



3. "If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [the FECA] . . . [t]he Commission shall make an investigation of such alleged violation . . . ." 2 U.S.C. § 437g(a)(2); *see also* 11 C.F.R. § 111.4(a) (emphasis added).

#### FACTS

4. The NRCC is an unauthorized committee.
5. On December 13, 2013, *National Journal* reported:

The National Republican Congressional Committee proudly launched a faux campaign website for Democratic candidate Domenic Recchia this week, mocking him as a "career politician ... asking for your vote." They even bought Google ads to direct New Yorkers to [www.domenic-recchia.com](http://www.domenic-recchia.com), designed at first glance to look like it could be Recchia's own, down to the same yellow star replacing the dot in the 'i' of his last name.

Shane Goldmacher, *Republican Look-Alike Sites Mocking Democrats May Violate Rules*, NATIONAL JOURNAL, Dec. 13, 2013, at

<http://www.nationaljournal.com/politics/republican-look-alike-sites-mocking-democrats-may-violate-rules-20131212>.

6. On February 5, 2014, *Time* reported a similar website created by the NRCC clearly identifying Democratic congressional candidate Ann Kirkpatrick, explaining:

At first glance, [AnnKirkpatrick.com](http://AnnKirkpatrick.com) looks like any normal campaign website. A big picture of the smiling Arizona Democrat stands next to a "Kirkpatrick For Congress" banner above a fat "DONATE" button, all in the same colors as those used by the real website for Kirkpatrick, who's fighting to keep her House seat. Read closer and the text of the site reveals lines like "Kirkpatrick is a huge embarrassment to Arizona," but anyone who didn't bother to read the site closely (or who couldn't due to bad eyesight) before trying to make a donation to Kirkpatrick's campaign would find that they'd just contributed to the coffers of the National Republican Congressional Committee—the House GOP's campaign arm backing Kirkpatrick's opponent.

Denver Nicks, *Campaign Websites in 2014 Aren't Always What They Seem*, TIME, Feb. 5, 2014, at <http://swampland.time.com/2014/02/05/2014-nrcc-dece-congress-midterm-elections-websites>. This *Time* article notes that it had counted 16 similar websites that had been set up by the NRCC at the time of publication. *Id.*

7. Complainants have identified 19 websites that include the names of candidates in the official URLs, page titles displayed in web browsers and in large-type banners on each page, and include prominent "Donate" or "Contribute" buttons, and indicate that the websites are paid for by the NRCC and not authorized by any candidate or candidate's committee. Screenshots of the following 19 websites are attached to this complaint as Exhibit 1:

- "Ron Barber Congress": <http://ronbarber2014.com>
- "John Barrow For Congress": <http://johnbarrow2014.com>
- "Sean Eldridge For Congress 2014": <http://seaneldridgeforcongress2014.com>
- "Better Call Bill[,] Bill Hughes Jr.": <http://billhughesjrforcongress.com>
- "Kirkpatrick For Congress": <http://annkirkpatrick.com>
- "Annie Kuster For Congress": <http://anniekusterforcongress.com>
- "John Lewis For Congress": <http://johnlewis4congress.com>
- "Mike Parrish US Congress": <http://parrish4congress.com>
- "Nancy Pelosi For Congress": <http://nancypelosi2014.com>
- "Collin Peterson For Congress ": <http://collinpeterson2014.com>
- "Nick Rahall For Congress": <http://nickrahallforcongress.com>
- "Domenic Recchia For Congress": <http://domenic-recchia.com>
- "Amanda Renteria For Congress": <http://renteria4congress.com>
- "Martha Robertson For Congress": <http://martha-robertson.com>
- "Andrew Romanoff For Congress": <http://andrewromanoff2014.com>
- "Carol Shea-Porter For Congress": <http://sheaporterforcongress.com>
- "Kyrsten Sinema For Congress": <http://sinemaforcongress.com>
- "Alex Sink Congress": <http://sinkforcongress2014.com>

- “John Tierney For Congress”: <http://johntierney2014.com>
8. All but one (<http://renteria4congress.com>) of the 19 websites listed in the preceding paragraph contain prominent “Donate” or “Contribute” buttons.

