

FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

COLUMBUS METROPOLITAN CLUB; OHIO REPUBLICAN PARTY; OHIO DEMOCRATIC PARTY.

MUR NO. _____

COMPLAINT

1. As explained more fully below, the Columbus Metropolitan Club (CMC), on May 23, 2012 violated the Federal Election Campaign Act (FECA), 2 U.S.C. § 441b(a), by providing the Ohio Republican Party and Ohio Democratic Party, and their presumptive presidential candidates, Mitt Romney and Barack Obama, respectively, corporate campaign contributions. The Ohio Republican Party and Ohio Democratic Party are also in violation of the FECA because they participated in arranging, and accepting, these unlawful corporate campaign contributions. *See* 2 U.S.C. § 441b(a).

2. As explained more fully below, CMC violated the FECA and its implementing regulations by inviting, authorizing and allowing both the Ohio Republican Party and the Ohio Republican Party, through their chairs, Robert T. Bennett and Chris Redfern, respectively, to make campaign-related speeches to an unrestricted audience that included the general public. *See* FEC Advisory Opinion 1996-11. CMC accomplished this illegal end by staging a "forum," which closely resembled a debate, between Bennett and Redfern on May 23, 2012, which was advertised by CMC as "Presidential Politics in O-H-I-O," and which the general public was invited and allowed to attend. Further, CMC filmed (i.e., electronically capturing through video and audio recording) the forum in its entirety with plans to post this filming (as described above) on its unrestricted web page, which is open to and available to the general public, and to have broadcast by the Ohio News Network. *See generally* 11 C.F.R. § 114.4(c) (describing speech corporations may distribute to the general public); 11 C.F.R. §§ 114.3(c)(2) and 114.4(b)(1) (describing permissible campaign-related speech delivered to restricted audiences). *See also* 11 C.F.R. § 114.4(e) (applying 11 C.F.R. § 114.4(b)'s limitations to non-profit membership organizations).

3. As explained more fully below, CMC's posting of the forum filming on its and other unrestricted web pages, and its expressed intent to deliver the film to the Ohio News Network, separately and independently violate the FECA, 2 U.S.C. § 441b(a), because they constitute "something of value" donated to the Ohio Republican Party, the Ohio Democratic Party, and their respective candidates' campaigns. *See* FEC Advisory Opinion 1996-11 (stating that non-profit membership corporation cannot invite public to hear campaign-related speeches by office-holders or their representatives at a corporation-sponsored meeting).

4. As explained more fully below, the Ohio Republican Party and the Ohio Democratic Party are in violation of the FECA, 2 U.S.C. § 441b(a), because they knowingly accepted and/or continued to accept the aforementioned corporate contributions.

5. Complainant has been, and continues to be, injured by CMC's illegal campaign contributions to the Ohio Republican Party and the Ohio Democratic Party, and their respective presidential candidates, because CMC's actions skew the political process in Ohio, benefit the two established parties at the expense of emerging ballot-qualified parties in Ohio—including the Libertarian, Constitution, Socialist, and Green Parties, all of which are ballot-qualified and have (or will have) qualified candidates for Ohio's 2012 United States presidential race—and perpetuate the public illusion of a two-party system in Ohio. Further, CMC's actions have misled the electorate into believing that a true debate or forum was staged between "the two candidates" for President in Ohio, thereby injuring Ohio's other qualified party candidates and their supporters/voters.

