

BEFORE THE FEDERAL ELECTION COMMISSION

Foundation for Accountability and Civic Trust
 1717 K Street NW, Suite 900
 Washington, D.C. 20006

v.

Gary Peters
 Peters for Michigan
 PO Box 32072
 Detroit, MI 48244

MUR No. 76666

CELA

2019 DEC -5 PM 2:43

RECEIVED
FEDERAL ELECTION
COMMISSION

and

DEC 5 2019

VoteVets.Org Action Fund
 2201 Wisconsin Ave NW #320
 Washington, D.C. 20007

COMPLAINT

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good. This complaint is submitted, upon information and belief, to request the Federal Election Commission (FEC) investigate and take appropriate enforcement actions to address apparent violations of the Federal Election Campaign Act by VoteVets.Org Action Fund (a 501(c)(4) political action committee)¹, Senator Gary Peters, and his campaign committee, Peters for Michigan.²

Senator Gary Peters appears to be using his campaign website to illegally coordinate with outside organizations that support his candidacy.³ Through postings on a designated webpage, Peters instructs organizations with which he is not permitted to coordinate to run advertisements beneficial to his campaign. This is not general candidate or campaign information and not in the usual format as that provided to the general public. Rather, Peters provides detailed content for ads

¹ VoteVets.Org Action Fund, Federal Election Commission ID: C90010620.

² This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1).

³ 52 U.S.C. § 30116(a)(7)(B)(i). See also Ryan Lovelace, 'Dark Money' Ad Raises Questions Over Peters Campaign for Senate, Washington Times, Nov. 18, 2019, available at: <https://www.washingtontimes.com/news/2019/nov/18/dark-money-ad-raises-questions-over-gary-peters-ca/> (Exhibit G).

and markets in which to run the ads based upon the campaign's internal data and advertising needs, and provides it in a format designed to directly communicate with outside organizations. In this case, VoteVets.Org Action Fund then republished campaign materials in the form of ads. This type of behavior is contrary to federal law that prohibits candidates from coordinating with outside groups⁴ and is a prohibited campaign contribution. As such, the Commission must immediately investigate and enforce the law.

Additionally, VoteVets.Org Action Fund has made an illegal contribution to Peters for Michigan by financing the dissemination, distribution, or republication of campaign materials.⁵ The 501(c)(4) organization has republished Peters for Michigan campaign materials, spending at least \$1,450,000 to run ads, in violation of federal law. The ads are currently running and the Commission must immediately investigate and enforce the law by requiring VoteVets.Org Action Fund to stop publishing campaign materials.

I. Facts

In recent years, several United States Senate candidates have used their campaign websites to request ads to be produced and run by outside organizations, with which the campaign is prohibited from coordinating.⁶ The websites use obscure pages to instruct outside groups on the content of the ad and where to run it (statewide or in a smaller media market).⁷ These webpages often provide photographs and video of the candidate to be used in the advertisement.⁸ The pages tend to identify themselves by using the "code words" of "voters need to know" or "people from state X should know," and identify the media market with specific geographical descriptions.⁹ The

⁴ See 52 U.S.C. § 30109(a)(2); 11 C.F.R. § 111.4(a).

⁵ 52 U.S.C. § 30116(a)(7)(B)(iii).

⁶ See Maggie Severns, *Democratic Candidates Writing Instructions to Super PACs on Their Websites*, Politico (July 15, 2016) (Exhibit A); see also, e.g., James Arkin, Twitter, Nov. 6, 2019 ("The new ad from VoteVets focusing on his service and defense focus . . . tracks closely w/ this post that went up on Peters campaign website 11/1 [link to "What Michiganders Need to Know" Webpage]") (Exhibit F); Ryan Lovelace, *'Dark Money' Ad Raises Questions Over Peters Campaign for Senate*, Washington Times, Nov. 18, 2019 (Exhibit G).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

purpose and effect of these webpages is clear: to give explicit instructions to outside organizations on the content and audiences for advertisements supporting their campaigns.

On November 1, 2019, Senator Gary Peters, who is running for re-election in 2020, uploaded material on a subpage of his campaign website that contains photographs, b-roll footage, messaging, and instructions on the audience to target with the material.¹⁰ The Peters subpage is entitled, “An Important Update[:] WHAT MICHIGANDERS NEED TO KNOW.”¹¹ This subpage also includes a link to a document that obviously highlights six specific points within nine pages of research material.¹²

In order to find this new material, you must scroll down on the Peters homepage and click a specific image that is highlighted in bright red with the language “important update.” To find the six specific messages, you must scroll down from the update page, click a link, and look for black boxes that include capitalized text in white. The subpage and document focus entirely on a single issue: the military.¹³ Of the seven photographs posted on the subpage, six feature a younger Peters in military uniform.¹⁴ The seventh picture is a recent one of Peters in a Navy polo shirt.¹⁵ The b-roll footage includes scenes of Peters shaking hands with Navy veterans and touring what looks like an industrial plant and a control center.¹⁶ The subpage also includes new instructions about the particular media markets that should be targeted with the materials. This was accomplished by adding a note at the outset of the post specifying, “What Michiganders *from all parts of the state* need to know.”¹⁷

¹⁰ Peters for Michigan, An Important Update[:] What Michiganders Need To Know, available at <https://petersformichigan.com/what-michiganders-need-to-know/> (Exhibit B).

¹¹ *Id.*

¹² Peters for Michigan, <https://petersformichigan.com/wp-content/uploads/2019/11/191101-Security-Doc.pdf>.

¹³ Peters for Michigan, An Important Update[:] What Michiganders Need To Know, available at <https://petersformichigan.com/what-michiganders-need-to-know/> (Exhibit B).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* (emphasis added).

Just days after the new material was uploaded, VoteVets.Org Action Fund, a 501(c)(4) group supporting Peters' re-election, released a statewide television ad praising Peters on military issues and relying almost entirely on the new material from Peters' website.¹⁸ VoteVets.Org Action Fund spent nearly \$750,000 on the media buy, entitled "Sen. Gary Peters Has Always Been There for Veterans."¹⁹ The advertisement utilized each kind of material posted on the "WHAT MICHIGANDERS NEED TO KNOW" webpage: messaging language, photographs, and b-roll footage. Specifically, the ad featured two of the six pictures of Peters as a young man in uniform, and the footage of Peters touring facilities and talking to veterans.²⁰ Lastly, the voiceover in the VoteVets.Org Action Fund advertisement reads from a transcript that is almost identical to the six specific messages highlighted and found within the document from the Peters' subpage.²¹

VoteVets.Org Action Fund released a second ad on December 3, 2019 entitled "Raise" that also uses material from the Peters' campaign "MICHIGANDERS NEED TO KNOW" webpage, such as b-roll of Peters riding a motorcycle and b-roll of Peters wearing a Navy cap, in addition to similar narration from the text on Peters' website subpage.²² VoteVets.Org Action Fund spent \$700,000 on the ad that will air for two weeks.²³

¹⁸ VoteVets.Org Action Fund, *Sen. Gary Peters Has Always Been There for Veterans*, <https://www.youtube.com/watch?v=a17K-i31q-c> (Exhibit C); see also, Beth LeBlanc and Craig Mauger, *Insider: Dark Money Veterans Group Backs Peters With Ads*, The Detroit News, Nov. 7, 2019, available at <https://www.detroitnews.com/story/news/local/michigan/2019/11/07/political-insider-dark-money-veterans-group-backs-peters-ads/2510254001/> (Exhibit E); James Arkin, Twitter, Nov. 6, 2019 ("The new ad from VoteVets focusing on his service and defense focus . . . tracks closely w/ this post that went up on Peters campaign website 11/1 [link to "What Michiganders Need to Know" Webpage]") (Exhibit F).

¹⁹ Malachi Barrett, *Partisan Attack Websites, Independent Groups Enter Michigan Senate Race*, Michigan Live (Nov. 7, 2019), <https://www.mlive.com/politics/2019/11/partisan-attack-websites-independent-groups-enter-michigan-senate-race.html> (Exhibit D).

²⁰ VoteVets.Org Action Fund, *Sen. Gary Peters Has Always Been There for Veterans*, <https://www.youtube.com/watch?v=a17K-i31q-c> (Exhibit C).

²¹ The communication uses photos, b-roll footage, and messaging content prepared by the Peters for Michigan campaign committee and posted on its website as discussed below.

²² VoteVets.Org Action Fund, *Raise*, <https://www.youtube.com/watch?v=oz1jZqkX85E>; Zach Montellaro, *Court Allows North Carolina Congressional Map To Stand*, POLITICO, Dec. 3, 2019, <https://www.politico.com/newsletters/morning-score/2019/12/03/court-allows-north-carolina-congressional-map-to-stand-783269>.

²³ *Id.*

II. Law

Under federal law, candidates for federal office are subject to regulations that limit or prohibit contributions from and interactions with individuals, groups, and organizations. Among these regulations, federal candidates are prohibited from accepting contributions from an individual or a non-multicandidate PAC in excess of \$2,800, from a multicandidate PAC in excess of \$5,000, or from any corporation or labor organization in any amount.²⁴ Federal candidates are also prohibited from accepting contributions from entities that accept contributions from corporations or labor organizations.²⁵ On the other hand, individuals, groups, and organizations are also prohibited from making any illegal contribution.²⁶ Contributions are broadly defined to include cash donations, but also “anything of value . . . for the purpose of influencing any election for Federal office.”²⁷

Additionally, federal law sets forth three specific expenditures that are defined as contributions:

(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

(ii) expenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee; and

(iii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for the purpose of this paragraph[.]²⁸

²⁴ 52 U.S.C. §§ 30116, 30118.

²⁵ 52 U.S.C. §§ 30101, 30118.

