MUR # 7495

OFFICE OF GENERAL COUNSEL

2018 SEP 11 PM 12: 38

September 10, 2018

Federal Election Commission
Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

To whom it may concern:

Please find the attached complaint regarding activity and the failure to report such activity by Lancaster Stands Up and Common Defense / Beyond the Choir Action Fund. Thank you for your attention to this matter.

Sincerely,

Michael Stoll, Executive Director
Republican Party of Pennsylvania

TABLE OF CONTENTS

Complaint	Page 4
Facts	Page 4
Requested Action	Page 5
Exhibit A – Printed Flyer Let's Replace Lloyd Flyer	Page 7
Exhibit B – Sponsored Ad Expressly Advocating for defeat of Smucker and Elect King	Page 8
Exhibit C – Sponsored Ad Expressly Advocating to Unseat Smucker	Page 9
Exhibit D – Sponsored ad vulnerable and calling to defeat	Page 10
Exhibit E – Defeat one term Congressman Lloyd Smucker Event	Page 11
Exhibit F – Let's Replace Lloyd Website Post	Page 12
Exhibit G – NRA Ad Against Smucker	Page 13
Exhibit H – We Like Jess Door Hanger	Page 14
Exhibit I – Lancaster Stands Up Sponsored Ad Paid for by Common Defense / Beyond the Choir Action Fund	Page 15
Exhibit J – Article "Run Congressman Smucker out of office in 2018"	Page 16
Exhibit K – Sponsored Ad for door knocks	Page 17
Exhibit M – Lancasterstandup.com Disclaimer	Page 18

BEFORE THE

FEDERAL ELECTION COMISSION

Michael Stoll, Executive Director

Republican Party of Pennsylvania

112 State Street

Harrisburg, PA 17101

Complainant,

v.

Lancaster Stands Up

15 N Lime Street

Lancaster, PA 17602

Common Defense / Beyond the Choir Action Fund and Perry O'Brien, Treasurer

PO Box 17

Lancaster, PA 17608

Respondents.

OFFICE OF
GENERAL COUNSEL

COMPLAINT

2018 SEP 11 PM 12: 38

Complainant files this report under 11 CFR 104.4 and 11 CFR 100.26 against Lancaster Stands Up and Common Defense / Beyond the Choir Action Fund for failures to file any reports indicating their independent expenditures or providing the necessary disclaimers on their numerous public communications.

A. FACTS

The FEC requires that independent expenditures be reported either by political committees through schedule E or by individuals by CF 109.10. There are no available campaign finance filings for any organization by the name of "Lancaster Stands Up." What type of organization they are is currently unknown. Their website suggests they are paid for by "Common Defense / Beyond the Choir Action Fund. Not authorized by any candidate or candidate's committee." Common Defense / Beyond the Choir Action Fund does report PAC expenditures on a normal schedule however it does not report any independent expenditures regarding any 2018 federal campaign.

Both Lancaster Stands Up and Common Defense / Beyond the Choir Action Fund have launched aggressive campaigns to attempt to elect Jess King over Congressman Lloyd Smucker in the PA-11 district (formerly PA-16). The Current PA-11 district contains all of Lancaster City and a portion of York County.

B. LEGAL ARGUMENT

Independent expenditures are defined as "an expenditure for a communication that:

- Expressly advocates the election or defeat of a clearly identified federal candidate; and
- Is **not** coordinated with a candidate, candidate's committee, party committee or their agents."

Lancaster Stands Up claims not to be authorized and therefore meets the second requirement. The remaining question is whether their expenditures expressly advocated for the election or defeat of a federal candidate.

Express advocacy requires either explicit words or by the only reasonable interpretation test. While much of Lancaster Stands Up communications have the slogan "We Like Jess" many of their materials contain words like "elect Jess King," "let's replace Lloyd," "defeat one-term Congressman Lloyd Smucker and elect a Congresswoman who listens: Jess King" defeat and elect are both explicit words of advocacy of election or defeat. Furthermore, the slogan "We like Jess" has no other reasonable meaning in the political context other than express advocacy for the election of Jess King. "We Like Jess" is similar to "Nixon's the One," a reasonable interpretation example provided by the Federal Election Commission.

The final remaining question is whether the expenditures made by Lancaster Stands Up and Common Defense / Beyond the Choir Action Fund meet the reporting requirement thresholds.