COMPLAINANT

6. Mark R. Brown is a registered voter in Ohio who routinely votes for qualified minor-party candidates in Ohio, including those qualified candidates of the Socialist Party, Green Party and Libertarian Party, and who intends to vote for one of Ohio's minor-party candidates for President of the United States in November 2012. **His mailing address is: Mark R. Brown, 4388 Castleton Road W, Columbus, OH 43220.**

RESPONDENTS

7. Columbus Metropolitan Club (CMC) is a non-profit corporation, *see* http://www2.sos.state.oh.us/pls/bsqry/f?p=100:7:2168223728858443::NO:7:P7_CHARTER_NU

M:483025 (reporting that CMC is a non-profit corporation),¹ organized under the laws of Ohio.² **Its mailing address is: Columbus Metropolitan Club, c/o Jane Ann Scott, 100 E. Broad Street, Suite 2350, Columbus, OH 43215.**

8. The Ohio Republican Party is an affiliate of the national Republican Party which is poised to nominate Mitt Romney as its presidential candidate. Robert T. Bennett is the chair of the Ohio Republican Party. The Ohio Republican Party's address is: **Ohio Republican Party, 211 South Fifth Street, Columbus, OH 43215.**

9. The Ohio Democratic Party is an affiliate of the national Democratic Party which is poised to nominate Barack Obama as its presidential candidate. Chris Redfern is the chair of the Ohio Democratic Party. The Ohio Democratic Party's address is: **Ohio Democratic Party, 340 East Fulton Street, Columbus, OH 43215.**

FACTUAL ALLEGATIONS

10. The Ohio Republican Party's and Ohio Democratic Party's chairs, Bob Bennett and Chris Redfern, respectively, were both invited by the CMC to deliver presentations, together, at a luncheon provided by, and paid for, by the CMC. *See Joe Vardon, Past Intraparty squabbles covered again at debate, COLUMBUS DISPATCH, May 24, 2012, B4, <http://www.dispatch.com/content/stories/local/2012/05/24/past-intraparty-squabbles-covered-again-at-debate.html> (Attachment A).*

11. The joint presentation described in ¶ 10 was advertised by the CMC on its web page as addressing "Presidential Politics in O-H-I-O." *See <http://www.columbusmetroclub.org/Default.aspx?pageId=49313&eventId=489174&EventViewMode=EventDetails> (CMC advertisement for forum) (last visited May 25, 2012) (Attachment B).*

12. CMC claimed in the advertisement described in ¶ 11 that the joint presentation would address "[t]he economy, taxes, health care, education, social rights, and individual freedoms;

¹ According to prior filings with the Commission, CMC is a 501(c)(3) corporation within the meaning of the Internal Revenue Code. *See* MUR 5642; MUR 6111 (describing CMC as 501(c)(3) corporation).

² CMC's charter on file with the Ohio Secretary of State does not reveal whether it is a non-profit membership corporation within the meaning of the federal election laws. Assuming that CMC is a non-profit membership corporation, Complainant's charges remain the same. The requirements of, and prohibitions on, non-profit membership corporations and other non-profit corporations are essentially the same for purposes of this Complaint. *Compare* 11 C.F.R. §§ 114.3(c) & 114.4(b) (describing requirements for corporations) *with* 11 C.F.R. § 114.4(e) (describing requirements for membership corporations). Neither type of corporation is allowed to facilitate the campaign-related speech of candidates and/or parties by distributing it to the general public.

take your pick." See <http://www.columbusmetroclub.org/Default.aspx?pageId=49313&eventId=489174&EventViewMode=EventDetails> (CMC advertisement for forum) (last visited May 25, 2012) (Attachment B). Further, the advertisement stated: "It all comes down to choosing an R or a D and who better to discuss the process than State Political Party Chairmen **Chris Redfern** and **Bob Bennett**?" *Id.*

13. The joint presentation, according to the advertisement described in ¶ 11 was to be a "discussion" "[h]osted by" the local news director at WOSU, Mike Thompson. See <http://www.columbusmetroclub.org/Default.aspx?pageId=49313&eventId=489174&EventViewMode=EventDetails> (CMC advertisement for forum) (last visited May 25, 2012) (Attachment B).

