



August 15, 2018

Ms. Lisa J. Stevenson
Acting General Counsel
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

COMPLAINT BEFORE THE FEDERAL ELECTION COMMISSION

Dear Ms. Stevenson:

I am writing to bring to your attention to David Dodson's recent failure to adhere to federal election law and the Bipartisan Campaign Reform Act of 2002 (BCRA). After considering the evidence below, the Commission must investigate Dodson and ensure that his campaign does not continue to run television advertisements that directly violate federal law.

Analysis

David Dodson is currently running for federal office in Wyoming.¹ On July 16, 2018, Dodson's principal campaign committee, Dodson for Senate – Wyoming First Inc., ran two television advertisements subject to the disclaimer requirements of federal law.² Since running these two television advertisements, Dodson's campaign has run at least four additional television advertisements subject to federal disclaimer requirements.³

All satellite, cable or broadcast transmissions that are authorized or paid for by a campaign require disclaimer language identifying the person who paid for and authorized the advertisement.⁴ For television advertisements, the candidate must also deliver an audio

¹ <https://www.fec.gov/data/candidate/S8WY00197/> (accessed 07/18/18).

² https://www.fec.gov/data/disbursements/?committee_id=C00671776&two_year_transaction_period=2018&data_type=process&min_date=01%2F01%2F2017&max_date=07%2F19%2F2018; see also, <https://host2.advertisinganalyticsllc.com/admo#/viewer/d2c5e35d-bb47-4ccc-ad76-ac86430301fb/>; <https://host2.advertisinganalyticsllc.com/admo#/viewer/3920d2fc-db02-4b76-92c5-28bfbf1cc027/ZGdlb3JnZUBuenNjLm9yZw> (accessed 07/18/18).

³ <https://host2.advertisinganalyticsllc.com/admo#/viewer/df958d2f-94eb-433e-9f20-c7076fd3c6e2/>; <https://host2.advertisinganalyticsllc.com/admo#/viewer/b1a56fb6-8a9b-43d6-9b33-e5205142ad62/>; <https://host2.advertisinganalyticsllc.com/admo#/viewer/1deffa72-e814-4f5d-89aa-51168447c659/>; <https://host2.advertisinganalyticsllc.com/admo#/viewer/100b4a25-aa4f-4159-8477-c618cb62ff45/> (accessed 08/14/18).

⁴ 11 CFR 110.11(c)(3)-(4).

statement identifying himself and stating that he has approved the communication.⁵ As such, Dodson must include the following audio disclaimer in all of his television advertisements: “*I am David Dodson, a candidate for US Senate, and I approved this advertisement.*”

Pursuant to the Commission’s ‘Stand by Your Ad’ requirement, the disclaimer must either be conveyed by a full-screen view of the candidate making the statement or a voiceover by the candidate with an image of the candidate occupying no less than 80% of the vertical screen height.⁶

At least six of Dodson’s television advertisements have failed to meet these requirements.⁷ In all six of these instances, Dodson failed to include any image of himself during the disclaimer portion of the advertisement.⁸ Because disclaimers in television ads must either be conveyed by a full-screen view of the candidate or an image of the candidate, the Dodson campaign stands clearly in violation of 11 CFR 110.11(c)(3)-(4).⁹

In essence, this allows Dodson to smear an opponent without having to take full ownership of the negative ad. By doing this, Dodson is clearly not “standing by his ad,” despite reaping the benefits of negative messaging against his opponent. Given that this has occurred in multiple ads, it is imperative for the commission to take immediate action. Candidates must stand by their television ads.

Additionally, assuming Dodson avails himself of the Federal Communication Commission’s ‘lowest unit rate requirement’ for television ads, Dodson is in direct violation of 47 U.S.C. 315(b)(2). According to federal law, Dodson must include “for a period of no less than 4 seconds... a clearly identifiable photographic or similar image of the candidate” in order to receive the lowest unit rate for his television advertisements.¹⁰ As such, Complainant requests the Commission to investigate the unlawful financial advantage that Dodson continues to receive despite not meeting the lowest unit rate requirement.

