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COMMISSION

H. Terry Hutchens 2017 APR 29 PM 1:24

Fayetteville, NC 28305

OFFICE OF GENERAL
COUNSEL

April 17, 2017

Lisa J. Stevenson
Acting General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 7259

Re: **Violation of Federal Law and FEC Regulations by Mark Harris**

Dear Ms. Stevenson:

Pursuant to 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.4, please accept this letter as a Complaint against Mark Harris ("Candidate") for campaigning for federal office in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations, and, more specifically, for failure to register with the Commission as required by 11 C.F.R. § 101.1.

I. Facts

Mark Harris is a candidate for the U.S. House of Representatives in North Carolina's Ninth Congressional District for the 2018 election cycle.

On or around June 11, 2017, Mark Harris demonstrated his decision to become a candidate and exceeded \$5,000 in contributions or expenditures. See relevant information attached as Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4 and Exhibit 5. Mark Harris has not filed a Statement of Candidacy with the Commission.

II. Relevant Law

An individual becomes a candidate and triggers registration and reporting responsibilities under the Act when campaign activity exceeds \$5,000 in either contributions or expenditures. 52 U.S.C. § 30101(2). A candidate must file a Statement of Candidacy within 15 days of becoming a candidate. 52 U.S.C. § 30102(e)(1).

III. Legal Analysis

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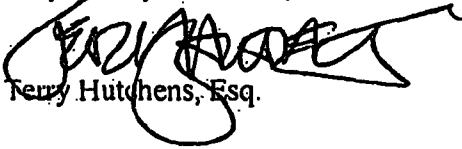
By failing to register with the Commission, Mark Harris is campaigning for the U.S. House of Representatives in violation of the Act and of FEC regulations. On June 11, 2017, Mark Harris demonstrated his decision to become a candidate. See Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4 and Exhibit 5. The only reasonable interpretation of this information is that Mark Harris's campaign activity has exceeded \$5,000 in either contributions or expenditures. Under the law, Mark Harris had fifteen days to register his candidacy with the Commission. However, Mark Harris' fifteen-day window to register his candidacy with the Commission expired on June 26. Mark Harris has not submitted a Statement of Candidacy to the Commission. Mark Harris is campaigning with clear disregard for federal law and FEC regulations. The Commission should find reason to believe that a violation has occurred and investigate this violation.

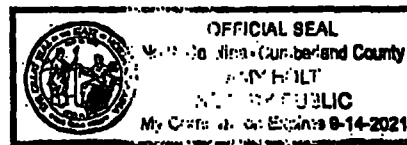
IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, Mark Harris has violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations. Accordingly, I respectfully request that the Commission find reason to believe that a violation has occurred and conduct an immediate investigation into the violation outlined above and impose the maximum penalty under law.

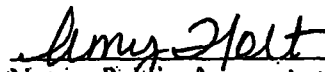
The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,


Terry Hutchens, Esq.



Sworn to and subscribed before me this 28th day of June, 2017.


Notary Public: Amy Holt

My Commission Expires: 9-14-2021

Exhibit 1

Charlotte Observer Interview: Mark Harris in his interview with the Charlotte Observer clearly stated he had planned to make this announcement to his church later. While he attempts to couch his language in uncertainty, in aggregate with other exhibits, there is clarity Harris' actions amount to a candidacy.

First Baptist's Mark Harris to step aside as he considers another bid for Congress

BY JANE WESTER
AND TIM FUNK

jwester@charlotteobserver.com

tfunk@charlotteobserver.com

The Rev. Mark Harris has decided to resign as senior pastor of Charlotte's First Baptist Church as he weighs another run for Congress.

On Sunday, Harris told the congregation he's led for 12 years that he'd be leaving the church "in the near future ... as I continue to look at undertaking a campaign" for North Carolina's 9th Congressional District.

That seat is held by fellow Republican Robert Pittenger, who beat Harris in the 2016 GOP primary by just 133 votes.

In a Sunday night phone interview with the Observer, Harris said that he had planned to tell the church about his resignation at a later date, after the details of a transition had been worked out with church leaders. But he said he went ahead Sunday because of a fundraising email Pittenger sent to supporters last week quoting unnamed sources that said Harris would resign from the church and challenge him again.

Harris said Pittenger never called him to inquire about whether he was running. But, Harris said, "I did not want to risk people at the church hearing things before they heard it from me."

Pittenger, in an earlier interview, said he remains confident in his prospects for re-election. The 9th Congressional District is made up of southeastern Mecklenburg, most of Cumberland and Bladen, and all of Union, Anson, Richmond, Scotland and Robeson counties.