²⁶ *See, e.g.*, 52 U.S.C. § 30116(a)(7)(B).

²⁷ 52 U.S.C. § 30101(8)(A).

²⁸ 52 U.S.C. § 30116(a)(7)(B).

In order to determine whether a communication was made in cooperation with a candidate under subsection (i), a three-part test applies: (1) the communication is paid for by a third-party; (2) the communication satisfied a “content” standard of 11 C.F.R. § 109.21(c); and (3) the communication satisfies one of the “conduct” standards of 11 C.F.R. § 109.21(d).²⁹

In order to determine whether a communication was a dissemination, distribution, or republication of campaign materials under subsection (iii), the “general rule” applies:

a. General Rule. The financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, the candidate's authorized committee, or an agent of either of the foregoing shall be considered a contribution for the purposes of contribution limitations and reporting responsibilities of the person making the expenditure. The candidate who prepared the campaign material does not receive or accept an in-kind contribution, and is not required to report an expenditure, unless the dissemination, distribution, or republication of campaign materials is a coordinated communication under 11 CFR 109.21 or a party coordinated communication under 11 CFR 109.37.³⁰

The only exceptions to the general rule are specifically enumerated:

b. Exceptions. The following uses of campaign materials do not constitute a contribution to the candidate who originally prepared the materials:

1. The campaign material is disseminated, distributed, or republished by the candidate or the candidate's authorized committee who prepared that material;
2. The campaign material is incorporated into a communication that advocates the defeat of the candidate or party that prepared the material;
3. The campaign material is disseminated, distributed, or republished in a news story, commentary, or editorial exempted under 11 CFR 100.73 or 11 CFR 100.132;
4. The campaign material used consists of a brief quote of materials that demonstrate a candidate's position as part of a person's expression of its own views; or
5. A national political party committee or a State or subordinate political party committee pays for such dissemination, distribution, or

²⁹ 11 C.F.R. § 109.21.

³⁰ 11 C.F.R. § 109.23(a).

republication of campaign materials using coordinated party expenditure authority under 11 CFR 109.32.³¹

The contributions specified in subsections (i) and (iii) are separate and distinct ways to make an illegal contribution.

III. Analysis

A. Illegal Contribution of Coordinated Communication (52 U.S.C. § 30116(a)(7)(B)(i)).

Peters and Peters for Michigan have solicited and accepted an illegal contribution from VoteVets.Org Action Fund by coordinating communications valued at a minimum of \$1,450,000. Applying the three-prong “coordinated communication” test to the first ad entitled “Sen. Gary Peters Has Always Been There for Veterans,” the first “payment” prong is satisfied when a communication is paid for by an entity “other than that candidate, authorized committee, or political party committee.”³² Here, from the face of the advertisement, it is clear that the advertisement was paid for by VoteVets.Org Action Fund, and not Peters for Michigan. The advertisement’s disclaimer clearly states: “Paid for by VoteVets Action Fund.”³³

Second, the ad meets several of the “content” standards under 11 C.F.R. § 109.21(c): the communication is a public communication that “disseminates, distributes or republishes, in whole or in part, campaign materials prepared by a candidate or the candidate’s authorized committee,”³⁴ is a public communication that expressly advocates for the election or defeat of a clearly identified candidate for Federal office,³⁵ and “is the functional equivalent of express advocacy.”³⁶ All three

³¹ 11 C.F.R. § 109.23(b).

³² 11 C.F.R. § 109.21.

³³ VoteVets.Org Action Fund, *Sen. Gary Peters Has Always Been There for Veterans*, <https://www.youtube.com/watch?v=a17K-i31q-c> (Exhibit C).

³⁴ 11 C.F.R. § 109.21(c)(2). The communication uses photos, b-roll footage, and messaging content prepared by the Peters for Michigan campaign committee and posted on its website as discussed below. *See also, e.g.*, James Arkin, Twitter, Nov. 6, 2019 (“The new ad from VoteVets focusing on his service and defense focus . . . tracks closely w/ this post that went up on Peters campaign website 11/1 [link to “What Michiganders Need to Know” Webpage]”) (Exhibit F).

³⁵ 11 C.F.R. § 109.21(c)(3).

³⁶ 11 C.F.R. § 109.21(c)(5). The ads are clearly “an appeal to vote for or against a clearly identified Federal candidate.” This is evidenced by the fact that Peters desired this specific information be conveyed to specific voters as he requested on his campaign website.

of these standards are demonstrated by the ad—the ad reproduces the campaign material (as fully discussed in the following section), contains information that can only be understood to be providing information to convince a voter to vote for Peters, and the ad conveys information the candidate wanted voters to know because it is advocacy.

Third, the communication meets one of the “conduct” standards of 11 C.F.R. § 109.21(d): “The communication is created, produced, or distributed at the request or suggestion of a candidate, authorized committee, or political party committee.”³⁷ Although the content of the ad demonstrates it includes campaign materials, additionally the ad is clearly in response to a request by Peters to disseminate, distribute, and republish the campaign materials, and where to do so. Circumstances showing the request include: (1) the campaign using “code words” to identify the provided materials for the ad and identify the market in which to run the ad; (2) VoteVets.Org Action Fund reproducing the campaign materials specially identified and provided by the campaign; and (3) the close proximity in time between the campaign providing the materials and VoteVets.Org Action Fund running the ad.³⁸

Specifically, Peters appears to have uploaded content to a specific subpage of his website in order to communicate with VoteVets.Org Action Fund about the production and dissemination of the first \$750,000 political advertisement. Peters’ webpage uses the same “what voters need to know” language as other candidates who have communicated with super PACs via specific website posts to coordinate advertisements.³⁹ The website subpage contains no information about any issues other than the military, making it clear what the ad should use for its content. It is unlikely the only thing Peters wants Michiganders to know about him is his record on military issues. In addition, the subpage goes out of its way to clarify that Michiganders “*from all parts of the state*” should hear this message—the inclusion of this superfluous language makes sense only as an indicator of which markets to target. The campaign materials and advertisement also shared nearly identical messaging language (as detailed in the section below) and used the same photographs and b-roll footage. And finally, the temporal proximity between the November 1 webpage post

³⁷ 11 C.F.R. § 109.21(d)(1).

³⁸ Ryan Lovelace, ‘Dark Money’ Ad Raises Questions Over Peters Campaign for Senate, Washington Times, Nov. 18, 2019 (Exhibit G).

³⁹ *Id.*

and the November 7 air date of VoteVets.Org Action Fund's advertisement demonstrates the effectiveness.

The "WHAT MICHIGANDERS NEED TO KNOW" subpage is only designed to provide content and distribution directions to entities with which coordination is prohibited. Although the information, photos, and video were provided through a public web page, this does not excuse Peters' request. First, there must have been some other communications between the candidate and outside organizations for both parties to know how the information would be formatted, i.e. make the request on a specific subpage of the campaign webpage, titled with specific language of "Michiganders Need to Know," and use the coded language to provide the desired content and media market in which to run the ad. The Peters' campaign either asked how to format the request or was told of this method to make the request and assented to it. There is no other reasonable explanation for why the candidate formatted the information in this manner other than to directly coordinate with outside organizations. Moreover, only days elapsed between posting the information and the ad airing, indicating there was some other prior communication. The facts clearly demonstrate there must have been some "privately conveyed" information along with the use of the publicly available information.⁴⁰

Moreover, under the "request or suggestion" standard, the regulation does **not** state that it does not apply if the "material was obtained from a publicly available source."⁴¹ To interpret the "request or suggestion" standard as not applying if the material was obtained from a publicly available source is directly contrary to the plain language of the regulation, and unreasonable and contrary to the statute.⁴² The 2006 E&J notes the Commission decided that the publicly-available-

⁴⁰ See Coordinated Communications, 71 Fed. Reg. 33190, 33204-05 (June 8, 2006).

⁴¹ The regulations state: "Any one of the following types of conduct satisfies the conduct standard of this section whether or not there is agreement or formal collaboration, as defined in paragraph (e) of this section: 1. REQUEST OR SUGGESTION. i. The communication is created, produced, or distributed at the request or suggestion of a candidate, authorized committee, or political party committee; or ii. The communication is created, produced, or distributed at the suggestion of a person paying for the communication and the candidate, authorized committee, or political party committee assents to the suggestion.

⁴² Compare Coordinated Communications, 71 Fed. Reg. 33190, 33204-05 (June 8, 2006) (explaining the plain language of the statute did not contain an exception for the use of publicly available information and it would be inappropriate to include this type of exception); with FEC, Factual and Legal Analysis, Shaheen for Senate, MUR 6821 (Dec. 2, 2015) (stating "that a communication resulting from a general request to the public or the use of publicly available information, including information contained on a candidate's website, does not satisfy the content standard.") and FEC, First General Counsel's Report, MUR 7136 (Oct. 24, 2017) (same).

information-safe-harbor “more appropriately applies to only four of the five conduct standards, and is being added to the paragraphs currently containing those four conduct standards.”⁴³ The “request or suggestion” conduct standard is only applicable to a candidate’s request or suggestion that a communication be created, produced, or distributed, whereas the four standards to which the publicly-available-information-safe-harbor was added “all concern conduct that conveys material information that is subsequently used to create a communication.”⁴⁴ The request or suggestion standard is different than the other four because it simply is the ask, whereas the other four require substantive information be conveyed. Thus, by its plain language a “request or suggestion” is not “information” and the publicly-available-information-safe-harbor could not apply.

