

October 5, 2018

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

MUR # 7495  
*Amendment*

To whom it may concern:

Please find an additional complaint regarding impermissible coordination by Lancaster Stands Up (Common Defense / Beyond the Choir Action Fund) and the Jess King for Congress Campaign. Thank you for your attention to this matter.

Sincerely,



Michael Stoll, Executive Director  
Republican Party of Pennsylvania

2018 OCT -9 PM 2:39

OFFICE OF  
GENERAL COUNSEL

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

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  
2019 OCT -9 PM 2:40

## COMPLAINT

Complainant files this report under 11 CFR 109.20 through 11 CFR 109.21 against Lancaster Stands Up/ Common Defense / Beyond the Choir Action Fund and the Jess King for Congress Campaign for their numerous public coordinated communications.

### A. FACTS

**The FEC does not allow unauthorized third-party organizations to make coordinated expenditures along with federal candidates' campaigns where they are not political parties or authorized committees. Common Defense / Beyond the Choir Action Fund is a self-described non-authorized campaign committee.<sup>1</sup>**

**There are two additional required prongs, the conduct prong requires public communication which are paid for by the third-party unauthorized group. In the facts before the FEC and the public, Common Defense / Beyond the Choir Action Fund through its shadow organization Lancaster Stands Up sponsors numerous public digital communications which advocate for the express benefit to support the candidacy of Jess King for Congress.**

**Examples of these posts are attached. These posts as detailed in previous complaints against this organization meet the FEC standards for express public communications made to advocate the election of a federal candidate, Jess King.**

**The final prong requires that the conduct of the two organizations was coordinated. One such method of coordination is by using a common vendor who has control, input and knowledge regarding both the federal candidates and the third-party unauthorized committees messaging.**

**These sponsored digital posts which are the source of the coordinated content appear to have been created or made after both Common Defense / Beyond the Choir Action Fund and Jess King for Congress used the same digital services vendor. Middle Seat Consulting LLC. Attached are FEC filings which show this vendor received expenditures from both the candidate and the unauthorized committee. These expenditures are allegedly for digital services for both committees and both have large sums over \$129,168.14 from Common Defense / Beyond the Choir Action Fund and \$47,500 and Jess King for Congress.**

**Secondly the conduct prong can be met where there are shared or former employees. First to address Jonathan Smucker, author of a Hegemony How-To: A Roadmap for Radicals and the Executive Director who is married the Jess King Campaign Manager Becca Rast. Ms. Rast started her career in Lancaster community organization by being a co-founder of Lancaster Stands Up the shadow organization of Common Defense /**

---

<sup>1</sup> Website minicur

**Beyond the Choir Action Fund. She allegedly left Lancaster Stands Up on June 28, 2017. When she started working for Jess King for Congress, her first paycheck from Jess King for Congress appears to have been issued in August according to a FEC Report. This demonstrates almost no time in between her employment between the two committees. A second founder of Lancaster Stands Up, Nicholas Martin also left Lancaster Stands Up at the end of June and received his first pay from Jess King for Congress in August of 2017.**

**Finally, Andrew Boyd who assisted along with Jonathon Smucker in writing Beautiful Trouble: A Toolbox for Revolution a leftist propaganda organizing manual links how to plan to run a federal campaign bring all four individuals back together to Common Defense and their plans to use a candidate like Jess King to push a specified agenda through specific communication means. Their campaign has continued to follow the books and pamphlets they co-wrote outlining their joint campaign plan amongst their organizations.**

**Finally, if there is suggestion, discussion or material decisions made in coordination with a campaign and an unauthorized committee the conduct prong of coordinate campaign prohibition is met. As the FEC is aware this aspect of the conduct prong is difficult to show as it usually requires communications between the organizations that are traditionally kept private.**

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 southern York County.

## **B. LEGAL ARGUMENT**

Lancaster Stands Up and Common Defense / Beyond the Choir Action Fund both claims not to be authorized and therefore meets the second requirement. The remaining question is whether there have been communications that were paid for by Common Defense / Beyond the Choir Action Fund that resulted from coordination with Jess King for Congress.

As described in the facts above there has been both conduct and content. As stated in previous complaints about Lancaster Stands Up there have been numerous communications by this organization. Specifically, digital communications in the forms of sponsored Facebook ads which advocate for the election of Jess King for Congress.