"We have a strong presence and broad support in the 9th Congressional District," he told McClatchy last month.

Harris said he and church leaders would bring a transition plan – including how long Harris will stay – before the congregation on July 2.

Harris said he hasn't decided for sure yet whether to try again to unseat Pittenger, a three-term incumbent who serves on the House Financial Services Committee. But, he said, "I believe that I bring gifts and abilities to the table that would benefit the people of the 9th district. And we did come very close last time, so I have heard from a lot of people."

Speaking by phone from Phoenix, where he is attending the national meeting of the Southern Baptist Convention, Harris said he also "continues to see the brokenness in Washington D.C. I continue to have a nagging burden for my country."

Harris also ran an unsuccessful campaign for U.S. Senate in 2014, finishing third in the Republican primary. In 2012, he was a leader in the campaign to pass Amendment One, which reaffirmed North Carolina's then-ban on same-sex marriage. Amendment One's effectiveness lasted just two years — same-sex marriage became legal in North Carolina in October 2014.

At least three Democrats are also hoping to unseat Pittenger in 2018, and they say his district will be competitive.

Dan McCready, an Iraq War veteran and Charlotte entrepreneur, announced his candidacy last month.

Christian Cano, a former hotel consultant from Charlotte, is seeking a rematch against Pittenger, who carried his district last year with 58.2 percent of the vote to Cano's 41.8 percent.

Maria Collins Warren, 48, a Robeson County resident who teaches law at UNC Pembroke and UNC Wilmington and is a former assistant district attorney in Wilmington, entered the race in January.

The Democratic Congressional Campaign Committee has Pittenger on its target list, pointing to his vote for the Republican-sponsored American Health Care Act in the House and some controversial statements he's made.

<http://www.washingtontimes.com/news/2017/jan/6/kate-steinle-kates-law-congress-gets-another-chanc/>

Exhibit 2

WBT Radio Interview: Harris claims he is making this decision now because “you’ve gotta plan ahead, you’ve gotta be planning ahead...” While Harris continues to couch his language with terms like “looking at undertaking” in this radio interview he clearly catches himself from saying he is undertaking a campaign. Additionally, the reporter multiple times states as fact Harris is running a campaign and Harris does not clarify he is not a candidate.

Harris states he and his wife had predetermined if Harris would pursue another political campaign they would step down from the church. His act of stepping down from the church in this context is a clear indication he is a candidate.

Pastor Mark Harris - Running for Congress

WBT'S MORNING NEWS

JUNE 12, 2017 - 10:08 AM

Pastor Mark Harris talks with Bo. Tells the congregation he's led for 12 years that he'd be leaving the church “in the near future ... looking at undertaking a campaign” for North Carolina's 9th Congressional District.

Transcript of Interview:

Reporter: What did you tell them?

Harris: ...I'm going to be stepping down in the near future...as I continue under uh taking a look at undertaking a campaign for the ninth district U.S. House seat once again.

Reporter: You're making this decision well ahead of next year's vote, but I guess looking at it you think you need that much time to build up and get everything ready?

Harris: Well obviously that's that thing, you gotta plan ahead, you've gotta be thinking ahead...and Beth and I had determined sometime back that if I ever felt led to make a move and make a decision toward running that we would step aside as leaders at First Baptist...

Reporter: Now Pastor Harris you've run before, when you've ran those campaigns was it a temporary I'm stepping down but I maybe coming back, this sounds like this is whatever happens with the political career you are stepping down for good from First Baptist?

Harris: ...when I ran for the Senate I actually took a sabbatical leave and then several months of personal leave without pay as our personnel manual called for. Last year it was a nine week whirl wind as you'll recall we were engaged in, so uh, that's why we felt like this time that's why we just needed to step out there on faith and believing that this is a time indeed for us to allow the church to move forward as we continue to look at moving forward as well.

Reporter: What compels you to make this decision the most?

Harris: Well I think we continue to see a serious log jam in Congress to be honest with you. We were told at one point if we had a conservative U.S. House and elect a republican there and get the majority we would do great and then we would say well we need Senate and we all worked very diligently and very hard to make sure we had a majority in the Senate and then we said if we could only have the White House and then we have given them the White House and I feel like that when you've got conservatives in that position that we're waiting and looking for results and I think that the system itself is broken, I think special interests in many ways have continued to run the system and I think when President Trump ran he talked about draining the swamp and I think there's a lot of swamp draining that needs to be done and I think there needs to be a voice that can be a leader and can speak into the issues of the day and I believe that I'm to be that man.

