



LIUNA!

June 11, 2013

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Ms. Jill Sugerman
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Laborers' International Union of North America
C90014408
October 2012 Quarterly Report

Dear Ms. Sugerman:

Please be advised that I am in receipt of your May 7, 2013 letter. To follow are responses to your specific requests as outlined in your correspondence.

1. There is no missing information concerning "contributions" to the Laborers' International Union of North America (LIUNA) on the FEC Form 3, due to there being no "contributions" to LIUNA "for the purpose of furthering an independent expenditure." See 2 U.S.C. § 434(c)(2)(C). LIUNA is an international labor organization whose receipts are attributable almost exclusively to dues paid by its members. LIUNA did not raise or receive "contributions," let alone any for the purpose of furthering independent expenditures. Accordingly, the October Quarterly Report will not be amended to report "contributions."

2. In the course of responding to your letter, we have again reviewed the expenditures reported on Schedule S-E of the October Quarterly Report and, as explained below, we have determined that LIUNA's only independent expenditure concerning the 2012 Presidential Election, in fact, consisted of the \$9,975.00 to Election, Ltd. That expenditure paid for the production of a video that contained express advocacy against the election of Mitt Romney as President. LIUNA uploaded this video to YouTube for free. It is still available at <https://www.youtube.com/watch?v=6nD6n6n6n6n>.

LIUNA also reported on the same Schedule S-E that it paid Facebook the sum of \$4,302.19 for "Online Advertising." However, none of these advertisements contained express advocacy. Rather, each advertisement consisted of (1) a URL for the LIUNA video that a viewer could click in order to view that video. The video was not embedded in the advertisement itself; (2) an image of either a Frankenstein visage or a screen shot

Feel the Power

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of the 39th second of the LIUNA video, showing split-screen images of Mitt Romney and a television interviewer; and (3) one of the following texts:

LIUNA

If you haven't watched ROMNEYSTEIN yet, please take a look and share it.

ROMNEYSTEIN

Watch ROMNEYSTEIN and share it with friends to end the nightmare on November 6.

It's a monster!

It's ROMNEYSTEIN. Watch and share it with friends to end the nightmare on November 6.

Like Frankenstein?

Here's ROMNEYSTEIN. Watch the unfolding drama...and get ready for the sequel.

LIUNA

Watch and share ROMNEYSTEIN, a bad movie come to life.

ROMNEYSTEIN - Muhahahahaha!

Watch ROMNEYSTEIN and share it with friends to end the nightmare on November 6.

ROMNEYSTEIN Come to Life

Watch ROMNEYSTEIN and share it with friends to end the nightmare on November 6.

Like Scary Movies?

Watch ROMNEYSTEIN and share it with friends to end the nightmare on November 6.

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Like Scary Movies?

Here's ROMNEYSTEIN. Watch the unfolding drama...and get ready for the sequel.

Romneystein the Video

Watch the unfolding drama...and get ready for the sequel to ROMNEYSTEIN.

It is clear that a website link to another website is not itself an independent expenditure (or a contribution), regardless of the content of that website. Here, none of the Facebook advertisements' text or imagery contained express advocacy. (See generally 2 U.S.C. § 431(17); 11 C.F.R. § 100.22; Advisory Opinions 2012-27, 1999-37; FEC, "Explanation and Justification for the Regulations on Internet Communications," 71 Fed. Reg. 18,589, 18,600 (April 12, 2006).)

Accordingly, LIUNA's expenses associated with these advertisements were not independent expenditures and they should not have been reported on Form 5.

I would add that these advertisements variously appeared between September 20, 2012 and October 13, 2012, and the placement of the advertisements themselves did not incur any charge from Facebook. Rather, Facebook charged LIUNA for either "clicks" or "impressions" for each advertisement, whichever feature LIUNA had selected for the particular advertisement. For Facebook billing purposes, a "click" occurs when a viewer either registers that the viewer "liked" the ad or clicks on the URL that then transfers the viewer to the LIUNA video. Facebook did not inform LIUNA which kind of "click" occurred in any particular instance, and LIUNA does not know whether or not Facebook itself can determine which kind of "click" occurred. An "impression" occurs whenever a viewer accesses the particular computer screen on which the advertisement appears. It is impossible to know whether or not a particular viewer actually saw or read the advertisement. Facebook invoiced LIUNA only for the incidents of the feature - click or impression - that LIUNA had selected and neither informed nor invoiced LIUNA with respect to viewer experience with the unselected

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feature. Accordingly, LIUNA does not know the degree to which the advertisements either were actually viewed or prompted viewers to access the LIUNA video itself.

Although your letter did not inquire about the third entry on Schedule 5-E, we have reviewed the underlying communication and determined that it also was not an independent expenditure. As LIUNA accurately reported on September 25, 2012, LIUNA paid PR Newswire \$948.70 for a "Press Release." That press release, which may be viewed as carried by Reuters at:

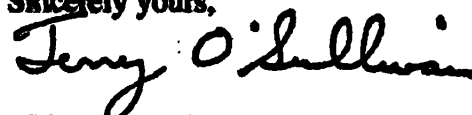
http://www.reuters.com/article/2012/09/25/us-liuna-union-idUSBRE822023, announces the LIUNA video, but contains no express advocacy itself. In any event, a press release distributed only to news organizations, as this one was, is not an independent expenditure even if it does contain express advocacy. Accordingly, LIUNA's expense for circulating this press release should not have been reported as such on Form 5.

Accordingly, LIUNA is filing an amended Form 5 that lists only the payment to Elevation, Ltd. Due to the payment not reaching the \$10,000.00 threshold for filing a 48-hour report of an independent expenditure that pertained to the period prior to October 18, 2012, LIUNA erred in filing a 48-hour report on November 1, 2012. Therefore, no late Form 5 report was filed, and LIUNA was required only to report the \$9,975.00 independent expenditure that it reported on the October Quarterly Report.

Thank you for your consideration.

With kind regards, I am

Sincerely yours,




TERRY O'SULLIVAN

General President

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Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
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<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
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<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
 PREPARER (3/2005)	6/17/13 DATE PREPARED

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