#### SUMMARY OF LAW

9. Federal law prohibits any political committee that is not authorized by a candidate from including the name of any candidate in the committee's name. *See* 2 U.S.C. § 432(e)(4). This restriction applies not only to a committee's official name registered with the Commission, but also to “any name under which a committee conducts activities, such as solicitations or other communications, including a special project name or other designation[,]” 11 C.F.R. § 102.14(a), “unless the title of a special project or other communication . . . clearly and unambiguously shows opposition to the named candidate[,]” *id.* at § 102.14(b)(3).
10. The candidate name restriction applies to “any name under which a committee conducts activities,” 11 C.F.R. § 102.14(a), because of the Commission's “concern[s] about the potential for confusion or abuse when an unauthorized committee uses a candidate's name in the title of a special fundraising project.” FEC, *Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees*, Final Rules and Explanation and Justification, 57 Fed. Reg. 31424 (July 15, 1992). The Commission explained: “A person who receives such a communication may not understand that it is made on behalf the committee rather than the candidate whose name appears in the project's title[,]” and that “the potential for confusion is equally great in all types of committee communications,” not merely the official committee titles. *Id.* at 31424-25.

11. Notwithstanding the restriction on the use of candidate names by an unauthorized committee in the name of the committee or of a special fundraising project of a committee, such committees remain free to “discuss any number of candidates, by name, in the body of the communication.” *Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees*, Final Rules and Explanation and Justification, 57 Fed. Reg. at 31425.
12. In 1994, the Commission created a limited exception to the candidate name restriction to permit unauthorized committees to use 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(b)(3) (emphasis added); see also FEC, *Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees*, Final Rules and Explanation and Justification, 59 Fed. Reg. 17267 (Apr. 12, 1994).
13. The Commission made clear in Advisory Opinion 1995-09 that, for the purpose of the candidate name restriction, the “operation of a World Wide Web site would be considered a project” of a committee. *Id.* at 6. Thus, an unauthorized committee is prohibited from using a candidate’s name in the name of a website unless the name clearly and unambiguously shows opposition to the named candidate.
14. More recently, in MUR 6399 (Yoder for Congress), the Commission again made clear that the candidate name restriction applies to websites. MUR 6399 entailed allegations that the Yoder for Congress committee, the authorized committee of congressional candidate Kevin Yoder, violated the candidate name restriction when it created a website

at [www.StepheneMoore.com](http://www.StepheneMoore.com) (no longer available), which contained negative information regarding Mr. Yoder's electoral opponent, Ms. Stephene Moore.

- i. The First General Counsel's Report recommended that the Commission find reason to believe that Yoder for Congress violated 2 U.S.C. § 432(e)(4) and 11 C.F.R. § 102.14(a) by using the name of a candidate in the name of a special project website without the name clearly and unambiguously showing opposition to candidate Moore.
- ii. The Commission failed by a vote of 2-3 to approve the Office of General Counsel's recommendation to find reason to believe that Yoder for Congress had violated the candidate name restriction, with then-Chair Bauerly and Commissioner Weintraub voting to find reason to believe, and then-Vice Chair Hunter and Commissioners Petersen and McGahn voting against a finding of reason to believe. *See* FEC Certification, MUR 6399 (Yoder), April 28, 2011. Those voting not to find reason to believe concluded that the candidate name restriction was inapplicable to Yoder for Congress because it was an authorized committee and the candidate name restriction at 2 U.S.C. § 432(e)(4) and 11 C.F.R. § 102.14(a) apply only to unauthorized committees. *See* Statement of Reasons of Vice Chair Caroline C. Hunter and Commissioners Donald F. McGahn and Matthew S. Petersen, MUR 6399 (Yoder), 1 (June 23, 2011). Additionally, those voting not to find reason to believe concluded that, even if the candidate name restriction applied to the Yoder for Congress committee's website at [www.StepheneMoore.com](http://www.StepheneMoore.com), the website does not violate the law because "(1) the website's title was the name that appeared at the top of the site—"No

Stephene Moore”—and . . . (2) this title conveyed clear and unambiguous opposition to Yoder’s opponent.”

