

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2015 SEP 22 P 3 13

STOP HILLARY PAC and DAN BACKER,)	No. <u>1:15 CV 1208</u>
<i>Plaintiffs,</i>)	CLERK US DISTRICT COURT ALEXANDRIA, VIRGINIA
v.)	<i>GBL/IDD</i>
FEDERAL ELECTION COMMISSION,)	
<i>Defendant.</i>)	

VERIFIED COMPLAINT

When people join together to collectively engage in certain political activities relating to federal elections, such as making campaign contributions or calling for the election or defeat of a federal candidate, federal law requires them to create and act through entities called “political committees.” Each political committee is required to file reports detailing its activities with Defendant Federal Election Commission (“FEC”); such reports publicly associate a committee, under its legal name, with its contributors. Each such committee also must include disclaimers bearing its legal name on all public communications, bulk e-mails, and websites.

Having mandated that nearly all collective political activity relating to federal elections occur through political committees, the Federal Election Campaign Act (the “FECA”) goes on to restrict the ability of those committees to adopt names that reflect their true purpose or their supporters’ beliefs. 52 U.S.C. § 30102(e)(4); *see also* 11 C.F.R. § 102.14. Federal law prohibits political committees that are not authorized by a particular candidate from including the name of a candidate in its name. Even when a committee is formed for the express, sole purpose of defeating a particular candidate, it is forbidden from referring to that candidate in its name.

Section 30102(e)(4)'s legislative history confirms the law's sole purpose is to prevent confusion, by helping to protect members of the public who wish to contribute to a candidate's official authorized committee from inadvertently contributing to a non-connected PAC. On its face, § 30102(e)(4) is a grossly overbroad and unnecessarily restrictive means of attempting to achieve that objective. Particularly as applied to committees that oppose candidates, such as "Stop Hillary PAC," "Stop Schumer," and "Fire Pelosi," however, the law is completely indefensible.

The FEC has threatened Plaintiffs Stop Hillary PAC and Dan Backer with a burdensome administrative process, substantial civil penalties, and even the threat of criminal prosecution, all because the FEC is concerned that someone, somewhere might believe that Stop Hillary PAC is candidate Hillary Rodham Clinton's official, authorized candidate committee. Such purely speculative, hypothetical—indeed, manufactured—concerns are a constitutionally invalid basis for restricting a political association's fundamental First Amendment right to adopt a name that reflects its important mission. There is not a shred of evidence to suggest that, during the two-plus years of Stop Hillary PAC's existence, even a single person has accidentally mistaken it for the official or authorized committee of either Hillary Clinton or any other federal candidate whose first or last name is Hillary. Section 30102(e)(4) substantially burdens political expression in an unconstitutionally overbroad manner and, as applied to political committees that clearly and unambiguously oppose a candidate, is patently absurd.

Jurisdiction and Venue

1. This Court has subject-matter jurisdiction over this case pursuant to 28 U.S.C. § 1331, as it arises under the First Amendment to the U.S. Constitution and concerns the constitutionality of 52 U.S.C. § 30102(e)(4) and its implementing regulation, 11 C.F.R § 102.14.

2. FECA's judicial review provision, 52 U.S.C. § 30110, provides that this Court "immediately shall certify all questions of constitutionality" of FECA raised by Plaintiff Dan Backer to the U.S. Court of Appeals for the Fourth Circuit, sitting *en banc*.

3. Venue is proper in this Court under 28 U.S.C. § 1391(e)(1)(B)-(C), because the defendant is an agency of the United States, a substantial part of the events and omissions giving rise to the claim occurred in this district, and Plaintiffs Stop Hillary PAC, *see id.* § 1391(c)(2), and Dan Backer reside here.

PARTIES

4. Plaintiff STOP HILLARY PAC is a non-connected hybrid political committee, *see Carey v. FEC*, 791 F. Supp. 2d 121 (D.D.C. 2011), colloquially referred to as a "political action committee" ("PAC"), that maintains its principal place of business in Alexandria, Virginia.

