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PAID FOR BY Douglas County Democratic Party  
Nebraska 2 Change Coalition  
7148 Pacific Street  
Omaha, NE 68106

402-558-5912

402-558-5917 (fax)

[www.douglascountymocrats.com](http://www.douglascountymocrats.com)

October 9, 2008

Alexandra T. Broomhead  
Campaign Finance Analyst  
Reports Analysis Division  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

**RE: LETTER FROM FEC DATED SEPTEMBER 12, 2008 REGARDING STATEMENT OF ORGANIZATION RECEIVED 8/21/2008, NEBRASKA 2 CHANGE COALITION ID C00454215**

Enclosed you will find a copy of amended FEC FORM 1 with the changes on line 6 as indicated in your letter dated September 12, 2008. It has been filed electronically. Line 6 now reads "NONE"

In addition, you will find enclosed a copy of the letter sent to the FEC requesting an advisory opinion whether the Nebraska 2 Change Coalition, the federal committee of the Douglas County Nebraska Democratic Party is an independent, local committee. As stated in the enclosed letter, the county party does not receive funding from the Nebraska State Party nor does it coordinate any contributions with the State Party. Several documents were enclosed with the letter to show that fact and should be in possession of the FEC.

LINE 5(d) FEC FORM, STATEMENT OF ORGANIZATION, does not provide the option of filing as an independent local committee, although your letter states we are a local committee. The instructions found at the top of page 3 for this line read as follows:

"(d) All national, State and subordinate committees of a political party check (d) and fill in whether the party is the national party (use code NAT), state party (use code STA) or subordinate committee (use code SUB). In the boxes for candidate/party affiliation, list the abbreviation of the party (e.g., for Democratic party, list "DEM," for Republican party, list "REP," for Reform party, list "REF," for Green party, list "GRE" or for Independent, list "IND.")"

The Nebraska 2 Change Coalition is not a national, State or subordinate committee of a political committee. It is an independent local committee that is not subject to sharing the

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contribution, expenditure or fundraising limits with the Nebraska State Democratic Party. As you state in your letter of September 12, 2008, the law allows for this type of independent political committee to exist under 11 CFR 110.3 (b)(3). There is a presumption of the local committee being subordinate to the State committee. However, 'this presumption shall not apply if—(i) The political committee of the party unit in question has not received funds from any other political committee established, financed, maintained, or controlled by any party unit; and(ii) The political committee of the party unit in question does not make its contributions in cooperation, consultation or concert with, or at the request or suggestion of any other party unit or political committee established, financed, maintained, or controlled by another party unit.' (id.)

Despite this clearly stated exception, neither the form nor the instructions provide for such a filing. We understand that until we receive an advisory opinion stating we are not subordinate to the State Democratic party, we must operate as if we are. We were advised by the FEC to list "SUB" on line 5(d) pending the advisory opinion.

We had hoped to hear much sooner from the FEC regarding the advisory opinion. If it is found to be independent, the FEC will need to instruct the Nebraska 2 Change Coalition what indication should be put in Line 5 (d) as the current ones do not fit this situation. When receiving such information, the correct indication will be marked and filed as another amendment with the FEC.

Thank you for your consideration in this matter. We hope to hear from you soon regarding the advisory opinion and further instruction on correctly marking line 5(d) to indicate the independent status of the Nebraska 2 Change Coalition.

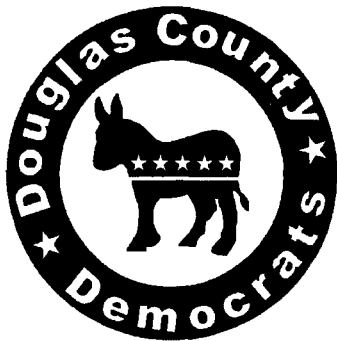
Sincerely,



James H. Monahan  
Treasurer  
Nebraska 2 Change Coalition  
Douglas County Party

ENC: Letter dated August 20, 2008

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August 20, 2008

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

Douglas County Democratic Party has organized and filed with the FEC as a Political Party Committee, "Nebraska 2 Change Coalition", through FEC Form 1 as a Subordinate Committee of the State Democratic Party of Nebraska. We are asking for an expedited Advisory Opinion that the Committee is exempt from the presumption that upon filing, the Committee is considered a subordinate committee to the State Party. Our ongoing operating status and structure clearly shows that the Douglas County Party is an independent district or local committee that fits the exceptions of *11 CFR 110.3 (b)(3)*.

The Douglas County Democratic Party will operate this federal committee as an independent committee without resources from or coordination with any other political committee. As such, we should not be subject to sharing fundraising, contribution and expenditure limitations with the State Party.

Douglas County Democratic Party seeks an Advisory Opinion that will deem this committee as a "district or local committee" that is not a subordinate committee. It is important to note that we meet the criteria of a district or local committee, and not the criteria for a "subordinate committee" in accordance with:

**11 CFR 100.14 State committee, subordinate committee, district, or local committee (2 U.S.C. 431(15)).** (a) *State committee* means the organization that by virtue of the bylaws of a political party or the operation of State law is part of the official party structure and is responsible for the day-to-day operation of the political party at the State level, including an entity that is directly or indirectly established, financed, maintained, or controlled by that organization, as determined by the Commission. (b) *District or local committee* means any organization that by virtue of the bylaws of a political party or the operation of State law is part of the official party structure, and is responsible for the day-to-day operation of the political party at the level of city, county, neighborhood, ward, district, precinct, or any other subdivision of a State. (c) *Subordinate committee of a State, district, or local committee* means any organization that at the level of city, county, neighborhood, ward, district, precinct, or any other subdivision of a State or any organization under the control or direction of the State committee, and is directly or indirectly established, financed, maintained, or controlled by the State, district, or local committee.