Additionally, it was noted that one concern commentators expressed was if the publicly-available-information-safe-harbor was added to the “request or suggestion” conduct standard, it may allow for a loophole that could be exploited by precluding “certain communications from satisfying the coordinated communications test simply because a portion of a given communication was based on publicly available information, even if a candidate privately conveyed a request that a communication be made.”⁴⁵ The choice not to apply the publicly-available-information safe harbor to the request or suggestion conduct standard was to make the regulation stronger—it prevents the argument that some of the information was publicly available and at no point does it state that if the request or suggestion was done publicly it is allowed. In fact, the concerns addressed ensured that no part of the ask could be made publicly. The language of the statute prevails—there is no safe harbor for publicly available information.

The ad was paid for by VoteVets.Org Action Fund, the content of the ad clearly demonstrates it is campaign materials, and the ad is clearly in response to a request by Peters to disseminate, distribute, and republish the campaign materials, and where to do so. The same analysis equally applies to the second ad entitled “Rise.”

⁴³ Coordinated Communications, 71 Fed. Reg. 33190, 33205 (June 8, 2006).

⁴⁴ *Id.*

⁴⁵ *Id.*

B. Illegal Contribution of Dissemination, Distribution, or Republication of Campaign Materials (52 U.S.C. § 30116(a)(7)(B)(iii))

VoteVets.Org Action Fund has made an illegal contribution by financing, in the amount of at least \$1,450,000,⁴⁶ “the dissemination, distribution, or republication, in whole or part” of Peters for Michigan campaign materials.⁴⁷ Specifically, for the ad entitled “Sen. Gary Peters Has Always Been There for Veterans,” VoteVets.Org Action Fund spent \$750,000 to run this ad on television. VoteVets.Org Action Fund created this ad by simply republishing campaign materials, i.e. specific message content, photos, and b-roll footage. The messaging was written by the campaign and the photos and video were created by and owned by the campaign.

When the ad is examined, it is clear that it simply republishes Peters for Michigan campaign materials from its website in the format of an ad.⁴⁸ The table below compares the ad’s voiceover with the material highlighted within the document on the Peters’ subpage six days before the ad aired.

⁴⁶ This is the total for both ads by VoteVets.Org that republished campaign materials. *See* Beth LeBlanc and Craig Mauger, *Insider: Dark Money Veterans Group Backs Peters With Ads*, The Detroit News, Nov. 7, 2019 (Exhibit E); Ryan Lovelace, *Dark Money’ Ad Raises Questions Over Peters Campaign For Senate*, The Washington Times, Nov. 18, 2019 (Exhibit G); Zach Montellaro, *Court Allows North Carolina Congressional Map To Stand*, POLITICO, Dec. 3, 2019, <https://www.politico.com/newsletters/morning-score/2019/12/03/court-allows-north-carolina-congressional-map-to-stand-783269>.

⁴⁷ 11 C.F.R. § 109.23.

⁴⁸ *See, e.g.*, Malachi Barrett, *Partisan Attack Websites, Independent Groups Enter Michigan Senate Race*, Michigan Live (Nov. 7, 2019), <https://www.mlive.com/politics/2019/11/partisan-attack-websites-independent-groups-enter-michigan-senate-race.html> (Exhibit D); Ryan Lovelace, *Dark Money’ Ad Raises Questions Over Peters Campaign for Senate*, Washington Times, Nov. 18, 2019 (Exhibit G); James Arkin, Twitter, Nov. 6, 2019 (“The new ad from VoteVets focusing on his service and defense focus . . . tracks closely w/ this post that went up on Peters campaign website 11/1 [link to “What Michiganders Need to Know” Webpage]”) (Exhibit F).

| <u>PETERS' SUBPAGE DOCUMENT</u> ⁴⁹ | <u>VOTE VETS AD TRANSCRIPT</u> ⁵⁰ (Sen. Gary Peters Has Always Been There for Veterans) |
|---|---|
| "Gary served as a lieutenant commander in the U.S. Navy Reserve." | "After serving as a lieutenant commander in the Navy Reserve" (0:07 – 0:10) |
| "Soon after the September 11 th attacks, Gary volunteered to serve again." | "Gary Peters volunteered again after the September 11th attacks." (0:10 – 0:13) |
| "Gary made border security his top priority with the passage of key security bills." | "In the Senate, Peters has made keeping Michigan safe a priority." (0:14 – 0:18) |
| "Gary was named one of the most...bipartisan members." | "Working with Republicans" (0:18 – 0:19) |
| "Peters' [Bill]...enhances border inspections." "Peters' Threat Review Act ordered a review of security vulnerabilities at ports of entry." | "Pass[ed] stricter inspections at ports of entry" (0:19 – 0:22) |
| "[L]ed efforts to boost Michigan's defense industry." | "And leading the effort to grow Michigan jobs in the defense industry." (0:22 – 0:26) |

The entire voiceover comes from the material highlighted within the document posted on the Peters' campaign website six days before its airing. In addition to the message content prepared for by Peters for Michigan, the ad also uses the campaign's photos and b-roll video footage, which are also materials owned by the campaign. There is no doubt that VoteVets.Org Action Fund has simply republished Peters for Michigan campaign materials in a video ad and thus, has disseminated, distributed, and republished campaign materials prepared by Peters for Michigan.

Then on December 3, 2019, VoteVets.Org Action Fund reportedly stated it had spent an additional \$700,000 to run a second ad on television.⁵¹ This ad also uses material from the

⁴⁹ Peters for Michigan, An Important Update[:] What Michiganders Need To Know, available at <https://petersformichigan.com/what-michiganders-need-to-know/> (Exhibit B); *see also*, <https://petersformichigan.com/wp-content/uploads/2019/11/191101-Security-Doc.pdf>.

⁵⁰ VoteVets.Org Action Fund, *Sen. Gary Peters Has Always Been There for Veterans*, <https://www.youtube.com/watch?v=a17K-i31q-c> (Exhibit C).

⁵¹ VoteVets.Org Action Fund, *Raise*, <https://www.youtube.com/watch?v=oz1jZqkX85E>; Zach Montellaro, *Court Allows North Carolina Congressional Map To Stand*, POLITICO, Dec. 3, 2019,

Peters' campaign "MICHIGANDERS NEED TO KNOW" webpage, such as b-roll of Peters riding a motorcycle and b-roll of Peters wearing a Navy cap, in addition to similar narration from the text on Peters' website subpage.⁵²

Finally, none of the exceptions of 11 CFR § 109.23 allow VoteVets.Org Action Fund to republish the campaign material. Only the exceptions expressly listed permit republication of campaign materials, and none of the five narrow circumstances⁵³ are even remotely applicable here.⁵⁴ Finally, unlike the analysis under subsection (i) above, there is no requirement the candidate knew of or requested the dissemination, distribution, or republication and there is no exception for publicly available campaign materials.

IV. Conclusion

Based on the timing, messaging, photographs, and b-roll found in the advertisement and campaign subpage, it appears that Peters is using the "WHAT MICHIGANDERS NEED TO KNOW" subpage to coordinate with outside entities. This conduct has resulted in the airing of at least two advertisements that likely constitutes an illegal \$1,450,000 in-kind contribution to Peters' campaign. If the Commission does not act and punish such a clear violation, candidates will continue coordinating with outside groups in violation of federal law.

<https://www.politico.com/newsletters/morning-score/2019/12/03/court-allows-north-carolina-congressional-map-to-stand-783269>.

⁵² *Id.*

⁵³ The exceptions are:

1. The campaign material is disseminated, distributed, or republished by the candidate or the candidate's authorized committee who prepared that material;
2. The campaign material is incorporated into a communication that advocates the defeat of the candidate or party that prepared the material;
3. The campaign material is disseminated, distributed, or republished in a news story, commentary, or editorial exempted under 11 CFR 100.73 or 11 CFR 100.132;
4. The campaign material used consists of a brief quote of materials that demonstrate a candidate's position as part of a person's expression of its own views; or
5. A national political party committee or a State or subordinate political party committee pays for such dissemination, distribution, or republication of campaign materials using coordinated party expenditure authority under 11 CFR 109.32.

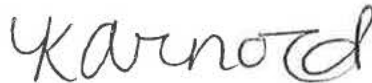
11 C.F.R. § 109.23.

⁵⁴ 11 C.F.R. § 109.23.

VoteVets.org Action Fund has made an illegal contribution by financing, in the amount of at least \$1,450,000, the dissemination, distribution, or republication of Peters for Michigan campaign materials. Not only has VoteVets.Org Action Fund paid for the campaign materials to be run as a television ad, it also continues to disseminate the campaign materials on the internet. This is an ongoing violation that must be immediately addressed. If the Commission does not act and punish such a clear violation, other organizations will simply copy and disseminate campaign materials and completely eviscerate any campaign contribution limits and contribution source prohibitions.

FACT respectfully requests the Commission immediately investigate and hold the Respondents accountable.

Respectfully submitted,



Kendra Arnold, Executive Director
Foundation for Accountability & Civic Trust
1717 K Street NW, Suite 900
Washington, D.C. 20006

STATE OF IOWA

)

) ss.

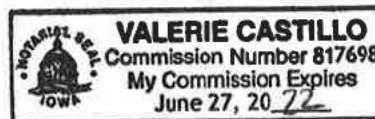
COUNTY OF POLK

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Subscribed and sworn to before me on December 4th, 2019.



Notary Public in and for the State of Iowa





Federal law prohibits candidates from explicitly coordinating with outside groups, but public communications that outside groups pick up on are fair game, with few limitations, and campaigns' experiments with such missives are growing bolder over time. | AP Photo/J Pat Carter

Democratic candidates writing instructions to super PACs on their websites

By **MAGGIE SEVERNS** | 07/15/16 05:02 AM EDT

You don't have to look hard to find out how Democratic Senate candidates want their outside allies to spend money this year.

The party's candidates in Florida, Ohio, Pennsylvania and elsewhere are posting thinly veiled notes on their websites with hints, tips and flat-out instructions for supportive outside groups about how best they can help. The pages include not only messaging information but suggestions about which media markets in the states would make the best targets for those messages.

