



1710 L. Franklin Street
Richmond, Virginia 23225
Phone: 804/644-1966 800/322-1144
Fax: 804/343-3642

www.dem.virginia.gov

C. Richard Cranwell
Chair

Amy Reger
Executive Director

November 2, 2007

Ms. Nancy Rodrigues
Secretary
Virginia State Board of Elections
200 North 9th Street, Suite 101
Richmond, VA 23219

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

Dear Ms. Rodrigues and Ms. Duncan:

I am writing this letter to file a complaint with your respective offices regarding advertisements disseminated by Jeannemarie Devolites Davis's campaign for Virginia State Senate. Upon information and belief, Mrs. Devolites Davis is currently airing television advertisements and mailing print advertisements in connection with her campaign, at a cost of hundreds of thousands of dollars, that have been paid for directly by the congressional campaign committee of her husband, Congressman Tom Davis. The television ads and mailings not only fail to disclose the true source of the financing for these communications, but also falsely convey the impression that they were paid for entirely by Ms. Devolites Davis's campaign committee. This activity violates both State of Virginia and federal "stand by your ad" laws.

According to campaign reports filed by the Devolites Davis campaign on October 29, 2007 (attached as Exhibit A), the campaign has reported receiving almost \$400,000 of in-kind contributions from Mr. Davis's campaign committee for television and print media purchases. Further, while the Devolites Davis committee reports some expenditures for print media communications, it does not report any significant expenditures for television communications from its own funds over the past several months. Therefore, Mr. Davis's campaign committee would appear to have paid for the advertisements in whole or in part.

Attached as Exhibit B are mailings and a television advertising script of an advertisement currently run by Ms. Devolites Davis in connection with her campaign. Based upon information and belief, all campaign materials and advertisements disseminated on behalf of the Devolites Davis campaign contain a disclaimer that states "Paid for and Authorized by Jeannemarie Devolites Davis for State Senate." In a television advertisement, which is apparently paid for by the Davis for Congress campaign, Mrs. Devolites Davis appears at the end of the ad and states that her campaign sponsored the advertisement. The advertisement can be viewed at <http://www.youtube.com/watch?v=iGZkfydbOeY>.

The failure of the Devolites Davis campaign and Tom Davis for Congress to accurately disclose that Mr. Davis's congressional campaign committee paid for the print and television ads, in whole or in part, is a serious violation of both Virginia and Federal election laws.

Violations of Virginia Law

Virginia's "stand by your ad" law requires print and television advertisements sponsored by candidate campaign committees and others to identify who paid for the ads. See Code of Virginia, Sections 24.2-956 through 24.2-957.3. In addition, if such advertisements are jointly sponsored, then the required disclosure statement must "name all sponsors." Both print and television advertisements must have written disclosure legends, and television advertisements must have oral disclosure statements.

Thus, the Devolites Davis campaign committee and Davis Congressional campaign committee have violated these provisions by failing to properly identify the true sponsor or sponsors of the advertisements. Rather than properly identifying the fact that the communications disseminated by the Devolites Davis committee were paid for, in whole or in part, by Tom Davis for Congress, the Devolites Davis campaign advertisements give the false impression that they were paid for entirely by her campaign committee.

Violations of Federal Law

In addition, the Tom Davis for Congress committee, a political committee registered with the Federal Election Commission, has violated, and continues to violate, the Federal Election Campaign Act and FEC Regulations by financing the aforementioned ads, without disclosing that fact in the ads themselves. Section 2 U.S.C. § 441d(a) provides that "[w]henver a federal political committee makes a disbursement for the purpose of financing any communication any broadcasting station . . . mailing, or any other type of general public political advertising," the communication must "clearly state that the [it] has been paid for" by the committee.¹ This disclosure obligation applies regardless of whether the ads are paid for directly by the federal candidate's committee, as appears to be the case here, or whether the payments were made through the state campaign or other conduit -- so long as the purpose of the disbursement by the federal committee was to finance a public communication.

