

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

Sam Lieberman  
Chairman, Nevada State Democratic Party  
1210 S. Valley View Road, Suite 114  
Las Vegas, NV 89102,

Complainant,

v.

Dump Reid Political Action Committee  
767 Benedict Drive  
Las Vegas, NV 89110; and

Charles Muth  
Treasurer, Dump Reid Political Action Committee  
767 Benedict Drive  
Las Vegas, NV 89110,

Respondents.

**COMPLAINT**

Complainant files this complaint under 2 U.S.C. § 437g(a)(1) against Dump Reid Political Action Committee and Charles Muth, its treasurer, in his official capacity (collectively "Respondents") for violating the Federal Election Campaign Act, ("FECA"), as described below.

Respondents formed an unauthorized political action committee on August 17, 2009 entitled "Dump Reid Political Action Committee"; its name and distributed materials suggest that it was formed to oppose Senator Harry Reid, the senior senator from Nevada and Senate Majority Leader. Respondents have made public communications, attached hereto as Attachment A, that do not include a proper disclaimer as required by 2 U.S.C. § 441d and 11 C.F.R. § 110.11. Respondents have similarly neglected to include a proper disclaimer on their websites, [www.dumpharry.com](http://www.dumpharry.com) and [www.dumpreid.com](http://www.dumpreid.com). Finally, Respondents include Senator Reid's name in their committee name in violation of 2 U.S.C. § 432(e)(4).

## **A. LEGAL ARGUMENT**

### **1. Background**

When a federal political action committee distributes more than 500 pieces of mail that are identical or substantially similar, or any other form of general public political advertising, the materials must include a proper disclaimer. *See* 2 U.S.C. § 441d(a)(3); 11 C.F.R. §§ 100.26, 100.27, 110.11(a)(1). If the communication is not authorized by a candidate, the disclosure 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 and state that the communication is not authorized by any candidate or candidate's committee." 11 C.F.R. § 110.11(b)(3); *see* 2 U.S.C. § 441d(a)(3). On printed materials, this disclaimer also "must be contained in a printed box set apart from the other contents of the communication." 11 C.F.R. § 110.11(c)(2)(ii). Accordingly, any public communication distributed by Respondents that is not authorized by a candidate must include three statements:

- A "paid for by" statement including the full name of the payor, such as "Paid for by Dump Reid Political Action Committee";
- A statement that the communication is not authorized by any candidate or candidate's committee; and
- The political committee's website address, street address or phone number.

These same three disclaimer requirements apply to "all Internet websites of political committees available to the general public," except that the statement need not be contained in a printed box. *Id.* § 110.11(a)(1).

Additionally, unauthorized committees are prohibited from including the name of any candidate in their committee names. *See* 2 U.S.C. § 432(e)(4); 11 C.F.R. § 102.14(a); FEC Adv. Op. 1995-9 (April 21, 1995).

## **2. Disclaimer Violation for Printed Material**

Respondents failed to include the necessary disclaimer on at least one public communication, attached hereto as Attachment A. While Respondents did include the statement, "Paid for by Dump Reid PAC" in a printed box on one page of these materials, this disclaimer does not satisfy the requirements of 2 U.S.C. § 441d or 11 C.F.R. § 110.11, for three reasons. First, the statement does not use "the full name" of the political committee – "Dump Reid Political Action Committee" – but instead an abbreviated version, in violation of 11 C.F.R. § 110.11(b)(3). Second, while the committee's web address appears in other places in this mailing, it is not contained in the printed box with the disclaimer as required by law; nor does the committee's street address or telephone number appear in the disclaimer box. Finally, it does not state whether the communication is authorized by any candidate or candidate's committee.

## **3. Disclaimer Violation for Internet Websites**

Respondents also failed to include the proper disclaimer on their websites. One of Respondents websites, [www.dumpreid.com](http://www.dumpreid.com), failed to include a proper disclaimer through August 27, 2009. As of that date, the only disclaimer on the website stated "Paid for by Dump Reid PAC." (As of the date of this complaint it has been altered and now appears to comply with federal law.) As discussed above, this disclaimer was insufficient.

This website also links to another page, [www.dumpharry.com](http://www.dumpharry.com), via a button entitled "Blog" where Respondents report on their activities. An image of [www.dumpharry.com](http://www.dumpharry.com) as it appeared on August 28, 2009 is attached hereto as Attachment B. This website also appears to

be paid for and operated by Respondents; yet this site continues to include no disclaimer whatsoever, in flagrant violation of federal law.

