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