Independent expenditures have schedules that require reporting thresholds at $250, $1,000, and $10,000 based upon the time of year and the date of the election. By failing to file independent expenditure reports Lancaster Stands Up and Common Defense have made it difficult to determine exactly how much has been spent to influence the 2018 election.

Lancaster Stands Up and/or Common Defense / Beyond the Choir Action Fund did make expenditures in 2017 and 2018 and failed to file any report to reflect 2017 and 2018 spending. Their spending did include:

1. A website that previously contained a "Flip the 16th" section.
2. Numerous sponsored Facebook posts featuring explicit words elect or defeat.
3. Printed materials including the slogans "We Like Jess" and "Defeat Lloyd."
4. Numerous staff positions which were hired to "add to our growing voter contact operation to elect Jess King for Congress."
5. Phone banking to encourage the public to elect Jess King

The aggregate expenditure of these items is difficult to determine however the large volume can help reasonably determine that over $250 was spent on these types of communication in 2017 and continue to be spent well into 2018.

Additionally, many of the above listed public expenditures never clearly provided any disclaimer as to who was paying for the printed or electronic materials. Disclaimers are required under 11 CFR 100.26.

C. REQUESTED ACTION

As shown and based on information and belief, the facts, legal argument and attachments clearly demonstrate Lancaster Stands Up and Common Defense / Beyond the Choir Action have failed to disclose independent expenditures or required disclaimers. These intentional omissions are an attempt to deny citizens the right to be well informed and to circumvent the basic requirement of finance reporting, that of disclosure. The above information as well as the attached exhibits clearly show that Lancaster Stands Up has sought to influence the outcome of the 2018 election through explicit public communications without reporting the expenditures it has made and on numerous occasions avoiding the required disclaimer.

Sincerely,

Michael Stoll, Executive Director
Republican Party of Pennsylvania

I submit this complaint fully understanding that the foregoing statements are subject to the penalties of perjury under state and federal law.

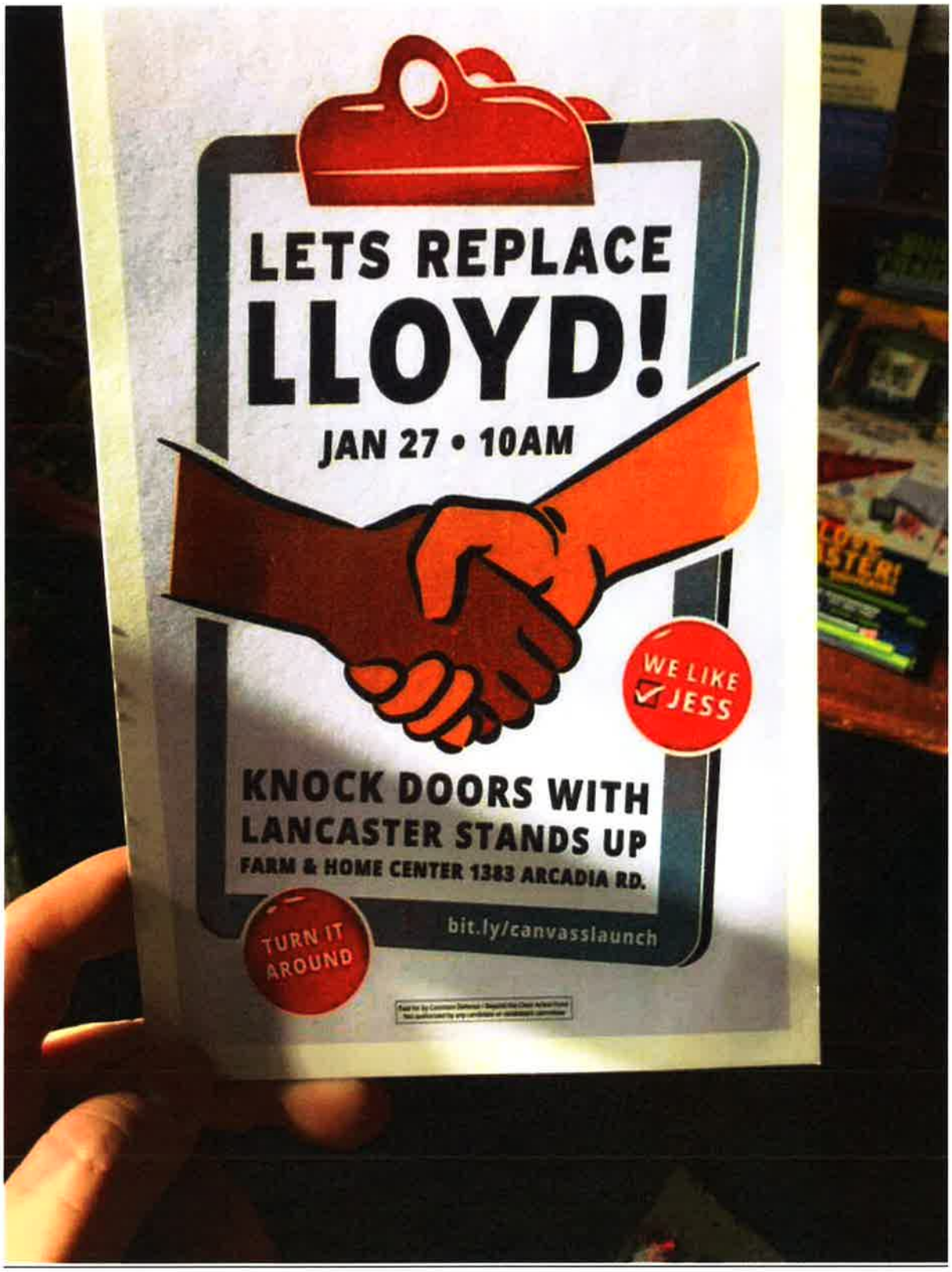
SUBSCRIBED AND SWORN to before me this 10th day of September, 2018.

