

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
BEFORE THE  
FEDERAL ELECTION COMMISSION  
2016 OCT 31 AM 11: 52

Linda Lou Brown

Columbia, MO 65203

Complainant,

v.

Senator Roy Blunt  
209 Pennsylvania Avenue SE  
Washington, DC 20003-17

Friends of Roy Blunt and Gordon A. Elliott, Treasurer  
P.O. Box 10178  
Columbia, MO 65205-4002

Women Speak Out PAC and Emily Buchanan, Treasurer  
1707 L Street NW  
Suite 550  
Washington, DC 20036

Susan B Anthony List Inc.  
1707 L Street NW  
Suite 750  
Washington, DC 20036

Respondents.

OFFICE OF GENERAL  
COUNSEL

MUR # 7167

**COMPLAINT**

Complainant files this complaint with the Federal Election Commission (the "FEC" or "Commission") under 52 U.S.C. § 30109(a)(1) against Senator Roy Blunt; Friends of Roy Blunt and Gordon A. Elliott, its treasurer, in his official capacity; Women Speak Out PAC ("Women Speak") and its treasurer, Emily Buchanan, in her official capacity; and Susan B Anthony List Inc. ("SBA List") (collectively, "Respondents") for violating the Federal Election Campaign Act

of 1971, as amended (“the Act”). With the advent of super PACs in the aftermath of *Citizens United*, unlimited corporate and special interest money have flooded our elections threatening to overwhelm the voice of the people. And yet, while unregulated money is flooding our system, there are still a few bedrock legal prohibitions that prevent our elected officials from being completely bought. Federal candidates and officeholders are not allowed to coordinate with these outside super PACs, for example, they are not permitted to request or suggest that super PACs run ads to help their election, and they are not allowed to solicit contributions in excess of the contribution limits or outside source restrictions under the Act. Yet, in an apparent blatant disregard of these rules, recent reporting suggests that Senator Blunt may have violated these key provision of campaign finance law. According to publicly available reports filed by the Respondents with the Commission and information in the media, Senator Blunt seems to have engaged in illegal coordination with SBA List and Women Speak by requesting support for his race, which those entities then immediately provided, or have solicited contributions and potentially other illegal support from these same entities. To protect American democracy, the Commission should act immediately to investigate the full scope of these apparent violations, ensure they cease immediately, and seek the appropriate financial penalties.

## **I. FACTUAL BACKGROUND**

Senator Blunt is a Republican candidate for the United States Senate from Missouri.<sup>1</sup> His principal campaign committee is Friends of Roy Blunt.<sup>2</sup> His opponent is Jason Kander.<sup>3</sup>

---

<sup>1</sup> FEC Form 2, Statement of Candidacy, Sen. Roy Blunt (amended Sept. 19, 2016), *available at* <http://docquery.fec.gov/pdf/476/201609190200373476/201609190200373476.pdf>.

<sup>2</sup> *Id.*; FEC Form 1, Statement of Organization, Friends of Roy Blunt (amended Sept. 14, 2016), *available at* <http://docquery.fec.gov/pdf/319/201609140200373319/201609140200373319.pdf>.

Women Speak is an independent-expenditure only political committee (or a “super PAC”) registered with the Commission.<sup>4</sup> SBA List is a conservative pro-life corporation that makes independent expenditures in federal elections but is not registered as a political committee with the FEC.<sup>5</sup> Women Speak is self-described a partner of SBA List, a super PAC.<sup>6</sup> According to publicly available media reports, at some point between October 2 and October 9, 2016, Senator Blunt called the President of SBA List, Marjorie Dannenfelser, and asked her “to raise more money,” or in other words, to help in his race.<sup>7</sup> Then, just days later, on October 13, 2016, SBA List announced “that it had expanded its canvassing efforts to the state of Missouri and will spend \$500,000 before Election Day to elect Senator Roy Blunt....”<sup>8</sup> This new effort is described as “a joint effort of SBA List and its super PAC, Women Speak Out.”<sup>9</sup> To that end, on October 11, 2016, Women Speak filed an independent expenditure report with the FEC disclosing numerous disbursements for canvassers in Missouri in opposition to Jason Kander.<sup>10</sup> The full extent of Blunt’s backchannel communications is not known – but his direct communications with the super PACs were apparently clear enough to them.

---

<sup>3</sup> FEC Form 2, Statement of Candidacy, Hon. Jason Kander (amended Oct. 11, 2016), *available at* <http://docquery.fec.gov/pdf/527/201610110200399527/201610110200399527.pdf>.

<sup>4</sup> Letter to Fed. Election Comm’n, Women Speak Out PAC (dated Sept. 19, 2012), *available at* <http://docquery.fec.gov/pdf/180/12030891180/12030891180.pdf>; FEC Form 1, Statement of Organization, Women Speak Out PAC (amended Sept. 28, 2016), *available at* <http://docquery.fec.gov/pdf/180/12030891180/12030891180.pdf>.

<sup>5</sup> About Susan B. Anthony List, <https://www.sba-list.org/about-susan-b-anthony-list> (last visited Oct. 16, 2016); *see e.g.* FEC Form 5, Report of Independent Expenditures Made and Contributions Received, Susan B Anthony List Inc. (Oct. 13, 2016), *available at* <http://docquery.fec.gov/pdf/239/201610139032429239/201610139032429239.pdf>.

<sup>6</sup> Women Speak Out PAC, <https://www.sba-list.org/women-speak-out-pac> (last visited Oct. 16, 2016).

<sup>7</sup> Tal Kopan, *Donald Trump Voters Could Be Key to Missouri Senate Win for Democrats*, CNN (Oct. 14, 2016), *available at* <http://www.cnn.com/2016/10/14/politics/missouri-battleground-senate-race-jason-kander-roy-blunt/>.