In a small, yellow box on her campaign site, Katie McGinty regularly publishes notes on what issues Pennsylvania voters, particularly women, should be hearing about. Ted Strickland has a public page, "Ohio Needs to Know," with issue briefs on GOP Sen. Rob Portman's vote record and b-roll of a smiling Strickland talking to voters. And Democratic outside groups have already lifted the messages on both pages for use in expensive TV ads that the Senate campaigns themselves may not have been able to afford at the time.

Federal law prohibits candidates from explicitly coordinating with outside groups, but there's a loophole as wide as the internet itself. Public communications that outside groups pick up on are fair game, with few limitations, and campaigns' experiments with such missives are growing bolder over time.

"It used to be you sent out smoke signals. But there's no need to be elliptical about the smoke signals anymore," said Kenneth Gross, a campaign finance expert and partner at Skadden, Arps, Slate, Meagher & Flom.

At least five Democratic Senate candidates have posted such messages recently, a review by POLITICO found, which experts said are notable for their level of specificity. Some verge on instructing super PACs on what to do, which is prohibited, but campaign finance experts said they would most likely clear the current bars enforced by the Federal Election Commission.

In Florida, Rep. Patrick Murphy's campaign has a clear message for supportive outside groups, potentially including the DSCC and a super PAC funded by his family. "Florida Democrats, especially those from Tampa to Orlando, deserve to know that President [Barack] Obama endorsed Patrick Murphy," Murphy's website reads.

Murphy's own campaign is preparing to spend over a million dollars on TV ads ahead of Florida's Aug. 30 primary, but Orlando is missing from the early ad reservations, according to a source tracking Murphy's media buys. And Murphy's buy in Tampa is far below saturation levels.

The McGinty, Murphy and Strickland campaigns declined to comment for this story, as did two outside groups: Senate Majority PAC and EMILY's List.

Strickland's campaign recently hinted that it would appreciate certain ads in certain media markets, according to transcripts provided to POLITICO of text that appeared on Strickland's website in May.

Two notices posted in early May said that "people in Columbus should know about the contrast between Portman and Strickland on retirement security," and that "people in Cleveland, Akron, Canton, Youngstown and Appalachia should see and hear about the contrast between Portman and Strickland on trade policy."

On May 24, labor groups went live with two ads in Ohio in just those media markets.

The American Federation of Teachers ran an ad only in Columbus that hit Portman on Social Security. Meanwhile, a second ad from AFSCME, which ran in Cleveland and Youngstown, criticized Portman on trade.

Strickland posted a June update about educating Ohio voters on Portman's Social Security positions that was followed by ads run by Senate Majority PAC on the issue. A new post, from July 12, notes that "Ohioans across the state will always need to know about the contrast between Ted Strickland and Senator Portman on trade."

These hints on geography "come close to being directions on how to help the campaigns," said Larry Noble, general counsel at the Campaign Legal Center, which is illegal. But currently, the FEC has interpreted law in a way that "if [campaigns] do it publicly, it's not coordination."

Other public hints to super PACs have focused just on messaging. In March, ahead of her tough primary against ex-Rep. Joe Sestak in Pennsylvania, one of McGinty's notes highlighted her biography: "As the ninth of ten children and the daughter of a police officer who walked the beat and restaurant hostess [sic], Katie McGinty is

fighting to help everyday families,” the McGinty website read on March 7.

EMILY’s List’s super PAC began airing ads focused on just that on April 4.

“Her dad was a Philly cop, her mom worked in a restaurant. ... She’ll always stand up for manufacturing, higher wages and equal pay for women so opportunity never gets out of reach,” a narrator said in the first ad aired by EMILY’s List.

By March 24, McGinty’s site updated with negative information about her primary opponent. Voters “need to know” that Sestak supported a plan that “would have cut Social Security and Medicare benefits, raised the Social Security retirement age to 69, and forced higher out-of-pocket spending for Medicare recipients,” McGinty’s website read.

EMILY’s List’s second ad, released April 11, again reflected the text: “Joe Sestak supports a plan that the New York Times reported makes cuts to Social Security benefits, and the plan raises the retirement age. ... The plan Sestak supports means higher out-of-pocket costs for millions on Medicare.”

The FEC recently ruled on a similar exchange of information in 2014, between Sen. Jeanne Shaheen and Senate Majority PAC during the 2014 election. The commission said that because the PAC didn’t copy Shaheen’s signals verbatim and Shaheen didn’t explicitly instruct the PAC to make the ads, the public signaling was allowed.

That ruling, and others like it, have increasingly convinced campaigns and outside spenders that public messages between campaigns and super PACs are unlikely to draw punishment from the FEC — even if they appear to be against the spirit of campaign finance laws. And with Democratic campaigns like Strickland’s, McGinty’s and others making do with less money than their opponents, they clearly want to make sure supporters don’t spend precious resources on anything but the optimal message.

McGinty’s campaign has kept up its signaling into the general election. Majority Forward, a 501(c)(4) nonprofit affiliated with Senate Majority PAC, spent \$400,000 attacking Republican Sen. Pat Toomey with an ad that began airing at the end of June in Pennsylvania.

“Wall Street’s given Toomey \$2.7 million in contributions, and Toomey supported privatizing Social Security in the stock market,” a narrator says in the ad.

McGinty’s campaign appeared thankful to see that ad on TV — but unsatisfied with the amount of money behind the message.

“Pennsylvania voters all across the state need to keep hearing a lot more about Pat Toomey and Wall Street,” McGinty’s website currently reads. “Wall Street’s given Toomey \$2.7 million in contributions, and Toomey supported privatizing Social Security in the stock market.”

Visit the Campaign Pro Race Dashboard to track the candidates and consulting firms engaged in the top House, Senate, and gubernatorial races of 2016.



November 1, 2018 — What Michiganders from all parts of the state need to know:

Senator Gary Peters served as a Lieutenant Commander in the U.S. Navy. Before, was a qualified SEALAB combat warfare specialist. And after the September 11th attacks — Gary volunteered to serve again. Now, while others in Washington are playing partisan politics, Gary is keeping Michigan safe. As a leader on the Homeland Security Committee and a member of the Armed Services Committee, Gary has made border security a top priority with the passage of key security bills, wrote and has led others to boost Michigan's defense industry (it's why he was named one of the most effective and bipartisan members of the US Senate).

For more information, click [HERE](#).

June 2, 2019 — Gary served as a Lieutenant Commander in the U.S. Navy. Before, was a qualified SEALAB combat warfare specialist. And after the September 11th attacks, Gary volunteered to serve again. Now, as Senator, Gary is aggressively working to protect our national security and is a leader on the Homeland Security Committee and on the Armed Services Committee. He led the passage of key security bills and voted for stronger border security and tougher action against ISIS.

We intend to put out through a pay raise and has led others to boost Michigan's growing defense industry that employs firm or discharges in the state.

For more information, click [HERE](#).

PHOTOS — JUNE 2, 2019.





VIDEO - SEPTEMBER 9, 2019



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U.S. SENATE

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Senator Peters was a Lieutenant Commander in the U.S. Navy Reserve. Use of his military rank, job titles, insignia and photographs in uniform does not imply endorsement by the Department of the Navy or the Department of Defense.

PAID FOR BY PETERS FOR MICHIGAN

Senator Gary Peters served as a Lieutenant Commander in the U.S. Navy Reserve, was a qualified Seabee combat warfare specialist, and after the September 11th attacks — Gary volunteered to serve again. Now, while others in Washington are playing partisan politics, Gary is keeping Michigan safe. As a leader on the Homeland Security Committee and a member of the Armed Services Committee, Gary has made border security his top priority with the passage of key security bills he wrote and has led efforts to boost Michigan's defense industry. It's why he was named one of the most effective and bipartisan members of the US Senate.

GARY SERVED AS A LIEUTENANT COMMANDER IN THE U.S. NAVY RESERVE AND WAS A QUALIFIED SEABEE COMBAT WARFARE SPECIALIST

Senator Peters Served As Lieutenant Commander In The U.S. Navy Reserve And Was A Qualified Seabee Combat Warfare Specialist. [Military Times, accessed [6/2/19](#)]

SOON AFTER THE SEPTEMBER 11TH ATTACKS, GARY VOLUNTEERED TO SERVE AGAIN

Soon After The September 11th Attacks, Senator Peters Volunteered To Serve Again. [Military Times, accessed [6/2/19](#)]

GARY WAS A LEADER ON THE HOMELAND SECURITY COMMITTEE AND A MEMBER OF THE ARMED SERVICES COMMITTEE

Senator Peters Was A Leader On The Homeland Security And Government Affairs Committee. [Detroit News, [12/14/18](#)]

Senator Peters Served On The Armed Services Committee. [Detroit News, [12/14/18](#)]

GARY MADE BORDER SECURITY HIS TOP PRIORITY WITH THE PASSAGE OF KEY SECURITY BILLS HE WROTE

Senator Peters Was Named The Ranking Member Of The Homeland Security And Government Affairs Committee. [Detroit News, [12/14/18](#)]

PETERS' THREAT REVIEW ACT ORDERED A REVIEW OF SECURITY VULNERABILITIES AT PORTS OF ENTRY TO PREVENT "UNLAWFUL MOVEMENT OF PEOPLE" AND ILLICIT DRUGS

Peters Was The Lead Cosponsor Of The United States Ports Of Entry Threat And Operational Review Act; House Companion Passed Into Law 12/21/18. [GovTrack, S.3706, cosponsored 12/5/18, introduced [12/5/18](#); GovTrack, H.R. 6400, introduced [7/17/18](#)]