Moreover, the required disclosure "must be presented in a clear and conspicuous manner, to give the reader, observer, or listener adequate notice of the identity of the . . . political committee that paid for" the communication. 11 C.F.R. §110.11(a), (b), and (c). Television communications paid for by the authorized committee of a candidate must include either an on-screen appearance by the federal candidate in which the candidate identifies himself and conveys that he approved the ad, or a voice-over by the candidate

¹ FEC Regulations clarify that the mailing includes a postal or facsimile mailing of an identical or substantially similar nature within any 30-day period. 11 C.F.R. §100.27. Upon information and belief, the mailings at issue here satisfy this requirement.

to the same effect, accompanied by a clearly identifiable photographic or similar image of the candidate. 11 C.F.R. § 110.11(c)(3). In a printed communication, the disclosure must be contained in a printed box set apart from the other contents of the communication. 11 C.F.R. § 110.11(c)(2). As stated above, it is our understanding that Congressman Davis does not make an appearance or voice-over in any television advertisement paid for by his campaign committee on behalf of the Devolites Davis campaign, nor do the mailings accurately disclose that Congressman Davis's committee is the source of funding.

We urge the Virginia State Board of Elections and Federal Election Commission to promptly and thoroughly investigate these violations of both Virginia and federal election laws.

Sincerely,



C. Richard Cranwell
Chairman
Democratic Party of Virginia

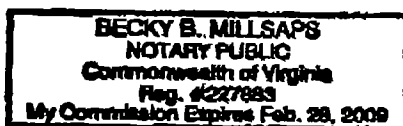
Signed and sworn before me this 2nd day of November, 2007

Becky B. Millsaps
Notary Public

Commission Exp. 2/28/09


Notary Seal

My Registration No.: 227883



[About Us](#) | [Election Laws](#) | [Frequently Asked Questions](#) | [Forms and Publications](#) | [Text-Only Site](#) | [Web Policy](#) | [Governor of Virginia](#)

Virginia State Board of Elections



On-line Campaign Finance Disclosure Reports

Candidate Campaign Committee Report Schedule B - In-kind Contributions over \$100 in value

Report Year : 2007

Candidates : Devoltes Jeannemarie

Report Codes : OCTN29_07(0)

Filing Period : 10/01/2007 - 10/24/2007

Data Specified

Office : SEN

Results from the State Board of Elections WWW server, at 8:39:25 AM(eastern) on 10/31/2007

Report Code	Contributor Name/Address	Business / Corporation Donor	Individual Donor	In-Kind Service Basis Used to Determine Value	Date Received	Contribution this period	*Aggregate to date
OCTN29_07	Agnew III James F. - 3524 Laurel Leaf Lane - Fairfax - VA - 22031		Blakely & Agnew LLC - Partner - Washington DC	Food and Drink for Fundraiser - Actual Cost	10/12/2007	150	150
OCTN29_07	Ames Matthew - 8939 Colebury Place - Fairfax - VA - 22031		Miller & Van Eaton - Lawyer - Washington DC	Food and Drink at fundraiser - Actual Cost	10/12/2007	150	150
OCTN29_07	Brubaker Carolyn - 10313 Lynnhaven Place - Oakton - VA		Microsoft - Executive - Fairfax VA	Food for Fundraiser - Actual Cost	10/2/2007	350	1100

Report Code	Contributor Name/Address	Business / Corporation Donor	Individual Donor	In Kind Service Basis Used to Determine Value	Date Received	Contribution this period	* Aggregate to date
- 22124							
OCTN29_07	Capital One - 1680 Capital One Drive - McLean - VA - 22101	Credit Cards - McLean VA		Catering for Breakfast Fundraiser - Actual Cost	10/16/2007	125	125
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		CPC Corp - Research - Actual Cost	10/1/2007	1476.09	29834.55
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Van Metre - Office space - Actual Cost	10/1/2007	635.5	25187.16
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Domillion Va Power - Electric - Actual Cost	10/1/2007	105.68	25358.46
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Natco - Copier - Actual Cost	10/1/2007	65.62	25252.78
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Omar Terri - Campaign Staff - Actual Cost	10/1/2007	3000	28358.46

Results from the State Board of Elections WWW server, at 8:39:25 AM(eastern) on 10/31/2007, Page 1 OF 2

Report Code	Contributor Name/Address	Business / Corporation Donor	Individual Donor	In Kind Service Basis Used to Determine Value	Date Received	Contribution this period	* Aggregate to date
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA -	PAC - Same		StevensReedCurcio&Potholm - No. VA Cable - Actual Cost	10/11/2007	26255	56089.55

