Pursuant to § 9003, candidates must agree to forego all private campaign funds and are permitted only to spend the public funds allocated to them under the program. Presidential candidates Bush and Kerry both voluntarily participated in this system for the 2004 general election and each received just over \$74.6 million in public funds.

3. A vital component of the presidential general election public financing system is the limit on expenditures by political party committees “in connection with the general election

campaign of any candidate for President" who is participating in the voluntary public funding system. 2 U.S.C. § 441a(d)(2). This limit is necessary to ensure that the general election spending limit of the presidential public financing program is not circumvented through unlimited expenditures in coordination the candidate by a political party committee.

4. Over the course of nearly three decades following the creation of the presidential public campaign financing program, but prior to the passage of the Bipartisan Campaign Reform Act of 2002 (BCRA), the effectiveness of public financing program spending limits was eroded by a steady increase in soft money expenditures by political party committees—expenditures allegedly not subject to the limits of 2 U.S.C. § 441a(d)(2).

5. In March, 2002, Congress enacted BCRA in order to stop the raising and spending of soft money by national party committees and, consequently, stop the evasion of the limit on political party expenditures in connection with presidential election candidates. The relevant soft money provisions of BCRA were upheld by the Supreme Court in *McConnell v. FEC*, 540 U.S. 39, 124 S.Ct. 619 (2003). Under current law and the *McConnell* decision, national party committees may raise funds only from individuals in limited amounts and may spend \$16.2 million of those funds in coordination with the party's presidential nominee.

6. Since the enactment of the BCRA, the Republican National Committee (RNC) has engaged in an illegal new scheme to evade the \$16.2 million limit, imposed by 2 U.S.C. § 441a(d)(2), on expenditures made in coordination with the party's presidential candidate. The scheme involves the RNC running advertisements coordinated with Bush-Cheney '04 Inc., but claiming that the coordinated expenditures are not subject to the \$16.2 million coordinated party expenditure limit. The scripts of several of these ads are attached to this complaint as Exhibits 1 through 4, all including the disclaimer that President Bush approved the ads. These

Exhibits are intended to be an illustrative, not exhaustive list of coordinated party expenditure advertisements by the RNC and Bush-Cheney '04 Inc.

7. The RNC has violated the coordinated party expenditure limit set forth in 2 U.S.C. § 441a(d)(2) and 11 C.F.R. § 109.32, and the reporting requirements for coordinated party expenditures, established by 2 U.S.C. § 434(b)(6)(B)(iv), 11 C.F.R. § 104.3(b)(1)(viii) and 11 C.F.R. § 109.37(b)(2).

The Law of Coordinated Party Expenditures

A. Statute and Regulations Defining Coordination

8. To be effective, any regulation of contributions to candidates must also apply to expenditures by outside spenders made in coordination with the candidate. For a generation, courts have reiterated the importance of “prevent[ing] attempts to circumvent [FECA] through prearranged or coordinated expenditures amounting to disguised contributions.” *Buckley v. Valeo*, 424 U.S. 1, 47 (1976). As the Court more recently reiterated in *McConnell*, “Ever since our decision in *Buckley*, it has been settled that expenditures by a noncandidate that are ‘controlled by or coordinated with the candidate and his campaign’ may be treated as indirect contributions subject to FECA’s source and amount limitations.” 124 S.Ct. at 704 quoting 424 U.S. at 46.

9. In the context of the presidential public campaign financing system, wherein presidential candidates agree to a spending limit in exchange for their receipt of public funds, the regulation of coordinated expenditures takes on added importance. Without a limit on coordinated expenditures, the presidential campaign spending limit becomes meaningless.

10. FECA § 441a(a)(7)(B) sets forth the statutory rule on coordination:

(i) expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, his authorized political committee, or their agents, shall be considered to be a contribution to such candidate;

11. The Commission's regulations that implement this provision restate the statutory rule in a similarly broad fashion in defining the term "coordinated":

Coordinated means made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents.

11 C.F.R. § 109.20(a).

12. The Commission's regulations provide additional rules to define coordination in the specific context of payment by an outsider spender for a public communication. 11 C.F.R. § 109.21. A public communication is deemed to be "coordinated" if it satisfies both a "content" and a "conduct" standard. The content standard is met, *inter alia*, by any communication that refers to a federal candidate within 120 days of an election. *Id.* at § 109.21(c)(4). (This content standard, because it improperly limits the scope of the coordination rule, was recently invalidated by the district court in *Shays v. FEC*, No. 02-1984 (D.D.C. Sept. 18, 2004) because it creates "an immense loophole that would facilitate the circumvention of the Act's contribution limits . . ." (slip op. at 48). The Commission is appealing this decision.) The "conduct" standard can be met through any one of five tests: (i) the communication is "created, produced or distributed at the request or suggestion" of a candidate or an "agent" of a candidate or party, (ii) the candidate or an "agent" of any candidate or party is "materially involved" in decisions about the content, intended audience, media, timing or frequency of the communication, (iii) the communication is "created, produced or distributed" after "substantial discussions about the communication" between the spender and the candidate or party, or the agents of the candidate or party, (iv) the spender and

the candidate or party share a common “commercial” vendor who provides information to the spender about the candidate’s or the party’s “plans, projects, activities or needs,” and that information “is material to the creation, production or distribution of the communication,” and (v) the spender employs a former employee of the candidate or party who conveys to the spender material information about the candidate’s or the party’s plans, projects, activities or needs. *Id.* at 109.21(d)(1)-(5).