Detroit News Headline: "Trump Signs Peters Bill Requiring Review Of Ports Of Entry."
[Detroit News, [12/26/18](#)]

Peters' Bill "Would Require Federal Officials To Assess All Ports Of Entry...To Conduct An In-Depth Analysis Of Current And Potential Security Threats...Seeking To 'Exploit Security Vulnerabilities' [...]." "President Donald Trump has signed a bipartisan measure co-sponsored by Michigan Sen. Gary Peters that would require federal officials to assess all ports of entry, including finding ways to reduce wait times for passengers and cargo at the border. The bill, authored by Peters, a Bloomfield Township Democrat, and Republican Sen. John Cornyn of Texas, directs the Department of Homeland Security to conduct an in-depth analysis of current and potential security threats by individuals and organized groups seeking to 'exploit security vulnerabilities' at ports of entry or to 'unlawfully enter the United States' through such ports." [Detroit News, [12/26/18](#)]

Peters' Bill Instructed DHS To Determine How To Boost Safety And Facilitate Trade At The Nation's 300 Ports Of Entry, Many Of Which Were Aging, And Range From Land Border Ports To Seaports On The Great Lakes. "The DHS secretary is instructed to produce a report detailing how to boost safety and facilitate trade at the nation's 300 ports of entry, many of which are aging and which range from land border ports to international airports to seaports on the Great Lakes." [Detroit News, [12/26/18](#)]

Detroit News: Paul LaMarre, Director Of The Port Of Monroe, Thanked Peters For His Legislation. "Paul LaMarre, director of the Port of Monroe, said the port is 'committed to keeping up the pace to support logistics movements and Michigan's economy.' 'The legislation Senator Peters introduced will provide a better understanding of what more can be done to help move cargo more efficiently here in Monroe and across the country, and we thank him for his efforts,' LaMarre said." [Detroit News, [12/26/18](#)]

Port Huron Times Herald: Peters' Bill Instructed DHS To Analyze Improvements Needed To Prevent "Unlawful Movement Of People, Illicit Drugs And Other Contraband." "Under the act, the secretary of Homeland Security would have to submit analyses, including: Current and potential threats posed by individuals and organized groups Methods and pathways used to exploit security vulnerabilities at ports of entry Improvements need to prevent 'unlawful movement of people, illicit drugs and other contraband,' as well as to enhance travel and trade facilitation and reduce wait times Evaluation of other needs, such as in personnel, technology and infrastructure and their costs." [Port Huron Times Herald, [1/5/19](#)]

· **As Ranking Member Of The Homeland Security Committee, Peters Touted That The Bill Balanced The Needs Of Our Border Security; The Ambassador And Blue Water Bridges In Detroit And Port Huron Make Up Two Of The Five Busiest Port Crossings In North America.**

"My experience has been we focus a great deal on that southern (border),' he said. '... The important thing, and especially now that I'm the ranking member on the homeland security committee, is we've got to balance the needs of our border security and understand a great deal of how commerce (moves).' [...] The Ambassador and Blue Water bridges in Detroit and Port Huron make up two of the five busiest port crossings in North America. Just in Port Huron, the Michigan Department of Transportation also cites the value of goods crossing the bridge in the tens of billions of dollars annually or in the tens of millions per day several years ago." [Port Huron Times Herald, [1/5/19](#)]

· **St. Clair County Sheriff Tim Donnellon Was Among Officials To Laud The Act.** "Although it is meant to expose potential weaknesses at ports of entry, Peters said it could also share methods of best practice in managing operations at the local level. St. Clair County Sheriff Tim Donnellon, who was among the officials to submit a statement lauding the act late last year, said they'll take all the help they can get. For local authorities, he said it's about partnerships. 'It gives you a chance to review where your weak spots are. It's no different than doing research on where we have accidents,' Donnellon said, adding it'd help them ask, 'Do we need more enforcement?'" [Port Huron Times Herald, [1/5/19](#)]

PETERS' NORTHERN BORDER SECURITY REVIEW ACT, WHICH REQUIRED DHS TO ASSESS NATIONAL SECURITY RISKS POSED ON THE CANADIAN BORDER, "PROMPT[ING] FEDS TO RE-EVALUATE STRATEGY"

Peters Was A Lead Cosponsor Of The Northern Border Security Review Act; Passed Into Law 12/14/16. [GovTrack, S. 1808, cosponsored 7/21/15, introduced [7/21/15](#); VoteSmart, Release, [7/21/15](#)]

· **Peters' Legislation "Would Require The Department Of Homeland Security To Assess The National Security Risks Posed By The Terrorist And Criminal Organizations Operating On The Canadian Border."** "Ms. Heitkamp has sponsored legislation, along with several other senators from border states, including Gary Peters, Democrat of Michigan, and Kelly Ayotte, Republican of New Hampshire, that would require the Department of Homeland Security to assess the national security risks posed by the terrorist and criminal organizations operating on the Canadian border." [New York Times, [10/17/16](#)]

· **Peters' Bill Also Addresses Coordination Challenges With Federal And Local Law Enforcement, As Well As How To Recruit And Retain A Strong Border Security Work Force."** "The legislation would require the U.S. Department of Homeland Security (DHS) to evaluate security threats at the border through a comprehensive assessment of current resources and personnel levels at and between ports of entry. Provisions in the bill also address coordination challenges with federal and local law enforcement, as well as how to recruit and retain a strong border security workforce." [Homeland Preparedness News, [12/19/16](#)]

· **Prairie Business Headline: "Study Of Northern Border Prompts Feds To Re-Evaluate Strategy."** [Prairie Business, [8/21/17](#)]

· **The Department Of Homeland Security Would Create A Strategic Plan To Address “Chronic And Emerging Issues Along The Northern Border.”** “A federal agency will revamp its strategy to defend the northern border after a bill sponsored by a senator from North Dakota required an analysis of threats and security at the Canadian border. The Department of Homeland Security will create a strategic plan to address ‘chronic and emerging issues along the northern border,’ according to a news release from Sen. Heidi Heitkamp’s office. The most recent strategy takes goals and tactical measures from plans issued in 2012 and 2014.” [Prairie Business, [8/21/17](#)]

PETERS’ PROTECTING AMERICA’S FOOD AND AGRICULTURE ACT EXPANDS AND ENHANCES BORDER INSPECTIONS BY AUTHORIZING MORE CBP INSPECTORS

Peters Introduced The Protecting America’s Food And Agriculture Act, Which Gives Border Security Professionals The Resources To Protect The Nation’s Food Supply And Agricultural Industries At The Border; Passed Senate 10/24/19. [GovTrack, S. 2107, introduced [7/11/19](#); Fox 17, More CBP Officers Headline, [8/9/19](#)]

Michigan Farm Bureau: “Bill To Allow Hiring 200+ Ag Inspectors At U.S. Borders Passes Senate.” [Michigan Farm Bureau, [10/30/19](#)]

· **Peters’ Bill Authorizes Hiring “More Than 200 Inspectors In An Attempt To Address The Ongoing Shortage Of Staff Responsible For Protecting The Nation’s Food Supply And Agricultural Products At U.S. Borders.”** “Legislation unanimously passed the U.S. Senate on Oct. 25 to authorize the hiring of more than 200 inspectors in an attempt to address the ongoing shortage of staff responsible for protecting the nation’s food supply and agricultural products at U.S. borders. [...] Supported by Michigan Farm Bureau, the state’s own Senators Gary Peters and Debbie Stabenow are among the bipartisan group leading the effort to fully staff America’s airports, seaports and land ports of entry to ensure safe and secure trade of agriculture goods. Previous estimates indicate a nationwide shortage of nearly 700 inspectors.” [Michigan Farm Bureau, [10/30/19](#)]

· **John Kran: “This Bill Will Expand And Enhance Border Inspections And Provide Farmers With Another Level Of Protection From Foreign Pests That Negatively Impact Both Farmers And The Consumers They Feed.”** [Michigan Farm Bureau, [10/30/19](#)]

National Hog Farmer: “Senate Passes Bill Authorizing CBP To Get More Inspectors, Canine.” [National Hog Farmer, [10/25/19](#)]

Peters: The Bill Would Ensure The Safe And Secure Trade Of Agricultural Goods Across Our Nation’s Borders By...Hir[ing] Additional Agricultural Inspectors To Fully Staff America’s Airports, Seaports And Land Ports Of Entry. [Michigan Business Network, [7/19/19](#)]

PETERS' SECURING AMERICA'S PORTS OF ENTRY ACT WOULD "PLUG A SHORTAGE OF NEARLY 4,000 OFFICERS IN THE U.S. CUSTOMS AND BORDER PROTECTION AGENCY"

Peters Introduced Securing America's Ports Of Entry Act; Reported Out Of Committee 6/19/19.