14. Mike Thompson, in fact, hosted the discussion and according to news reports "quizzed" the two speakers, Bennett and Redfern. See Joe Vardon, *Past Intraparty squabbles covered again at debate*, COLUMBUS DISPATCH, May 24, 2012, B4, <http://www.dispatch.com/content/stories/local/2012/05/24/past-intraparty-squabbles-covered-again-at-debate.html> (Attachment A).

15. It was reported that "The chairmen spent most of their time before the Columbus Metropolitan Club talking national politics." See Karen Kasler, *State Party Chairmen Debate Top Issues Going Into Election*, 89.7 NPR News, May 24, 2012 (<http://beta.wosu.org/news/2012/05/24/state-party-chairmen-debate-top-issues-going-into-election/>) (Attachment D).

16. In response to one question from Thompson, Bennett, the Republican Party chair, reportedly stated, "I think President Obama is bringing the (Ohio Republican) party together." See Joe Vardon, *Past Intraparty squabbles covered again at debate*, COLUMBUS DISPATCH, May 24, 2012, B4, <http://www.dispatch.com/content/stories/local/2012/05/24/past-intraparty-squabbles-covered-again-at-debate.html> (Attachment A).

17. Bennett reportedly stated at the forum described in ¶ 10 that the "Obama-directed bailout of General Motors and Chrysler was 'a bad thing'." See Joe Vardon, *Past Intraparty squabbles covered again at debate*, COLUMBUS DISPATCH, May 24, 2012, B4, <http://www.dispatch.com/content/stories/local/2012/05/24/past-intraparty-squabbles-covered-again-at-debate.html> (Attachment A).

18. Bennett reportedly stated at the forum described in ¶ 10 that "he would 'be very surprised if we have a gender gap', with more women voting for Obama than Romney." See Joe Vardon, *Past Intraparty squabbles covered again at debate*, COLUMBUS DISPATCH, May 24, 2012, B4, <http://www.dispatch.com/content/stories/local/2012/05/24/past-intraparty-squabbles-covered-again-at-debate.html> (Attachment A).

19. When asked by Thompson "if he's pleased with Mitt Romney as the GOP presidential nominee," Bennett responded, "Absolutely." See Karen Kasler, *State Party Chairmen Debate Top Issues Going Into Election*, 89.7 NPR News, May 24, 2012 (<http://beta.wosu.org/news/2012/05/24/state-party-chairmen-debate-top-issues-going-into-election/>) (Attachment D). "I think he's...he will appeal to not only the social conservatives and the fiscal conservatives and the Tea Party people within the party, but he'll be able to reach out and attract a number of independents." *Id.*

20. Redfern reportedly stated that "more Ohioans are working today than were in January of 2009 when (Obama's) hand came off the Bible." See Joe Vardon, *Past Intraparty squabbles covered again at debate*, COLUMBUS DISPATCH, May 24, 2012, B4, <http://www.dispatch.com/content/stories/local/2012/05/24/past-intraparty-squabbles-covered-again-at-debate.html> (Attachment A).

21. Redfern also was reported to have stated that "he's also happy with Barack Obama as a president and a candidate." See Karen Kasler, *State Party Chairmen Debate Top Issues Going Into Election*, 89.7 NPR News, May 24, 2012 (<http://beta.wosu.org/news/2012/05/24/state-party-chairmen-debate-top-issues-going-into-election/>) (Attachment D). Redfern is quoted as having stated: "The president's leadership and the leadership of those who joined him in the Congress have meant that more Ohioans are working today than there were in January 2009 when his hand came off the Bible. There are more Ohioans today covered by health care when there were when the president's hand came off the Bible. And I think we should all celebrate that." *Id.*

22. The discussion described in ¶ 10 was reported to be a "53-minute debate." See Joe Vardon, *Past Intraparty squabbles covered again at debate*, COLUMBUS DISPATCH, May 24, 2012, B4, <http://www.dispatch.com/content/stories/local/2012/05/24/past-intraparty-squabbles-covered-again-at-debate.html> (Attachment A).