13. Notwithstanding its more specific definition of coordination in the context of public communications, the Commission has made clear that the general statutory standard of coordination—an expenditure made “in cooperation, consultation or concert” with a candidate or party—applies in all other contexts. 11 C.F.R. § 109.20; see *Explanation and Justification for Coordinated and Independent Expenditures*, 68 Fed.Reg. 421, 425 (Jan. 3, 2004) (section 109.20 “addresses expenditures that are not made for communications but that are coordinated with a candidate, authorized committee, or political party committee”). And although the Commission has promulgated more specific rules for defining coordination in the context of expenditures for “communications,” those rules cannot be applied contrary to the general statutory standard which extends to all spending “in cooperation, consultation or concert” with a candidate or party.

B. The Standard for Coordination Urged by the RNC

14. On March 31, 2004, the RNC and Bush-Cheney ’04 Inc. filed a complaint with the FEC alleging that several pro-Democratic section 527 groups were illegally coordinating with the Democratic National Committee and the Kerry campaign. If the standard of coordination

subscribed to by the RNC was applied to its own activities, it would surely be found to be producing campaign advertisements in coordination with Bush-Cheney '04 Inc.

15. In the complaint it filed in March, 2004, the RNC charged that the Kerry campaign and several pro-Democratic section 527 groups are engaged in coordinated activity, based on evidence of "interlocking, dual relationships of the people involved [which] make such illegal coordination inevitable." RNC Complaint at 6. The complaint states that "the interlocking relationships among the John Kerry for President Committee, the illegal 527 soft money organizations and the Democratic party provide blatant examples of impermissible coordination that renders most of the 527 groups' activities illegal contributions to the Kerry campaign." *Id.* at 55. The complaint cites several individuals working for section 527 groups as persons who are "privy to John Kerry for President's 'plans, projects, activities or needs'" and who "are now working in such a manner that they render all of the 527 organizations' activities illegal by reason of improper coordination under 11 C.F.R. § 109.21."

16. Applying the federal statutory and regulatory standards, and / or the RNC's own standard defining coordination, makes clear that the television advertisements produced jointly by the RNC and Bush-Cheney '04 Inc. were coordinated party expenditures subject to the FECA § 441a(d) limits. The inclusion in the ads of an on-screen disclaimer that the ads were "approved by President Bush" proves this coordination beyond a doubt.

C. Coordinated Party Expenditure Limits

17. Under federal law, contributions from a political party committee to a candidate for federal office generally may not exceed \$5,000.¹ 2 U.S.C. §§ 441a(2) and (4). Under most

¹ A national party committee or senatorial campaign committee, however, is permitted by federal law to contribute up to \$35,000 to a senate candidate during the year in which the election is held. 2 U.S.C. §

circumstances, an expenditure by a political committee that is coordinated with a candidate's campaign is considered an in-kind contribution from the committee to the candidate and is subject to the contribution limit. 11 C.F.R. § 109.20(b). Federal law contains an exception to this rule, however, for political party coordinated expenditures made in connection with the general election campaign of a candidate for federal office. Such coordinated party expenditures are subject to the much higher limits specified in FECA § 441a(d).

18. Expenditures by the national committee of a political party coordinated with the general election campaign of a presidential candidate may not exceed an amount equal to 2 cents multiplied by the voting age population of the United States. The party coordinated expenditure limit for the 2004 election is \$16.2 million. 2 U.S.C. § 441a(d).

19. Recent media reports indicate that the RNC is coordinating advertising expenditures with Bush-Cheney '04 Inc. with total disregard for the \$16.2 million limit established by § 441a(d). An Associated Press Newswire story dated September 22 detailed the RNC's illegal scheme, explaining:

Ken Mehlman, Bush's campaign manager, said in an interview that federal election law allows the campaign access to party money "provided that your message is broader than the individual candidate and includes a discussion of the overall agenda and the message of the party."²

The article continued: "Republicans . . . say the cost of ads that mention congressional leaders or broadly partisan tags such as 'liberals' can be split between the re-election campaign and the

^{441a(h)}. Political party committees typically qualify as multicandidate political committees under 2 U.S.C. § 441a(a)(4) and, consequently, are permitted to make candidate contributions in excess of the \$2,000 limit that applies to committees not meeting the multicandidate committee requirements.

² L. Sidoti, "Bush Team Orchestrates Larger Ad Campaign," Associated Press Newswires (September 22, 2004) (Exhibit 5).