5. Plaintiff DAN BACKER is an individual eligible to vote for the office of President. He resides in Alexandria, Fairfax County, Virginia.

6. Defendant FEDERAL ELECTION COMMISSION ("FEC") is located in Washington, D.C. It is responsible for enforcing federal election law, including FECA.

FEDERAL RESTRICTIONS ON POLITICAL COMMITTEE NAMES

7. Individuals wishing to join together to participate in the political process generally must do so through a political committee. An association or group of persons must form a political committee if it receives more than \$1,000 in a year in contributions, or spends more than \$1,000 a year on election-related expenditures. 52 U.S.C. § 30101(4).

8. Federal law requires each political committee to have a treasurer. 52 U.S.C. § 30102(a). The treasurer is responsible for accepting all contribution to the committee, *id.* § 30102(b)(1)-(2), authorizing all expenditures, *id.* § 30102(a), maintaining the committee's

records, *id.* § 30102(c)-(d), and filing all required reports with the FEC, *id.* § 30104(a). Each report must list the name

9. 52 U.S.C. § 30102(e)(4) specifies that if a political committee is not authorized by a federal candidate, “such political committee shall not include the name of any candidate in its name.”

10. The FEC’s regulations implementing § 30102(e)(4) create a few narrow exceptions:

a. A committee formed for the sole purpose of influencing the selection of one or more delegates to a national presidential nominating convention may include the name of the presidential candidate the delegate(s) support(s). 11 C.F.R. § 102.14(b)(1).

b. A committee formed solely to draft or encourage a person to become a candidate may include the candidate’s name, so long as the committee specifies that it is a draft committee. 11 C.F.R. § 102.14(b)(2).

c. A committee may use the name of a candidate in the title of a “special project name or other communication”—but not in the name of the committee itself—if the title clearly and unambiguously shows opposition to the candidate. 11 C.F.R. § 102.14(b)(3).

The FEC’s Threats Against Plaintiffs for Incorporating a Candidate’s Name into the Name of Stop Hillary PAC

11. Dan Backer is the Principal Attorney of DB Capitol Strategies PLLC in Alexandria, Virginia. He practices almost exclusively in the area of campaign finance and political law and has represented or currently represents numerous candidate committees, political party committees, PACs, SuperPACs, hybrid PACs, and other participants in the federal electoral process, including serving as Treasurer for several PACs:

12. On May 16, 2013, Backer filed a Statement of Organization with the FEC for Stop Hillary PAC. The Statement of Organization specified that the PAC’s name was “Stop Hillary

PAC” and that Backer was the treasurer. A true and complete copy of the Statement of Organization is attached to the Complaint as Exhibit 1. Backer remains Stop Hillary PAC’s treasurer, and is both a member and supporter of the PAC.

13. At the time Backer prepared and filed the Statement of Organization for Stop Hillary PAC, he was aware that the PAC’s name contained a reference to “Hillary,” which was intended as a reference to then-Secretary of State Hillary Rodham Clinton. At that time, Backer also was aware of 52 U.S.C. § 30102(e)(4)’s prohibition on including candidate names in the names of PACs. He believed that Hillary Rodham Clinton was certain to seek the 2016 Democratic Party nomination for the office of President of the United States.

14. Hillary Rodham Clinton officially became a candidate for the office of President of the United States on or about April 13, 2015.¹ At the time, Backer knew she had officially registered as a candidate yet, as Stop Hillary PAC’s treasurer, did not amend the committee’s registration with the FEC to change its name. Thus, Backer intentionally, knowingly, and willfully failed to comply with § 30102(e)(4)’s unconstitutional restriction on the fundamental First Amendment rights of himself, his clients, Stop Hillary PAC, and its hundreds of thousands of supporters and contributors.