The conduct prong is met specifically with these digital communications it is clear through available data from the FEC that both Jess King for Congress and Common Defense / Beyond the Choir Action Fund have used the common vendor Middle Seat Consulting LLC, both claiming that Middle Seat Consulting LLC has been for digital services. The scope of these digital services is not clear however if the FEC would determine that Middle Seat Consulting LLC produced these paid for sponsored campaign ads paid for by Common Defense while the

organization had knowledge and was under contract by Jess King for Congress this would be a violation of the coordinated campaign prohibitions in federal law. This complainant does recognize that it is possible for a common contractor to use a formal and detailed prior agreement to remain in compliance.

### C. REQUESTED ACTION

As shown, the facts, legal argument and attachments demonstrate Lancaster Stands Up / Common Defense / Beyond the Choir Action Fund and Jess King for Congress have used a common vendor for digital services, have maintained an exchange of employees, and have a distinct possibility of deliberations regarding unauthorized committees public and paid media communications. This intentional coordination is an attempt to deny citizens the right to be well informed and to circumvent the basic requirement of finance reporting. The Republican Federal Committee of Pennsylvania asks that the FEC continues its investigation into these bad actors and takes immediate appropriate actions as necessary.

Sincerely,

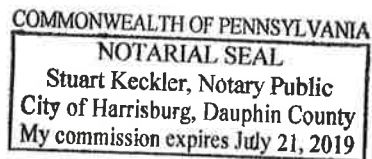


SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of October, 2018.



Notary Public

My Commission Expires



July 21, 2019

schedule\_b-2018-10-05T13\_04\_24

committee_id	committee_name	recipient_name	recipient_state	disbursement_descr	disbursement_date	disbursement_amount
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2016-04-25 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2018-06-08 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-08-02 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-02-08 00:00:00	6123.67
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-02-06 00:00:00	5311.76
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-04-13 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-03-20 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-06-24 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2018-01-18 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2018-02-05 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2018-03-02 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2018-03-11 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-07-14 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-09-07 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-10-04 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-11-13 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-12-06 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2018-05-08 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2018-05-17 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-06-01 00:00:00	5000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2017-02-24 00:00:00	10000
C00620021	COMMON DEFENSE / BEYOND THE CHOIR ACTION FUND	MIDDLE SEAT CONSULTING	DC	DIGITAL SERVICES	2018-05-07 00:00:00	15732.71
				TOTAL		129168.14

schedule\_b-2018-10-05T13\_16\_21

committee_id	committee_name	report_year	recipient_name	recipient_state	disbursement_description	disbursement_amount
C00648774	FRIENDS OF JESS KING	2018	MIDDLE SEAT LLC	DC	DIGITAL CONSULTATION	15000
C00648774	FRIENDS OF JESS KING	2017	MIDDLE SEAT LLC	DC	DIGITAL CONSULTING	2500
C00648774	FRIENDS OF JESS KING	2017	MIDDLE SEAT LLC	DC	DIGITAL CONSULTING	15000
C00648774	FRIENDS OF JESS KING	2017	MIDDLE SEAT LLC	DC	DIGITAL CONSULTING	15000
					<b>Total</b>	<b>47500</b>

AT&amp;T LTE

11:59 AM

25%

facebook.com



install the app to  
get the best Facebook  
experience.

[Install](#)

Michelle L. Martin likes Vets For Jess.

...

**Vets For Jess**

Sponsored · Paid for by Common Defense /  
Beyond...



Lloyd Smucker just voted against a 2.6 percent pay  
raise for our troops.

#VetsForJess

**Vets For Jess**

Community

[Learn More](#)

Marilyn Walker Sachs and 398 others

152 Comments 171 Shares



Like



Comment



Share



10:21



**Lancaster Stands Up** shared an event.



Sponsored · Paid for by Common  
Defense / Beyond...ir Action Fund ·

Lloyd voted to give the Koch Brothers billions in tax breaks. Now he wants to pay for it by cutting Social Security and Medicare.



