

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Gerald Freda
Inverness, IL 60067

Complainant,

v.

Jeanne Ives
Wheaton, IL 60189

Jeanne for Congress and Michael Radencich, Treasurer, in his official capacity
P.O. Box 1504
Wheaton, IL 60187

Respondents.

MUR # 7706

OFFICE OF
GENERAL COUNSEL
2020 FEB 20 PM 12: 59

COMPLAINT

In accordance with 52 U.S.C. § 30109(a)(1), this Complaint alleges violations of the Federal Election Campaign Act of 1971, as amended (“FECA”) and Federal Election Commission (“FEC” or “Commission”) regulations by Jeanne Ives, a candidate for the U.S. House of Representatives in Illinois’s sixth congressional district, and Jeanne for Congress and its treasurer Michael Radencich in his official capacity (collectively, “Respondents”). One of FECA’s most basic and fundamental principles is the imposition of contribution limits on candidates for federal office. For the 2019-2020 election cycle, the individual contribution limit is \$2,800 per election. And yet, Respondents solicited contributions of up to \$80,000 for Jeanne Ives’s election, well in excess of federal limits imposed by FECA and enforced by the FEC. In

fact, the Respondents have admitted that they received excessive contributions. Consequently, the FEC should immediately investigate and levy appropriate sanctions against the Respondents.

I. FACTS

Jeanne Ives is currently running to represent Illinois's sixth congressional district in the U.S. House of Representatives.¹ Her principal campaign committee is Jeanne for Congress, and its treasurer is Michael Radencich.²

The Respondents recently distributed a printed campaign solicitation to their supporters (attached as "Exhibit A"). The solicitation includes a photo of Jeanne Ives, Jeanne for Congress's official logo and campaign address, and a paid-for-by disclaimer ("Paid for by Jeanne for Congress"). The solicitation asks supporters of Jeanne Ives to contribute to her congressional campaign "\$40,000.00," "\$60,000.00," and "\$80,000.00." On January 17, 2020, a spokesperson for Jeanne Ives confirmed to the *Chicago Tribune* that her campaign had distributed the flyer to supporters.³ The spokesperson called the solicitation of contributions of up to \$80,000 a "typo."⁴ Additionally, Jeanne Ives's communications director claimed that the campaign "would never ask for a gift over the legal fundraising limit," although she also admitted that the campaign had already "returned contributions in excess of the limit."⁵

II. LEGAL ARGUMENT

¹ Jeanne for Congress, FEC Form 1, Statement of Organization (Nov. 18, 2019), available at <https://docquery.fec.gov/cgi-bin/forms/C00712794/1363258/>.

² Jeanne Ives, FEC Form 2, Statement of Candidacy (July 18, 2019), available at <https://docquery.fec.gov/cgi-bin/forms/H0IL06060/1342096/>.

³ Rick Pearson, *GOP Congressional candidate Jeanne Ives campaign flyer asks for donations of up to \$80,000. The federal limit is \$5,600*, *Chi. Trib.* (Jan. 17, 2020 1:33 PM), <https://www.chicagotribune.com/politics/ct-jeanne-ives-campaign-flyer-20200117-a5jpp4gb5fgh7o362up5s5t57a-story.html>.

⁴ *Id.*

⁵ *Id.*

Under FECA and FEC regulations, no person may make contributions to a candidate for federal office or their authorized political committee in excess of contribution limits.⁶ Likewise, neither a federal candidate nor any agent thereof may “solicit, receive, direct, transfer, spend, or disburse funds in connection with an election for Federal office . . . unless the amounts consist of Federal funds that are subject to [FECA’s] limitations.”⁷ For the 2019-2020 election cycle, a person may contribute up to \$2,800 to a candidate during the primary election and \$2,800 during the general election.⁸ A campaign committee that receives a contribution in excess of federal limits must refund the excessive amount no later than 60 days after its treasurer receives the contribution.⁹ The U.S. Supreme Court has repeatedly upheld limits on contributions to federal candidates, noting that the government has an interest in preventing corruption and the appearance thereof, “spawned by the real or imagined coercive influence of large financial contributions on candidates’ positions and on their actions if elected to office.”¹⁰