⁵ *Id.*

⁶ *Id.* (“A communication transmitted through television or through any broadcast, cable, or satellite transmission, must include a statement that identifies the candidate and states that he or she has approved the communication. The candidate shall convey the statement either: (A) Through an unobscured, full-screen view of himself or herself making the statement, or (B) Through a voice-over by himself or herself, accompanied by a clearly identifiable photographic or similar image of the candidate. A photographic or similar image of the candidate shall be considered clearly identified if it is at least eighty (80) percent of the vertical screen height.”); *see also*, <https://www.fec.gov/help-candidates-and-committees/making-disbursements/advertising/> (accessed 07/18/18).

⁷ <https://host2.advertisinganalyticsllc.com/admo#/viewer/d2c5e35d-bb47-4ccc-ad76-ac86430301fb/>; <https://host2.advertisinganalyticsllc.com/admo#/viewer/3920d2fc-db02-4b76-92c5-28bfbf1ce027/ZGdlb3JnZU BucnNjLm9yZW> (accessed 07/18/18); <https://host2.advertisinganalyticsllc.com/admo#/viewer/df958d2f-94eb-433e-9f20-c7076fd3c6e2/>; <https://host2.advertisinganalyticsllc.com/admo#/viewer/b1a56fb6-8a9b-43d6-9b33-e5205142ad62/>; <https://host2.advertisinganalyticsllc.com/admo#/viewer/1defa72-e814-4f5d-89aa-51168447c659/>; <https://host2.advertisinganalyticsllc.com/admo#/viewer/100b4a25-aa4f-4159-8477-c618cb62ff45/> (accessed 08/14/18).

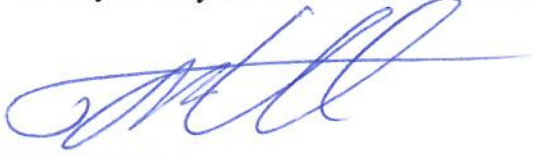
⁸ Exhibit A.

⁹ <https://www.fec.gov/updates/basic-rules-for-disclaimers-on-radio-and-tv-ads/> (accessed 07/18/18).

¹⁰ 47 U.S.C. 315(b)(2).

Complainant requests a full and timely investigation into this matter. Strict adherence to federal law is necessary so as to preserve the integrity of elections in Wyoming and to ensure the accountability of our public officials.

Thank you for your time and consideration of this matter.



Tom Wiblemo
Campaign Manager
Friends of John Barrasso

Tom Wiblemo
721 Oakhurst Drive
Cheyenne, WY 82009

Subscribed and sworn before me this 15th day of August, 2018 by Tom Wiblemo

Clarice J. Blanton
Notary Public



My Commission Expires: Nov 6, 2018
Date

Exhibit A –

“Two Very Different Plans”



SPOT TITLE

Two Very Different Plans

ADVERTISER

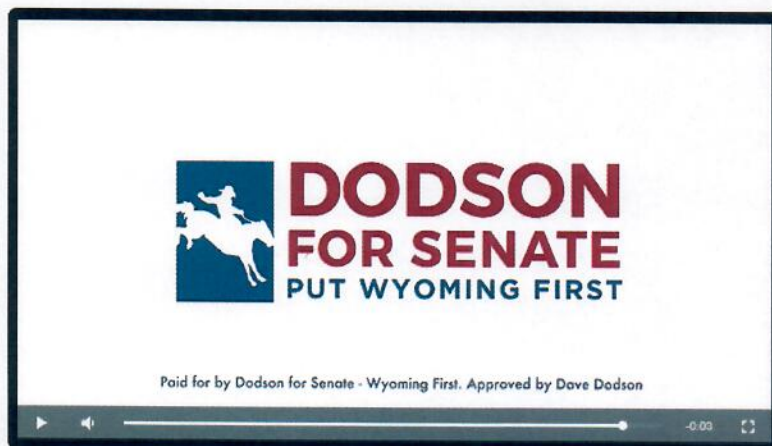
Dodson for WY Senate

CATEGORY

Election Advertisements

[Click here to access your AdMo dashboard](#)

“Plan to Put Wyoming First”



