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March 13, 2019

Jeff Jordan, Esq.
Assistant General Counsel Complaints Examination & Legal Administration
Office of the General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463
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Re: MUR 7563 (Response of Ron DeSantis for Governor and its Treasurer Nancy Watkins, the Republican Party of Florida and its Treasurer Mike Moberley, and Blaise Ingoglia)

Dear Mr. Jordan :

This Response is being submitted by the undersigned counsel on behalf of the named Respondents, Ron DeSantis for Governor and its Treasurer, Nancy Watkins, the Republican Party of Florida (RPOF) and its Treasurer Mike Moberley, and Blaise Ingoglia, former Chair of the RPOF in the Complaint designated as Matter Under Review (MUR) 7563 (“Complaint”).¹

The Federal Election Commission (FEC) has received multiple complaints filed by Joseph Weinzelte² (“Complainant”) all bearing the same allegations and filed against Respondents. Joseph Weinzelte (“Complainant”) has filed these complaints. The Complaint primarily alleges a violation of 52 U.S.C. § 30121 alleging that Respondents accepted contributions from foreign nationals and foreign organizations, in addition to a number of other allegations of violations, all of which the Respondents strongly deny.

The Commission is required to investigate a complaint only if it determines that it has “reason to believe” that a person has committed, or is about to commit a violation of the Act.³ The Commission may find “reason to believe” only if a complaint sets forth sufficient specific

¹ Respondents received separate complaints within a week of each other, however they have all been designated as MUR 7563. For purposes of this response all complaints will be referred to as the “Complaint.”

²² Mr. Weinzelte has also filed MUR 7561 against Respondent Ron DeSantis for Governor, Friends of Ron DeSantis PAC, and Treasurer Nancy Watkins containing similar allegations. The undersigned counsel submitted a Response to MUR 7561 on February 25, 2019.

³ See 2 USC §437g(a)(2).

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facts, which, if proven true, would constitute a violation of the Act.⁴ Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true by the Commission, and a complaint may be dismissed if it consists of factual allegations that are refuted in the response with sufficiently compelling evidence.⁵ For the following reasons, it should be found that Respondents did not violate the Act or Commission regulations and dismiss this matter.

I. Factual Background

The Ron DeSantis for Governor Campaign was a Florida political campaign involved in a state election to elect Ron DeSantis as Governor of Florida. The Campaign followed Florida law, which prohibited it from accepting any contribution within 5 days of the General Election held on Tuesday, November 6, 2018. The last day the Campaign was able to accept contributions under Florida law was November 1, 2018.⁶ It is required to file a termination report and dispose of all funds remaining within its account within 90 days after the campaign has concluded. § 106.141, Fla. Stat. Nancy Watkins⁷ was the Campaign's Treasurer designated pursuant to state law. The Republican Party of Florida is a state political party executive committee that participates in both state and federal elections and files regular reports with both the Florida Division of Elections and the Commission. Mike Moberley is the Treasurer of the RPOF. Blaise Ingoglia is the former Chairman of the RPOF and held office until his term ended in January of 2019.

Complainant alleges that the Campaign, RPOF, their Treasurers, and the former RPOF Chairman violated 52 U.S.C. § 30121 by accepting contributions from foreign nationals and foreign organizations. As part of this allegation, the Complaint states:

1. The RPOF Chairman prior to the 2018 campaign, directly engaged with foreign nationals seeking to influence U.S. elections;
2. The RPOF Chairman posted a mention of foreign organization Wikileaks on October 28, 2017. On December 12, 2017, a foreign profile contacted a RPOF consultant and DeSantis for Governor campaign chairman with an offer of assistance from “Romania”;
3. Through the DeSantis campaign, the RPOF accepted foreign contributions. Foreign nationals contributed social media targeting and messaging services to RPOF federal and state candidates in 2018;
4. Through intermediaries, RPOF potentially paid foreign nationals;

⁴ See MUR 4960, Commissioners Mason, Sandstrom, Smith, and Thomas, Statement of Reasons (Dec. 21,2001).

⁵ *Id.*

⁶ All of the Campaign's contributions and expenditures are reported pursuant to Florida law and are publicly available. See <https://dos.elections.myflorida.com/candidates/CanDetail.asp?account=70276> (last accessed March 13, 2019). There are no contributions accepted from foreign nationals. In addition, the RPOF reports its state campaign finance activity to the Florida Division of Elections and its federal campaign finance activity to this Commission. Neither have any contributions accepted from foreign nationals.

⁷ The Complaint misspells the Treasurer's name as “Nancy Hawkins.”

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5. RPOF used foreign content in official campaign messaging, and
6. RPOF received substantial benefit from foreign contributions. Compl. at 1.

