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FEDERAL ELECTION
COMMISSION

MUR #

7062

May 5, 2016

2016 MAY -6 PM 12: 59

Office of General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Madam or Sir,

OFFICE OF GENERAL
COUNSEL

I am hereby filing a complaint against *Rohit Khanna* (Candidate's FED ID #: H4CA12055) and the *Ro Khanna for Congress Inc. Committee* (Committee ID #: C00503185). It is my belief that they are illegally using Federal Election Commission (FEC) data for fundraising purposes for Mr. Khanna's Congressional campaign in violation of the Federal Election Campaign Act.

Mr. Khanna and possibly others on his staff are using their personal email accounts to acquire email addresses for use by the campaign without permission, either implied or implicit, of those added to the campaign's email list. I believe they then use 'RevUp' software created by Steven Spinner, Mr. Khanna's Campaign Chair, to analyze our FEC data for the purpose of fundraising.

On February 4, 2016 I began receiving emails from *Ro Khanna for Congress*. This was traced back to an email sent by the Santa Clara County Democratic Club. After inquiring I received an email (see attached) from Tom Pyke with the explanation below (3/3/2016):

"On the morning of January 27, Bill sent out the official CD-17 club endorsement vote results to the entire membership.

The problem was that instead of a "blind email" (e.g., to "The Members"), his email accidentally showed ALL the members' emails. The recipients' list was public. Oops. It happens.

What happened then (as explained by Ro's campaign manager Brian Parvizshahi) is that all of the recipients from Ro's personal Gmail account that he's ever sent emails to go into his contacts list, and his contacts list in turn automatically gets run through a program and is put on the campaign email list. That is what happened here too. "When a mass email goes out like the one below where names aren't bcced, the emails get caught up as well."

So because of Ro's January 28 email to the group, the recipients were automatically put on the campaign email list. This wasn't a conscious attempt to use the club membership list, it was automatically triggered by sending his message to a public email list from his private account.

However, to avoid unwanted campaign emails, the campaign voluntarily went through Bill's (non-BCC) email recipients' list and is now removing from the campaign email list anyone who is either a known Honda supporter or with an unknown preference in this race. Brian told me that they would be doing those removals tonight. So you should not be getting any more such emails."

Despite Mr. Parvizshahi's assurance, I was never removed from their email list.

Another example of the Khanna campaign's problematic methods for acquiring email addresses took place on March 3, 2016. About five hours after receiving an email from *Mike Honda for Congress* Field Director, Andrew Munson (Mr. Khanna's opponent) people began receiving an email sent by Mr. Parvizshahi from his personal email account. Jill Chesler reported that after receiving the email from Mr. Parvizshahi she began receiving *Ro Khanna for Congress* fundraising emails.

According to the Bloomberg article, "Steve Spinner's Software RevUp Could Transform Fundraising for Politics and Beyond" (3/23/16), the RevUp software uses FEC data for the purpose of fundraising. I believe this violates FEC rules.

"After a year of beta testing, RevUp recently launched its data analytics software, into which anyone—candidate, staff, volunteer fundraiser—can upload a list of personal contacts from Gmail, Outlook, LinkedIn, or other sources, along with the candidate or cause for which he is raising money. The software then spiders through records aggregated from thousands of public and private websites and databases, checking the names against everything from dozens of public-election databases (such as the Federal Election Commission's), [...]"

FEC reports filed by *Ro Khanna for Congress* shows they have paid for the use of these software services.

In the Bloomberg article Steve Spinner claims that by using the software 70% of contributors are new contributors to the campaign. This calls into question how they attained those names used by the software.

I am asking that the FEC investigate whether the use of the RevUp software by the Khanna campaign is in violation of federal laws. I'm also asking for the FEC to investigate the methods used by the Khanna campaign to acquire email addresses for use by the campaign and how they were able to obtain the email addresses sent out by Honda Field Director, Andrew Munson.

I look forward to hearing from you in regard to this complaint in the near future, as the election cycle is in full swing, so time is of the essence in resolving this matter.