#### **4. Committee Name Violation**

Respondents have included the name of a candidate in their committee name in violation of 2 U.S.C. § 432(e)(4). The name of Respondents' committee is the "Dump *Reid* Political Action Committee." As plainly indicated by the content of Respondents' website and political advertising, "Reid" is the name of Senator Harry Reid, who is currently a candidate for federal office. Senator Reid filed his Statement of Candidacy declaring that he was running for re-election to the Senate from Nevada on July 5, 2005. Respondents' use of Senator Reid's name violates 2 U.S.C. § 432(e)(4) even though they do not use his full name because the Senator is clearly identified by the use of "Reid" itself. *See* FEC Adv. Op. 1995-9, *citing Buckley v. Valeo*, 424 U.S. 1, 43 fn. 51 (1976).

#### **B. REQUESTED ACTION**

As we have shown, Respondents have violated the Federal Election Campaign Act. By failing to include the necessary disclaimers on their public communications, Respondents have hindered the ability of voters to determine the true sponsor of these attacks on Senator Reid and whether they are coordinated with other candidates. Respondents' unauthorized use of Senator Reid's name also creates confusion. We respectfully request that the Commission investigate these violations, and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,

  
Samuel L. Heberman

Sam Lieberman

Chairman, Nevada State Democratic Party

1210 S. Valley View Road, Suite 114

Las Vegas, NV 89102

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of Sept., 2009.

Beverly W. Moore  
Notary Public

My Commission Expires:

Jan. 25, 2011



# Attachment A

It's time to  
do it again!  
It's time to

**DUMP  
REID**

gettyimages

Send in your donation today!  
**HELP DUMP REID!**

Want  
to stop  
Obama's  
dangerous  
agenda?

**DUMP  
REID**

P.O. Box 27472  
Washington, DC 20013-27472

From government-run health  
care to cap-and-trade...  
From trillion dollar bailouts  
to card check...

Obama agenda:  
Dump Harry Reid.

**Please return  
the enclosed  
contribution  
envelope today!  
Send in your  
donation to help  
DUMP REID!**

Nonprofit Org.  
U.S. Postage  
Permit #  
EPA, NV

www.DUMPREID.com

In 2004,  
conservatives  
from across the  
country banded  
together and  
sent Tom Daschle,  
the Democrat  
leader of the  
Senate, packing...

**THROWN OUT  
NOV 2004!**



**HELP DUMP REID. SEND IN YOUR DONATION TODAY.**

**Point Man for the Obama Agenda.**

First, he was there to ram through trillions in bailouts for Wall Street at the expense of Main Street. Reid's campaign donors profited, while hard-working Americans are stuck paying the bill.

Now, Harry Reid is Obama's point man again. This time, they want to socialize medicine. They want government to control your healthcare decisions. Their liberal agenda means losing healthcare options, rationing of care, "end of life" planning and government-funded abortions.

**Leader of the Liberal Left.**

But Obama and Reid aren't stopping there. After government takes over your healthcare, they are going to pass the largest tax increase in American history—CAP-AND-TRADE. This legislation will increase taxes for every man, woman and child in America today.

This isn't surprising. After all, Reid tells his constituents in Nevada that he supports the Second Amendment, then he allows the Senate to pass gun control laws. He says he's "pro-life" and then he allows the Senate to fund and pass laws that encourage abortion.

**Nevada Needs Your Help.  
America Needs Your Help.**

In 2004, America sent the last Democrat leader of the Senate, Tom Daschle, packing. The liberal media never thought it would happen.

Now we have a chance to put another out-of-touch Democrat leader of the Senate, Harry Reid, out on the street. The liberal media once again believes it can't happen.

**Let's Prove Them Wrong.**

Like Daschle, Reid will have a war chest of over \$25 million at his disposal. He will be funded by Washington insiders, Wall Street bailout barons and Obama's community organizers.

And like Daschle, Reid can be beaten. But only with your help.

Please send back the enclosed envelope today with your most generous contribution—\$50, \$100, \$1,000, \$2,300...whatever you can afford.

It's time to take the first step towards stopping the Obama agenda.

It's time to...

**DUMP  
REID**

PAID FOR BY DUMP REID PAC

For more information, to make a contribution online or to sign up for our newsletter, please visit...