In addition, the Complaint separately alleges that:

1. RPOF attempted to corruptly acquire voter data with a fake email survey known as the *Sunshine State Survey* by targeting Florida Jewish voters;
2. RPOF deceived the Complainant by failing to disclose its involvement in the *Sunshine State Survey*, including that Frank Steven Snively was representing the RPOF and involved in the creation of the survey;
3. The *Sunshine State Survey* does not identify who paid for it;
4. RPOF consultant and Campaign's Manager, Bradley Herold and Brent Seaborn received payments for "direct mail" around the time of the survey being released and therefore must have produced the survey;
5. RPOF corruptly used voter data for deceptive messaging and email campaign targeting Jewish voters via text messaging and social media;
6. RPOF knew or should have known that Florida voter information was being used by foreign nationals because of payments to Brent Seaborn/Deep Root Analytics/Seaborn Strategic, Brad Herold/Parabellum Strategies/Something Else Strategies, and Elnatan Rudolph/JHSM;
7. Foreign nationals used fake profiles and foreign content to deceive Florida voters and benefit the RPOF;
8. Foreign nationals on twitter made contact with Campaign and its Campaign Manager.
9. Foreign nationals posted targeted information on specific districts;
10. Foreign nationals engaged in voter suppression on social media to the benefit of the RPOF and its candidates; and
11. Value of contributions by foreign nationals to the RPOF may be well over \$300,000.

Respondents strongly deny all allegations contained within the Complaint. Respondents did not solicit, accept, or receive any contribution or donation from a foreign national and the Complaint has provided no evidence beyond weak speculation supporting the allegations that Respondents violated 52 U.S.C. § 30121. Respondents did not pay foreign nationals directly or through intermediaries. Respondents did not use foreign content in official campaign messaging, and Respondents did not receive any contribution, donation, or benefit from any foreign national. Further, the Complaint falsely makes many allegations of violations that are not covered by the Act and that the Commission has no jurisdiction over. Even so, such allegations are false and Respondent has not alleged sufficient facts to prove any of the allegations as true. The Complaint is riddled with unwarranted legal conclusions based on nothing more than mere speculation. Therefore, it should be found that there is no reason to believe that Respondents violated the Act or Commission regulations and the matter should be dismissed.

II. Legal Discussion

A. Respondents did not violate 52 U.S.C. § 30121 and Complaint provides no evidence beyond mere speculation

The prohibition on accepting contributions from foreign nationals applies to state and local elections in addition to federal elections. *See* 52 U.S.C. § 30121. The Act and Commission regulations specify a person is prohibited from knowingly soliciting, accepting, or receiving a contribution or donation from a foreign national. *Id.*; 11 C.F.R §§ 110.20(a)(7)(b)-(c), (g). One can “knowingly” accept a prohibited contribution from a foreign national even if they do not have actual knowledge but if they are “aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national,” or even if they are “aware of facts that would lead a reasonable person to inquire” if the source of the contribution is from a foreign national. 11 C.F.R. 110.20(a)(4)(i)-(iii). Commission regulations lay out pertinent facts that should put a committee on notice such as the contributor uses a foreign passport or passport number for identification purposes, the contributor provides a foreign address, the contributions is made with funds from a foreign bank, or the contributor resides abroad. *See* 11 C.F.R. § 110.20(a)(5).

The Complaint points to random social media communications emanating from Twitter handles allegedly controlled by foreign nationals that are directed at individuals involved with the Respondents. Based on communications directed at Respondents or their agents (but not responded to) and independent social media posts perceived as favorable to Respondents, the Complaint alleges a contribution. Further, the Complaint identifies payments to certain vendors and then makes unwarranted legal conclusions by speculating that these payments somehow demonstrate a coordination with foreign nationals in the production of content. Social media posts, follows, likes, or communications made by alleged foreign Twitter accounts that are deemed favorable to Respondents and are no way directed by or coordinated with Respondents or their agents do not amount to in-kind contributions from foreign nationals. Complainant makes allegations without providing any evidence that the Respondents or any of their agents coordinated or communicated with any individuals or entities behind these Twitter accounts, and most tellingly, the Complaint does not identify any contribution Respondents accepted from a foreign national.

B. The Uncompensated Internet Activity by the named Twitter Accounts is Not a Contribution under the Act

The Commission’s regulations exempt volunteer internet activity from the definition of a contribution providing that individuals or a group of individuals communicating over the internet to influence a federal election is not a contribution if the personal services related to the Internet activities are uncompensated. *See* 11 C.F.R. § 100.94.⁸ Here, there was no coordination,

⁸ § 100.94 Uncompensated Internet activity by individuals that is not a contribution.

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communication, or compensation by the Respondents to or with any individual or entity operating the social media accounts that the Complaint references.