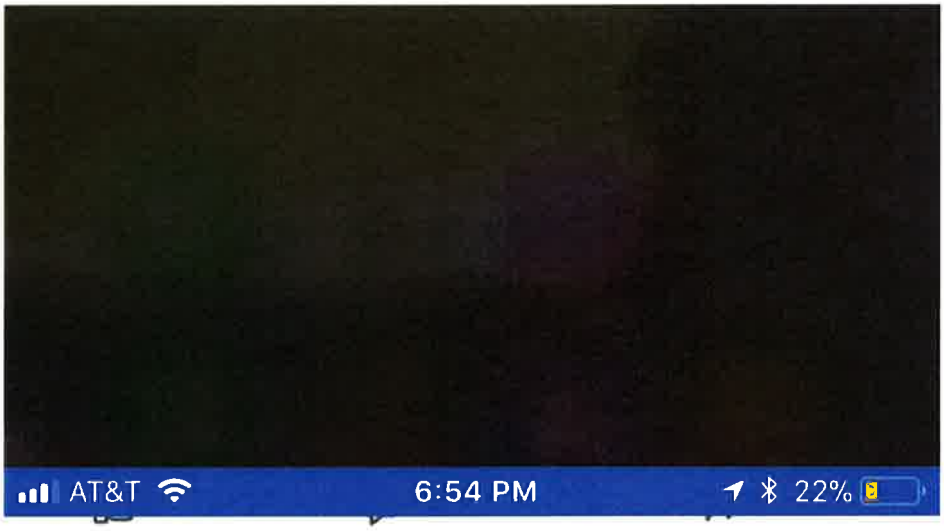
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Stuart Keckler, Notary Public
City of Harrisburg, Dauphin County
My commission expires July 21, 2019

My Commission Expires

July 21, 2019


LETS REPLACE
LLOYD!
JAN 27 • 10AM
WE LIKE
JESS
KNOCK DOORS WITH
LANCASTER STANDS UP
FARM & HOME CENTER 1383 ARCADIA RD.
TURN IT
AROUND
bit.ly/canvasslaunch



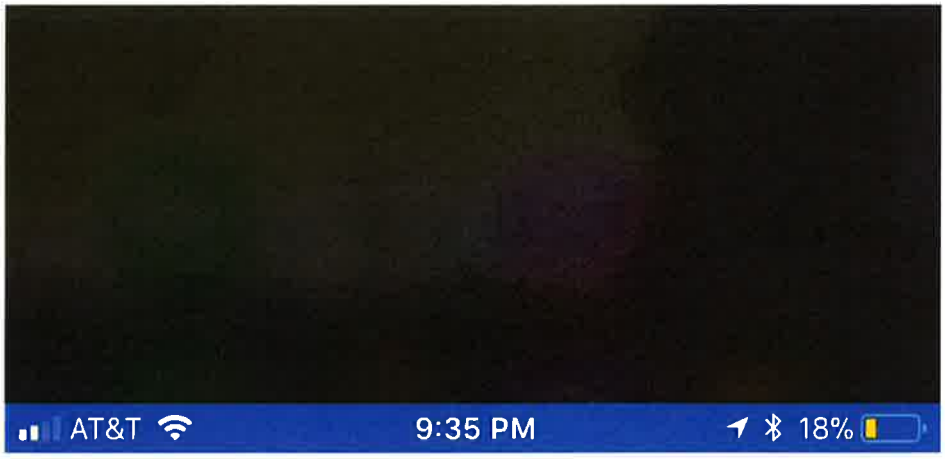
Sirena Domino Hildebrand, **Corey Meyer** and **9 others** like **Lancaster Stands Up**.