The relationship between the Douglas County Democratic Party and the Nebraska Democratic Party is a relationship of loose affiliation only. We have included the Constitutions of both the Nebraska Democratic Party and the Douglas County Democratic Party. The parties operate independently from each other

and have their own governing bodies; "Central Committees". There are no formal representatives of either organization on the other's Central Committee.

It is also important to note that there are no financial ties between the two organizations. Each organization is responsible to raise and allocate its own funds and allocate those funds independently as each organization's governing body deems appropriate. The Douglas County Party is not subordinate to the State party as it is not required to execute plans and policies of the State Party. Further, the County Party receives no financial contributions or financial assistance from the State Party. To support this assertion, we have included that Nebraska Accountability and Disclosure Commission reports for the Douglas County Democratic Party from January 2007 to date.

We understand that the filing of FEC Form 1 presumes we are a subordinate committee. However, the facts show that we are District or Local Committee that meets the exceptions to the presumption per:

**11 CFR 110.3 (b)(3):** All contributions made by the political committees established, financed, maintained, or controlled by a State party committee and by subordinate State party committees shall be presumed to be made by one political committee.

This presumption shall not apply if—(i) The political committee of the party unit in question has not received funds from any other political committee established, financed, maintained, or controlled by any party unit; and(ii) The political committee of the party unit in question does not make its contributions in cooperation, consultation or concert with, or at the request or suggestion of any other party unit or political committee established, financed, maintained, or controlled by another party unit.

The Douglas County Democratic Party wishes to continue operating as an independent organization on the federal election level through its Nebraska 2 Change Coalition committee. By continuing to operate independently, the Douglas County Democratic Party will have the ability to fundraise as well as focus on the goals of the organization through this independent committee with independent fundraising, expenditure and contribution amounts from the State Party.

Time is of the essence for this election. We ask for the advisory opinion to be expedited. We meet the criteria to be a district or local committee that is exempt from the presumption that we are a subordinate committee. In the meantime, we will be operating our committee for this election within the rules specified for such a committee. We thank you for your time and consideration and we await your response.

Sincerely,

Kris J. Pierce, Executive Director  
Douglas County Democratic Party

Encl: Nebraska Democratic Party's Constitution  
Douglas County Democratic Party's Constitution  
DCDP Nebraska Accountability and Disclosure Commission Reports (January 2007 – Present)

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FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

RECEIVED FEC MAIL CENTER

2008 OCT 17 AM 9:01

Office use only

1. NAME OF COMMITTEE (in full)

(Check if name is changed)

Example: If typing, type over the lines

12FE4M5

Nebraska 2 Change Coalition

ADDRESS (number and street)

7148 Pacific St

(Check if address is changed)

Omaha

NE

68106

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

victory@nebcd02.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

nebcd02.org

COMMITTEE'S FAX NUMBER

4025585917

28039872461

2. DATE

MM 10

DD 09

YYYY 2008

3. FEC IDENTIFICATION NUMBER

C C00454215

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer

JAMES H MONAHAN

Signature of Treasurer

Electronically Filed by JAMES H MONAHAN

Date

MM 10

DD 09

YYYY 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 5437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only

For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 12/2007)

5. TYPE OF COMMITTEE (Check One)

Candidate Committee:

- (a)  This committee is a principal campaign committee. (Complete the candidate information below.)
- (b)  This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate \_\_\_\_\_

Candidate Party Affiliation  Office Sought:  House  Senate  President State  District

- (c)  This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate \_\_\_\_\_

Party Committee:

- (d)  This committee is a  SUB (National, State (or subordinate) committee of the  DEM (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e)  This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
  - Corporation  Corporation w/o Capital Stock  Labor Organization
  - Membership Organization  Trade Association  Cooperative
- (f)  This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
  - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g)  This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h)  This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.	_____	FEC ID number	<input type="checkbox"/> C _____
2.	_____	FEC ID number	<input type="checkbox"/> C _____
3.	_____	FEC ID number	<input type="checkbox"/> C _____
4.	_____	FEC ID number	<input type="checkbox"/> C _____
5.	_____	FEC ID number	<input type="checkbox"/> C _____

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Write or Type Committee Name

Nebraska 2 Change Coalition

6. Name of Any Connected Organization, Affiliated Committee, Leadership PAC Sponsor or Joint Fundraising Representative

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

- Connected Organization
- Affiliated Committee
- Leadership PAC Sponsor
- Joint Fundraising Representative

7. Custodian of Records: Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name

Kris Pierce

Mailing Address

7148 Pacific Street

Omaha

NE

68106

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Executive Director

Telephone number 402 - 558 - 5912

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer

JAMES H MONAHAN

Mailing Address

1904 Farnam St

Suite 623

Omaha

NE

68102

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number 402 - 558 - 5912

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Full Name of Designated Agent

Carol Casey

Mailing Address

2506 S 105th AVE

Omaha

NE

68124

Title or Position

CITY A

STATE A

ZIP CODE A

Asst Treasurer

Telephone number

402

397

9279

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Centris Federal Credit Union

Mailing Address

343 North 114th Street

Omaha

NE

68154

CITY A

STATE A

ZIP CODE A

Name of Bank, Depository, etc.

Mailing Address

CITY A

STATE A

ZIP CODE A

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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.

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Received from Senate Public Records Office Date of Receipt

Received from Electronic Filing Office Date of Receipt

Other (Specify): Date of Receipt or Postmarked

*Jm P*  
 PREPARER

*10/17/08*  
 DATE PREPARED

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