15. On April 27, 2015, the FEC sent a “Request for Additional Information” (“RFAI”) to “DAN BACKER, TREASURER[,] STOP HILLARY PAC.” The RFAI stated, “Your committee’s name includes the name of a candidate; however, your committee does not appear to

¹ In January 2014, Stop Hillary PAC filed an administrative complaint with the FEC alleging that Clinton actually became a “candidate” more than a year earlier, by coordinating with and assisting Ready for Hillary, an ostensibly non-connected PAC. After the FEC failed to take action on the complaint for over a year, Stop Hillary sued in the U.S. District Court for the District of Columbia to challenge the agency’s arbitrary and capricious refusal to act. *See Stop Hillary PAC v. FEC*, No. 1:14-CV-2080 (KBJ) (D.D.C. dismissed Feb. 17, 2015). Shortly thereafter, the FEC voted to refrain from commencing an investigation or administrative proceedings against Clinton and dismissed the administrative complaint, leading Stop Hillary PAC to withdraw its lawsuit.

be authorized by a candidate.” The RFAI went on to direct that, if Stop Hillary PAC were not a candidate-authorized committee—the RFAI did not identify a particular candidate who would have to authorize it—Backer must amend its Statement of Organization to change its name “so that it does not include the candidate’s name and/or provide further clarification regarding the nature of your committee.” A true and correct copy of the RFAI is attached to this Complaint as Exhibit 2.

16. Backer, on behalf of Stop Hillary PAC, responded to the RFAI by refusing to change the committee’s name, asserting constitutional objections to the committee’s demand, and vehemently expressing his policy objections to the regulations, pointing out several absurd implications and consequences. Backer prepared this response himself, without assistance or input from any outside counsel.

17. The FEC subsequently contacted Backer by telephone to demand that he change Stop Hillary PAC’s name by June 11, 2015, or else face “referral for enforcement.” Backer again refused, both orally and in writing, to change the committee’s name. The FEC subsequently threatened an audit and attempted to commence Alternate Dispute Resolution procedures against Stop Hilary PAC and/or Backer to attempt to induce the committee to change its name, but Backer declined to participate. Backer prepared all written submissions to the FEC himself, without assistance or input from any outside counsel.

18. On September 8, 2015, the FEC sent a letter to Stop Hillary PAC and Dan Backer, declaring that they “may have violated” FECA, and that the matter has been referred to the FEC’s Office of General Counsel for “possible enforcement action.” A true and complete copy of the letter from the FEC has been attached to the Complaint as Exhibit 3.

19. The letter states that Stop Hillary PAC and Backer have failed to remove the name of a federal candidate, Hillary Rodham Clinton, from the name of Stop Hillary PAC, in violation of 52 U.S.C. § 30102(e)(4).

20. The letter further states that the FEC was giving Stop Hillary PAC and Backer the opportunity to “demonstrate in writing that no action should be taken.” It specified that if they failed to file a response, the FEC “may take further action.”

21. The letter further threatens that the FEC “has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution” under 52 U.S.C. § 30109(a)(5)(C). Thus, the FEC has threatened Stop Hillary PAC and Backer with criminal prosecution for engaging in constitutionally protected conduct, and the FEC is attempting to leverage the threat of such prosecution to attempt to coerce Stop Hillary PAC into changing its name into something that does not clearly convey the committee’s mission.

22. Stop Hillary PAC and Backer face the prospect of a lengthy administrative process, as well as civil penalties of up to \$10,000, for their decision to exercise their fundamental First Amendment rights by adopting a political committee name that reflects the committee’s true purpose. 52 U.S.C. § 30109(a)(6)(C). The FEC also believes that, despite statutory restrictions on its power to refer matters for criminal prosecution, *see* 52 U.S.C. § 30109(a)(5)(C) (specifying that the FEC may refer intentional and knowing violations of campaign finance law to the Department of Justice only for matters subject to 52 U.S.C. § 30109(d), which does not mention § 30102(e)(4)), it has discretion to refer Stop Hillary PAC’s and Backer’s knowing and willful violation of the statute to the Department of Justice for criminal prosecution. *See* Compl. Ex. 3, at 1 n.2.