RNC without counting toward the \$16 million party limit.”³ According to the same news article:

In the three weeks since the general election spending limits kicked in for Bush, his campaign and the RNC combined have spent roughly \$29 million on advertising. The bill was split in half, officials say, because the commercials equally support Bush and congressional candidates and talk generally about a policy agenda.⁴

20. Contrary to the assertions of the RNC and Bush-Cheney '04 Inc., federal law contains no provision allowing a committee to make coordinated party expenditures not subject to the § 441a(d) limit. All coordinated party expenditures—regardless of content—are subject to the \$16.2 million limit of § 441a(d).⁵

³ *Id.*

⁴ *Id.*

⁵ Commission regulations do contain provisions for allocating committee expenditures “made on behalf of *more than one clearly identified Federal candidate*. 11 C.F.R. § 106.1(a) (emphasis added). The attached advertisement scripts, Exhibits 1 through 4, make clear that the advertisements in question were not made on behalf of more than one clearly identified candidate. The advertisements were made on behalf of President Bush. References to “our leaders in Congress” do not meet the Commission’s definition of the term “clearly identified” found in 11 C.F.R. § 100.17:

The term *clearly identified* means the candidate’s name, nickname, photograph, or drawing appears, or the identity of the candidate is otherwise apparent through an unambiguous reference such as “the President,” “your Congressman,” or “the incumbent,” or through an unambiguous reference to his or her status as a candidate such as “the Democratic presidential nominee” or “the Republican candidate for Senate in the State of Georgia.”

Furthermore, though the RNC may claim that its funds paid for the party-oriented get-out-the-vote portion of the coordinated advertisement expenditures, Commission regulations require that such expenditures be attributed to a candidate when made on behalf of a clearly identified candidate. Specifically, 11 C.F.R. § 106.1(c)(2) states:

Expenditures for . . . registration or get-out-the-vote drives of committees need not be attributed to individual candidates unless these expenditures are made on behalf of a clearly identified candidate, and the expenditures can be directly attributed to that candidate.

In this instance, the coordinated party expenditures have been made on behalf of a clearly identified candidate—President Bush.

D. Disclosure of Coordinated Party Expenditures

21. Federal law requires a political party committee to report all coordinated party expenditures in its campaign finance filings. FECA specifically requires a party committee to disclose the:

name and address of each . . . person who receives any expenditure from the reporting committee during the reporting period in connection with [a coordinated party] expenditure under section 441a(d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made;

2 U.S.C. § 434(b)(6)(B)(iv). *See also* 11 C.F.R. § 104.3(b)(1)(viii) and 11 C.F.R. § 109.37(b)(2). The Commission requires this information to be included on reporting Form 3X Schedule F and for summary information to be reported on line 25 of the Form 3X Detailed Summary Page.

22. The FECA political committee reporting requirements were challenged on First Amendment grounds and upheld in *Buckley v. Valeo*, 424 U.S. 1 (1976). The Court in *Buckley* found that three compelling interests justified the reporting requirements for political committees: (1) enhancing voters' knowledge about a candidate's possible allegiances and interests; (2) deterring actual and apparent corruption; and (3) enforcing contribution limits. *Id.* at 66-68. The FECA reporting requirements for coordinated party expenditures are narrowly tailored to serve these compelling government interests.

23. According to media reports, the RNC made approximately \$29 million in expenditures coordinated with Bush-Cheney '04 Inc. during the first three weeks of September, 2004,⁶ yet the RNC reported only \$346,102 in coordinated expenditures for the entire month of

⁶ L. Sidoti, "Bush Team Orchestrates Larger Ad Campaign," Associated Press Newswires (September 22, 2004) (Exhibit 5).

September.⁷ The RNC reported nearly \$15.8 million in coordinated spending during the months of October and November, but has not corrected its failure to report coordinated expenditures made in September.⁸

24. As a result of the RNC's failure to fully disclose September expenditures coordinated with Bush-Cheney '04 Inc., the Commission and the public, including complainants Hebert and Ryan as individual voters, have been deprived of knowledge regarding the extent to which the RNC financially supported Bush-Cheney '04 Inc. Refusal by the RNC to report this campaign finance information will feed the public perception that national political party committees regularly engage in illegal and corrupt fundraising and spending practices. Furthermore, refusal by the RNC to report coordinated party expenditures will undermine efforts to enforce the coordinated party expenditure limit, which is essentially a limit on in-kind contributions. In short, a refusal to report coordinated party expenditures undercuts the three compelling government interests recognized by the Court in *Buckley* as justifying federal disclosure laws.

⁷ See the Republican National Committee's FEC Disclosure Form 3X, filed with the Commission October 20, 2004 covering the period September 1 through September 30. Exhibit 6 contains the "Detailed Summary Page" for this RNC filing. Line 25 of the Detailed Summary lists total coordinated expenditures. Source: <http://www.fec.gov/disclosure.shtml>.

⁸ Exhibits 7 and 8 contain the "Detailed Summary" pages for RNC filings covering the periods of October 1 through October 13 and October 14 through November 22, respectively. Line 25 of each Detailed Summary lists total coordinated expenditures for the reporting period and calendar year. Source: <http://www.fec.gov/disclosure.shtml>.

Prayer for Relief

25. Wherefore, the Commission should conduct an immediate investigation under 2 U.S.C. §437g, should determine that the RNC has violated or is about to violate 2 U.S.C. §§ 434(b)(6)(B)(iv) and 441a(d)(2), and 11 C.F.R. §§ 104.3(b)(1)(viii), 109.32 and 109.37(b)(2), should impose appropriate sanctions for such violations, should enjoin the RNC from all such violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with FECA and BCRA.