Lancaster Stands Up
Sponsored ·

We're holding town halls across PA-11 to unseat our absentee Congressman, Lloyd Smucker, and elect a Congresswoman who listens, Jess King. Will you host a town hall in your area?

ACTIONNETWORK.ORG
Where's Lloyd —Town Halls Across Our District

Learn More



Like Comment Share

Sirena Domino Hildebrand, **Corey Meyer** and **9 others** like **Lancaster Stands Up**.

Lancaster Stands Up
Sponsored ·

We're holding town halls across PA-11 to unseat our absentee Congressman, Lloyd Smucker. Will you join our team of coaches to help make it happen?

DOCS.GOOGLE.COM
Training For Coaches
Lancaster Stands Up is partnering with...

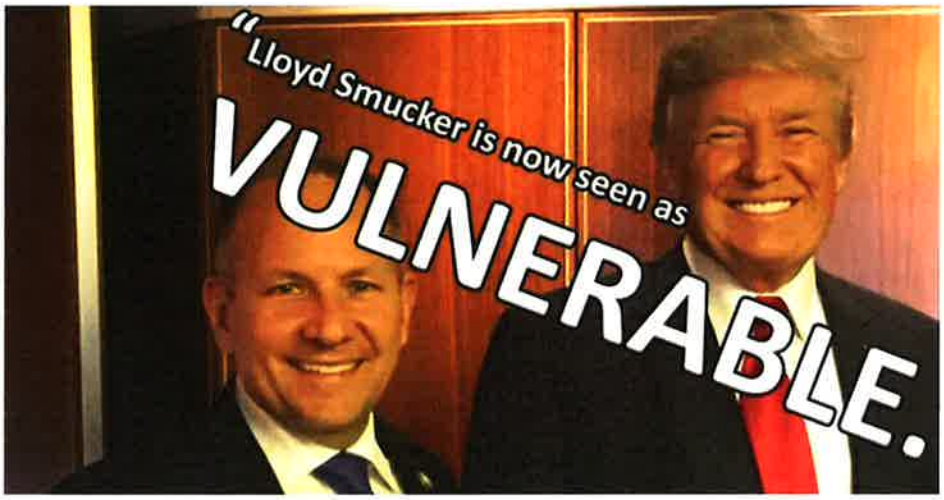
Sign Up

AT&T 7:36 PM

Cindy Stewart, Corey Meyer and **7 others** like **Lancaster Stands Up**.

Lancaster Stands Up shared their **event**.
Sponsored ·

Congressman Lloyd Smucker is now considered vulnerable in 2018. And we have a plan to defeat him. Join **Lancaster Stands Up** this Saturday for our one-year anniversary town hall meeting. We can do better than Smucker and Trump.



SAT, NOV 11 AT 2 PM

ONE YEAR IN—Town Hall Meeting: Our Plan to Win in 2...