**CAUSE OF ACTION**

**COUNT I:  
NRCC UNLAWFULLY INCLUDED THE NAMES OF CANDIDATES IN THE TITLES OF NRCC WEBSITES**

15. The 19 websites listed in ¶7 were paid for by the NRCC, an unauthorized committee, and constitute special projects of the NRCC under which the NRCC conducts activities including solicitations. Consequently, these NRCC websites are subject to the candidate name restrictions of 11 C.F.R. § 102.14(a).
16. The 19 NRCC websites listed in ¶7 include the names of candidates in the website URLs, the page titles of the websites displayed in web browsers and in the banner titles appearing in large font at the top of each web page—e.g., “Ron Barber Congress,” “John Barrow For Congress,” “Sean Eldridge For Congress 2014,” etc.
17. Neither the URLs, page titles, nor the banner titles clearly and unambiguously show opposition to the named candidates. On the contrary, far from having titles clear about their opposition to the named candidates, the NRCC’s websites contain textbook language indicating support for these candidates—e.g., “Sean Eldridge For Congress 2014” at the URL <http://seaneldridgeforcongress2014.com>. Indeed, the phrases of support used in the NRCC website URLs, page title and banner titles are of the same type as the examples of express advocacy or support the Supreme Court used in *Buckley v. Valeo*, 424 U.S. 1, 44 n.52 (1976), such as “Smith for Congress.”

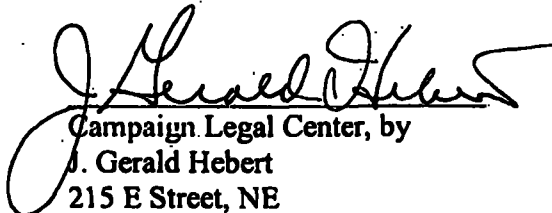
18. Therefore, these 19 NRCC websites, as well as any other NRCC websites that include a candidate's name in a title that does not clearly and unambiguously show opposition to the named candidate, violate 2 U.S.C. § 432(e)(4) and 11 C.F.R. § 102.14.
19. Thus, the rationale of the three Commissioners who opposed the reason to believe finding in MUR 6399 does not apply to the NRCC here, both because the NRCC, unlike the Yoder for Congress committee, is not an authorized committee, and because there is nothing on the NRCC project websites that conveyed clear opposition to the candidates whose names were used.

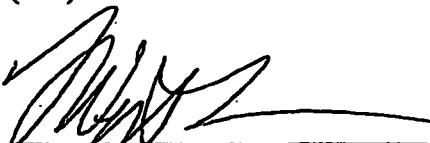
**PRAYER FOR RELIEF**

20. Wherefore, the Commission should find reason to believe that the NRCC has violated 2 U.S.C. § 431 *et seq.*, including 2 U.S.C. § 432(e)(4) as applied by 11 C.F.R. § 102.14, and conduct an immediate investigation under 2 U.S.C. § 437g(a)(2). Further, the Commission should determine and impose appropriate sanctions for any and all violations, should enjoin the respondent from any and all violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.



Respectfully submitted,

  
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Counsel to Democracy 21


1503440000

**VERIFICATION**

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.


Sworn to pursuant to 18 U.S.C. § 1001.

**For Complainant Campaign Legal Center**

  
J. Gerald Hebert

Sworn to and subscribed before me this 18<sup>th</sup> day of March, 2014.

10034160001


  
CHERYL L. OLSON  
NOTARY PUBLIC  
DISTRICT OF COLUMBIA

CHERYL L. OLSON  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires October 31, 2014

**For Complainant Democracy 21**

  
Fred Wertheimer

Sworn to and subscribed before me this 18<sup>th</sup> day of March, 2014.

  
CHERYL L. OLSON  
NOTARY PUBLIC  
DISTRICT OF COLUMBIA

CHERYL L. OLSON  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires October 31, 2014

# Exhibit 1

1004762221



# John Barrow FOR CONGRESS

Georgia families know John Barrow is not fighting for them in Washington. You know it's bad when your own newspaper writes this about your self-serving approach.

*"On major issues in which the Democratic leadership in Washington is pushing the country to the far left, Barrow has waited until the coast is clear — in other words, until it's clear the Democrats have enough votes without him — before voting against his party, in order to look good back home."* - Augusta Chronicle Editorial Staff

- John Barrow is your typical say-and-do-anything-to-get-elected politician. His own hometown newspaper even called him two-faced and said that his approach was disingenuous condescension.
- With his vote for Obama's failed stimulus program which costs families \$800 billion, and his vote to keep the Medicare-slashing ObamaCare, Georgians know that John Barrow is not fighting for them.

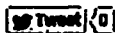
## DONATE

Fed up with John Barrow? - Sign up Today

First Name*	Last Name*
Email*	Zip Code*

SUBMIT

Photo Credit: Savannah River Site



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# KIRKPATRICK FOR CONGRESS

A career politician and insider, Kirkpatrick was booted out of Congress by Arizonans in 2010 after she sided with Nancy Pelosi and supported ObamaCare. But in 2012, she managed to return after Pelosi's allies came to her rescue with millions of dollars.

