

**BEFORE THE
FEDERAL ELECTION COMMISSION**

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American Democracy Legal Fund
455 Massachusetts Avenue NW
Washington, DC 20001

Complainant,

MUR # 7438

v.

Ohio First PAC and Julie Dozier, Treasurer
P.O. Box 9891
Arlington, VA 22219
Respondents.

2018 JUL 24 AM 10: 06
OFFICE OF
GENERAL COUNSEL

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against the Ohio First PAC (“Ohio First”) and Julie Dozier, in her official capacity as Treasurer (collectively “Respondents”) for violating the Federal Election Campaign Act of 1971, as amended (the “Act”) and Federal Election Commission (the “FEC” or “Commission”) regulations, as described below.

Respondents have failed to file timely reports with the FEC on at least eight occasions. In fact, Respondents entirely withheld disclosure of Ohio First’s independent expenditures for the Ohio Republican primary election—totaling hundreds of thousands of dollars—in the mandated pre-primary filing period, reporting them instead more than two months after the election.

Respondents’ repeated delays thus not only violated federal law, but also robbed Ohio Republican voters of the opportunity to know who was attempting to influence their votes before they cast those votes. Such a betrayal of the public trust should be investigated promptly to maintain the integrity of our elections.

FACTS

Ohio First is an independent expenditure-only committee that formed officially on

January 21, 2018.¹ The treasurer for Ohio First is Julie Dozier.² According to its FEC filings, Ohio First has made independent expenditures totaling at least \$472,129.66 in the Ohio primary election, to support Ohio Congressman James Renacci's campaign to win the Republican nomination for U.S. Senate.³ Yet Respondents did not disclose any of these expenditures until after the primary election, missing filing deadlines for the pre-primary report and applicable 24-hour and 48-hour reports of independent expenditures.

- The Commission requires political action committees to file a report of receipts and expenditures twelve days before the primary in which the candidate they support seeks nomination. 11 C.F.R. § 104.5(c)(ii). The filing deadline for this pre-primary report for federal candidates participating in the May 8, 2018 Ohio primary was April 26, 2018.⁴ Respondents filed the report on June 29, 2018, more than two months after the deadline.⁵
- The Commission also requires political action committees to report any independent expenditures aggregating \$10,000 or more for an election in any calendar year, made up to and including the 20th day before an election, within 48 hours. 11 C.F.R. § 104.4(b). New reports must be filed for every subsequent qualifying expenditure as well. *Id.* The filing period for 48-hour reports of independent expenditures for the Ohio primary

¹ Ohio First, FEC Form 1: Statement of Organization (Jan. 21, 2018), <http://docquery.fec.gov/pdf/613/201801219090501613/201801219090501613.pdf>.

² *Id.*

³ FEC, Form 24: 24-Hour Report of Independent Expenditures (June 29, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00666750/1241031/se>.

⁴ FEC, 2018 Congressional Pre-Election Reporting Dates, https://transition.fec.gov/info/charts_primary_dates_2018.shtml.

⁵ Ohio First, FEC Form 3X: 12-Day Pre-Primary Election Report (June 29, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00666750/1241024/>.

election ended on April 18, 2018.⁶ During this period, Ohio First PAC made four qualifying independent expenditures, but failed to report them within 48 hours:

- On April 1, 2018, Ohio First made independent expenditures totaling \$120,770 to Majority Strategies, LLC supporting James Renacci's campaign in the Ohio primary election. These expenditures should have been reported within 48 hours by April 3, 2018. Ohio First reported them on June 29, 2018, more than two months after the deadline.⁷
- On April 2, Ohio First made subsequent qualifying independent expenditures totaling \$52,307.33 supporting James Renacci's campaign in the Ohio primary election. These expenditures should have been reported within 48 hours by April 4, 2018. Ohio First reported them on June 29, 2018, more than two months after the deadline.⁸
- On April 9, Ohio First made subsequent qualifying independent expenditures totaling \$52,307.33 to Majority Strategies, LLC supporting James Renacci's campaign in the Ohio primary election. These expenditures should have been reported within 48 hours by April 11, 2018. Ohio First reported them on June 29, 2018, more than two months after the deadline.⁹

⁶ FEC, 2018 Coverage Periods for 24- and 48-Hour Reporting of Independent Expenditures Made in Connection With 2018 Primaries, Runoffs and Conventions, https://transition.fec.gov/info/charts_ie_dates_2018.shtml.

⁷ FEC, Form 24: 48-Hour Report of Independent Expenditures (June 29, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00666750/1241025/se>.

⁸ *Id.*

⁹ FEC, Form 24: 48-Hour Report of Independent Expenditures (June 29, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00666750/1241027/se>.