Chilling Effect on Dan Backer's Future Activities

23. Dan Backer has for some time engaged in discussion with others about the creation of political committees named "Stop Schumer PAC" and "Fire Pelosi." He intends to serve as counsel and treasurer of those PACs to facilitate the speech and associational rights of those who will directly establish, maintain, finance, and control them. But for 52 U.S.C. § 30102(e)(4)'s prohibition on including candidates' names in the names of political committees, and ongoing harassment by the FEC, Backer would have formed those committees under those names.

24. The mission and purpose of Stop Schumer PAC will be to make contributions to, and independent expenditures in support of, candidates who will oppose the re-election of New York Senator Chuck Schumer, who is a candidate for federal office and maintains a candidate committee; support other candidates in an attempt to prevent him from amassing the votes in the Senate necessary to become Senate Majority Leader; and make other, ongoing public communications against him and his political record.

25. The mission and purpose of Fire Pelosi will be to make contributions to, and independent expenditures in support of, candidates who will oppose California Representative Nancy Pelosi, who is a candidate for federal office and maintains a candidate committee. Fire Pelosi also will make ongoing public communications critical of her and her political record in the hope of disrupting her re-election to Leader of the House Democratic Caucus.

26. Backer does not wish to form these entities under any other name because "Stop Schumer PAC" and "Fire Pelosi" accurately reflect the missions and goals of these committees in a direct, unambiguous manner. Compelling him to associate with other like-minded members of the public under an alternate, vaguer name would be less effective and satisfactory and inevitably affect the nature of the organization and its ability to attract supporters.

27. Backer also reasonably expects to serve as treasurer and counsel to other groups that wish to form political committees that include the names of candidates in their names. In that capacity, he would be asked and expected to prepare and file Statements of Organization on their behalf bearing the purportedly illegal committee name.

CAUSES OF ACTION

COUNT I

(by Plaintiff Stop Hillary PAC)

52 U.S.C. § 30102(e)(4) Facially Violates the First Amendment

28. Plaintiff Stop Hillary PAC hereby incorporates by reference and re-alleges the allegations in the preceding paragraphs.

29. Stop Hillary PAC is a non-connected political committee that incorporates the name of a candidate, Hillary Clinton, in its name.

30. 52 U.S.C. § 30102(e)(4) prohibits non-connected political committees from adopting names that incorporate the name of a candidate.

31. 52 U.S.C. § 30102(e)(4), as interpreted and applied by the FEC, requires a political committee to change its name, even if that name were permissible at the time of the committee's creation, if its name contains the name of a person who later decides to become a candidate (regardless of whether the committee even intended its name to constitute a reference to that person).

32. The name of a political committee is a constitutionally protected form of political speech entitled to maximum protection under the First Amendment. The committee name must appear on all statutorily required FEC filings and disclaimers on political communications.

33. Political committees also are constitutionally protected forms of political association entitled to maximum protection under the First Amendment. A committee's name

reflects its purpose, mission, and values, and helps shape the nature of the entity. A committee's name also is an important factor in attracting public support.

34. Stop Hillary PAC incorporates the first name of Hillary Rodham Clinton, a candidate for federal office.

35. The mission and objective of Stop Hillary PAC is to engage in political advocacy, make political contributions and expenditures, and organize supporters to help stop Hillary Rodham Clinton from becoming President of the United States.

36. No reasonable person could believe that Stop Hillary PAC is Hillary Rodham Clinton's official campaign committee, candidate committee, or other authorized committee.