23. Campaign-related speech, within the meaning of the FECA, its implementing regulations, and the FEC's Advisory Opinions, *see, e.g.*, Advisory Opinion 1996-11, was presented by both Bennett and Redfern at the forum described in ¶ 10.

24. The general public was invited to attend the discussion described in ¶ 10 at a cost of \$40.00 per person. See <http://www.columbusmetroclub.org/Default.aspx?pageId=49313&eventId=489174&EventViewMode=EventDetails> (CMC advertisement for forum) (last visited May 25, 2012) (Attachment B) (stating that registration for the luncheon was open to the "Public -- \$40.00 (USD)" "Public Table of 10 -- \$400.00 (USD)" and "Public Table of 8 -- \$320.00 (USD)").

25. Andrew Campbell, the Program Director for the CMC, admitted in an e-mail to Complainant on May 24, 2012 that the "Club holds luncheon forums every Wednesday ... [and] We are always open to the public and to our members" See Attachment C.

26. Complainant has no personal knowledge as to whether members of the public attended the discussion described in ¶ 10; however, in his e-mail dated May 24, 2012 to Complainant, Mr. Campbell admitted that the discussion described in ¶ 10 was slated for further public dissemination over the public airwaves and the Internet: "Yesterdays program will air on the Ohio News Network, ONN, and will be posted in our archives via YouTube by end of day tomorrow." *See* Attachment C.

27. The discussion described in ¶ 10 was posted on YouTube, accessible through a link on the CMC's web page, on June 1, 2012. *See* <http://www.youtube.com/adrewbart> (last visited on June 2, 2012 (Attachment E)). It is clear from viewing the discussion that Bennett and Redfern engaged in campaign-related speech. The general public is therefore able to view and hear this campaign-related speech of Bennett and Redfern free-of-charge through the link on CMC's web page.

28. CMC's accompanying description of the discussion described in ¶ 10, which it made available to the general public through its web page and link to YouTube described in ¶ 27, stated:

With Ohio continuing to be a key swing state, there is the expectation of multiple visits from both presidential candidates between now and the November election. As Ohioans, it gives us a small sense of pride that to get the extra attention, but what makes Ohio so important to the national electoral scene?

Long-time "policitos" and state chairmen of their respective parties, Democrat Chris Redfern and Republican Bob Bennett will share the stage for a discussion moderated by WOSU Public Media's news director Mike Thompson at the May 23 CMC luncheon forum.

How do the state party organizations work with the national election committees? With limited time (although it seems like forever), where are the political operatives directing their efforts? The superpacs of 2012 will be sending their own messages about issues, candidates and parties, but will this unlimited influx of money change the political game?

The stakes are high in Ohio, especially for Bob Bennett since a Republican has never won a presidential election without winning Ohio. Following a recent shake-up in the Ohio GOP leadership, Bennett is serving as chairman again, after a three-year break. Previously he held that position as the longest-serving chairman of the Ohio Republican Party, leading the organization from 1988--2009.

A former Ohio State Representative in the 80th district, Redfern has been chair of the Ohio Democratic Party since 2005. His leadership strategy has been to gain voters in all 88 Ohio counties, not just concentrating on specific types or geography of voters but on all Ohioans.

See <http://www.youtube.com/watch?v=IqYbnd3wWIM> (last visited June 2, 2012) (Attachment F).

29. Complainant has no personal knowledge whether the plan described in ¶ 26 to have the Ohio News Network broadcast the forum described in ¶ 10 has been carried out.

30. Ohio has five additional qualified parties, the Constitution Party, the Green Party, the Socialist Party, America Elects, and the Libertarian Party, with full access to Ohio's 2012 presidential election ballot; at least two of these parties, the Socialist Party and the Libertarian Party, have already selected their presidential candidates. All five of these parties are in exactly the same positions, or better, than the Democratic and Republican Parties in Ohio.