[GovTrack, S.1004, introduced [4/3/19](#); Lansing State Journal, [7/30/19](#); Fox 17, More CBP Officers Headline, [8/9/19](#)]

Detroit News: Peters' Bill Would "Plug A Shortage Of Nearly 4,000 Officers In The U.S. Customs And Border Protection Agency As The Number Of Migrant Families Crossing The Southwest Border Is Breaking Records." "Two border-state senators, Gary Peters of Michigan and John Cornyn of Texas, want to plug a shortage of nearly 4,000 officers in the U.S. Customs and Border Protection agency as the number of migrant families crossing the southwest border is breaking records." [Detroit News, [4/8/19](#)]

- **Peters Said Michigan Port Groups And Stakeholders Were Concerned About Northern Ports Of Entry, As They Worry Airports, Sea Ports Or Border Crossing Could End Up Understaffed Due To Reshuffling, Potentially Leading To Increased Wait Times, Fewer Health Inspections, And Weaker Efforts To Fight Trafficking.** "Peters said he's heard from Michigan port groups other stakeholders are concerned about northern ports of entry. They worry Michigan ports of entry, whether airports, sea ports or border crossings, could end up understaffed due to the reshuffling, potentially leading to increased wait times, fewer health-related inspections and weaker efforts to fight trafficking and other illegal activity." [Detroit News, [4/8/19](#)]

- **Detroit News: "The Busiest Border Crossing In North America Is In Laredo, Texas, Followed By Two Michigan Crossings: Detroit-Windsor And Port Huron-Sarnia, Peters Noted."** [Detroit News, [4/8/19](#)]

Port Huron Times Herald: Peters' Bill Increases "The Number Of U.S. Customs And Border Protection Field Officers And Support Staff To Incrementally Correct A Reported Shortage Of Personnel Of Nearly 4,000." [Port Huron Times Herald, [4/10/19](#)]

- **As Ranking Member Of Homeland Security, Peters Was Working On Addressing Staffing Shortages Amid The Ongoing Southern Border Crisis [...]** "Peters, a ranking member on the Senate's Homeland Security and governmental affairs committee, has reiterated his concerns related to staffing shortages amid the ongoing southern border crisis when discussing his motivation for backing the measure since it was first introduced earlier this month." [Port Huron Times Herald, [4/10/19](#)]

- **Peters' Bill Could Help Maintain Michigan's Customs And Border Patrol Staffing Levels, Especially As CBP Deploys Staff To The Southern Border.** "According to the transcript from a press call Tuesday, higher-level CBP officials are sharing concerns over the need to redirect officers to the southern border in what Randy Howe, executive director of the office of field operations, called 'unprecedented humanitarian and border security crisis.' [...] But Peters added bill 1004 could also have a preventative effect — helping to maintain his state's staffing levels. And keeping up those levels, he said, is important. 'One thing we know about ports of entry is they have a two-fold objective,' he said. 'First and foremost, it's to keep us safe and our borders secure. ... And the second is to move

cargo and trade efficiently, and that's critically important to Michigan.” [Port Huron Times Herald, [4/10/19](#)]

Securing America's Ports Of Entry Act Was Supported By A Broad Coalition, Including The National Border Patrol Council, The Federal Law Enforcement Officers Association, And National Treasury Employees Union. [Homeland Security Today, [4/3/19](#)]

Peters' Bill Was Highlighted On Fox 17 News Around 6pm. [WXMI-TV, 8/9/19]

Peters' Bill Was Highlighted On News 8 Around 6pm. [WOOD-TV, 8/9/19]

PETERS PASSED A BILL TO IMPROVE SECURITY IN UNSECURED AIRPORT AREAS; HIGH PROFILE ATTACKS IN FLINT AND ELSEWHERE DEMONSTRATED THE NEED

Senator Peters Authored And Passed A Bipartisan Bill To Improve Security In Unsecured Airport Areas, Such As Baggage And Traveler Pickup/Drop Off Zones. “Michigan’s Democratic U.S. Sen. Gary Peters last week joined with Republican Sen. Cory Gardner of Colorado to introduce bipartisan legislation to ‘increase safety and security for airport passengers and visitors outside of Transportation Security Administration (TSA) screened areas,’ according to supplied material. The Secure Airport Public Spaces Act allows airports to use existing Federal Aviation Administration (FAA) funds to update their security infrastructure to better protect public areas, including pick up and drop off areas, as well as baggage claim areas. High profile attacks at Fort Lauderdale (Fla.) Airport and Bishop International Airport in Flint last year demonstrated the vulnerabilities of unsecured public areas at airports, according to the statement. Locally, leadership at the Gerald R. Ford International Airport said they both have high hope that the legislation will be approved and also will eventually be able to take advantage of the funding use changes.” [S.2859, introduced [5/16/18](#); H.R. 302, Section 138, passed [10/5/18](#)]

WKTV-TV Headline: “Ford Airport Leader Welcomes Sen. Peters’ Introduction Of Bill To Fund Airport Security” [WKTV Journal, [5/22/18](#)]

- **Peters’ Bipartisan Legislation Would Increase Safety And Security For Airport Passengers And Visitors Outside Of TSA Screened Areas.** “Michigan’s Democratic U.S. Sen. Gary Peters last week joined with Republican Sen. Cory Gardner of Colorado to introduce bipartisan legislation to ‘increase safety and security for airport passengers and visitors outside of Transportation Security Administration (TSA) screened areas,’ according to supplied material.” [WKTV-TV, [5/22/18](#)]

- **“High Profile Attacks At Fort Lauderdale (Fla.) Airport And Bishop International Airport In Flint Last Year Demonstrated The Vulnerabilities Of Unsecured Public Areas At Airports, According To The Statement.”** [WKTV-TV, [5/22/18](#)]

- **The High Profile Attacks At Bishop Airport In Flint Demonstrated The Vulnerabilities Of Unsecured Public Areas At Airports.** [CNN, [6/25/17](#)]

- **Ford Airport CEO: “We Love The Fact That The Senators, Our Own Sen. Peters, Stepped Up To Be Forward Thinking To Address Security Issues.”** ““We love the fact that the senators, our own Sen. Peters, stepped up to be forward thinking to address security issues,” James R. Gill,

President and CEO of the Gerald R. Ford International Airport Authority, said to WKTV. 'Certainly in light of the fact that this (federal action) is security related, we are likely to see support from all sides on that, not only political but from our partner airlines. Security and safety are always our collective Number 1 priority.'" [WKTV-TV, [5/22/18](#)]

PETERS PRESSED FOR ADDITIONAL INVESTMENTS IN PERSONNEL, TRAINING, AND TECHNOLOGY TO SECURE OUR BORDERS IN BIPARTISAN BORDER SECURING APPROPS

Peters Pressed For Additional Investments In Personnel, Training, And Technology To Secure Our Borders In Bipartisan Border Security Funding Legislation. [UPMatters.com, [2/4/19](#)]

AFTER BEING INVITED BY PETERS, SECRETARY KELLY WENT TO MICHIGAN TO REVIEW HOMELAND SECURITY OPERATIONS

After Being Invited By Peters, Secretary Kelly Went To Detroit To Observe Northern Border Operations. [Detroit News, [3/25/17](#); Michigan Radio, [3/28/17](#); WDIV-TV, [3/27/17](#)]

PETERS TRAVELED TO THE SOUTHERN BORDER WITH CHAIRMAN JOHNSON TO EXAMINE SECURITY NEEDS AND HUMANITARIAN CHALLENGES

WZZM-TV Headline: "Sen. Gary Peters Examines Security, Humanitarian Challenges At U.S.-Mexico Border." [WZZM-TV, [5/25/19](#)]

PETERS VOTED TO ADVANCE LEGISLATION THAT "WOULD ADD MORE BORDER PATROL AGENTS IN A QUICKER MANNER THAN IS CURRENTLY OCCURING"

Peters Voted To Advance Legislation S.595, The Boots On The Border Act. The committee vote, 9-2, sent to the floor a bill (S. 595) that is comparable to a measure (HR 2213) approved by the House Homeland Security Committee in early May. [CQ, [5/17/17](#)]

CQ Headline: "Panel Moves Bill To Ease Hiring Of Border Agents." [CQ, [5/17/17](#)]

- **According To Senator McCain, S. 595 Would Add More Border Patrol agents In A Quicker Manner Than Is Currently Occurring.** "The Senate bill would waive the polygraph requirements for three categories of job applicants, including current state and local law enforcement personnel who have cleared a polygraph test. Supporters, such as Arizona Republican John McCain, argued the legislation would add more Border Patrol agents in a quicker manner than is currently occurring. Rep. Martha McSally, also an Arizona Republican, sponsored the House bill." [CQ, [5/17/17](#)]

Boots On The Border Act Limited Border Patrol Polygraph Exemption To Applicants With State Or Federal Law Enforcement Backgrounds Or Military Backgrounds. "Sen. Jeff Flake's bill to waive a polygraph-test requirement for some job applicants at U.S. Customs and Border Protection has cleared its first hurdle in the Senate. The Boots on the Border Act of 2017 gained approval from the Senate Committee on Homeland Security and Governmental Affairs this week. The bill would grant a waiver to the polygraph test for applicants with experience in law enforcement or the military... The exemption is limited to applicants who: Have three consecutive years working with local and state law enforcement, clean records and have previously taken a lie detector test at their agency. Have three consecutive years with federal law enforcement, clean records and a 'Tier 4' background investigation clearance. Are transitioning military with four years of service who have had security clearance in the past five years and have or are eligible for an honorary discharge." [Arizona Republic, [5/18/17](#)]

Arizona Republic: "Flake's Bill Would Also Help President Donald Trump Fulfill His Executive Orders On Immigration Enforcement And Border Security." "Flake's bill would also help President Donald Trump fulfill his executive orders on immigration enforcement and border security calling for the hiring of 5,000 new Border Patrol agents, and 10,000 new Immigration and Customs Enforcement officers." [Arizona Republic, [3/8/17](#)]

PETERS VOTED FOR \$1.38 BILLION FOR PHYSICAL BARRIERS ALONG THE U.S.-MEXICO BORDER

Senator Peters Voted For \$1.38 Billion For Physical Barriers Along The U.S.-Mexico Border. In February 2019, Peters voted for: "Adoption of the conference report to accompany the joint resolution that would provide, in total, \$333 billion in full-year funding for the seven remaining fiscal 2019 appropriations bills: Agriculture; Commerce-Justice-Science; Financial Services; Homeland Security; Interior-Environment; State-Foreign Operations; and Transportation-Housing and Urban Development. It would provide \$49.4 billion in discretionary funds for fiscal 2019 for operations of the Homeland Security Department, as well as \$12.6 billion for natural disaster response and recovery activities and \$165 million for Coast Guard overseas contingency operations. Appropriations for DHS operations include \$15 billion for Customs and Border Protection, including \$1.38 billion for physical barriers along the U.S.-Mexico border. [...]" [CQ, accessed 4/25/19; GovTrack, H.J. Res 31, Vote #26, [2/14/19](#); CNBC, [2/15/19](#)]