SPOT TITLE

Plan To Put Wyoming First

ADVERTISER

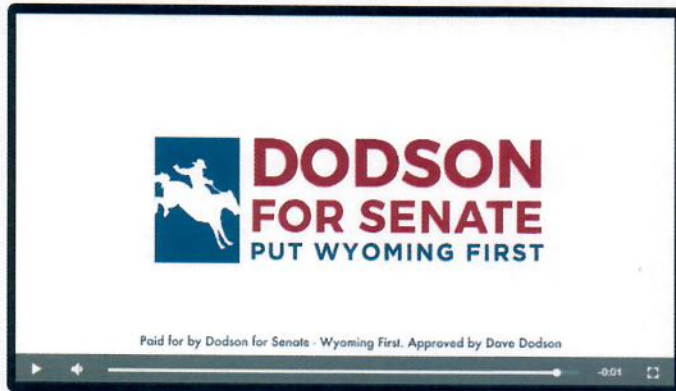
Dodson for WY Senate

CATEGORY

Election Advertisements

[Click here to access your AdMo dashboard](#)

“We Can Do It Again”



SPOT TITLE

We Can Do It Again

ADVERTISER

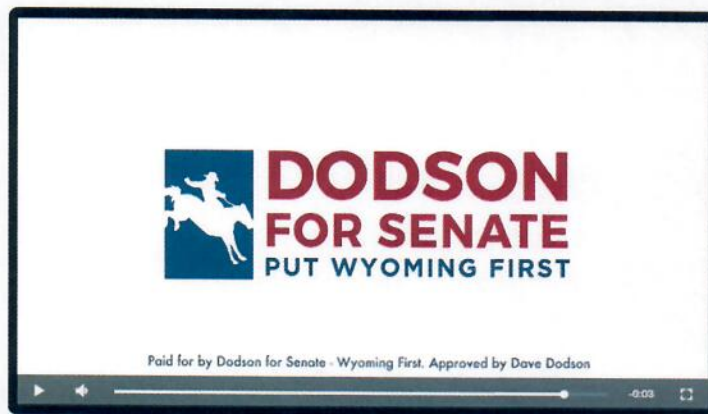
Dodson for WY Senate

CATEGORY

Election Advertisements

[Click here to access your AdMo dashboard](#)

“A Diversified Economy”



SPOT TITLE

A Diversified Economy

ADVERTISER

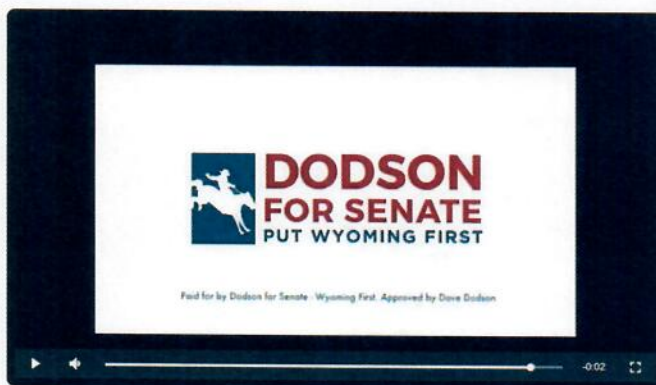
Dodson for WY Senate

CATEGORY

Election Advertisements

[Click here to access your AdMo dashboard](#)

“Present the Plan”



SPOT TITLE

Present The Plan

ADVERTISER

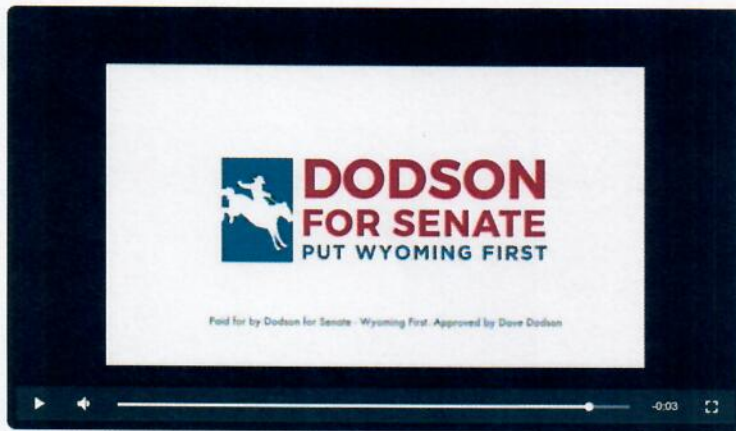
Dodson for WY Senate

CATEGORY

Election Advertisements

[Click here to access your AdMo dashboard](#)

“Endowed”



SPOT TITLE

Endowed

ADVERTISER

Dodson for WY Senate

CATEGORY

Election Advertisements

[Click here to access your AdMo dashboard](#)