**WWW.DUMPREID.com**



# Attachment B



home

## How 'Bout Some Cash to Dump the Reid Clunker?

Aug. 21, 2009 in Uncategorized Leave a Comment

According to President Obama, when you have a gasbag which is falling apart, leaking gunk all over the place, and spewing toxic waste into the environment while pulling hard to the left, you should turn it in to be crushed and destroyed, never to travel the streets of America again.

Which is pretty much how many of us feel about Senate Majority Leader Harry Reid. [\[Read the rest of this entry...\]](#)

## The Smell of Fear

Aug. 21, 2009 in Uncategorized Leave a Comment

Anyone who doesn't think Harry Reid and the Democrats are scared to death that Nevada GOP Chairman Sue Lowden might run against the Majority Leader need only read the following from Reno Gazette-Journal reporter/blogger Anjeanette Damon:

*"Republican officeholders across the state received a public records request earlier this month from a DSCC (Democratic Senatorial Campaign Committee) researcher. The letter requests 'any correspondence, in any form' between Lowden and the officeholder 'for all years.' Lt. Gov. Brian Krolicki, Assemblyman Lynn Stewart and Gov. Jim Gibbons have received the letter. Stewart also said Assembly Minority Leader Heidi Gansert has received it."*

Run Sue, run.

## Senatorial Derby Update

Aug. 14, 2009 in Uncategorized Leave a Comment

OK, with Heller out and Lowden all but officially in, let's take an updated look at the odds, shall we?

[\[Read the rest of this entry...\]](#)

## The Field is Almost Set

Aug. 14, 2009 in Uncategorized Leave a Comment

With Rep. Dean Heller's exit from the field of potential candidates angling to take on Sen. Harry Reid next year, the GOP is looking at a free-for-all. Just a couple of points about Heller.

[\[Read the rest of this entry...\]](#)

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## We Get It

Aug. 08, 2009 in Uncategorized Leave a Comment

Dear Republican U.S. Senate Candidates,

We get it.

*Harry Reid's bad. He's a liberal carrying water for Barack Obama. He wants to nationalize our health care system. He said the war in Iraq was "lost." He's forsaken the interests of Nevada to advance the interests of the far left in Washington, D.C. He's boring. He's pale. He's old. He has suspicious land deals. He had ties to Jack Abramoff. He's in the pocket of Big Labor. His polling numbers are weak. He's vulnerable. Blah, blah, blah.*

We get it.

*And if you are a Republican campaigning for the nomination to run against Reid next year, or are considering such a run, we stipulate for the record that every one of you are more conservative than Reid and would vote very differently from him if elected.*

We get it.

*So can we dispense with the formalities and get down to the nitty-gritty: How are you going to beat him?*

Signed,

Nevada Voters

[\[Read the rest of this entry...\]](#)

## Movin' on Up to the Big Leagues

Aug. 03, 2009 in Uncategorized Leave a Comment

Our little Dump Reid blog is "graduating" into a full-blown federal political action committee (PAC). The paperwork is in the works, contracts are being signed and DumpReid.com is being retooled for a national campaign. Here's the inside dope and press release which will go out tomorrow morning...

[\[Read the rest of this entry...\]](#)

## Nevada Derby Update

Aug. 01, 2009 in Uncategorized Leave a Comment

With the dog days of summer upon us, time to take a look at the *Anybody Butt Reid* vs. *Harry Reid* horse race and see what the field looks like. Remember, these odds are based on the likelihood of these individuals both getting into the race AND nabbing the GOP nomination next June.

[\[Read the rest of this entry...\]](#)

## The Un-Porkulus

Aug. 01, 2009 in Uncategorized Leave a Comment

The following letter by a fella named Mark Kostner was published in a blog post ("Dear Harry Reid: Where's our damn pork?") by CityLife columnist Andrew Kiraly on Thursday which calls into question the #1 reason many of Nevada's movers-and-shakers continue to feed us as the reason for re-electing Sen. Harry Reid (D) next year:

[\[Read the rest of this entry...\]](#)

## Harry Reid's Vegas Blowout Party

May.28, 2009 in Uncategorized [Leave a Comment](#)

As I watched President Barack Obama and Senate Majority Leader Harry Reid speaking at that \$2 million fundraising event at Caesars Palace in Las Vegas on Tuesday night, I noticed something missing.

[\[Read the rest of this entry...\]](#)

## Nevada Derby Update

Apr.20, 2009 in Uncategorized [Leave a Comment](#)

Major developments in the race to replace Harry Reid in the United States Senate over the past week. Updated odds on various candidates based on both getting into the race and nabbing the GOP nomination:

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