Thank you for your consideration,



Glen Shaffer

San Jose, CA 95124

**SEE ATTACHED
JURAT
FROM NOTARY**

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of Santa Clara

Subscribed and sworn to (or affirmed) before me
 on this 5th day of May, 2016,
 by _____ Date _____ Month _____ Year _____

(1) Glen Shaffer
 (and (2) _____),
 Name(s) of Signer(s)



proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Christina Chavez
 Signature of Notary Public

Seal
 Place Notary Seal Above

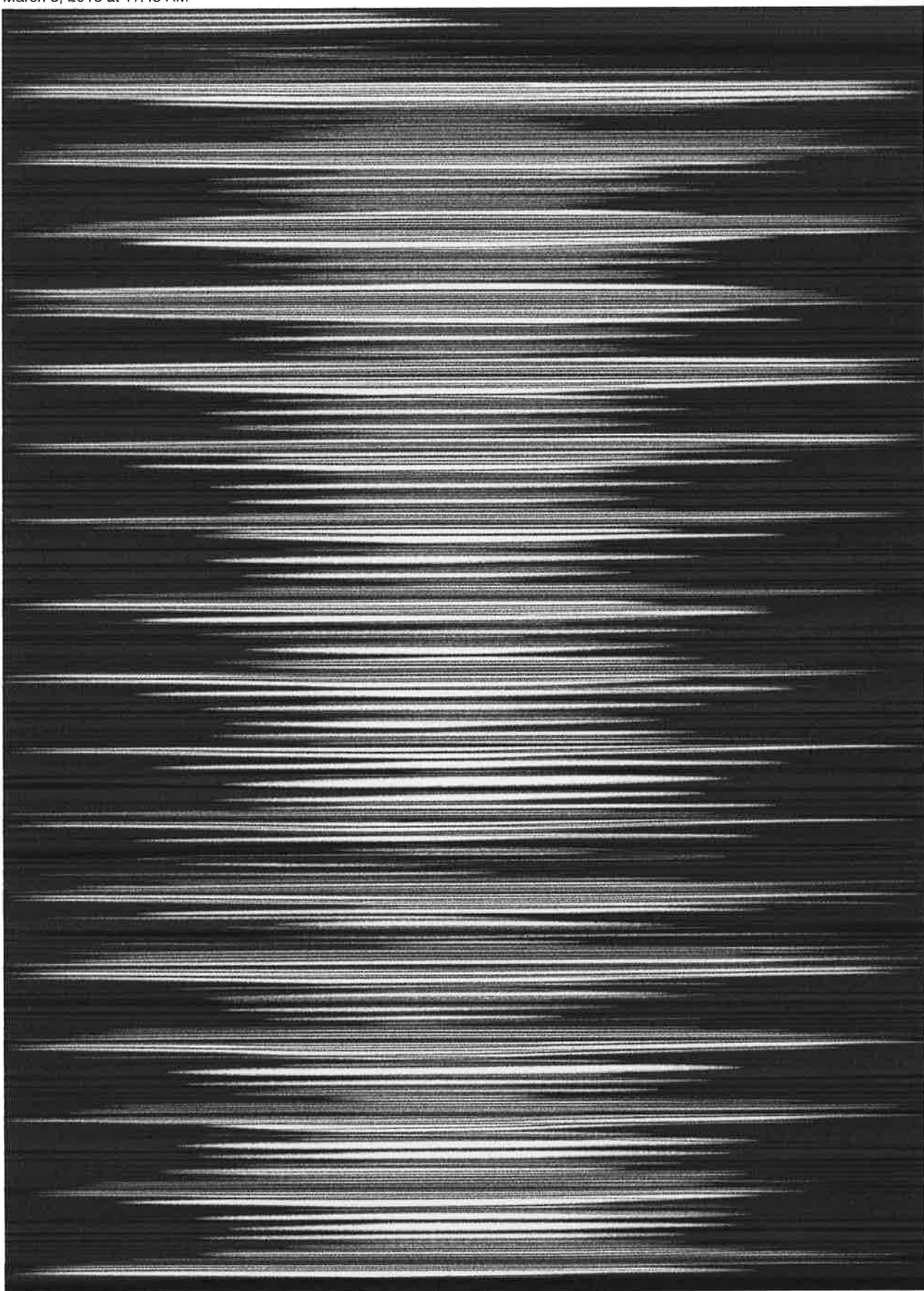
OPTIONAL

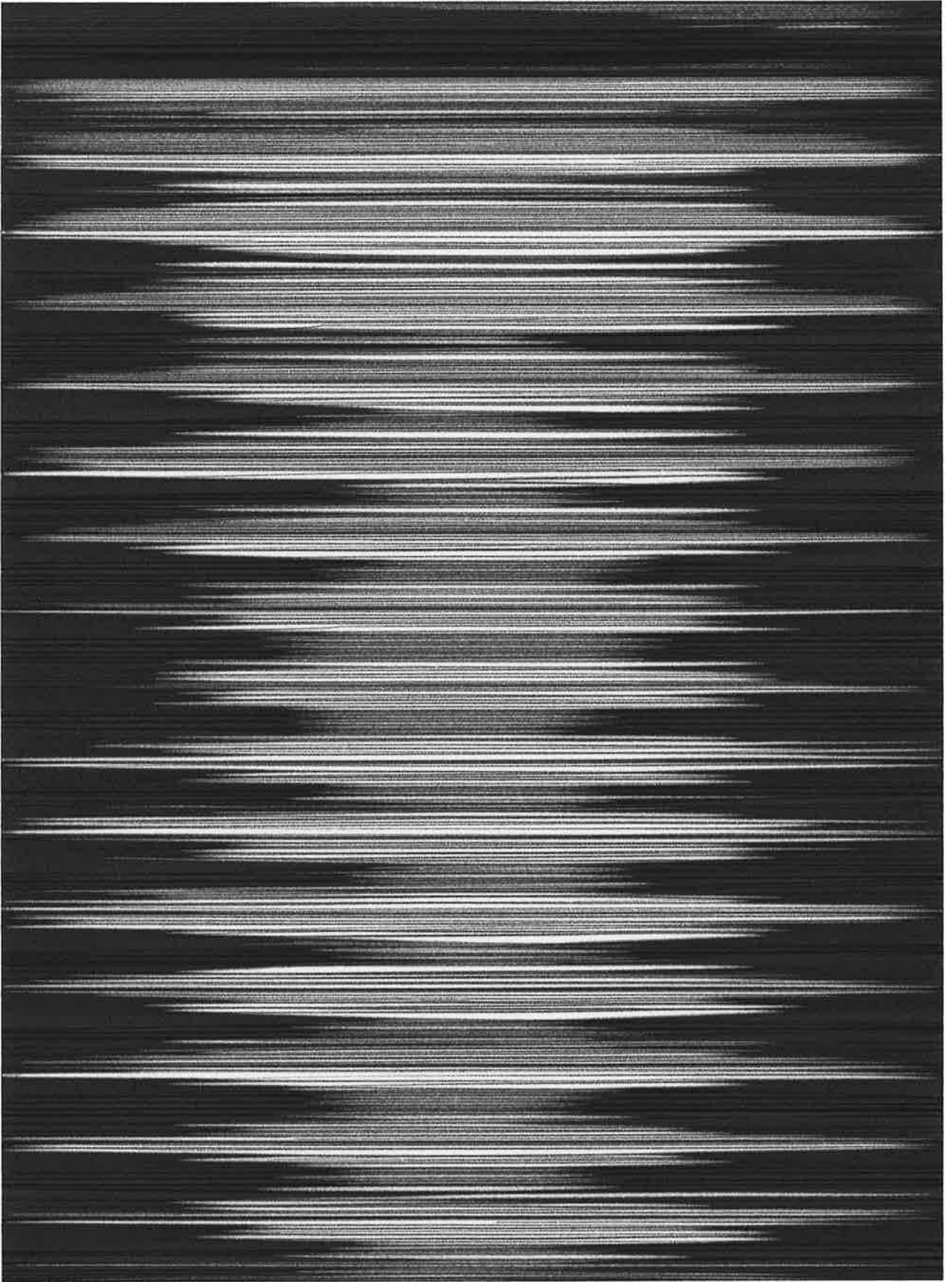
Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: letter: Complaint to Federal Election Commission Document Date: 5/5/16
 Number of Pages: _____ Signer(s) Other Than Named Above: _____