31. Complainant has personal knowledge that none of the parties described in ¶ 30 was invited or allowed to participate in the discussion described in ¶ 10. *See also* Attachment C (Mr. Campbell states in his May 24, 2012 e-mail to Complainant that "Bennett and Redfern were invited to speak at the forum because they clearly have knowledge and expertise in the political arena and the conversation -- particularly related to the presidential election in this case -- is relevant to the community.").

32. The CMC, through its Program Director, Andrew Campbell, admitted in an e-mail sent to Complainant on May 24, 2012 that the CMC's forum, described in ¶ 10, "was not a debate ... and was certainly not 'official' since neither participant is running for president nor do they directly represent campaigns." *See* Attachment C.

33. The CMC, through its Program Director, Andrew Campbell, admitted in an e-mail sent to Complainant on May 24, 2012 that the CMC's forum, described in ¶ 10, was not staged as a debate using publicly-stated, pre-existing objective criteria.³ *See* Attachment C ("When the Metropolitan Club does program an actual campaign debate -- and we will do several in the coming election year -- we have very specific guidelines for candidate participation.").

34. CMC, through its Executive Director, Jane Scott, justified its forum in an e-mail to Complainant dated May 24, 2012 by arguing:

³ Were the forum described in ¶ 10 a properly organized debate, *see* 11 C.F.R. § 114.4(f), it could have been lawfully opened to the general public. Properly organizing a debate within the framework of federal election laws, however, requires that staging organizations, among other things, employ publicly-stated pre-existing, objective criteria to select the candidates who participate. CMC admits it did not do this.

First and most importantly, the FEC has now ruled – twice – that the Club is a public forum where candidates or party representatives can appear and discuss ongoing campaigns without the Club making an illegal corporate contribution to any candidate or party.

Second, the Supreme Court in the Citizens United case held that corporations have a First Amendment right to speak to the general public with regard to specific candidates. The FEC regulations cited by Mr. Brown were all called into question by Citizens United and, in fact, the FEC has issued proposed regulations that would repeal or substantially revise those regulations. While these regulations are being revised, the FEC has said that the existing regulations will not be enforced.

See Attachment C.

35. The two FEC rulings described in ¶ 29 by Ms. Scott are, to the best of Complainant's knowledge, *In re Soros*, MUR 5642, and *In re WOSU Public Radio*, MUR 6111.

36. Neither MUR 5642, which involved allegedly illegal independent expenditures by Mr. George Soros during the 2004 presidential election campaign and the CMC's hosting of one of Soros's presentations, nor MUR 6111, which involved whether WOSU and the CMC had properly staged a candidate-debate, ruled that the CMC is some sort of "public forum where candidates or party representatives can appear and discuss ongoing campaigns" free from the limitations spelled out in the FECA.

37. In MUR 5642, the General Counsel urged "prosecutorial discretion" to justify not pursuing the CMC even though probable cause existed as to Soros.

38. In MUR 6111, it was found that the CMC had properly employed pre-existing objective criteria to stage its debate.

39. The Supreme Court's decision in *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010), does not authorize non-profit corporations to make contributions to candidates or political parties. *See, e.g., Ognibene v. Parkes*, 671 F.3d 174, 195 n.21 (2d Cir. 2012) ("*Citizens United* preserves the anti-corruption justification for regulating corporate contributions, based on its clear distinction between expenditures and contributions, and the lack of an express rejection of the corporate ban, which has existed since the first federal campaign finance law in 1907.").

40. The Ohio Republican Party is affiliated with the national Republican Party, which is expected to nominate Mitt Romney for President in 2012 at its national convention. Bennett expressly referred to this fact in the presentation he delivered at the forum described in ¶ 10.

41. The Ohio Democratic Party is affiliated with the national Democratic Party, which is expected to nominate Barack Obama for President in 2012 at its national convention. Redfern expressly referred to this fact in the presentation he delivered at the forum described in ¶ 10.