22003								
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Pridnia Design - Printing & Mailing - Actual Cost	10/17/2007	35258	91347.55	
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		StevensReedCurcio&Potholm - NoVA cable - Actual Cost	10/18/2007	26255	117602.55	
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Pridnia Design - Printing & Mailing - Actual Cost	10/19/2007	22651	140253.55	
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		Executive Press - Printing & Mailing - Actual Cost	10/22/2007	3463.75	143717.3	
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		StevensReedCurcio&Potholm - Ad - Actual Cost	10/23/2007	91650	235367.3	
OCTN29_07	Tom Davis for Congress Campaign - 6428 Downing Court - Annandale - VA - 22003	PAC - Same		StevenReedCurcio&Potholm - Ad - Actual Cost	10/24/2007	183465	418832.3	
OCTN29_07	Virginia Realtor PAC - 10231 Telegraph Road - Glen Allen - VA - 23059	PAC - Same		Software - Actual Cost	10/22/2007	2500	2500	
Total contributions this period =					397555.64			

Results from the State Board of Elections WWW server, at 8:39:25 AM(eastern) on 10/31/2007, Page 2 OF 2

Virginia State Board of Elections

Suite 101, 200 North 9th Street, Richmond, Virginia 23219-3485
Telephone: 804 864-8901 Toll Free: 800 552-9745 FAX: 804 371-0194



State Senator Jeannemarie Devolites Davis:

A real record of real results

Jeannemarie works across party lines to get real results. That's just what she did on transportation.

Progress, thanks to Jeannemarie

Jeannemarie led the fight for a transportation bill that means dedicated transportation funding for our area. That means progress on projects like:

- ✓ Widening I-66
- ✓ Fixing problem intersections across our area
- ✓ More money for Metro and VRE
- ✓ Addressing the host of small, irritating problems that plague our commutes

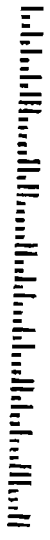
Jeannemarie makes a difference

We need an effective voice in Richmond. That's Jeannemarie. On tough issues like transportation, education, and even cyber-security, Jeannemarie has made a difference. She cares. She delivers.

Vote to re-elect State Senator Jeannemarie Devolites Davis

Paid for and Authorized by Jeannemarie Devolites Davis for State Senate. P.O. Box 936, Vienna, VA 22183 ph 703-246-0046 www.devolitesdavis.com DEV-019

Jeannemarie Devolites Davis for State Senate
 P.O. Box 936
 Vienna, VA 22183



JENNIFER WATKINS ROBINSON
 OR CURRENT RESIDENT
 4241 BERRITT ST
 FAIRFAX VA 22030-3521

Pre-sort Std.
 U.S. Postage
 PAID
 Western American Mailers





Recently Chap Petersen sent a piece of campaign mail out saying "DO NOT OPEN if you are a Richmond lobbyist or a legislator who is paid by a lobbyist, you aren't going to like what Chap's got to say." He goes on to say "In the Senate, Chap Petersen will sponsor laws to crack down on legislators receiving unearned income from lobbyists."

For Petersen, reform should start with himself.

Chap Petersen was a **partner** at Bracewell & Patterson, one of Washington's top lobbying law firms while he served in the House of Delegates. And during that time, Petersen didn't disclose the industries that his lobbying law firm represented in his Statement of Economic Interests, as he was required to do.¹

Petersen's personal lobbyist loophole

While Chap served in the House of Delegates, his lobbying law firm was the chief lobbyist for Enron and a registered lobbyist for US Tobacco and two major oil companies. His firm also represented Bechtel Infrastructure, the very company that is building the Tyson's rail project under a no-compete contract.²

He should have disclosed. He should have abstained. But he didn't.

Petersen was supposed to disclose who his firm was representing. He was supposed to abstain from votes where his firm's clients were involved. But Petersen didn't.

1 - Chap Petersen, House of Delegates Statement of Economic Interests 2002, 2003, 2004, 2005
2 - United States Senate US Lobby Registration and Reporting Disclosure

For ethical government,
**Petersen is the
WRONG choice.**
Vote "no" on Petersen.

Paid for and Authorized by JeanneMarie Devolites Davis for State Senate • P.O. Box 936, Vienna, VA 22183 • ph 703-246-0046 • www.devolitesdavis.com • DEV-030

JeanneMarie Devolites Davis for State Senate
P.O. Box 936
Vienna, VA 22183



MARISA ALFANO
OR CURRENT RESIDENT
3160 STRATFORD CT
OAKTON VA 22124-2734

ECRLOT**R077

Pre-sort Std.
U.S. Postage
PAID
Western American Mailers