That probably explains why Kirkpatrick continues to be in in Pelosi's back pocket.

**Kirkpatrick is a huge embarrassment to Arizona. How?**

- Kirkpatrick walked out on her own town hall because she didn't want to answer questions about voting for ObamaCare.
- After she lost the election, Kirkpatrick brought campaign staffers on the official House payroll then spent over \$100,000 in taxpayer funds on salaries and bonuses for just two days of work.
- Kirkpatrick voted to keep the Grand Canyon shut down so she could protect ObamaCare.
- Kirkpatrick isn't just liberal - she doesn't even do her job as a representative. She missed 16 votes in just her first few days back in Congress.

# DONATE

**Fed up with Ann Kirkpatrick? - Sign up Today**

<input type="text"/>		<input type="text"/>
<input type="text"/>		<input type="text"/>
<input type="submit" value="SUBMIT"/>		



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[www.nrcc.org](http://www.nrcc.org)

110047440001







# MIKE PARRISH

★ ★ ★

# US CONGRESS

Michael Parrish was a lifelong Republican who donated thousands of dollars to Republican candidates and causes. Wanting to run for Congress in the 6th District of Pennsylvania, Parrish decided his easiest path would be to challenge Republican Congressman Jim Gerlach as a Democrat in a general election instead of as a Republican in a primary. Parrish switched his registration in December of 2013 and immediately abandoned his previously held political beliefs so that he could begin buying into the big government agenda of his new fundraiser-in-chief, Nancy Pelosi.

Of course, now that Congressman Jim Gerlach has announced his retirement, one has to wonder if Parrish wants to change his beliefs again and run as Republican. After all, these facts are going to make it pretty tough to run as a Democrat:

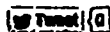
- Parrish was a lifelong Republican and decided to become a Democrat in December of 2013 so that he could run for Congress.
- Parrish donated \$275 to the Republican Federal Committee of Pennsylvania.
- Parrish donated \$250 to Republican Tom Marior's Congressional campaign.
- Parrish donated \$1,000 to Mitt Romney's 2012 Presidential campaign.
- Parrish donated \$2,000 to John McCain's 2008 Presidential campaign and \$2,000 to the McCain victory fund.

## DONATE

Had enough of Mike Parrish? Sign up Today

First Name*	Last Name
Email*	Zip Code*

SUBMIT



1005400000



# Collin Peterson FOR CONGRESS

**Washington is broken, and Collin  
Peterson is part of the problem.**

- Peterson is so out of touch that at a time when many Minnesota families are struggling, he's willing to ask for a 27% increase in the federal gas tax. He even claimed that most people wouldn't notice!
- Collin Peterson's involvement with Cap and Trade, which hurts farmers, was so integral to its passage that President Obama recognized Peterson personally.
- Collin Peterson joined House Democrats in several votes to protect ObamaCare at the expense of shutting down the government.

After spending decades in government, Collin Peterson has lost touch with Minnesota families.

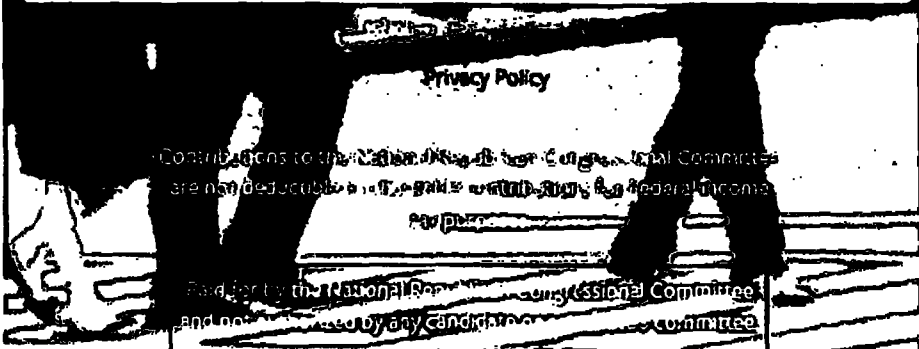
# DONATE

**Fed up with Collin Peterson? – Sign up Today**

First Name*	Last Name*
Email*	Zip Code*

**SUBMIT**

Yes  No



16044444001





# AMANDA RENTERIA \* FOR CONGRESS \*



Amanda Renteria is the epitome of a Washington insider.

- After spending three years at one of Wall Street's biggest banks, Renteria took a trip through the revolving door to Capitol Hill and received over one million dollars in taxpayer-funded salary.
- Even worse, some of the same lawmakers she worked for voted to bailout her former Wall Street friends at a "too big to fail" bank.
- She has also worked for some of Washington's most liberal Democrats including Dianne Feinstein, a self-described "longtime advocate of high speed rail."

