To: The Delaware County Election Board:

Formal Complaint

The Citizens of Delaware County for Property Tax Repeal hereby files with the Delaware County Election Board its Formal Complaint against The East Central Indiana Building Trades for the following described Indiana Election Law violation(s), to wit:

IC 3-9-3-2.5: On November 3, 2008, The East Central Indiana Building Trades sponsored and allegedly paid for and published in The Star Press newspaper of Muncie, Indiana an advertisement endorsing certain candidates in the General Election of Tuesday, November 4, 2008. A copy of said advertisement is attached as exhibit "A". IC 3-9-3-2.5(b) stipulates that a person that *"makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate…..must contain a disclaimer that appears and is presented in a clear and conspicuous manner to give the reader or observer adequate notice of the identity of persons who paid for and, when required, who authorized the communication…"* IC 3-9-3-2.5(g)1-4 additionally stipulates certain other additional disclosures subject to the type of communication made pursuant to IC 3-9-3-2.5(b). The Citizens of Delaware County for Property Tax Repeal has reason to believe that the newspaper advertisement as sponsored by The East Central Indiana Building Trades and published in The Star Press on November 3, 2008, may, in fact, not have been paid for by "The East Central Indiana Building Trades" as the advertisement would have a reader to assume. If that, in fact, should be the case and as the advertisement as it appeared contained no other such required disclaimer(s), The East Central Indiana Building Trades has therefore violated IC 3-9-3-2.5(b) and IC 3-9-3-2.5(g)1-4.

IC 3-14-1-3: States; *"An individual, an organization, or a committee that circulates or publishes material in an election without the statement required under IC 3-9-3-2.5 commits a Class A misdemeanor."*

The East Central Indiana Building Trades has publicly stated that their organization is a Political Action Committee and by being so, should be intimately familiar with the Indiana Election Laws that govern their activities. The Citizens of Delaware County for Property Tax Repeal can find no record either locally or at the Indiana Secretary of State's Office of an entity known as "The East Central Indiana Building Trades", neither as a registered Political Action Committee or a registered Indiana Corporation. Therefore, the Citizens of Delaware County for Property Tax Repeal allege that The East Central Indiana Building Trades has willfully violated IC 3-9-3-2.5 and should be held to the statutory penalty as provided in IC 3-14-1-3. We request that the Delaware County Election Board forward this Formal Complaint to the Delaware County Prosecutor for the consideration of bringing the appropriate criminal charges against The East Central Indiana Building Trades for this violation.

Respectfully submitted,

Chris Hiatt, President
Citizens of Delaware County for Property Tax Repeal

We realize that in any given election, the associated campaigns and associated literatures and advertisements that may be produced, inevitably may contain any given number of errors and technical violations of election law. Some may be minor and inadvertent while others may be of a more egregious in nature and intentionally deceptive.

What is important to note that both Corporations and Labor Organizations are specifically addressed in the Indiana Election Laws and are quite literally joined at the hip relative to each and every reference within the statutes. Meaning, of course, that the very same laws that guide us as a Corporation, guide the Labor Organizations as well.

I would suppose that in the end, it becomes the decision of this board to look at these types of complaints as they may make themselves known and ultimately render a consistent, fair and impartial verdict as to the merits and final resolve of these issues.

Just for comparison purposes and in support of our complaint, allow me to take just a moment and reflect back upon our own event which was initiated in June of 2008.

As you can see, we sent out a letter on June 27th to each and every candidate that prevailed in the Primary Elections the month before. Printed on the backside of the letter was our Forum flyer and as you can bear witness to we were very consistent with regards to who was putting on the event. Additionally, we circulated the Flyer, just as you see here and as the event approached we ran some newspaper advertisements as you may remember and a sample of the same is once again very obvious as to who was putting on the event. It alson included a website address and phone numbers as well. And finally, on November 3rd, we purchased a newspaper ad endorsing certain candidates, that ad being the issue of the complaint filed by Mr. Evans. Across the board as you can easily see we remained very, very consistent and easily identifiable as to who was soliciting candidate participation, who was promoting the event and who ultimately promoted and paid for the advertisement of most recent Election Board interest.