From: **Andrew Munson** andrew@mikehonda.com
Subject: Introduction – Mike Honda's New Field Director
Date: March 3, 2016 at 11:48 AM
To:





My name is Andrew Munson, I was just brought on as the Field Director for Mike Honda's Congressional Campaign. I'm originally from a town called Santa Clarita in Southern California.

I graduated from Sonoma State University in 2013 and have been working on candidate and issue based campaigns ever since. As a college graduate, I believe it is important to find a way to make college more affordable.

Mike's career long passion for education is just one of the many reasons that I am excited to work for his campaign. We need to make sure that we continue to have his progressive values representing the 17th district in Washington D.C.

The easiest way to help the campaign is by knocking on doors or making phone calls. I am reaching out to you because you were an active volunteer on Mike's last campaign. Please fill out the following form to indicate how you can help out: <http://goo.gl/forms/nRGEIu54Sn>.

Thanks,

--
Andrew Munson
Field Director
Mike Honda for Congress
andrew@mikehonda.com
Cell: [REDACTED]

From: **Ro Khanna** info@rokhanna.com
Subject: Say NO to Special Interest and Corporate Money in Politics
Date: February 4, 2016 at 4:26 PM
To: Glen Shaffer [REDACTED]

RK

RO KHANNA

FOR CONGRESS

Hi Glen --

As you know there are 535 members of the House of Representatives and the U.S. Senate. I am proud to be [one of only six](#) congressional candidates, including incumbents, who refuse special interest money of any kind. Unlike my opponent, I don't take a dime from lobbyists, corporations, or PACs; I will not be for sale.

My pledge to reject special interest money should be a no brainer for all elected officials in Silicon Valley. We need leaders who will put constituents first, not K street donors.

See my call for getting big money out of politics:



[Will you join our movement to get money out of politics?](#)

Let's be a model for our country. Let's help restore American politics to our founding ideals.

Sincerely,

Ro



PAID FOR BY RO FOR CONGRESS

Ro Khanna for Congress
1231 Franklin Mall
Santa Clara CA 95050 United States

[unsubscribe](#)

From: Jill Chesler [REDACTED]
Subject: Fwd: Shades of Trump
Date: March 15, 2016 at 7:09 PM
To: Glen Shaffer [REDACTED]

FYI

I'm in Toronto but wanted you to see this

Jill

Sent from my iPad

Begin forwarded message:

From: "Steve Spinner" <info@rokhanna.com>
Date: March 15, 2016 at 8:38:25 PM EDT
To: "Jill Chesler" [REDACTED]
Subject: Shades of Trump
Reply-To: info@rokhanna.com

RO KHANNA

FOR CONGRESS

Hi Jill --

It's only March, but Congressman Mike Honda is already launching desperate attacks.

[Scott Herhold of the Mercury News](#) wrote last week that Congressman Honda and his supporters are showing "shades of Trump" by smearing Ro Khanna with crude images and false insinuations. The Honda campaign hopes that they can "say things often enough and maybe it will stick."

Why would Congressman Honda stoop to the Trump level? The Mercury News put it best: the doctored anti-Ro flier "is a desperate tactic to avoid the truth. The fundamental issue is the performance of an incumbent who should be turned out."