37. Neither the FEC, Clinton herself, Clinton's authorized campaign committee, nor the Clinton campaign has identified a single person who mistakenly believed that Stop Hillary PAC was Clinton's authorized candidate committee, or that Stop Hillary PAC was in any way attempting to facilitate her selection as the Democratic nominee for President or ultimate election as President.

38. The FEC cannot point to a single example where a candidate (for example, "Smith") for federal office adopted a clear, unambiguously negative name such as "Stop Smith," "Fire Smith," "Americans in Opposition to Smith," "Committee to Un-Elect Smith," "We Hate Smith PAC," "Smith is Evil PAC," or "Citizens United Against Smith," for his or her authorized candidate committee.

39. The name Stop Hillary PAC clearly, succinctly, and accurately reflects the committee's mission, purpose, and values. No other name would have a comparable effect. Any other name would be either vaguer or less accurate.

40. The FEC has threatened Stop Hillary PAC with adverse administrative and civil action, and the threat of criminal prosecution, for adopting and refusing to change its name in violation of 52 U.S.C. § 30102(e)(4), and the PAC already has incurred substantial costs in opposing the FEC's actions and attempting to retain its name.

41. 52 U.S.C. § 30102(e)(4) imposes a substantial burden on Stop Hillary PAC's fundamental First Amendment rights, does not further an important or compelling governmental interest, is not closely or narrowly tailored to achieving any such interests, and is facially unconstitutional under the First Amendment.

COUNT II
(by Plaintiff Dan Backer)
52 U.S.C. § 30102(e)(4) Facially Violates the First Amendment

42. Plaintiff Dan Backer hereby incorporates by reference and re-alleges the allegations in the preceding paragraphs.

43. Backer is counsel and treasurer to Stop Hillary PAC, as well as an ardent supporter of both the PAC and its (presently self-evident) objective.

44. Upon receiving the FEC's April 2015 RFAI, Backer knew that Stop Hillary PAC's name included the word "Hillary," which is also the first name of presidential candidate Hillary Rodham Clinton (as well as an unknown number of other federal and state candidates).

45. Despite his awareness of 52 U.S.C. § 30102(e)(4), Backer knowingly, intentionally, and willfully refused to change Stop Hillary PAC's name.

46. The FEC has threatened Backer with burdensome administrative proceedings, the possibility of substantial civil penalties, and even criminal prosecution, which might result in imprisonment, probation, the loss of his law license, pervasive monitoring, and other harsh sanctions.

47. Backer presently intends to form other political committees to oppose federal candidates, including “Stop Schumer PAC” and “Fire Pelosi,” and would have done so but for the chilling effect of 52 U.S.C. § 30102(e)(4) and the FEC’s threat of burdensome administrative proceedings, substantial civil penalties, and criminal prosecution.

48. The name of Stop Hillary PAC reflects Backer’s staunch opposition to candidate Hillary Rodham Clinton, is the banner under which he wishes to associate with like-minded individuals, and clearly conveys the values of the organization he wishes to assist.

49. 52 U.S.C. § 30102(e)(4) imposes a substantial burden on Backer’s fundamental First Amendment rights, does not further an important or compelling governmental interest, is not closely or narrowly tailored to achieving any such interests, and is facially unconstitutional under the First Amendment.

COUNT III

(by Plaintiff Stop Hillary PAC)

52 U.S.C. § 30102(e)(4) Violates the First Amendment as Applied to Political Committees With Names That Unambiguously Oppose a Federal Candidate

50. Plaintiff Stop Hillary PAC hereby incorporates by reference and re-alleges the allegations in the preceding paragraphs.

51. The stated purpose of 52 U.S.C. § 30102(e)(4) is to prevent voter confusion. The statute purportedly ensures that voters are not misled into believing that a committee that bears a candidate’s name is an official, authorized committee of that candidate.

52. No reasonable person could believe that a committee with a clear, unambiguously negative name such as Stop Hillary PAC might be Hillary Rodham Clinton’s principal campaign committee or other authorized committee.

