

STATE OF VERMONT

SUPERIOR COURT  
Washington Unit

CIVIL DIVISION  
Docket No. 758-10-10

2009 OCT 25 P 3:34

STATE OF VERMONT, )  
Plaintiff )  
v. )  
GREEN MOUNTAIN FUTURE, )  
Defendant )

COMPLAINT

Plaintiff, the State of Vermont, by and through Attorney General William H. Sorrell, for its Complaint against Defendant, Green Mountain Future, alleges as follows:

Nature of Action

1. This is an action brought by the Attorney General on behalf of the State of Vermont seeking enforcement of Vermont's campaign finance laws. These laws are essential to the regulation of Vermont elections and to further Vermont's goals of ensuring effective disclosure of the sources of political messages, an informed electorate, and a fair process. Defendant is acting as a political committee and engaging in election advertising without complying with, and indeed, while refusing to comply with, the relevant identification, registration, and reporting requirements. Such conduct is a violation of campaign finance law for which the State of Vermont seeks declaratory judgment and the imposition of civil penalties.

### Parties and Jurisdiction

2. The Attorney General has the authority to enforce Vermont's campaign finance laws on behalf of the State of Vermont pursuant to 17 V.S.A. § 2806. Accordingly, this Court has jurisdiction over this matter pursuant to 17 V.S.A. § 2806.

3. The State of Vermont has its principal offices in Montpelier, Vermont. Venue is proper in this Court pursuant to 12 V.S.A. § 402.

4. Green Mountain Future ("GMF") is a political organization registered under § 527 of the Internal Revenue Code (26 U.S.C. § 527) with a principal place of business in Barre, Vermont.

### Facts

5. GMF was formed on September 2, 2010. It receives most of its funding from the Democratic Governors Association.

6. GMF has received contributions greater than \$500 in the 2009-2010 general election cycle for the purpose of influencing an election or supporting or opposing on or more candidates running for elected office in Vermont.

7. GMF has made expenditures greater than \$500 in the 2009-2010 general election cycle for the purpose of influencing an election or supporting or opposing on or more candidates running for elected office in Vermont.

8. In the weeks preceding the November 2, 2010 general election, GMF has arranged for and paid for the broadcast in Vermont of two television advertisements. Those advertisements make reference to and clearly display the image of the Republican candidate for Governor, Brian Dubie (the "Dubie Advertisements").

9. The Dubie Advertisements are highly critical of Mr. Dubie's positions and record on the Vermont Yankee nuclear power plant. The advertisements allege that Mr. Dubie favors the relicensing of Vermont Yankee and that his position is contrary to the wishes and interest of Vermont's residents. Additionally, the advertisements show individuals expressing their concerns about the safety of Vermont Yankee and quote newspaper editorials criticizing Mr. Dubie concerning Vermont Yankee.

10. One of the principal positions of Mr. Dubie's Democratic opponent in the current gubernatorial election is opposition to the relicensing and continued operation of Vermont Yankee.

11. The Democratic candidate for Governor has used many of the same reasons for opposing Vermont Yankee as are stated by the persons quoted in GMF's Dubie Advertisements.

12. On information and belief, the Dubie Advertisements above have run on four television stations that broadcast in the Vermont market, namely WCAX-TV, WPTZ-TV, WVNY, and WFFF.

13. GMF maintains a website where it has displayed the two Dubie Advertisements. The website address is [www.GreenMountainFuture.com](http://www.GreenMountainFuture.com). In addition to displaying the advertisements, the website also contains text describing Mr. Dubie's position on the relicensing of Vermont Yankee. The text contains links to news articles, including some that discuss the various views of candidates for Vermont Governor.

14. Since September 2, 2010, GMF has made expenditures for the placement of advertising on the websites of various news organizations and public interest groups related to elections and other topics. When a viewer clicks on these web advertisements, the viewer is taken to GMF's website.