<http://www.wbt.com/blogs/wbts-morning-news/pastor-mark-harris-running-congress>

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Exhibit 3

Baptist Press interview: Mark Harris said his decision is because pastors need to be engaged in politics. He also notes his decision to step down from the church is because the senior pastor should not "have the distraction of a campaign."

Pastor eyes run for Congress with divine 'burden'

by David Roach, posted Tuesday, June 27, 2017 (5 hours ago)

CHARLOTTE, N.C. (BP) -- Mark Harris, a pastor and past president of the Baptist State Convention of North Carolina, has drawn media focus for his decision to resign his pastorate as he considers a second run for Congress.

The Charlotte Observer, local television stations and Charlotte's largest talk radio station are among the media outlets to report on Harris' June 11 resignation from a 12-year pastorate at First Baptist Church in Charlotte, which averages 700-800 in Sunday morning worship. Harris told Baptist Press his decision stemmed from a sense of calling to politics and his awareness of "a distinct need" for pastors "not just to take a position on the sideline" of American public life, "but to get engaged."

In addition, he believed First Baptist "needs a senior pastor that does not have the distraction of a campaign."

Harris, a member of the 2016 Southern Baptist Convention Resolutions Committee, has not formally announced his candidacy but is "looking toward that decision," he said. First Baptist is considering how to manage the pastoral transition, with the possibility of Harris' continuing to fill the pulpit through December.

While Harris still senses a call to ministry, he said "it is an important calling" when God leads a pastor to utilize his giftedness for ministry and his "empowerment of the Holy Spirit ... to shape public policy."

"There continues to be a tremendous need [in politics] for voices that are going to stand on righteousness, that recognize where we are moving as a nation," Harris said, noting "the culture seems to become more and more infected with a liberal point of view."

If Harris becomes a candidate in the Republican primary for North Carolina's 9th U.S. Congressional District, it would be his second run for the seat. He lost to incumbent Robert Pittenger last year by 133 votes out of approximately 26,000 cast in the GOP primary.

Harris finished third in the 2012 primary for one of North Carolina's U.S. Senate seats.

After the 2016 defeat, "I prayed for God to take this burden away from me" to run for public office, Harris said. He even asked his church staff to pray along the same lines.

"I was crying out and asking God, 'Lord, please just take away my passion,'" Harris said. Yet "that passion and that sense of call would not go away but frankly even intensified."

Circumstances seemed to be part of God's leading toward another run in the 9th District, Harris said, when multiple factors in the political world suggested he might be able to win new voters in 2018.

When "seeking God's will," Harris said, "I've always asked Him to open doors that no man can shut and to close doors that no man can open."

With cultural engagement, Harris said, pastors must be like the Old Testament "sons of Issachar," who "understood the times and knew what Israel should do," according to 1 Chronicles 12:32.

"It's important to be able to recognize the times, recognize the circumstances as you pray and ask Him to open doors," Harris said.

As other pastors consider whether God is calling them to run for public office, Harris urged them not to immediately rule out the possibility as a spiritual step down but to seek the Lord's will for their lives.

While ministry "is indeed a high calling," Harris said, "... we do need to be careful about what we qualify as high, higher and highest when it comes to the will of God and the call of God on a person's life."

David Roach is chief national correspondent for Baptist Press, the Southern Baptist Convention's news service. BP reports on missions, ministry and witness advanced through the Cooperative Program and on news related to Southern Baptists' concerns nationally and globally

<http://www.bpnews.net/49129/pastor-eyes-run-for-congress-with-divine-burden>

Exhibit 4

Hired a political consultant: Mark Harris has reportedly hired Andy Yates (Red Dome Group - <http://www.reddomegroup.com/>) They either have already signed a contract, or have made an agreement to begin work for Mark Harris.

Exhibit 5

Seeking Financial support: Mark Harris, and his consultants, have called numerous donors and political supporters across the district seeking financial and political support for his campaign. This is evident from an email from the Anson County GOP Chairman who in the below email explains he had two Executive Committee members resign to assist with the Mark Harris campaign. Elected officials and business leaders have been contacted by Mark Harris with requests for support.

From: "Brian Johnson" <rockravengenetics@yahoo.com>

Date: Jun 27, 2017 4:59 PM

Subject: Re: 9th District Race

To: [REDACTED]

Cc:

Yes, that would be good. Perhaps Sarah Roman should attend also since she will officially represent the Pittenger campaign in Anson. Both Bob and Donna Wells have resigned from the Anson County ExeCom to campaign for Harris in the primary. He may not have announced yet, but he is running.

INFORMATION