Respectfully submitted,

Campaign Legal Center, by
J. Gerald Hebert
1640 Rhode Island Ave. NW, Suite 650
Washington, DC 20036
202-736-2200

Paul S. Ryan

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1640 Rhode Island Ave. NW, Suite 650
Washington, DC 20036
202-736-2200

Counsel for the Campaign Legal Center

Verification

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

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

For Complainant Campaign Legal Center

J. Gerald Hebert

Complainant Paul S. Ryan

Sworn to and subscribed before me this ____ day of December, 2004

Notary Public

Script of the television advertisement**“Peace and Security”****Paid for by Bush-Cheney '04 Inc. and the Republican National Committee**

Source: J. Koons, “With An Eye To The Debate, Candidates Focus On Iraq,” *National Journal* (September 28, 2004).

ANNOUNCER [v/o]: History's lesson: Strength builds peace.

(*On screen: Ticking clock*)

Weakness invites those who would do us harm.

Unfortunately, after the first World Trade Center attack, John Kerry and congressional liberals tried to slash \$6 billion from intelligence budgets.

And tried to cut or eliminate over 40 weapons now fighting the war on terror.

And refused to support our troops in combat with the latest weapons and body armor.

(*On screen: John Kerry & Congressional Liberals: Putting Our Protection at Risk*)

PRESIDENT BUSH [v/o]: I'm George W. Bush, and I approve this message.

(*On screen: Paid For By Bush-Cheney '04 Inc. And The Republican National Committee And Approved By President Bush*)

Script of the television advertisement**“Practical vs. Big Government”****Paid for by Bush-Cheney '04 Inc. and the Republican National Committee**

Source: J. Koons, “Bush Faults Kerry’s ‘Big Government’ Health Care Plan,” *National Journal* (September 14, 2004).

PRESIDENT BUSH [v/o]: I'm George W. Bush, and I approve this message.

(*On screen: www.AgendaForAmerica.com*)

ANNOUNCER [v/o]: On health care, President Bush and our leaders in Congress have a practical plan: Allow small businesses to join together to get lower insurance rates big companies get. Stop frivolous lawsuits against doctors. Health coverage you can take with you.

The liberals in Congress and Kerry's Plan: Washington bureaucrats in control. A government-run health care plan. \$1.5 trillion price tag.

Big government in charge. Not you. Not your doctor.

(*On screen: Paid For By Bush-Cheney '04 Inc. And The Republican National Committee And Approved By President Bush*)

Script of the television advertisement

“Common Sense or Higher Taxes”

Paid for by Bush-Cheney '04 Inc. and the Republican National Committee

Source: J. Koons, “Bush, Kerry Set Sights On Each Other With Familiar Grips,” *National Journal* (September 20, 2004).

PRESIDENT BUSH [v/o]: I'm George W. Bush, and I approve this message.

(*On screen: www.AgendaForAmerica.com*)

ANNOUNCER [v/o]: President Bush and our leaders in Congress have a common sense plan to grow our economy...

(*On screen: President Bush & Congressional Plan: Small Business Job Growth; New Skills Through Education; A Fairer, Simpler Tax Code*)

And create jobs so small businesses can expand and hire.

The liberals in Congress and Kerry's Plan:

Raises taxes on small businesses.

Nine-hundred-thousand small business owners would pay higher tax rates than most multinational corporations.

Tax increases would hurt jobs, hurt small business and hurt our economy.

(*On screen: Paid For By Bush-Cheney '04 Inc. And The Republican National Committee And Approved By President Bush*)

Script of the television advertisement

“War on Terror Agenda”

Paid for by Bush-Cheney '04 Inc. and the Republican National Committee

Source: J. Koons, “Bush Outlines Plan To Win War On Terror,” *National Journal* (September 21, 2004).

MALE ANNOUNCER [v/o]: President Bush and our leaders in Congress have a plan:

FEMALE ANNOUNCER [v/o]: Enhance border and port security.

MALE ANNOUNCER [v/o]: Increase homeland security measures.

FEMALE ANNOUNCER [v/o]: Reform and strengthen intelligence services.

MALE ANNOUNCER [v/o]: Renew the Patriot Act, giving law enforcement tools against terrorists.

FEMALE ANNOUNCER [v/o]: Create a national counterterrorism center.

MALE ANNOUNCER [v/o]: Transform our military.

FEMALE ANNOUNCER [v/o]: Give the military all it needs.

MALE ANNOUNCER [v/o]: Find terrorists where they train and hide.

FEMALE ANNOUNCER [v/o]: Learn more ...

MALE ANNOUNCER [v/o]: ...at AgendaforAmerica.com.

PRESIDENT BUSH: I'm George W. Bush, and I approve this message.