In MUR 6772, the Commission reviewed allegations made against the Obama Campaign that it had solicited contributions from foreign nationals based on links to “Obama.com” appearing on websites with predominantly foreign traffic. Ultimately, the Commission found that, “Although the Complaint alleges solicitation violations, it provides no basis to conclude that the Obama Campaign Committees or any agent of those committees solicited foreign national contributions. The mere appearance of the domain name www.obama.com on internet websites or blogs that are allegedly frequented by foreign nationals does not support a reasonable inference of such violations.” F&LA at 8, n. 6, MUR 6772, (Obama for America, et al.).

Similarly, here, even assuming true the allegation that Twitter communications made by foreign accounts were favorable to Respondents, this does not amount to a solicitation or acceptance of a foreign contribution. If anything, this independent “internet chatter” would amount to uncompensated internet activity, which the Commission regulations have stated is not a contribution under the Act. The Commission has also opined that a foreign national can volunteer personal services to a federal candidate or federal political committee without making a contribution. *See* AO 2014-20 (Make Your Laws PAC). Despite volunteer activity being allowed by the Commission, the activities outlined in the Complaint were not done as volunteer activity, but were done completely independent of and not at the direction of any of the Respondents or their agents.

C. Respondents Took Steps to Avoid Contributions from Foreign Nationals

In addition to the requirements contained within federal law, Florida law requires state campaigns and political committees, to report the name, address, and occupation, if any, of each person that has made a contribution to a candidate or political committee. § 106.07, Fla. Stat. Respondents collect this information (as well as email and employer) from each donor and report it publicly. This process allowed Respondents to identify and refuse any contributions from foreign nationals. Florida election regulators also oversee the activities of Respondents and are not silent on this prohibition. The Florida Division of Elections provides clear guidance to all state campaigns and treasurers that federal law prohibits contributions from foreign nationals to any federal, state, or local candidate.⁹

(a) When an individual or a group of individuals, acting independently or in coordination with any candidate, authorized committee, or political party committee, engages in Internet activities for the purpose of influencing a Federal election, neither of the following is a contribution by that individual or group of individuals:

- (1) The individual's uncompensated personal services related to such Internet activities;
- (2) The individual's use of equipment or services for uncompensated Internet activities, regardless of who owns the equipment and services. . . .

⁹ See Fla. Div. of Elec., *Candidate and Campaign Treasurer Handbook*, at 22, available at: <https://dos.myflorida.com/media/699202/candidate-and-campaign-treasurer-handbook-2018.pdf> (last accessed Feb. 18, 2019).

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D. Respondents are Not Affiliated with the Sunshine State Survey

The Complaint also makes several allegations related to a mailer entitled *Sunshine State Opinion Survey* that the Complainant received and mistakenly believes the RPOF was behind. According to the Complaint, the mailer was sent by Sequoia Research, LLC. A copy of the survey mailer attached to the Complaint directs readers to the website sunshineopinion.org to take an opinion survey. At the bottom of this website is a statement that reads “A project of Sequoia Research, LLC.” See www.sunshineopinion.org (last visited March 13, 2019). RPOF is not affiliated in any way with the *Sunshine State Opinion Survey* or with Sequoia Research, LLC and has no knowledge of either. In fact, even according to the Complaint, RPOF’s only link to the survey is the Complainant’s conclusion that the handwriting of the person who signed the survey mailer (“A. Edward Wright”) is said to match that of a random Polk County Republican named Frank Steven Snively. The RPOF has no knowledge of who Mr. Snively is.

E. Complaint Mistakenly Attributes Alleged Activity by Foreign Nationals during 2018 Election to Respondents

The Respondents have no knowledge as to the allegations and communications cited in the Complaint that are alleged to involve certain foreign nationals during the 2018 election cycle. What Respondents can categorically say is they did not participate either directly or indirectly (through payments to vendors) with foreign nationals in the influence of federal or state (or local) elections during the 2018 election cycle. The allegations made in the Complaint are based on conspiracy and speculation and have no basis in fact. The Complaint does not provide any evidence to show that Respondents were responsible either directly or indirectly for any activities of foreign nationals.

III. Conclusion

Respondents categorically deny all allegations contained within the Complaint. Respondents did not solicit, accept, or receive any contribution or donation from a foreign national. Even assuming that certain foreign nationals distributed communications to influence elections, Respondents had nothing to do directly or indirectly with these communications. Such “internet chatter” amounts to nothing more than uncompensated internet activity, which Commission regulations state explicitly is not a contribution. The Complaint makes several allegations that are not covered by the Act or are not violations of the Act. Many of these are centered around the *Sunshine State Opinion Survey*, which Respondents had nothing to do with whatsoever. The allegations in the Complaint contain unwarranted legal conclusions with only mere speculation to support them. The Commission should find no reason to believe that Respondents violated the Act or Commission regulations and dismiss this matter.

Sincerely,

*/s/Benjamin J. Gibson
Counsel for Respondents*