



FEDERAL ELECTION COMMISSION

Washington, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 7125
Debbie Wasserman Schultz for Congress and)	
Lawrence Wasserman in his official capacity)	
as treasurer)	
Debbie Wasserman Schultz)	
Democratic National Committee and Andrew)	
Tobias in his official capacity as treasurer)	

**STATEMENT OF REASONS OF CHAIR SHANA M. BROUSSARD AND
COMMISSIONER STEVEN T. WALTHER**

During the 2016 election cycle, Congresswoman Debbie Wasserman Schultz served as Chair of the Democratic National Committee (“DNC”) and was a candidate for reelection to the House of Representatives in Florida’s 23rd Congressional District. The Complaint, filed by Wasserman Schultz’s primary election opponent, Timothy Canova, alleges that Wasserman Schultz and her campaign committee, Debbie Wasserman Schultz for Congress (the “Committee”), impermissibly used DNC staff and resources to support her congressional re-election campaign, resulting in violations of the Federal Election Campaign Act of 1971, as amended (the “Act”).

As support, the Complaint includes as exhibits emails released by WikiLeaks following the alleged hacking of the DNC during the 2016 elections.¹ The DNC emails at issue in this matter were communications, primarily from May 2016, between DNC and Committee staff and, in some instances, agents of SKDKnickerbocker (“SKDK”), a vendor providing communications consulting services to the DNC.² The Complaint alleges that the emails establish that the DNC, under Wasserman Schultz’s direction and control, “used its resources to track Tim Canova, interfere with Tim Canova events and to assist the Wasserman Schutz campaign in communications strategy.”³

¹ The emails are referenced in and attached to the Complaint.

² See Compl., Exs. 1-11; SKDK Resp. at 1.

³ Compl. ¶ 18.

Based on these emails, the Complaint alleges that the DNC made, and Wasserman Schultz and the Committee accepted, and did not report, in-kind contributions in the form of services performed by DNC staffers.⁴ The Complaint also alleges that Wasserman Schultz's use of "staff and resources of the DNC to benefit [her] campaign" resulted in her "willfully and knowingly participat[ing] in or conspir[ing] to participate [in a] plan to undermine [Complainant's] congressional campaign," in violation of the Act's fraudulent misrepresentation provision.⁵

Respondents deny that they violated the Act.⁶ In separate responses, the Committee and the DNC state that the circumstances surrounding the publication of the hacked emails attached to the Complaint remain the subject of review and that they do not concede the emails' authenticity or accuracy.⁷ Nevertheless, without waiving any such defense and to resolve this matter, the Committee and the DNC respond that, assuming the emails' authenticity, the Complaint fails to allege a violation of the Act and should be dismissed.⁸

The Complaint's allegations in this matter rely exclusively on emails that were hacked from the DNC and released by WikiLeaks. Although the DNC and the Committee have assumed the emails' authenticity for the purpose of resolving this matter, it is material to our consideration of the Complaint that these documents were stolen by a foreign state and distributed to interfere in the 2016 election cycle. Further, all of the alleged conduct described in the Complaint occurred during the first half of 2016 and thus is now barred by the five-year statute of limitations.⁹ Taken together or separately, the source of the hacked emails and the expiration of the statute of limitations are factors that weigh against further consideration of this matter.

⁴ Compl. at 8, 10-11. The Complaint also argues that the DNC, by making in-kind contributions to the Committee in the 2016 primary election, violated 52 U.S.C. § 30116(d), a provision that the Complaint claims prohibits national party committees from making contributions to candidates in primary elections. *Id.* at 11. The DNC states that national parties are not prohibited from making contributions in primary elections, citing 52 U.S.C. § 30116(a). The DNC argues that section 30116(d) merely provides additional spending authority for the general election. DNC Resp. at 7-8.

⁵ Compl. at 8-10.

⁶ Other respondents named in this matter are employees of the DNC (Raul Alvillar, Garret Bonosky, Ali Khan, Luis Miranda, Marc Paustenbach, Tracie Pough), the Committee (Ryan Banfill, Dave Beattie, Steven Paikowsky), or the Democratic National Convention Committee (April Mellody). Additionally, SKDK is a respondent along with its managing director (Hilary Rosen). The DNC and those listed employees filed a joint response, as did the Committee and its staff. *See* DNC Resp. at 1 (Oct. 5, 2016); Committee Resp. at 1 (Oct. 6, 2016). SKDK and Rosen filed a joint response. *See* SKDK Resp. at 1 (Oct. 5, 2016). Finally, Ed Peavy, a direct mail consultant for the Committee, Kay Brown, Executive Director of the Alaska Democratic Party, and Kate Houghton, a DNC staffer, filed separate Responses denying violating the Act. *See generally* Peavy Resp., Brown Resp., and Houghton Resp.

⁷ *See* DNC Resp. at 1-2; Committee Resp. at 1 n.1.

⁸ *See* DNC Resp. at 2; Committee Resp. at 1 n.1.

⁹ 18 U.S.C. § 2462.

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Statement of Reasons

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Accordingly, we voted to dismiss these allegations in the exercise of our prosecutorial discretion and close the file as to all Respondents.¹⁰

August 24, 2021

Date



Shana M. Broussard

Chair

August 24, 2021

Date



Steven T. Walther

Commissioner

¹⁰ *Heckler v. Chaney*, 470 U.S. 821, 831 (1985).