15. On information and belief, GMF has expended in excess of \$400,000 to produce and disseminate the Dubie Advertisements through television and internet marketing.

COUNT I

(Violation of Vermont's Campaign Finance Laws – Electioneering Communications)

16. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 to 15 above, as if fully set forth herein.

17. Under Vermont law, “electioneering communication” is defined as follows: “As used in this chapter, ‘electioneering communication’ means any communication, including communications published in any newspaper or periodical or broadcast on radio or television or over any public address system, placed on any billboards, outdoor facilities, buttons or printed material attached to motor vehicles, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing, robotic phone calls, or mass e-mails that refers to a clearly identified candidate for office and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate.” 17 V.S.A. § 2891.

18. An organization engaging in electioneering communications is required to identify itself and disclose its address in the electioneering communication. 17 V.S.A. § 2892.

19. In the Dubie Advertisements, GMF listed its name but not its address.

20. By failing to disclose its address on electioneering communications, GMF violated Vermont's campaign finance law.

21. By letter dated October 19, 2010, the Attorney General's Office advised GMF of its obligation to disclose its address in its television advertisements and its website.

22. After receiving the October 19, 2010 letter from the Attorney General's Office, GMF added its address to its website, but not to the Dubie Advertisements.

## COUNT II

### (Violation of Vermont's Campaign Finance Laws – Registration and Reporting)

23. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 to 22 above, as if fully set forth herein.

24. Based on the activity described above, GMF meets the definition of a "political committee" or "political action committee" under Vermont law because it has received and expended more than \$500.00 in this calendar year for the purpose of supporting or opposing one or more candidates, or influencing an election. 17 V.S.A. § 2801(4).

25. Organizations meeting the definition of a "political committee" or "political action committee" must register with the Secretary of State's Office pursuant to 17 V.S.A. § 2831(a).

26. Organizations meeting the definition of a "political committee" or "political action committee" must file periodic campaign finance reports with the Secretary of State's Office listing their contributions and expenditures. 17 V.S.A. § 2811(a).

27. Political committees were required to file their campaign finance reports on September 15, 2010, and October 15, 2010. Reports will also be due on November 15, 2010, and December 15, 2010.

28. As of the date of this Complaint, GMF has refused to comply with Vermont's registration and reporting requirements for political committees.

29. By failing to register with the Secretary of State's Office pursuant to 17 V.S.A. § 2831(a), GMF violated Vermont's campaign finance law.

30. Further, GMF has violated Vermont's campaign finance law each time that it failed to file a report listing its contributions and expenditures as required by 17 V.S.A. § 2811.

CLAIMS FOR RELIEF

WHEREFORE, the State of Vermont respectfully requests that the Court award it the following relief:

1. Enter a declaratory judgment that GMF violated Vermont's campaign finance law by failing to register as a political committee as required by 17 V.S.A. § 2831;
2. Order pursuant to 17 V.S.A. § 2806 that GMF pay a civil penalty of up to \$10,000 for each failure to comply with § 2831;
3. Enter a declaratory judgment that that GMF violated Vermont's campaign finance law by failing to file reports as required by 17 V.S.A. § 2811;
4. Order pursuant to 17 V.S.A. § 2806 that GMF pay a civil penalty of up to \$10,000 for each failure to comply with § 2811;
5. Enter a declaratory judgment that that GMF violated Vermont's campaign finance law by failing to include its address in the Dubie Advertisements as required by 17 V.S.A. § 2892;
6. Order pursuant to 17 V.S.A. § 2806 that GMF pay a civil penalty of up to \$10,000 for each failure to comply with § 2892; and
7. Award such other and further legal and equitable relief as the Court deems just and proper.

Office of the  
ATTORNEY  
GENERAL  
Montpelier,  
Vermont 05609

Dated at Montpelier, Vermont, this 25th day of October 2010.

STATE OF VERMONT

WILLIAM H. SORRELL  
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