GARY LED EFFORTS TO BOOST MICHIGAN'S DEFENSE INDUSTRY

Senator Peters Passed A Measure To Authorize \$7 Million To Develop The Next Generation Combat Vehicle (NGCV) Prototype, Which'll Be Done In Part In Warren, MI. [Detroit Free Press, [8/1/18](#)]

Senator Peters Coauthored A Bipartisan Measure To Authorize \$371 Million For The Stryker Program. "Portman, R-Ohio, amendment no. 1522 to the McCain, R-Ariz., substitute amendment no. 1463 that would provide an additional \$314 million in funding for the Army's Stryker combat vehicles to make them more lethal. It would also provide an additional \$57 million for research, development, test and evaluation for the Combat Vehicle Improvement Program for the Stryker upgrades. The amendment would provide an offset. The

substitute amendment would authorize \$612 billion for defense programs in fiscal 2016, including \$88.9 billion for overseas contingency operations.” [CQ, 6/4/15; S. Amdt. 1522 to S. Amdt. 1463 to H.R. 1735, Vote 202, [6/4/15](#)]

General Dynamics In Sterling Heights, MI Worked On The Stryker Program. [Military Aerospace, [3/1/19](#)]

The Defense Industry Employed Nearly 93,000 People In The Detroit Region Alone. [Detroit Regional Chamber of Commerce, accessed [6/2/19](#)]

GARY WAS NAMED ONE OF THE MOST EFFECTIVE AND BIPARTISAN MEMBERS OF THE US SENATE

PETERS WAS ONE OF THE MOST EFFECTIVE MEMBERS OF THE US SENATE

2017-18: The Nonpartisan Center For Effective Lawmaking Ranked Peters The 4th Most Effective Senate Democrat. [Center for Effective Lawmaking, Press Release, [2/27/19](#)]

Center For Effective Lawmaking: Peters Was “Very Active In Navigating A Number Of Legislative Items Through The Republican-Controlled Senate.” [Michigan Advance, [3/7/19](#)]

Fox 17 Headline: “U.S. Senator Peters Ranked As One Of Most Effective; Other Michigan Reps Ranked Lower.” [Fox 17, [3/6/19](#)]

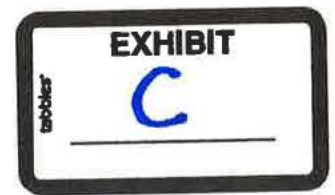
Dearborn Press & Guide: “Peters Named Among Most Effective Senators In 115th Senate.” [Dearborn Press & Guide, [3/5/19](#)]

PETERS WAS ONE OF THE MOST BIPARTISAN MEMBERS OF THE US SENATE

2017-18: The Non-Partisan Lugar Center Ranked Peters The 4th Most Bipartisan Senate Democrat.” [Lugar Center, 115th Congress Scores, accessed [4/10/19](#)]

The Bipartisan Index Ranking Was A Measurement Calculated By The Lugar Center, Led By Former U.S. Senator Richard Lugar (R-IN) And The McCourt School Of Public Policy At Georgetown University. “The Lugar Center, led by former U.S. Senator Richard Lugar, and the McCourt School of Public Policy at Georgetown University today jointly released their new Bipartisan Index rankings of members of Congress, completing the picture of the 115th Congress (2017-2018). The non-partisan tool measures the degree to which Senators and Representatives work across party lines.” [Lugar Center, Press Release, [3/19/19](#)]

Senator Peters was a Lieutenant Commander in the U.S. Navy Reserves. Use of his military rank, job titles, and photographs in uniform does not imply endorsement by the Department of the Navy or the Department of Defense.



Sen. Gary Peters has always been there for veterans

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Partisan attack websites, independent groups enter Michigan Senate race

By [Malachi Barrett | mbarrett1@mlive.com](mailto:Malachi.Barrett@mlive.com)

Updated Nov 07, 2019; Posted Nov 07, 2019



AP

FILE - In this combination of 2018 and 2019 file photos are from left, Democratic U.S. Sen. Gary Peters, D-Mich., and Republican U.S. Senate candidate John James. James raised more than \$3 million in the last quarter, at least \$500,000 more than Peters. Fundraising figures announced Tuesday, Oct. 15, 2019, by the campaigns shows that the first-term senator has a financial edge, but the challenger is making up ground. (AP Photos, File) AP

FILE - In this combination of 2018 and 2019 file photos are from left, Democratic U.S. Sen. Gary Peters, D-Mich., and Republican U.S. Senate

candidate John James. James raised more than \$3 million in the last quarter, at least \$500,000 more than Peters. Fundraising figures announced Tuesday, Oct. 15, 2019, by the campaigns shows that the first-term senator has a financial edge, but the challenger is making up ground. (AP Photos, File) AP

The Michigan Democratic Party is stepping up its effort to highlight Republican John James' support for President Donald Trump while independent groups begin dropping cash on new ads in the competitive Senate race.

A year before the 2020 election, the MDP launched a [website](#) to publish potentially damaging statements James made on the campaign trail and during his unsuccessful 2018 Senate run. The main campaign fundraising committee for Senate Republicans quickly purchased a [domain name for its own website](#) to "highlight Peters' ineffective and unaccomplished career as a politician."

Two independent political groups, the GOP-aligned Restoration PAC and the Democrat-aligned VoteVets Action Fund, purchased television ads to support their candidates this month. Neither group can give directly to campaigns or parties under Federal Elections Commission rules, but they can engage in unlimited spending to support candidates through advertising and other means.

Though Peters hasn't been actively campaigning and James' campaign doesn't expect to ramp up public appearances until the start of next year, the race is drawing more national attention.

James, a Farmington Hills businessman and U.S. Army veteran who flew helicopters in the Iraq War, is the top GOP recruit running for Senate in 2020. Republicans place the Michigan race among the most important battlegrounds to determine which party controls the Senate.

With a year to go before voters made their decision in 2020, the race appears to be in a dead heat. Recent polls of likely Michigan voters from a [Republican consulting firm](#) and another [group of pollsters](#) found the race is virtually tied.

Being tied with an incumbent Senator shows James is in a strong position before the 2020 cycle heats up, said James campaign spokesperson Abigail Walls.

Peters, a freshman senator, former congressman and U.S. Navy Reserve veteran, is running for a second six-year term. A new Kaiser Family Foundation poll released Thursday found he has a [59% approval rating among Michigan voters](#).

James has been attending national Republican fundraisers and is set to join a two-day Washington fundraiser with Trump and Senate Majority Leader Mitch McConnell, R-Ky., on the guest list.

James was given the spotlight in a recent ad released by the National Republican Senatorial Committee. The ad opens with a helicopter flying over Washington, perhaps a reference to the Apache helicopter logo on James' campaign materials, and frames Senate Republicans as the only thing stopping "socialist" Democrats.

The ad introduces James doing pushups and working out during a "Monday Night Football" style sequence showcasing current Republican Senators. James is the only candidate featured in the ad who does not hold office.

Restoration PAC, which lists Illinois businessman Richard Uihlein among its top donors, [spent nearly \\$1 million](#) to run ads opposing Peters. A website, digital ads and television ads began running on Nov. 1, according to FEC documents.

"We always knew Republican mega-donors were going to throw a lot of money at this race," said MDP spokesperson Alex Japko. "Democrats have to win Michigan to be able to take back the Senate, and so Michigan is always going to be a top target."

The PAC attacked Peters for supporting "aspects" of The Green New Deal.

The Green New Deal is a nonbinding resolution that seeks to commit the U.S. to transition from reducing fossil fuels and achieve net-zero carbon emissions by 2050.

The Peters campaign said the ads, which pull quotes from an [April story by The Detroit News](#), promote "false attacks." The campaign said Peters "never" supported The Green New Deal.

Peters joined most Democrats to vote "present" when the resolution came before the Senate earlier this year. He said he supports substantive steps to reduce carbon emissions [during a Wednesday radio interview](#) on Detroit Today with Stephen Henderson.

Peters also remarked on the early cash entering the race during the radio interview.

"It is something, to have such a large advertising expense so far out," Peters said. "We've got an out-of-state billionaire who has a reputation of wanting to buy Senate seats. He's a very far-right-wing Republican, he is very closely tied to Donald Trump."

Uihlein is Restoration PAC's top donor in 2019, giving \$1 million so far. He also contributed \$5,600 to James' campaign.

Days after the Restoration PAC ad aired, VoteVets Action Fund announced its own [\\$750,000 ad buy to support Peters](#). The ad began running Thursday across the state.

VoteVets is focusing on Peters' military service and legislative efforts to protect ports of entry and boost Michigan's defense industry. It features strikingly similar language to [a Nov. 1 post](#) on Peters' website sharing talking points about ["what Michiganders need to know."](#)

The ad contains stock photos and videos which are also posted on Peters' website.

VoteVets has been called a "dark money" group by OpenSecrets, the Center for Public Integrity and various other campaign finance watchdogs.

U.S. Rep. Elissa Slotkin, D-Holly, was among the group's [top beneficiaries in 2018](#). VoteVets spent \$805,814 to support her campaign. Former New York Mayor Michael Bloomberg was the group's [top donor](#) last election cycle, giving \$1.3 million.

Meanwhile, the Michigan Democratic Party is stepping up its own attacks on James. The new MDP website purports to show voters "everything John James doesn't want Michigan to see."

