



Putnam County
Republican Committee

MUR # 7506

Anthony G. Scannapieco, Jr.
Chairman

September 24, 2018

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

OFFICE OF
GENERAL COUNSEL
2018 OCT - 1 AM 11:43

To Whom It May Concern:

I am contacting you to request a formal Federal Election Commission ("FEC") investigation into federal election law violations committed by United States Representative Sean Patrick Maloney and his campaigns for both New York State Attorney General and reelection in New York's 18th Congressional District.

On August 29, 2018, the New York State Court of Appeals permitted Congressman Maloney to simultaneously pursue reelection and the Democratic Party's nomination for New York State Attorney General. See *In the Matter of Floyd D'Angelo, et al., v. Sean Patrick Maloney*. As such, Congressman Maloney maintained both a state campaign account (Maloney for New York) through which he funded his campaign for state Attorney General and his congressional campaign account (Sean Patrick Maloney for Congress). Following Congressman Maloney's defeat in the Democratic primary for Attorney General, he has resumed his congressional campaign.

While the sum total of Congressman Maloney's expenditures in pursuit of the state Attorney General nomination will not be known until his post-primary state campaign finance disclosure reports are filed with the New York State Board of Elections, his pre-primary disclosure reports document \$2,981,438.26 in total expenses partially funded through \$1.45 million in transfers from Sean Patrick Maloney for Congress to Maloney for New York.

As set forth in 11 CFR §100.29, "[e]lectioneering communication means any broadcast, cable, or satellite communication that: (1) [r]efers to a clearly identified candidate for Federal office; (2) [i]s publicly distributed within 60 days before a general election for the office sought by the candidate...and (3) [i]s targeted to the relevant electorate, in the case of a candidate for...the House of Representatives. Pursuant to this section, "[t]argeted to the relevant

electorate' means the communication can be received by 50,000 or more persons...[i]n the district the candidate seeks to represent, in the case of a candidate for Representative...to the Congress." Through 11 CFR §100.5, committees that make expenditures subject to 11 CFR §100.29 become political committees requiring compliance with federal registration requirements, contribution limits and prohibitions, including the ban on corporate and union donations. Based upon Maloney for New York's currently available campaign finance disclosure statements, the committee received at least \$26,000 in corporate contributions and 60 individuals who contributed maximum contributions to Sean Patrick Maloney for Congress also funneled \$710,300 into his state campaign committee.

This year, the 60-day period prescribed in 11 CFR §100.29 began on September 8th. According to the publicly available television logs, Maloney for New York spent \$166,695 on cable television advertising in the Hudson Valley and New York Metropolitan area from September 8th through the primary election on September 13th. In addition, Maloney for New York placed \$501,840 in New York City broadcast television advertising from September 8th to September 13th covering the entirety of New York's 18th Congressional District.

As noted above, Congressman Maloney's expenditures during this period necessarily subject his state campaign committee to federal regulation. To the extent that Congressman Maloney's state committee failed to adhere to the more rigorous federal standards both he and his committee are in violation of federal law and subject to both civil and, potentially, criminal sanction.

Respectfully, I request that the Federal Election Committee conduct a thorough review of the actions taken by Congressman Maloney and both his federal and state campaign committees. Given the brazen manner in which Congressman Maloney has acted to circumvent federal law, I further request that the FEC take any available action to prevent any improper transfer of residual funds from Maloney for New York to Sean Patrick Maloney for Congress.

Thank you for your time and attention to this important matter.

State of New York
County of Putnam
Sworn to me this 24th
day of September, 2018.

Sincerely,



Anthony G. Scannapieco, Jr.

MICHAEL C. BARTOLOTTI
Notary Public State of New York
No 04BA6074497
Qualified in Putnam County
Commission Expires May 20, 2022