Now, in contrast, let's take a look at the Candidate Forum and subsequent endorsement advertisement that The East Central Indiana Building Trades promoted.

First, note that there appears no means of directing the "reader" or "observer" to a website, an address, nor a telephone number to identify, verify or communicate with "The East Central Indiana Trades", if the "reader" or "observer" were so inclined.

So we then researched the telephone books. As you can see, we could find no listings for "The East Central Indiana Building Trades." So at the level of the phone books, "The East Central Indiana Building Trades" remained an "anonymous" identity. To be candid, we honestly felt that a telephone book search was maybe a little unconvincing as far as a comprehensive search was concerned so we decided to try several different approaches to verify the entity known as "The East Central Indiana Building Trades"

We went to the internet and attempted searches and lookups of "The East Central Indiana Building Trades" and the results were many, although not specific to the named entity in the Endorsement Advertisement.

Amongst the entities we were able to identify via the Internet search and at least tie to certain individuals we know to be involved with this issue were:

East Central Indiana Central Labor Council
East Central Indiana Building and Construction Trades Council
United East Central Building and Construction Trades Council…..

But no "The East Central Indiana Building Trades"…..

So, at that point, we decided to go back and take a look at the Labor Forum that this advertisement of November 3rd makes reference to…….

First is the letter that on or about October 20th, the East Central Indiana AFL-CIO Central Labor Council sent out to the various candidates running for office in the November 2008 General Election. As you can see by the letterhead and associated Forum Flyer, apparently rendered on the letterhead as well, there appears to be three different identities listed that could be contributors, promoters or sponsors either individually or jointly. We have the East Central Indiana AFL-CIO Central Labor Council, the Central Indiana Building Trades and the UAW all listed on the associated documentation. Additionally, the contact phone number listed in the letter, refers to the Carpenters Union Local 1016.

So relative to what we can reasonably research…up to this point….we've come up with no less than 8 different identities that are at a minimum tied to a recognizable individual or a legitimate organization:

1. East Central Indiana Central Labor Council
2. East Central Indiana Building and Construction Trades Council
3. United East Central Building and Construction Trades Council
4. United East Central Indiana Trades Council – **(Payer of advertisement)**
5. East Central Indiana AFL-CIO Central Labor Council
6. Central Indiana Building Trades
7. Carpenters Union Local 1016…and…the….
8. UAW (United Auto Workers)

But, once again no…."The East Central Indiana Building Trades"….

It is this identity and the disclosure that is represented and possibly perceived by the "reader" or "observer" as the sponsor and/or payor of the advertisement that is at the root of our complaint. We have tried unsuccessfully after a fairly in-depth search, to accurately identify this entity known as "The East Central Indiana Building Trades." Granted, we feel that have been able to hone in on some common denominator that all these different identities represent…the AFL-CIO…but there appears to be so many different identities, factions and possible focuses we have yet been able to conclude exactly who and what "The East Central Indiana Building Trades" is and what their mission might be.

The election laws dealing with these types of issues make specific reference to the "readers" or the "observers" and obviously have the principle objective to insure a reasonable conclusion of who or what is involved in the event or, in this case, the advertisement at issue. Should a reader or observer take more than a cursory interest in any given advertisement, the law's intentions is to allow them to conveniently identify the sponsoring entity and that inquiry should not be reduced to some sort of "snipe hunt". With regards to "The East Central Indiana Building Trades" advertisement as published in the Star Press on November 3, 2008, we do not feel that the Election Laws have been sufficiently followed.

We think that the best that we could hope for here with regards to this complaint and the Election Board's hearing of the same, is that the Board maintains an unyielding position of fair and unbiased consideration and opinion and, like the complaint of Joe Evans against the CDCPTR, the Board finds that this complaint against the East Central Indiana Building Trades…whoever they really might be…carries just as much justification and warrants the same disposition.

While, quite honestly we think that neither issue may be so egregious so as to warrant criminal charges, the Delaware County Election Board has obviously already set the precedence. We have taken great interest in this interaction because it, if nothing else, it will ultimately help establish an acknowledged set of "boundaries"…or "rules of engagement", if you will. So that basically concludes our explanation of our complaint and we will defer to the authority of the Delaware County Election Board to appropriately act upon this issue. Thank you.