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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

February 29, 2012

By First Class Mail

Jesse Bragg, Executive Director
Vermont Democratic Party
P.O. Box 1220
Montpelier, VT 05601-1220

Re: Complaint against Campaign for Vermont

Dear Mr. Bragg:

We have reviewed your letter of February 22, 2012, in which you make a complaint against Campaign for Vermont for potentially violating Vermont's campaign finance laws. In addition, we have reviewed the text of, and listened to the audio of the radio advertisement that you claim constitutes an expenditure in excess of \$500 that would require the Campaign for Vermont to register as a political committee. Based on this information, the Attorney General has concluded that Campaign for Vermont is not required to register as a political committee under 17 V.S.A. § 2831.

The Vermont statute defining a "political committee" applies to any committee that receives and spends more than \$500 in a calendar year "for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election or affecting the outcome of an election." 17 V.S.A. § 2801(4). To determine whether particular advertising expenditures support or oppose a candidate, the law applies an objective test to the content of the advertisement.

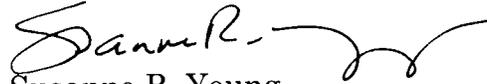
This is a fact-specific inquiry that considers a number of factors. For example, it considers whether the advertisement makes frequent references to a candidate or instead focuses on a legislative issue. It also considers whether the message comments on a candidate's character, qualifications, or fitness for office.

In addition, it is significant whether or not the message mentions an individual's candidacy, an upcoming election, a challenger, or a political party. In this respect, the timing of the advertisement is important.

Unlike the advertisement at issue in the *Green Mountain Future* case cited in your letter, the radio ad run by Campaign for Vermont did not "prominently feature [a candidate's] name," did not "air[] just prior to the gubernatorial election," and did not "plainly oppose [a candidate's] fitness for office by raising questions about his judgment and policy choices." See *State v. Green Mountain Future*, No. 758-10-10 Wncv (June 28, 2011) at 3-4. While the text of the radio advertisement you provided to us mentions Governor Shumlin, its focus is on property taxes and the funding of education. Even assuming Governor Shumlin is currently a candidate, the ad does not mention an election, was not aired close in time to an election, and does not attack Governor Shumlin's character or fitness for office. Rather, it addresses a policy issue that is currently pending in the Vermont Legislature. Accordingly, Campaign for Vermont's advertisement does not demonstrate the purpose of supporting or opposing a candidate for Vermont office.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Susanne R. Young", with a stylized flourish extending to the right.

Susanne R. Young
Assistant Attorney General