[Our district should strive to elevate the public debate, not engage in the same old mudslinging. If you agree that it's time for real change in Washington, please donate \\$10 to our Rapid Response Fund.](#)

While Congressman Honda tries to hide his record and divert voters from his ethics violations, Ro Khanna is focused on fighting for us. Ro wrote a book on manufacturing, and then helped to secure a job training grant to prepare workers for openings at the NUMMI auto plant. He also teamed up with Sen. Joe Meyer

for openings at the NUMMI auto plant. He also teamed up with San Jose Mayor Sam Liccardo to foster the creation of living-wage manufacturing jobs. As the Mercury News points out Ro "knows the district's local issues better than Honda."

Can you chip in \$10 now to stand with Ro?

Ro is working for justice in our communities, standing up against pollution from the Lehigh Southwest Cement Plant, and supporting the cleanup effort at Newby Landfill. Isn't that the kind of leadership we need in Congress?

Thanks,

Steve Spinner
Campaign Chair



AD FOR BY AD FOR CONGRESS

Ro Khanna for Congress
1231 Franklin Mall
Santa Clara CA 95050 United States

[unsubscribe](#)

From: Tom Pyke [REDACTED]
 Subject: Email from Khanna Campaign to Honda folks
 Date: March 3, 2016 at 8:10 PM
 To: [REDACTED]

TP

Hi Glenn & Co.:

OK, I sorted out why you started to get emails from the Khanna campaign. It is pretty innocuous, but needs some explaining.

As our Treasurer Bill Barrett explained at last week's SCCDC Executive Board meeting:

- On the morning of January 27, Bill sent out the official CD-17 club endorsement vote results to the entire membership.
- The problem was that instead of a "blind email" (e.g., to "The Members"), **his email accidentally showed ALL the members' emails**. The recipients' list was public. Oops. It happens.
- Members then started doing a **"Reply to All"** to comment on the endorsement process. Rather than let this evolve into a long string of partisan comments, several leaders calmed the situation by making what I thought were very diplomatic comments. Those included both **Rod Diridon, Sr.**, (whose email comments were later published in the February club newsletter) and **Ro Khanna** (message copied below*).

What happened then (as explained by Ro's campaign manager Brian Parvizshahi) is that all of the recipients from **Ro's personal Gmail account** that he's ever sent emails to go into his contacts list, and his contacts list in turn automatically gets run through a program and is put on the **campaign email list**. That is what happened here too. "When a mass email goes out like the one below where names aren't bcced, the emails get caught up as well."

So because of Ro's January 28 email to the group, the recipients were automatically put on the campaign email list. This wasn't a conscious attempt to use the club membership list, it was automatically triggered by sending his message to a *public* email list from his private account.

However, to avoid unwanted campaign emails, the campaign voluntarily went through Bill's (non-BCC) email recipients' list and is now removing from the campaign email list anyone who is either a known Honda supporter or with an unknown preference in this race. Brian told me that they would be doing those removals tonight. So you should not be getting any more such emails.

Otherwise, as Rob pointed out at the last Board meeting, we all get plenty of emails from campaigns and causes, and the solution is to just hit "unsubscribe" at the bottom of the email if someone doesn't want any more. As we discussed earlier, the club is trying to promote more open communication in this election season. But I do understand your concern, so please let me know if they don't stop.

I hope that explains it to your satisfaction, as well as that of Rob and Company.

Hope to see you on March 28. The San Jose City Council District 6 endorsement meeting should be another good one.

Thanks, Tom

***Email from Ro to Group (Reply to All to Bill's email):**

On Thursday, January 28, 2016 11:46 AM, Ro Khanna [REDACTED] wrote:

Chris

Craig,

Thank you for your fair leadership. I respect the outcome and the process you oversaw. I am truly grateful for the passion of my supporters and appreciate the arguments (well, most of them at least!) on the other side.

One of the best parts of competitive elections is they engage citizens and spark real debate. I hope Santa Clara County, and this Club, will be a model for the type of deliberative democracy that our country so desperately needs.

It was an honor to have so many votes from members of this Club. I will work hard in this election and in my public service career to be worthy of those votes and the Club's ideals.

Best, Ro