## Sign up to Stop Amanda Renteria

First Name*	Last Name
Email*	Zip Code*

SUBMIT

Facebook  LinkedIn

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1604462221



# Martha Robertson congress

Martha Robertson "Our Congresswoman?"



After ten years on the Tompkins County Legislature where she consistently voted to raise taxes on middle class families, proud liberal Martha Robertson is looking to exit her tax, spend, and waste routine to the United States Congress. Martha believes that the government needs to be more involved in our health care, that fighting climate change is the most important issue of the day, and that her lack of integrity shouldn't be discussed. That's not all:

- Robertson thinks that Obamacare does not go far enough to involve government in health care. Rather, Robertson believes that we must support a public option and move towards a single payer health care system.
- Robertson thinks that climate change is the most important issue facing our country today - more important than jobs, the economy, education, and national security.
- Robertson began her campaign by having a convicted child molester headline her fundraiser, then accepted a personal contribution from the same sex offender.
- Robertson made a baseless criminal accusation against Republicans in a recent fundraising email, sparking calls for a FBI investigation into whether Robertson committed federal wire fraud.

## Donate

Fed up with Martha Robertson? - Sign up  
Today

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

SUBMIT



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# ANDREW ROMANOFF — for CONGRESS —

Andrew Romanoff is a professional politician who will do anything to further his political career – including moving to a congressional district just to run for office.

Romanoff even waged a failed campaign against a sitting Democrat U.S. Senator.

This Denver liberal voted more than 50 times for higher fees and taxes while serving in the Colorado Legislature and was the chief architect of one of the largest tax hikes in Colorado's history.

As Colorado's Speaker of the House, Andrew Romanoff oversaw the passage of some of the strictest immigration laws in the nation, including a law that would bar Colorado's undocumented immigrants from in-state college tuition.

Romanoff not only would have voted for ObamaCare, he claims it doesn't go far enough. Romanoff's support for ObamaCare won't sit well with the 335,000 Coloradans who will lose their health plans due to the President's health care law.

Romanoff is so out-of-touch with the needs of Colorado families, it's no wonder Washington Democrats and special interests recruited him to run for Congress.

## DONATE

Had enough of Andrew Romanoff? Sign up  
Today

First Name*	Last Name
Email*	Zip Code*
<b>SUBMIT</b>	

Photo Credit: Fran Rew



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[www.nrcc.org](http://www.nrcc.org)

16044462211



# Kyrsten Sinema for CONGRESS

A longtime partisan liberal and career politician, Kyrsten Sinema took her show on the road in 2012, when she was elected to the United States Congress. Obsessed with voting against a balanced budget, hiking student loan rates, and keeping ObamaCare—the law she helped craft—on the books, she fits right in among the legions of Nancy Pelosi Democrats in Washington.

When it comes down to it, Arizona families just can't trust Kyrsten Sinema. Here's why:

- Sinema can't be trusted to fix our nation's fiscal crisis because she voted against a plan to balance the federal budget and ban taxpayer-funded travel for Members of Congress. (Roll Call #88, 3/20/13)
- How can Sinema be expected to fix ObamaCare, when she helped craft the law and campaigned across Arizona in support of it?
- Women just can't trust Sinema to stand up for them. After all, she said women who stay-at-home are "leeching off their husbands or boyfriends."
- Students trusted Sinema to look out for them. Yet she voted to let student loan rates increase and held a bipartisan plan to lower them hostage. (Roll Call# 183, 5/23/13)
- Why should Arizonans trust a career politician like her to change Washington? She's too busy spending her time in Congress doing national TV interviews and fawning magazine profiles.

## DONATE

Fed up with Kyrsten Sinema? – Sign up Today

First Name*	LAST NAME
Email*	Zip Code*
<input type="submit" value="SUBMIT"/>	

Photo Credit: Gage Skidmore



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133 / 11 / 2015

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and not authorized by any candidate or candidate's committee

THE REAL ALEX SINK TRUTH SQUAD

# Alex Sink CONGRESS

Alex Sink. A Risk We Can't Afford



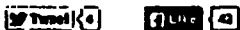
Alex Sink - a risk we can't afford

# DONATE

Help us stop Alex Sink from bankrupting us  
in Congress - Sign up Today

First Name*	Last Name
Email*	Zip Code*

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