WED, OCT 10 AT 5:45 PM

**Lloyd: Hands OFF Social Security and Medicare!**

INTERESTED

64 people interested · 21 going



Like



Comment



Share



43

Oldest ▾



**John Steve Fulton  
Schmuck**

3h Like Reply See Translation



Write a comment...





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...



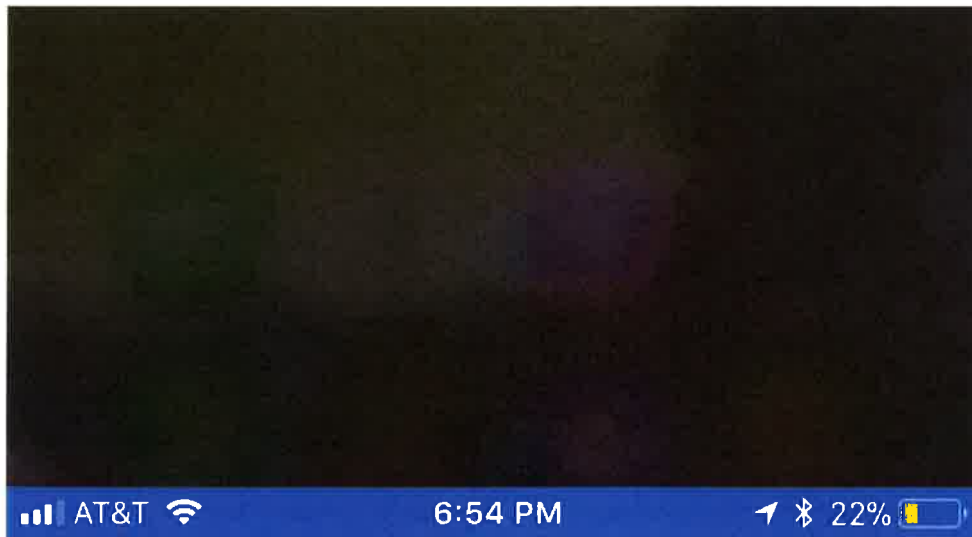
It will take every one of us doing our part to take back our democracy for We the People. Find upcoming events where you can get involved with Lancaster Stands Up as a volunteer:



secure.everyaction.com

**Volunteer With Lancaster Stands**

[LEARN MORE](#)



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

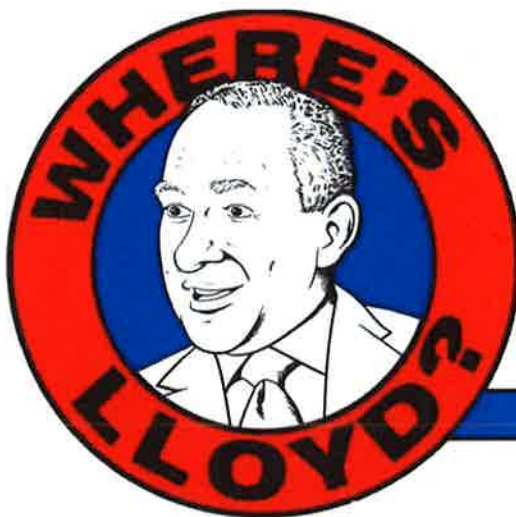


**Lancaster Stands Up**

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?



***Have you seen  
our missing  
Congressman?***

If Congressman Lloyd Smucker won't hold a public town hall, we will.

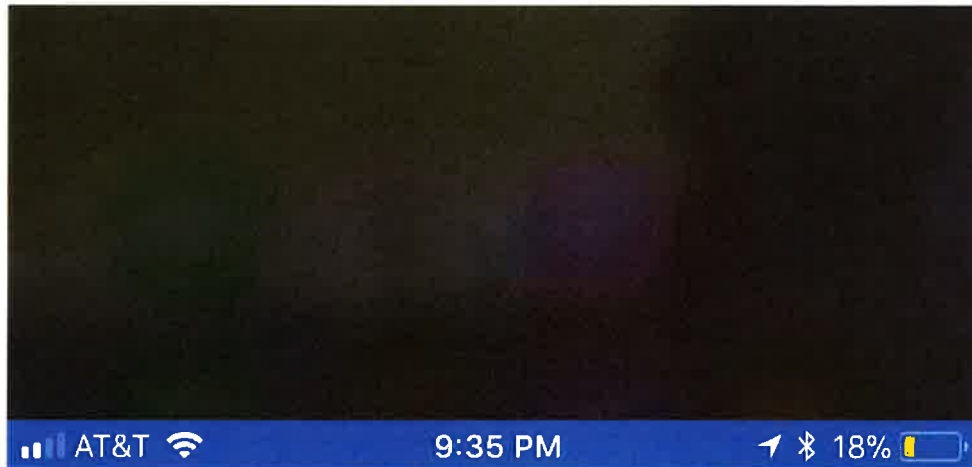
Sign up for a town hall today.