(On screen: www.AgendaForAmerica.com; Paid For By Bush-Cheney '04 Inc. And The Republican National Committee And Approved By President Bush)

9/22/04 Associated Press (AP) Newswires 22:52:56

Associated Press Newswires
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Wednesday, September 22, 2004

Bush Team Orchestrates Larger Ad Campaign

By LIZ SIDOTI
Associated Press Writer

WASHINGTON (AP) - President Bush's political team is orchestrating a vastly larger advertising campaign than thought possible under federal law, taking control of millions in Republican Party funds simply by inserting the phrase "our leaders in Congress" in selected commercials. The GOP strategy had gone unnoticed for weeks by Sen. John Kerry and the Democrats, who now may abandon their own less cost-efficient approach to advertising.

Ken Mehlman, Bush's campaign manager, said in an interview that federal election law allows the campaign access to party money "provided that your message is broader than the individual candidate and includes a discussion of the overall agenda and the message of the party." The Republican National Committee has \$93 million on hand.

This month the Republicans began airing television and radio commercials paid for jointly by the president's re-election campaign and the RNC and including the words "our leaders in Congress."

The ads say Bush and congressional leaders have plans to strengthen homeland security, expand the economy and reduce health care costs. Some also attack Kerry and "the liberals in Congress."

The president appears briefly in each of the TV ads and his voice is heard in the radio commercials.

Federal law limits overall spending by presidential candidates to about \$75 million for the general election campaign, including advertising. In addition, the political parties can spend \$16 million on campaign activities -- TV and radio commercials included -- in coordination with their presidential candidates.

Republicans, however, say the cost of ads that mention congressional leaders or broadly partisan tags such as "liberals" can be split between the re-election campaign and the RNC without counting toward the \$16 million party limit. The presidential campaign does have to count its share of the cost against its \$75 million spending limit, but the campaign gains the ability to control a larger budget as well as the message in the ads.

The ads have been made by Maverick Media, a production company headed by Bush's ad-maker, Mark McKinnon.

Jano Cabrera, a Democratic National Committee spokesman, said Democratic officials were unfamiliar with the GOP ad strategy until asked about it by a reporter.

"We do not discuss our future ad strategy," Cabrera said, but other Democratic officials said the party was quickly looking into following the Republicans' lead.

Since August, the Democrats have been supplementing Kerry's commercials with \$50 million in independent advertising. But that requires the party to pay for polling, production costs, salaries and other expenses, and bars contact between the candidate's campaign and people working on the independent effort.

By contrast, Bush's campaign relies on in-house services for the ads that mention GOP leaders, saving costs and allowing the campaign to control the content of the commercials as well as their placement.

With access to more than \$16 million in party money, the campaign has greatly increased its strategic flexibility. Bush's team could direct more ads to tossup states won by Democrat Al Gore in 2000 such as Minnesota and Wisconsin, advisers said, or it could target Democratic bastions such as New Jersey and Connecticut. Bush's campaign has checked rates for airtime in New York City and Hartford, Conn., markets that cover much of New Jersey.

The campaign spotted the option in the law weeks ago, a senior Bush adviser said. Surveying focus groups, officials tested the impact of mentioning Congress and using various terminology and found that voters were not turned away.

In the three weeks since the general election spending limits kicked in for Bush, his campaign and the RNC combined have spent roughly \$29 million on advertising. The bill was split in half, officials say, because the commercials equally support Bush and congressional candidates and talk generally about a policy agenda.

The commercials only show pictures of Bush when he says "I'm George W. Bush and I approve this message." The statement, required by law, is on the radio commercials, too. The ads also carry the disclaimer "Paid for by Bush-Cheney 04, Inc. and the Republican National Committee," and direct viewers to a Web site "agendaforamerica.com."

But the spots clearly are meant to help Bush most of all -- and give his campaign control of the party money.

The ads mostly are appearing on network affiliates in contested presidential battlegrounds such as Iowa, Florida and Ohio. They aren't on the air in states that aren't contested in the presidential race even if those states have competitive House or Senate races. And, Bush's campaign -- not the RNC -- issues news releases about them. The Web site address in the ads also links viewers back to a page on the president's campaign Web site.

The ads give the party a three-for-one message, supporting Bush and GOP candidates for the House and Senate at a time when Republicans are working to keep control of the White House and both chambers of Congress.

Arizona Sen. John McCain, who co-sponsored the campaign finance reform law that banned parties from collecting unlimited money from corporations, unions and other special interests, said in a statement that the joint ads raise legal questions that "must be dealt with."

However, he said those questions -- such as whether the ads should count toward the \$16 million limit or whether the strategy is allowed in a publicly funded presidential campaign -- "still pale in comparison to the evils of the former corrupt soft money system."

The Federal Election Commission did not raise any immediate objection the strategy, but campaign finance experts are divided over its legality.

Larry Noble, head of the nonpartisan Center for Responsive Politics and a former FEC general counsel, said the GOP has found "a way to expand the coordinated party expenditure limit" legally.

However, Trevor Potter, a former FEC chairman and the head of the Campaign Legal Center, said any coordination -- regardless of content -- between the party and the presidential campaign should be subject to the \$16 million limit.

Tom Josefiak, a Bush campaign lawyer who also is a former FEC chairman, said, "These ads were created to benefit not only the president but candidates in Congress, and in saying that, it's clear to me looking at the law and regulations that everything we do is in accordance with the law."