53. 52 U.S.C § 30102(e)(4) is unconstitutional as applied to non-connected political committees that bear a clear, unambiguously negative name, including but not limited to “Stop X,” “Fire X,” or “Boot X.”

COUNT IV

(by Plaintiff Dan Backer)

52 U.S.C. § 30102(e)(4) Violates the First Amendment as Applied to Political Committees With Names That Unambiguously Oppose a Federal Candidate, as well as Such Committees’ Treasurers and Other Officers

54. Plaintiff Dan Backer hereby incorporates by reference and re-alleges the allegations in the preceding paragraphs.

55. Backer faces the prospect of burdensome administrative proceedings, substantial civil penalties, and criminal prosecution for his knowing, intentional, and willful defense of his (and others’) constitutional rights to speech and association through his refusal to change Stop Hillary PAC’s name.

56. The threat of administrative, civil, and criminal proceedings for violations of § 30102(e)(4) has chilled Backer from engaging in constitutionally protected conduct by forming other non-connected political committees that bear clear, unambiguously negative references to candidates’ names, such as “Stop Schumer PAC” and “Fire Pelosi.”

57. 52 U.S.C. § 30102(e)(4) imposes a substantial burden on Backer’s fundamental First Amendment rights, does not further an important or compelling governmental interest, is not closely or narrowly tailored to achieving any such interests, and is unconstitutional under the First Amendment as applied to the formation or maintenance of non-connected political committees with names that contain clear, unambiguously negative references to the names of federal candidates.

COUNT V
(by Plaintiffs Stop Hillary PAC and Dan Backer)
11 C.F.R. § 102.14(b) Facially Violates the First Amendment

58. Plaintiffs hereby incorporate by reference and re-allege the allegations in the preceding paragraphs.

59. 11 C.F.R. § 102.14, the FEC's implementing regulations for 52 U.S.C. § 30102(e)(4), create several speaker- and content-based exceptions to § 30102(e)(4)'s seemingly categorical prohibition on non-connected committees' use of candidate names. The FEC's regulations provide:

(b)(1) A delegate committee, as defined at 11 CFR 100.5(e)(5), shall include the word delegate(s) in its name and may also include in its name the name of the presidential candidate which the delegate committee supports.

(2) A political committee established solely to draft an individual or to encourage him or her to become a candidate may include the name of such individual in the name of the committee provided the committee's name clearly indicates that it is a draft committee.

(3) An unauthorized political committee may include the name of a candidate in the title of a special project name or other communication if the title clearly and unambiguously shows opposition to the named candidate.

11 C.F.R. § 102.14.

60. The FEC's decision to selectively allow only certain non-connected committees to use candidates' names, while refusing to permit other non-connected committees to do so, is unconstitutional speaker- and content-based discrimination in violation of the First Amendment.

COUNT VI
(by Plaintiffs Stop Hillary PAC and Dan Backer)
11 C.F.R. § 102.14(b) Violates the First Amendment as Applied to Political Committees With Names That Unambiguously Oppose a Federal Candidate

61. Plaintiffs hereby incorporate by reference and re-allege the allegations in the preceding paragraphs.

62. The FEC's decision to selectively allow certain non-connected committees to use candidates' names when there is little or no possibility of public confusion, while refusing to permit other non-connected committees to do so, despite the same absence of a possibility of confusion, is unconstitutional speaker- and content-based discrimination. Thus, 11 C.F.R. § 102.14(b) violates the First Amendment as applied to non-connected committees that wish to adopt names which include clear, unambiguously negative references to federal candidates.

COUNT VII

(by Plaintiffs Stop Hillary PAC and Dan Backer)

11 C.F.R. § 102.14(b) Violates the Equal Protection Component of the Due Process Clause

63. Plaintiffs hereby incorporate by reference and re-allege the allegations in the preceding paragraphs.

64. The Fifth Amendment's Due Process Clause conveys protections against discrimination by the federal government co-extensive with those that the Fourteenth Amendment's Equal Protection Clause imposes against action by state and local governments.