42. As stated by both Bennett and Redfern at the discussion described in ¶ 10, once formally nominated at their respective national conventions, Romney and Obama will serve as the presidential candidates of the Ohio Republican Party and Ohio Democratic Party, respectively.

43. Robert T. Bennett, as chair of the Ohio Republican Party, acted in his official capacity at the forum described in ¶ 10 and therefore was an agent or representative of the Ohio Republican Party and the Republican Party's presumed presidential candidate, Mitt Romney.

44. Chris Redfern, as chair of the Ohio Democratic Party, acted in his official capacity at the forum described in ¶ 10 and therefore was an agent or representative of the Ohio Democratic Party and the Democratic Party's presumed presidential candidate, Barack Obama.

45. Regulations passed by the Federal Election Commission (FEC) allow corporations, including non-profits, to invite candidates and their representatives to speak on campaign-related matters to the organizations' "restricted class" memberships. *See* 11 C.F.R. § 114.3(c)(2).⁴ *See* FEC Advisory Opinion 1996-11.

46. Corporations, non-profits, and incorporated membership organizations, under certain circumstances, are likewise authorized to invite candidates and their representatives "to address or meet members and employees of the organization, and their families, on the organization's premises or at a meeting, convention or other function of the organization." 11 C.F.R. § 114.4(e). *See also* 11 C.F.R. § 114.4(b)(1). Candidates may under these circumstances engage in campaign-related speech. *See* FEC Advisory Opinion 1996-11.

47. Non-profit corporations, including incorporated membership organizations, may lawfully sponsor, hold and broadcast candidates' debates (which necessarily include campaign-related speech) and make these debates open to the general public, *see, e.g.*, 11 C.F.R. § 114(f), so long as the corporations use publicly-stated, pre-existing, objective criteria to select the candidates to be included in the debates.

48. Outside a properly staged debate format, corporations, non-profits, and incorporated membership corporations are prohibited by FEC regulations from inviting or allowing the general public to attend candidates' presentations that include campaign-related speech that they (that is, the corporations, non-profits, and incorporated membership organizations) have sponsored, authorized, organized, or otherwise allowed. *See* FEC Advisory Opinion 1996-11; 11 C.F.R. § 114.4(b)(1); 11 C.F.R. § 114.4(e); 11 C.F.R. § 114.3(c)(2).

49. The prohibition described in ¶ 48 extends to corporations', non-profits' and incorporated membership organizations' inviting candidates' and parties' *agents and representatives, or any*

⁴"Restricted class" membership includes members, their immediate families, and executive/administrative personnel (and their families). It excludes unsalaried employees and the general public. Section 114.3(c)(2) also allows incidental guests and members of the press to attend.

other persons, to deliver campaign-related speech to a public audience at an event sponsored or promoted by corporations, non-profits and incorporated membership organizations. *See* FEC Advisory Opinion 1996-11.

VIOLATIONS

50. The Federal Election Campaign Act (FECA) prohibits corporations from making contributions or expenditures “in connection with” federal elections. 2 U.S.C. § 441b(a). The FECA defines “contribution or expenditure” to include “any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or *anything of value* to any candidate, campaign committee, or political party or organization.” *Id.* § 441b(b)(2) (emphasis added).

51. FEC regulations state that the prohibition found in 2 U.S.C. § 441b include "anything of value" given "to any political party or committee, organization, or any other person in connection with" a federal election. 11 C.F.R. § 114.1(a).

52. Outside a properly staged debate format,⁵ corporations (including non-profits and incorporated membership organizations) are prohibited by FEC regulations from inviting or allowing the general public to attend candidates' or political parties' presentations that include campaign-related speech that they (that is, the corporations and incorporated membership organizations) have sponsored, authorized, organized, or otherwise allowed. *See* FEC Advisory Opinion 1996-11; 11 C.F.R. § 114.4(b)(1); 11 C.F.R. § 114.4(e); 11 C.F.R. § 114.3(c)(2).