END OF DOCUMENT



FEC DISCLOSURE FORM 3X

**REPORT OF RECEIPTS AND DISBURSEMENTS
For Other Than An Authorized Committee
(Summary Page, FEC FORM 3X)**

1. REPUBLICAN NATIONAL COMMITTEE

310 FIRST STREET SE
WASHINGTON, DC 20003

2. FEC Committee ID #: C00003418

3. This committee HAS qualified as a multicandidate committee (see FEC Form 1M)

4. Report Type = OCT MONTHLY

For election on 10/20/2004 in the State of ____

Filed: 10/20/2004

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[**Page 2 \(DETAILED SUMMARY PAGE\)**](#)

[**Schedule A Filings \(ITEMIZED RECEIPTS\)**](#)

[**Schedule B Filings \(ITEMIZED DISBURSEMENTS\)**](#)

[**Schedule D Filings \(DEBTS AND OBLIGATIONS\)**](#)

[**Schedule E \(INDEPENDENT EXPENDITURES\)**](#)

[**Schedule F \(ITEMIZED COORDINATED EXPENDITURES\)**](#)

SUMMARY

5. Covering Period 09/01/2004 Through 09/30/2004

	Column A This Period	Column B Year To Date
6. (a) Cash on hand, January 1, 2004		33062866.86
(b) Cash on hand at Beginning of Reporting Period	93577251.57	
(c) Total Receipts (from line 19)	34455038.60	198063246.47
(d) Subtotal (6(b) + 6(c) for A, 6(a) + 6(c) for B)	128032290.17	231126113.33
7. Total Disbursements	56787402.26	159881225.42
8. Cash on Hand at Close of Reporting Period	71244887.91	71244887.91
9. Debts and Obligations Owed TO the Committee	1446.75	
Itemize all on SCHEDULE C or SCHEDULE D		
10. Debts and Obligations Owed BY the Committee	0.00	
Itemize all on SCHEDULE C or SCHEDULE D		

Treasurer: JAY C. BANNING Asstant Treasurer
Date Signed: 10/20/2004

(End Summary Page, FEC FORM 3X)

DETAILED SUMMARY PAGE

**Of Receipts And Disbursements
(Page 2, FEC FORM 3X)**

	Column A This Period	Column B Calendar Year
I. Receipts		
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other than Political Committees		
(i) Itemized	20732721.86	111054271.64
(ii) Unitemized	12917011.15	79620351.78

(iii) Total (11(a)(i) + 11(a)(ii))	33649733.01	190674623.42
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACS)	195000.00	1875440.00
(d) Total Contributions (11(a)(iii) + (b) + (c))	33844733.01	192550063.42
12. Transfers From Affiliated/Other Party Committees	260000.00	3440602.73
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets to Operating Expenditures (Refunds, Rebates, etc)	330305.59	2028080.32
16. Refunds of Contributions made to Fed. Candidates and other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc)	20000.00	44500.00
18. Transfers from Nonfederal Account for Joint Activity	0.00	0.00
19. Total Receipts (11(d) + 12 + 13 + 14 + 15 + 16 + 17 + 18)	34455038.60	198063246.47
20. Total Federal Receipts (30 - 21(a)(ii))	34455038.60	198063246.47
II. Disbursements		
21. Operating Expenditures		
(a) Shared Federal/Nonfederal Activity (SCHEDULE H4)		
(i) Federal Share	0.00	0.00
(ii) Nonfederal Share	0.00	0.00
(b) Other Federal Operating Expenditures	51496441.60	146897114.61
(c) Total Operating Expenditures (21(a)(i) + (a)(ii) + (b))	51496441.60	146897114.61
22. Transfers to Affiliated/Other Party Committees	4664638.66	12033076.34
23. Contributions to Fed. Candidates/Committees and Other Political Committees	213500.00	228000.00
24. Independent Expenditures (SCHEDULE E)	12000.00	12000.00
25. Coordinated Expenditures Made by Party Committees (SCHEDULE F)	346102.00	346102.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	221076.47
(b) Political Party Committees	54720.00	143356.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (28(a) + (b) + (c))	54720.00	364432.47
29. Other Disbursements	0.00	500.00

30. Total Disbursements (21(c) + 22 + 23 + 24 + 25 + 26 + 27 + 28(d) + 29)	56787402.26	159881225.42
31. Total Federal Disbursements (30 - 21(a)(ii))	56787402.26	159881225.42
III. Net Contributions/Operating Expenditures		
32. Total Contributions (other than loans) (11(d))	33844733.01	192550063.42
33. Total Contribution Refunds (28(d))	54720.00	364432.47
34. Net Contributions (other than loans) (32 - 33)	33790013.01	192185630.95
35. Total Federal Operating Expenditures (21(a)(i) + 21(b))	51496441.60	146897114.61
36. Offsets to Operating Expenditures (15)	330305.59	2028080.32
37. Net Operating Expenditures	51166136.01	144869034.29