INTERESTED

208 people interested · 46 going

111 2 Comments

Like Comment Share

AT&T LTE 5:24 PM 58%

Lancaster Stands Up

HOME POSTS VIDEOS PHOTOS ABO

Lancaster Stands Up added an **event**.
4 hrs ·

SIGN UP HERE: bit.ly/LSUcanvass

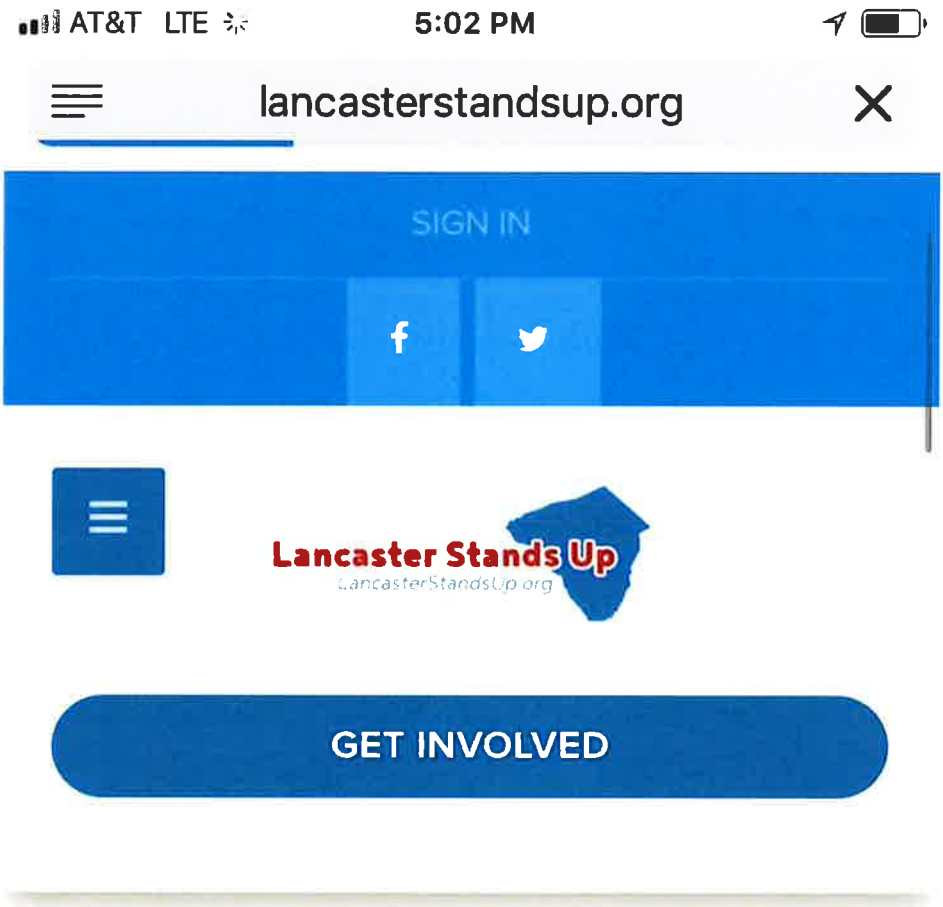
The new Congressional maps are out, and Lancaster Stands Up is in it to win it. Join Lancaster Stands Up for our 2018 voter canvass to defeat one-term Congressman Lloyd Smucker, and to elect a Congresswoman who listens: Jess King fo... See More

SAT, MAR 3 AND 5 MORE

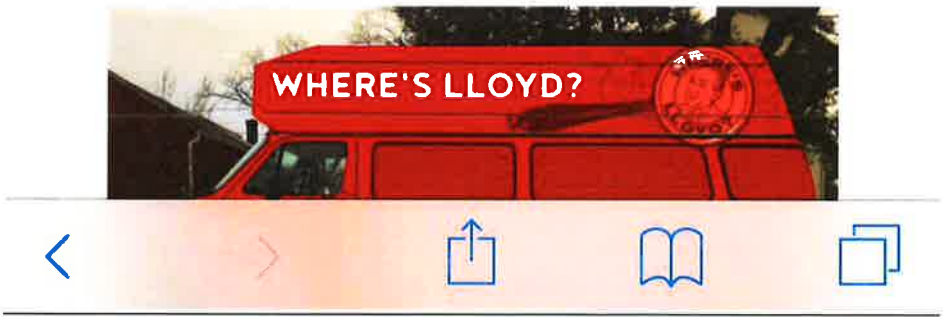
Lancaster City Canvass with Lancaster Stands Up