53. The Commission has concluded that activities and speeches are "campaign-related" when they "involve (i) the solicitation, making or acceptance of contributions to the candidate's campaign, or (ii) communications expressly advocating the nomination, election or defeat of any candidate." FEC Advisory Opinion 1996-11. Both Bennett's and Redfern's presentations and

⁵ Federal law, moreover, prohibits debate-sponsors, including non-profit corporations, from simply choosing the "major" Democratic and Republican candidates for federal office to engage in debates. *See Buchanan v. Federal Election Commission*, 112 F. Supp.2d 58, 74 (D.D.C. 2000) (quoting FEC statement). Thus, had the forum described in ¶ 10 been a true debate within the meaning of federal campaign-finance laws, it still would have likely violated the FECA.

responses to questions at the forum described in ¶ 10 expressly advocated the election of their respective candidates and the defeats of their opponents.

54. The Commission has found that "references to the speaker's campaign or to the campaign or qualifications of other candidates would change the character of the appearance to one that is for the purpose of influencing a Federal election." FEC Advisory Opinion 1996-11. Both Redfern and Bennett made in their presentations and responses to questions at the forum described in ¶ 10 made repeated references to the campaigns and qualifications of their respective candidates.

55. The Commission has concluded that a combination of factors, including whether (1) the "invitations to the speakers are ... based on their status as candidates," (2) "[t]he speeches themselves will ... afford the candidates, *or anyone else on their behalf*, an opportunity to expressly advocate the election or defeat of the speakers or any other clearly identified candidates, or to solicit or collect contributions from attendees on behalf of the candidate speakers," (3) the event "involv[es] the discussion of campaign issues by the candidate during a campaign," and (4) "opposing candidates" will be invited and "give[n] ... an opportunity to speak or appear." FEC Advisory Opinion 1996-11 (emphasis added).

56. The prohibitions on campaign-related speech at public events sponsored by corporations extend not only to candidates, their parties, and agents/representatives, but also to "anyone else on their behalf." *See supra* ¶ 55; FEC Advisory Opinion 1996-11.

57. The CMC violated the rules and regulations described above by inviting the Republican and Democratic Party chairs in Ohio to an almost-hour-long public forum open to the general public, which was also subsequently streamed to the general public, free-of-charge over the Internet, to deliver campaign-related speech in connection with the upcoming 2012 presidential election.

58. The CMC separately and independently violated the FECA by making the forum described in ¶ 10 available in its entirety to the general public over the Internet free-of-charge. *See* FEC Advisory Opinion 1996-11.

59. Because campaign-related speech was delivered by the Ohio Republican Party and Ohio Democratic Party chairs at this almost-hour-long public-forum, both the Ohio Republican Party and the Ohio Democratic Party are complicit in the CMC's violation and are equally accountable. *See* 2 U.S.C. § 441b(a) (prohibiting "any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section").

DEMAND FOR RELIEF

WHEREFORE, Complainant respectfully requests that the Commission investigate the allegations contained in this Complaint, declare that the Respondents are in violation of the Federal Election Campaign Act and applicable FEC regulations, and impose sanctions commensurate with these violations. This includes attempting immediate conciliation under 2 U.S.C. § 437g(4)(A), instituting proceedings in the United States District Court for the Southern District of Ohio, *see* 2 U.S.C. § 437g(6)(A), and/or referring the matter to the Attorney General of the United States for immediate prosecution. *See* 2 U.S.C. § 437g(5)(C).

I swear under penalty of perjury that the allegations contained in this Complaint are, upon information and belief, true and correct.

Sworn pursuant to 18 U.S.C. § 1001.

Mark R. Brown

Sworn to and subscribed before me this ____ day of June, 2012.

Notary Public

My commission expires: _____