**#WheresLloyd #LetsReplaceLloyd  
#LetsElectJessKing**

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&amp;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

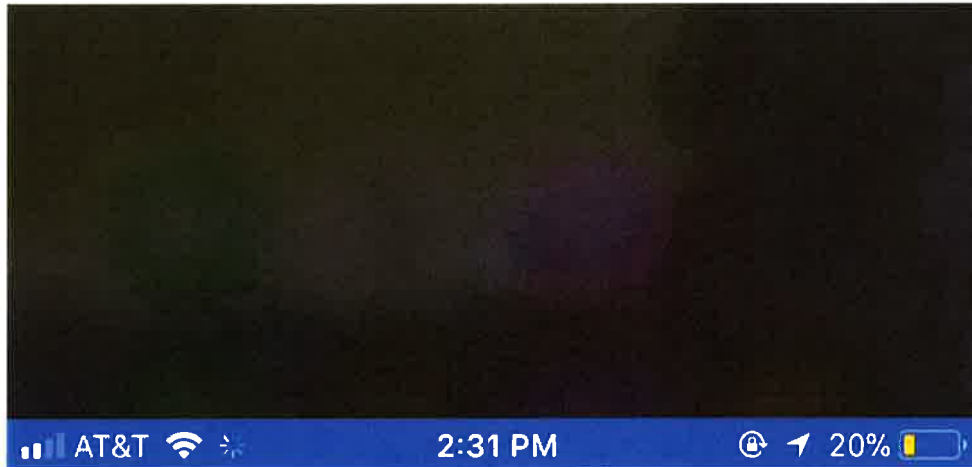


Like

Comment

Share





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



AT&amp;T

11:45 PM

19%



Write a comment...



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

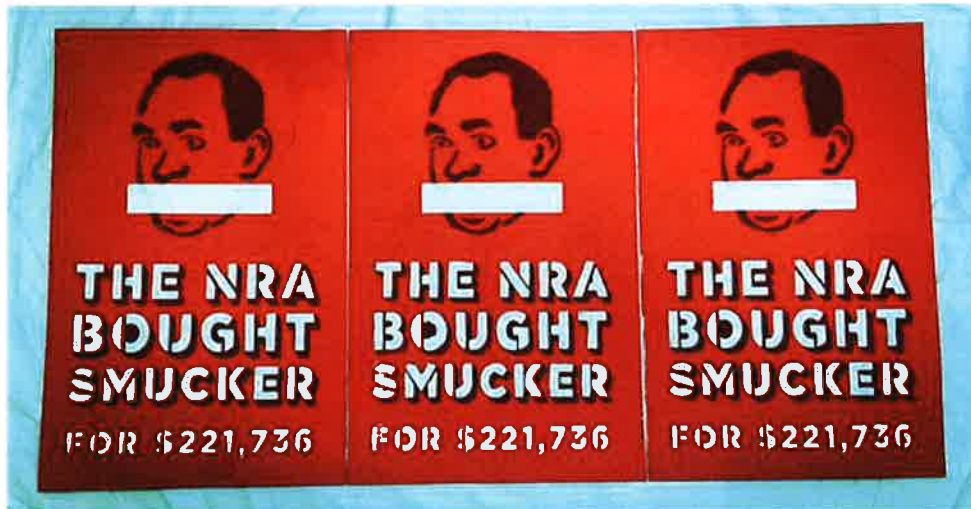


**Lancaster Stands Up** shared their event.



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&amp;T LTE

5:02 PM



lancasterstandsup.org



SIGN IN

**Lancaster Stands Up**  
LancasterStandsUp.org

GET INVOLVED

# Let's Replace Lloyd