INTERESTED

7 people interested



Let's Replace Lloyd



AT&T 11:45 PM 19%

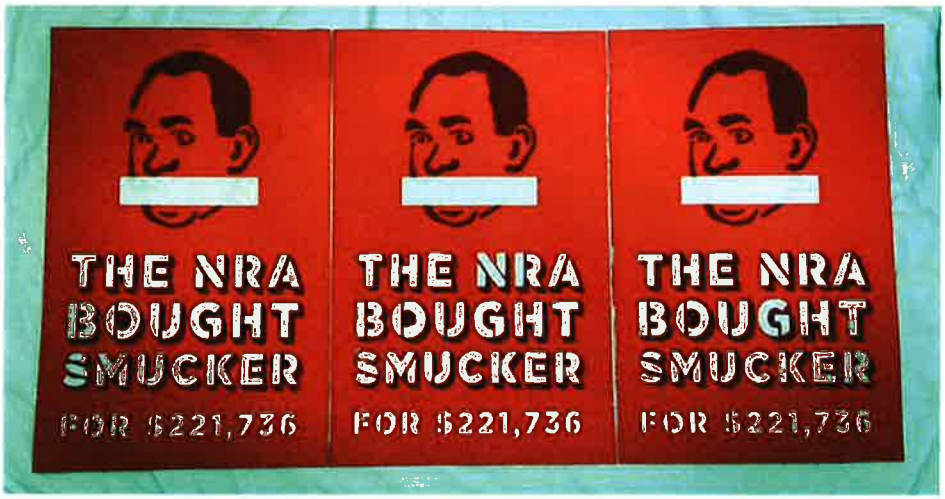
Write a comment...

Sirena Domino Hildebrand, Corey Meyer and **9 others** like **Lancaster Stands Up**.

Lancaster Stands Up shared their **event.**

Sponsored ·

Congressman Smucker took $221,736 from the NRA. That's why he's putting the profits of the firearms industry above the safety of our children. Let's remind Lloyd who he works for.



THU, FEB 22 AT 7:30 AM

Lloyd: We Need Policy Not Prayers!

Cork Factory Hotel · Lancaster

176 people interested · 34 going

INTERESTED

91 4 Comments

Like Comment Share

AT&T LTE
9:59 AM
33%
facebook.com

AT&T 8:34 PM 30%

facebook.com

Alexander, install the Facebook app to try new features. Install

Like Comment

Michelle L. Martin, Sirena Domino Hildebrand and **10 others** like **Lancaster Stands Up**.

Lancaster Stands Up
Sponsored · Paid for by Common Defense / Beyond... ·

It will take every one of us doing our part to take back our democracy for We the People. Find upcoming events where you can get involved with Lancaster Stands Up as a volunteer:

secure.everyaction.com
Volunteer With Lancaster Stands Up!
LEARN MORE

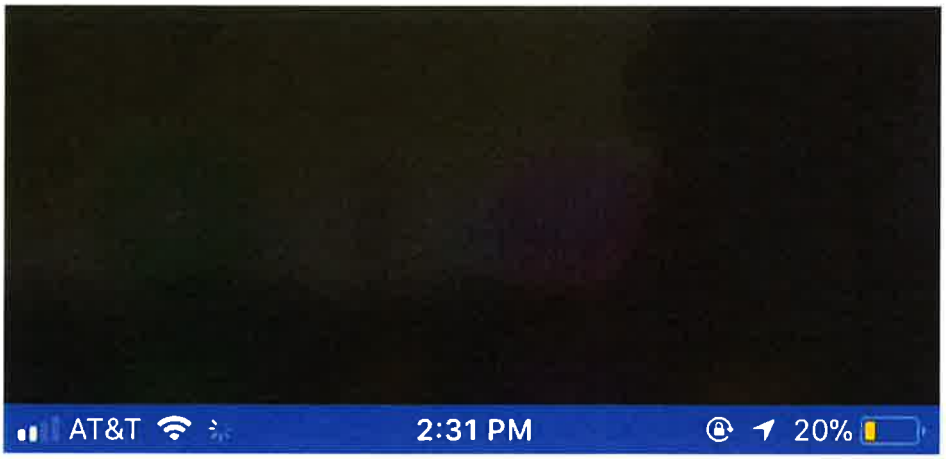
AT&T LTE 8:46 AM 76%
thenation.com
SHARE

upcoming municipal election.

With 18 months to prepare, the group also wants to run Congressman Smucker out of office in 2018.

First, though, it must develop more leaders and recruit more supporters. And so, using voter data that Martin learned to analyze during the Sanders campaign, using scripts that the team developed over beers on a recent Friday evening, the group has decided to start sending canvassers out in both the city and the surrounding county to register voters and to tell people about the movement.

With this plan in mind, Lancaster



Sirena Domino Hildebrand, **Corey Meyer** and **9 others** like **Lancaster Stands Up.**

Lancaster Stands Up
Sponsored ·

We're knocking thousands of doors to flip our district. We can turn it around in 2018.

Join the movement.
Knock doors with Lancaster Stands...

Learn More

461 16 Comments 68 Shares 8.9K Views