"Since (James) launched this campaign, he's been hiding," Japko said. "The point of this website is to educate Michigan voters about all the things that he wants, that he's been trying to hide from them and that he wants them to forget about."

Walls said James is proud of his record.

"He knows how to defend this country firsthand because he has done it before and knows how to create jobs because he has done it before," she said. "Michigan voters want a senator with a record of getting the job done, and that candidate is John James."

Democrats accused James' campaign of distancing itself from Trump because the president looks [unpopular in Michigan](#). MDP criticized James's campaign for taking down videos posted online during the 2018 cycle, including one where James expressed "2,000%" support for the president's agenda, and another where he called the Affordable Care Act "a monstrosity."

"For a 30-year-career politician, it's amazing that Democrats aren't pushing Gary Peters' record," Walls said. "They're pushing John James' record, which is a job creator and combat veteran."

Peters still has a strong financial advantage over his likely challenger. However, James outraised Peters in the third quarter, \$3.1 million to \$2.5 million.

[James has \\$3.8 million](#) in cash on hand to use this election cycle, while [Peters boasts \\$6.3 million](#) at the end of September, according to filings submitted to the Federal Elections Commission.

Related links to the 2020 Michigan Senate race:

[Democratic presidential candidates boost fundraising for Michigan Sen. Gary Peters](#)

[John James says Trump's trade policies stand up for American workers](#)

[John James says his 2020 Senate run is about Michigan, not Trump](#)

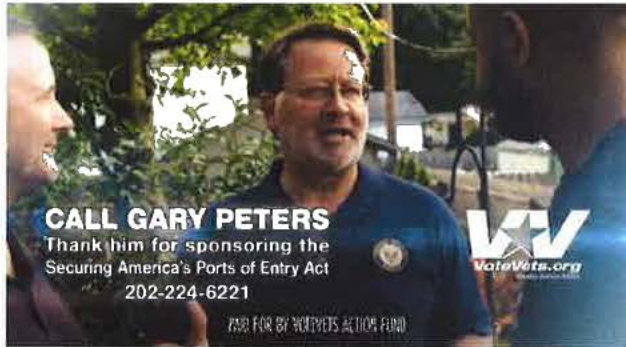
[Gary Peters says Trump endorsement will be a liability for GOP challenger](#)

Insider: Dark money veterans group backs Peters with ads

[Beth LeBlanc and Craig Mauger](#), The Detroit News

Days after a GOP group launched a nearly \$1 million advertising campaign critical of U.S. Sen. Gary Peters, a liberal group announced it was going on air to promote the incumbent Democrat.

VoteVets Action Fund said in a Wednesday press release that it would be spending \$750,000 on ads touting Peters' "career of service in the military and public office, and the results he delivered." The ads seem designed to counter Peters' Republican opponent, Iraq War veteran John James of Farmington Hills.



A liberal group called VoteVets Action Fund announced Wednesday, Nov. 6, 2019, it would be running \$750,000 in ads promoting U.S. Sen. Gary Peters. (Photo: VoteVets Action Fund screenshot)

VoteVets described itself as the "largest progressive group of veterans in America." A [2016 report from the Center for Public Integrity](#) described the

group as a "liberal 'dark money' nonprofit."

The new ads will start airing Thursday in multiple TV markets, including Detroit, Flint and Grand Rapids, according to a press release.

Last week, the Republican group [Restoration PAC disclosed](#) it was spending \$879,294 on television advertising and \$100,000 on digital advertising against Peters of Bloomfield Township.

In 2020, Peters is running for a second six-year term in the U.S. Senate against businessman James, who lost to incumbent Sen. Debbie Stabenow, D-Lansing, in 2018 by 6.5 percentage points.

Chaffetz visits Michigan House

Republican former Congressman **Jason Chaffetz** visited the Michigan House of Representatives Wednesday in between appearances at area GOP events.

Chaffetz became familiar to Michiganders in March 2016 as the House Oversight committee chairman overseeing the [Flint congressional hearings](#). He and other Republicans called for the resignation of then-Environmental Protection Agency chief Gina McCarthy, while Democrats urged then-Republican Michigan Gov. Rick Snyder to resign.





Former U.S. Rep. Jason Chaffetz, R-Utah, is now a contributor on the Fox News Channel. (Photo: Rick Bowmer / AP)

Chaffetz, a Fox News contributor, was announced on the House floor and spent time taking photos with lawmakers.

The Utah former congressman was a featured guest at the Bay County Republican Party Lincoln Day dinner Tuesday and was scheduled to attend the Kalamazoo Lincoln Day event Wednesday, according to the county parties' websites.

Chaffetz also became well known while leading investigations into the 2012 attack on the U.S. embassy in Benghazi, Libya; the IRS targeting of conservative groups; and Planned Parenthood. He is a former Democrat.

Chaffetz announced his resignation from Congress at the end of June to spend more time with family.

Race decided by 2 votes?

Two votes may have decided a race for three seats on the East Lansing City Council.

The third place finisher and the current mayor of East Lansing, Mark Meadows, got 1,951 votes, according to unofficial results available Wednesday, a day after the election. The fourth place finisher and another incumbent, Erik Altmann, received 1,949 votes.

Ingham County Clerk Barb Byrum said the results would likely be certified on Thursday.

The top two finishers weren't incumbents: Jessy Gregg, who got 2,944 votes; and Lisa Babcock, who received 2,871.

Meadows and Altmann didn't respond Wednesday evening to requests for comment.

eleblanc@detroitnews.com

cmauger@detroitnews.com



James Arkin ✓

@JamesArkin

Follow

The new ad from VoteVets focusing on his service and defense focus (youtube.com/watch?v=a17K-i...) tracks closely w/ this post that went up on Peters campaign website 11/1

November 1, 2019 — What Michiganders from all parts of the state need to know:

Senator Gary Peters served as a Lieutenant Commander in the U.S. Navy Reserve, was a qualified Seabee combat warfare specialist, and after the September 11th attacks — Gary volunteered to serve again. Now, while others in Washington are playing partisan politics, Gary is keeping Michigan safe. As a leader on the Homeland Security Committee and a member of the Armed Services Committee, Gary has made border security his top priority with the passage of key security bills he wrote and has led efforts to boost Michigan's defense industry. It's why he was named one of the most effective and bipartisan members of the US Senate.

For more information, click [HERE](#).

11:00 AM - 6 Nov 2019

11 Retweets 16 Likes



2

11

16



Matt Whitlock ✓ @mattdizwhitlock · Nov 6

Replying to @JamesArkin

That was a fast-acting signal too -- even got that b-roll in a command center in.





'Dark money' ad raises questions over Peters campaign for Senate



Sen. Gary Peters, Michigan Democrat, is accused of exploiting a legal gray area to improperly coordinate with VoteVets, a progressive veterans advocacy group. His campaign website and an ad the group bought used the same photos and videos. (Associated Press ... more >

By Ryan Lovelace - The Washington Times - Monday, November 18, 2019

Photographs and video from Sen. Gary Peters' campaign website have surfaced on a "dark money" group's new pro-Peters ad, raising questions about illegal coordination between the groups.

The Michigan Democrat is exploiting a legal gray area to improperly coordinate with VoteVets, a progressive veterans advocacy group, campaign finance experts say.

The Peters campaign webpage, "What Michiganders Need to Know" posted over the summer and on Nov. 1 several photos, videos, and links to text about Mr. Peters' record and his service in the U.S. Navy Reserve reappeared in the ad.

Later in November, VoteVets announced a \$750,000 ad buy in support of Mr. Peters, including a television ad that uses identical photos and videos from the campaign's webpage. The script read by a narrator in the 30-second VoteVets spot also nearly mirrors text appearing in black banners in documents posted to the campaign's website.

After reviewing this material, campaign finance and election law attorney Jessica Furst Johnson told The Washington Times that Mr. Peters had definitely gone "over the line."

Ms. Furst Johnson, who has previously worked for Republicans, said the Peters campaign appeared to be in violation of the rules governing coordinated communication between such groups. "Dark money" typically refers to political spending by certain exempted nonprofit groups, including labor unions, trade associations and "social welfare" organizations, who aren't required to disclose their donors publicly.

"It's very difficult to look at that [material] and see that was not a suggested communication," Ms. Furst Johnson said of the Peters campaign website. "It's pretty clear to me that this is more than just a research book or a [fact sheet], this is a request to run this specific ad."

The Campaign Legal Center's Erin Chlopak, however, said she thought the Peters campaign's actions may not have violated the law but were constructed to exploit the rules governing campaign finance.

"I think it's just another example of the lax nature of our coordination rules," Ms. Chlopak said. "It's a loophole that candidates across the political spectrum exploit, legally."

VoteVets did not immediately respond to a request for comment on its action. The progressive advocacy group formats its "VoteVets Action Fund" as a 501(c)(4) that does not disclose its donors and has, therefore, been labeled a "dark money" group.

VoteVets' political action committee identified its top donor in the 2018 cycle as former New York City Mayor Michael R. Bloomberg, now weighing a full-scale 2020 presidential bid as a Democrat.

Progressive veterans have focused on Mr. Peters' reelection not simply because he is a Democratic incumbent who served in the U.S. Navy Reserves, but because his GOP opponent is a veteran too. Mr. Peters is facing Republican challenger John James, a businessman and Army vet who lost a 2018 bid to unseat Democrat Sen. Debbie Stabenow.

In 2020, Mr. James' chances will be more closely tied to President Trump.

The Peters campaign responded in a statement without addressing whether it coordinated with VoteVets.

"This is publicly available to anyone who wants the facts on Gary's effective record for Michigan," said Dan Farough, Mr. Peters campaign manager, in a statement. "Outside special interests — largely funded by one out-of-state billionaire — are already misleading Michiganders with false attacks."

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