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FEC DISCLOSURE FORM 3X

**REPORT OF RECEIPTS AND DISBURSEMENTS
For Other Than An Authorized Committee
(Summary Page, FEC FORM 3X)**

1. REPUBLICAN NATIONAL COMMITTEE

310 FIRST STREET SE
WASHINGTON, DC 20003

2. FEC Committee ID #: C00003418

3. This committee HAS qualified as a multicandidate committee (see FEC Form 1M)

4. Report Type = PRE-GENERAL

For election on 11/02/2004 in the State of DC

Filed: 10/21/2004

[**Page 1 \(SUMMARY PAGE\)**](#)

[**Page 2 \(DETAILED SUMMARY PAGE\)**](#)

[**Schedule A Filings \(ITEMIZED RECEIPTS\)**](#)

[**Schedule B Filings \(ITEMIZED DISBURSEMENTS\)**](#)

[**Schedule D Filings \(DEBTS AND OBLIGATIONS\)**](#)

[**Schedule E \(INDEPENDENT EXPENDITURES\)**](#)

[**Schedule F \(ITEMIZED COORDINATED EXPENDITURES\)**](#)

SUMMARY

5. Covering Period 10/01/2004 Through 10/13/2004

	Column A This Period	Column B Year To Date
6. (a) Cash on hand, January 1, 2004		33062866.86
(b) Cash on hand at Beginning of Reporting Period	71244887.91	
(c) Total Receipts (from line 19)	24138015.12	222201261.59
(d) Subtotal (6(b) + 6(c) for A, 6(a) + 6(c) for B)	95382903.03	255264128.45
7. Total Disbursements	42610356.03	202491581.45
8. Cash on Hand at Close of Reporting Period	52772547.00	52772547.00
9. Debts and Obligations Owed TO the Committee	1446.75	
Itemize all on SCHEDULE C or SCHEDULE D		
10. Debts and Obligations Owed BY the Committee	0.00	
Itemize all on SCHEDULE C or SCHEDULE D		

Treasurer: JAY C. BANNING Asstant Treasurer
Date Signed: 10/21/2004

(End Summary Page, FEC FORM 3X)

DETAILED SUMMARY PAGE

**Of Receipts And Disbursements
(Page 2, FEC FORM 3X)**

	Column A This Period	Column B Calendar Year
I. Receipts		
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other than Political Committees		
(i) Itemized	5809933.87	116864205.51
(ii) Unitemized	4482860.47	84103212.25

(iii) Total (11(a)(i) + 11(a)(ii))	10292794.34	200967417.76
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACS)	36500.00	1911940.00
(d) Total Contributions (11(a)(iii) + (b) + (c))	10329294.34	202879357.76
12. Transfers From Affiliated/Other Party Committees	910226.31	4350829.04
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets to Operating Expenditures (Refunds, Rebates, etc)	148494.47	2176574.79
16. Refunds of Contributions made to Fed. Candidates and other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc)	12750000.00	12794500.00
18. Transfers from Nonfederal Account for Joint Activity	0.00	0.00
19. Total Receipts (11(d) + 12 + 13 + 14 + 15 + 16 + 17 + 18)	24138015.12	222201261.59
20. Total Federal Receipts (30 - 21(a)(ii))	24138015.12	222201261.59
II. Disbursements		
21. Operating Expenditures		
(a) Shared Federal/Nonfederal Activity (SCHEDULE H4)		
(i) Federal Share	0.00	0.00
(ii) Nonfederal Share	0.00	0.00
(b) Other Federal Operating Expenditures	24688519.01	171585633.62
(c) Total Operating Expenditures (21(a)(i) + (a)(ii) + (b))	24688519.01	171585633.62
22. Transfers to Affiliated/Other Party Committees	8940537.43	20973613.77
23. Contributions to Fed. Candidates/Committees and Other Political Committees	0.00	228000.00
24. Independent Expenditures (SCHEDULE E)	5000000.00	5012000.00
25. Coordinated Expenditures Made by Party Committees (SCHEDULE F)	3857522.59	4203624.59
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	123777.00	344853.47
(b) Political Party Committees	0.00	143356.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (28(a) + (b) + (c))	123777.00	488209.47
29. Other Disbursements	0.00	500.00

30. Total Disbursements (21(c) + 22 + 23 + 24 + 25 + 26 + 27 + 28(d) + 29)	42610356.03	202491581.45
31. Total Federal Disbursements (30 - 21(a)(ii))	42610356.03	202491581.45
III. Net Contributions/Operating Expenditures		
32. Total Contributions (other than loans) (11(d))	10329294.34	202879357.76
33. Total Contribution Refunds (28(d))	123777.00	488209.47
34. Net Contributions (other than loans) (32 - 33)	10205517.34	202391148.29
35. Total Federal Operating Expenditures (21(a)(i) + 21(b))	24688519.01	171585633.62
36. Offsets to Operating Expenditures (15)	148494.47	2176574.79
37. Net Operating Expenditures	24540024.54	169409058.83

(End Page 2, FEC FORM 3X)