<sup>8</sup> *SBA List Ground Campaign Expends to: Missouri to Elect Pro-life Blunt & Greitens*, SBA List, Press Release, <https://www.sba-list.org/newsroom/press-releases/sba-list-ground-campaign-expands-missouri-elect-pro-life-blunt-greitens> (Oct. 13, 2016).

<sup>9</sup> *Id.*

<sup>10</sup> Schedule E, 24/48 Hour Report of Independent Expenditures, Women Speak Out PAC, <http://docquery.fec.gov/pdf/708/201610119032241708/201610119032241708.pdf?navpanes=0> (Oct. 11, 2016).

## II. LEGAL ANALYSIS

### A. Friends of Roy Blunt may have accepted and SBA List and/or Women may have made an illegal in-kind contribution to Senator Blunt's campaign.

The Act limits the amount of money that any person may contribute to Federal candidates and political committees.<sup>11</sup> It is illegal for anybody to contribute, and for any candidate to receive, contributions to candidates in excess of \$2,700 per election.<sup>12</sup> The Act also prohibits corporations from making contributions or expenditures in connection with Federal elections.<sup>13</sup>

Federal law treats expenditures by a super PAC, or other non-candidate, non-party that are coordinated with a campaign as in-kind contributions to the candidates or political party with whom they were coordinated. Specifically, "expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate."<sup>14</sup> An expenditure for a communication is considered an in-kind contribution to a campaign if it is (1) paid for by an entity other than the campaign; (2) meets certain content standards, including by expressly advocating the election or defeat of a clearly identified federal candidate or constituting the functional equivalent of express advocacy; and (3) meets certain conduct standards regarding the coordination between the entity financing the communication

---

<sup>11</sup> 52 U.S.C. § 30116(a).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* § 30118.

<sup>14</sup> *Id.* § 30116(a)(7)(B)(i).

and the campaign.<sup>15</sup> Such conduct standards include, among other things, communications that are “created, produced, or distributed at the request or suggestion of a candidate, authorized committee, or political party committee.”<sup>16</sup>

Here, as documented in public reports, it appears that Women Speak, in conjunction with SBA List, have made impermissible contributions to Senator Blunt and that Senator Blunt has accepted these impermissible contributions. Women Speak has recently made numerous independent expenditures in opposition to Jason Kander, Senator Blunt’s Democratic opponent for canvassing. Just days before these expenditures were made, Senator Blunt reportedly called the President of the SBA List “to raise more money” and they got the message. Given these facts, the expenditures for the “joint campaign” between SBA List and Women Speak in opposition to Senator Blunt’s opponent appear to be anything but “independent.” The facts suggest that Senator Blunt requested potentially illegal support from SBA List for his race and SBA List, though Women Speak, promptly followed through when it made expenditures for canvassers in opposition to Senator Blunt’s opponent just days after his request. Accordingly, the FEC should immediately investigate whether SBA List and/or Women Speak have been coordinating with Senator Blunt’s campaign, and whether Friends of Roy Blunt has accepted and SBA List and/or Women Speak have made any illegal in-kind contributions to Senator Blunt’s campaign.

**B. Senator Blunt appears to have impermissibly solicited funds in excess of the contribution limits under the law.**

---

<sup>15</sup> See 11 C.F.R. §§ 109.20(b), 109.21.

<sup>16</sup> *Id.* § 109.21(d)(1).

Under federal law, a federal candidate or officeholder, or agent thereof, may not solicit, receive, direct, transfer, spend, or disburse funds, in connection with a federal election for federal office, which are not subject to the source restrictions and contribution limits under the law.<sup>17</sup> The Act prohibits federal candidates, their agents, and entities established, financed, maintained, or controlled by candidates, from soliciting or receiving funds in connection with any election outside of the federal contribution and source limits. As noted above, the Act limits individual contributions to a candidate to \$2,700 per election, and contributions to a political action committee to \$5,000 per year.<sup>18</sup> Additionally, corporate contributions to candidate committees are prohibited.<sup>19</sup> The Act and FEC regulations provide that “to solicit,” in part, is to “ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value.”<sup>20</sup> Solicitations need not be explicit to be considered a solicitation under the regulations.<sup>21</sup>

Notwithstanding these straightforward restrictions, Senator Blunt recently called the President of the SBA List and asked her “to raise more money.” SBA List and Women Speak both can accept unlimited contributions from sources including corporations, which cannot contribute to Senator Blunt’s own campaign. Senator Blunt’s apparent request to the SBA List’s President to raise more money for his race suggests a clear violation of federal law and regulations. Accordingly, the FEC should immediately investigate these actions.

### III. REQUESTED ACTION

<sup>17</sup> 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

<sup>18</sup> 52 U.S.C. § 30116(a)(1)(A), (a)(2)(A); 80 Fed. Reg. 5752 (Feb. 3, 2015).

<sup>19</sup> 52 U.S.C. § 30118.

<sup>20</sup> 11 C.F.R. § 300.2(m).

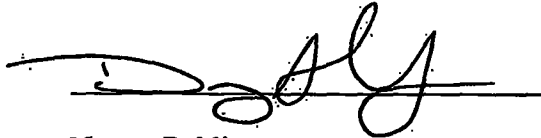
<sup>21</sup> See *id.* § 300.2(m)(2).

As we have shown, Respondents appear to have violated the Federal Election Campaign Act. We respectfully request the Commission to investigate these likely violations, including whether they were knowing and willful. Should the Commission determine that Respondents have violated the Act, we request that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,

Linda Lew Brown

SUBSCRIBED AND SWORN to before me this 24<sup>th</sup> day of October, 2016.



Notary Public

My Commission Expires: 04/22/2017