- On April 16, 2018, Ohio First made subsequent qualifying independent expenditures totaling \$77,307.33 to Majority Strategies, LLC supporting James Renacci's campaign in the Ohio primary election. These expenditures should have been reported within 48 hours by April 18, 2018. Ohio First reported them on June 29, 2018, more than two months after the deadline.¹⁰
- The Commission also requires political action committees to report any independent expenditures aggregating \$1,000 or more for an election in any calendar year, made less than 20 days but more than 24 hours before the day of the election, within 24 hours. 11 C.F.R. § 104.4(c). New reports must be filed for every subsequent qualifying expenditure as well. *Id.* The filing period for 24-hour reports of independent expenditures for the Ohio primary election was April 19, 2018 to May 6, 2018.¹¹ During this period, Ohio First made three qualifying independent expenditures, but failed to report them within 24 hours:
 - On April 23, 2018, Ohio First made independent expenditures totaling \$50,314.67 to Majority Strategies, LLC supporting James Renacci's campaign in the Ohio primary election. These expenditures should have been reported within 24 hours by April 24, 2018. Ohio First PAC reported them on June 29, 2018.¹²
 - On April 30, 2018, Ohio First made subsequent qualifying independent expenditures totaling \$51,311.00 to Majority Strategies, LLC supporting James

¹⁰ FEC, Form 24: 48-Hour Report of Independent Expenditures (June 29, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00666750/1241028/se>

¹¹ FEC, 2018 Coverage Periods for 24- and 48-Hour Reporting of Independent Expenditures Made in Connection With 2018 Primaries, Runoffs and Conventions, https://transition.fec.gov/info/charts_ie_dates_2018.shtml.

¹² FEC, Form 24: 24-Hour Report of Independent Expenditures (June 29, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00666750/1241029/se>

Renacci's campaign in the Ohio primary election. These expenditures should have been reported within 24 hours by May 1, 2018. Ohio First PAC reported them on June 29, 2018, more than one month after the deadline.¹³

- o On May 1, Ohio First made subsequent qualifying independent expenditures totaling \$67,812 to Majority Strategies, LLC and Ascent Media LLC supporting James Renacci's campaign in the Ohio primary election. These expenditures should have been reported within 24 hours by May 2, 2018. Ohio First PAC reported them on June 29, 2018, more than one month after the deadline.¹⁴

LEGAL DISCUSSION

The failure to file timely reports is a violation of the Act and punishable by administrative fine and civil penalty. *See* 52 U.S.C. §§ 30104(a), 30109(a)(5)(A); 11 C.F.R. §§ 111.43(b); 111.24(a). Multiple violations and extensive delays in filing are subject to additional penalty. *See* 11 C.F.R. §§ 111.43(b). Further, election-sensitive reports, such as a pre-primary report, filed after the deadline must be filed more than four days before the election, otherwise they are not considered late, but instead considered to not have been filed at all. 11 C.F.R. § 111.43(b).

Here, Respondents violated the Act by failing to file at least eight reports by their deadlines. One of these reports, the pre-primary report, is an election-sensitive report. Any election-sensitive reports filed after May 3, 2018, thus not filed more than four days before the Ohio primary election on May 8, 2018, are considered to be non-filed.¹⁵ Respondents filed the

¹³ FEC, Form 24: 24-Hour Report of Independent Expenditures (June 29, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00666750/1241030/se>.

¹⁴ FEC, Form 24: 24-Hour Report of Independent Expenditures (June 29, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00666750/1241031/se>.

¹⁵ *See* FEC, Calculating administrative fines, <https://www.fec.gov/legal-resources/enforcement/administrative-fines/calculating-administrative-fines/>.

pre-primary report on June 29, 2018. As a result, in addition to filing multiple reports after their deadlines, Respondents have effectively failed to file one report at all.

REQUESTED ACTION

Ohio First’s failure to file timely reports on at least eight occasions meant “that Ohio Republican voters went to the polls without access to public records about who was spending money attempting to influence their votes.”¹⁶ Thus, to uphold values of transparency and protect the public interest, we respectfully request that the Commission investigate these repeated violations and fine Ohio First the maximum amount permitted by law.

Sincerely,

Prof Woodhouse

SUBSCRIBED AND SWORN to before me this 16 day of July, 2018.

Kristen Van Puter
Notary Public

My Commission Expires:

11-30-2021



¹⁶ Lachlan Markay, *This May be the Shadiest Super PAC Move Ever*, DAILY BEAST (June 29, 2018), <https://www.thedailybeast.com/this-may-be-the-shadiest-super-pac-move-ever>.