65. Restrictions on the names of political committees abridge fundamental rights to freedom of speech and association protected by the First Amendment. Such restrictions trigger heightened or strict scrutiny under the Equal Protection Clause and Equal Protection component of the Fifth Amendment Due Process Clause.

66. 11 C.F.R. § 102.14 violates the Fifth Amendment's Equal Protection guarantees by allowing only some non-connected political committees to adopt names that include the names of federal candidates, while allowing for civil and criminal penalties against other committees that do so.

COUNT VIII

(by Plaintiffs Stop Hillary PAC and Dan Backer)
11 C.F.R. § 102.14(b) Violates the Equal Protection Component
of the Due Process Clause as Applied to Political Committees
With Names That Unambiguously Oppose a Federal Candidate

67. Plaintiffs hereby incorporate by reference and re-allege the allegations in the preceding paragraphs.

68. A non-connected political committee whose name clearly and unambiguously opposes a candidate poses no risk that the public will believe that the candidate authorized that committee to act on its behalf.

69. 11 C.F.R. § 102.14 violates the Fifth Amendment's Equal Protection guarantees by allowing only some non-connected political committees to adopt names that include the names of federal candidates on the grounds that they do not pose a risk of public confusion, while prohibiting committees that wish to adopt names that clearly and unambiguously oppose particular candidates from doing so, despite the same absence of confusion.

70. 11 C.F.R. § 102.14 therefore violates the Equal Protection Clause as applied to non-connected political committees that wish to adopt and maintain names that clearly and unambiguously oppose federal candidates.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

1. A declaratory judgment that:
 - a. 52 U.S.C. § 30102(e)(4) violates the First Amendment, either facially or as applied to non-connected political committees that wish to adopt a name clearly and unambiguously opposing a federal candidate; and

b. 11 C.F.R. § 102.14 violates the First Amendment and/or Equal Protection Clause, either facially or as applied to non-connected political committees that wish to adopt a name clearly and unambiguously opposing a federal candidate.

2. An injunction:

a. Prohibiting the FEC from enforcing or attempting to enforce 52 U.S.C. § 30102(e)(4), either completely or against non-connected political committees (as well as their treasurers, attorneys, agents, officers, or members), that wish to adopt and/or maintain names that clearly and unambiguously oppose one or more federal candidates.

b. Prohibiting the FEC from enforcing or attempting to enforce 11 C.F.R. § 102.14, either completely or against non-connected political committees (as well as their treasurers, attorneys, agents, officers, or members), that wish to adopt and/or maintain names that clearly and unambiguously oppose one or more federal candidates.

c. Prohibiting the FEC from threatening and/or commencing administrative, civil, or criminal proceedings against Stop Hillary PAC or Dan Backer.

3. Costs and attorneys' fees pursuant to any applicable statute or authority, including but not limited to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

4. Such other relief as this Court deems just and appropriate.

Dated this 22st day of September, 2015.



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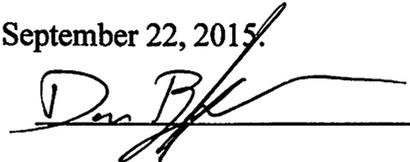
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VERIFICATION

I, Dan Backer, declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed on September 22, 2015.



Dan Backer

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

STOP HILLARY PAC and DAN BACKER,)	No. <u>1:15cv 1208</u>
<i>Plaintiffs,</i>)	
v.)	
FEDERAL ELECTION COMMISSION,)	
<i>Defendant.</i>)	
)	

CERTIFICATE OF SERVICE

I hereby certify that, on this Tuesday, September 22, 2015, a true and correct copy of the foregoing Verified Complaint was sent by certified mail, postage prepaid, to:

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

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