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FEC DISCLOSURE FORM 3X

**REPORT OF RECEIPTS AND DISBURSEMENTS
For Other Than An Authorized Committee
(Summary Page, FEC FORM 3X)**

1. REPUBLICAN NATIONAL COMMITTEE

310 FIRST STREET SE
WASHINGTON, DC 20003

2. FEC Committee ID #: C00003418

3. This committee HAS qualified as a multicandidate committee (see FEC Form 1M)

4. Report Type = POST-GENERAL

For election on 12/02/2004 in the State of DC

Filed: 12/02/2004

[**Page 1 \(SUMMARY PAGE\)**](#)

[**Page 2 \(DETAILED SUMMARY PAGE\)**](#)

[**Schedule A Filings \(ITEMIZED RECEIPTS\)**](#)

[**Schedule B Filings \(ITEMIZED DISBURSEMENTS\)**](#)

[**Schedule C Filings \(LOAN INFORMATION\)**](#)

[**Schedule C1 Filings \(LOANS & LINES OF CREDIT\)**](#)

[**Schedule D Filings \(DEBTS AND OBLIGATIONS\)**](#)

[**Schedule E \(INDEPENDENT EXPENDITURES\)**](#)

[**Schedule F \(ITEMIZED COORDINATED EXPENDITURES\)**](#)

SUMMARY

5. Covering Period 10/14/2004 Through 11/22/2004

	Column A This Period	Column B Year To Date
6. (a) Cash on hand, January 1, 2004		33062866.86
(b) Cash on hand at Beginning of Reporting Period	52772547.00	
(c) Total Receipts (from line 19)	55291818.10	277493079.69
(d) Subtotal (6(b) + 6(c) for A, 6(a) + 6(c) for B)	108064365.10	310555946.55
7. Total Disbursements	86806264.36	289297845.81
8. Cash on Hand at Close of Reporting Period	21258100.74	21258100.74
9. Debts and Obligations Owed TO the Committee	1446.75	
Itemize all on SCHEDULE C or SCHEDULE D		
10. Debts and Obligations Owed BY the Committee	0.00	
Itemize all on SCHEDULE C or SCHEDULE D		

Treasurer: JAY C. BANNING Asstant Treasurer
Date Signed: 12/02/2004

(End Summary Page, FEC FORM 3X)

DETAILED SUMMARY PAGE

**Of Receipts And Disbursements
(Page 2, FEC FORM 3X)**

	Column A This Period	Column B Calendar Year
I. Receipts		
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other than Political Committees		
(i) Itemized	24986966.06	141851171.57
(ii) Unitemized	13200045.93	97303258.18

(iii) Total (11(a)(i) + 11(a)(ii))	38187011.99	239154429.75
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACS)	186925.00	2098865.00
(d) Total Contributions (11(a)(iii) + (b) + (c))	38373936.99	241253294.75
12. Transfers From Affiliated/Other Party Committees	1595757.75	5946586.79
13. All Loans Received	1000000.00	1000000.00
14. Loan Repayments Received	0.00	0.00
15. Offsets to Operating Expenditures (Refunds, Rebates, etc)	572083.36	2748658.15
16. Refunds of Contributions made to Fed. Candidates and other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc)	13750040.00	26544540.00
18. Transfers from Nonfederal Account for Joint Activity	0.00	0.00
19. Total Receipts (11(d) + 12 + 13 + 14 + 15 + 16 + 17 + 18)	55291818.10	277493079.69
20. Total Federal Receipts (30 - 21(a)(ii))	55291818.10	277493079.69
II. Disbursements		
21. Operating Expenditures		
(a) Shared Federal/Nonfederal Activity (SCHEDULE H4)		
(i) Federal Share	0.00	0.00
(ii) Nonfederal Share	0.00	0.00
(b) Other Federal Operating Expenditures	41012315.39	212597949.01
(c) Total Operating Expenditures (21(a)(i) + (a)(ii) + (b))	41012315.39	212597949.01
22. Transfers to Affiliated/Other Party Committees	19468142.61	40441756.38
23. Contributions to Fed. Candidates/Committees and Other Political Committees	0.00	228000.00
24. Independent Expenditures (SCHEDULE E)	13241659.73	18253659.73
25. Coordinated Expenditures Made by Party Committees (SCHEDULE F)	11942212.13	16145836.72
26. Loan Repayments Made	1000000.00	1000000.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	141934.50	486787.97
(b) Political Party Committees	0.00	143356.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (28(a) + (b) + (c))	141934.50	630143.97
29. Other Disbursements	0.00	500.00

30. Total Disbursements (21(c) + 22 + 23 + 24 + 25 + 26 + 27 + 28(d) + 29)	86806264.36	289297845.81
31. Total Federal Disbursements (30 - 21(a)(ii))	86806264.36	289297845.81
III. Net Contributions/Operating Expenditures		
32. Total Contributions (other than loans) (11(d))	38373936.99	241253294.75
33. Total Contribution Refunds (28(d))	141934.50	630143.97
34. Net Contributions (other than loans) (32 - 33)	38232002.49	240623150.78
35. Total Federal Operating Expenditures (21(a)(i) + 21(b))	41012315.39	212597949.01
36. Offsets to Operating Expenditures (15)	572083.36	2748658.15
37. Net Operating Expenditures	40440232.03	209849290.86

(End Page 2, FEC FORM 3X)



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