Here, the Respondents clearly solicited contributions well in excess of federal limits, via a flyer asking supporters to contribute \$40,000, \$60,000, and \$80,000 to Jeanne Ives’s congressional campaign. The Respondents even admitted they received contributions in excess of the limits. A spokesperson for Jeanne Ives’s campaign has chalked the solicitation down to a “typo” committed by a direct mail vendor that apparently produced the solicitation.¹¹ However, Jeanne Ives and her campaign are ultimately responsible for the contents of any and all

⁶ 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1. *See also id.* § 30116(c) (providing for the adjustment of contribution limits during each election cycle based on price index increases).

⁷ 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. § 300.61.

⁸ *See* Fed. Election Comm’n, Contribution Limits for 2019-2020, https://www.fec.gov/resources/cms-content/documents/contribution_limits_chart_2019-2020.pdf (last visited Jan. 28, 2020).

⁹ *See* 11 C.F.R. § 103.3(b)(3).

¹⁰ *Buckley v. Valeo*, 424 U.S. 1, 25-26 (1976).

¹¹ Pearson, *supra* note 3.

advertisements, communications, and publications they pay for and distribute to the general public. At best, the Respondents were grossly negligent in paying for and distributing a printed communication that solicited contributions up to 14 times greater than federal limits. At worst, they purposely attempted to circumvent contribution limits imposed by FECA and enforced by the FEC and are trying to blame a vendor for their impermissible actions. But regardless, the Respondents have violated one of federal campaign finance law's most basic and fundamental requirements.

Moreover, it appears that the campaign's solicitation resulted in the receipt of multiple, excessive contributions. The communications director for Jeanne Ives's campaign told the *Chicago Tribune* that the campaign had received and returned "contributions" that were "in excess of the limit" during the fourth quarter of 2019, presumably when the solicitation was first distributed.¹² Therefore, not only did the Respondents solicit contributions 14 times above FECA limits, but they also received contributions in excess of those limits. Both actions are prohibited by FECA and the FEC must investigate immediately.

III. REQUESTED ACTION

As explained above, congressional candidate Jeanne Ives and her authorized campaign committee appear to have violated FECA and FEC regulations by soliciting contributions well in excess of federal limits, which may have resulted in her campaign's receipt of excessive contributions. Irrespective of whether the Respondents acted with gross negligence in soliciting contributions up to 14 times greater than federal limits, or intentionally sought to circumvent federal laws, their conduct warrants an immediate investigation by the FEC. If Jeanne Ives—a candidate for the United States Congress—cannot comply with one of federal campaign finance

¹² *Id.*

law's most basic and fundamental requirements, then it is unclear whether she is equipped to serve the people of Illinois's sixth congressional district.

Sincerely,



Gerald Freda

SUBSCRIBED AND SWORN to before me this 15 day of February, 2020.



Notary Public



My Commission Expires:

11-07-21



JEANNE FOR CONGRESS

I am [redacted] and I want you in Congress, Jeanne!

I am choosing you to fight for our right to live as free citizens with free minds in a free enterprise, market economy. I am choosing to support you with a campaign contribution of:

\$40,000.00 \$60,000.00 \$80,000.00 \$ _____

Please make checks payable to: Jeanne for Congress.

Credit Card Authorization

Please charge my contribution amount indicated above to my credit card.

Mastercard Visa Discover American Express

This contribution is made on a personal credit or debit card for which I have the legal obligation to pay, and is not made on a corporate or business entity card.

Account number _____

Expiration Date _____ Security Code _____

Name as it appears on your card _____

Billing Address _____

City/State/Zip _____

Signature _____

Contributions are not tax deductible for federal income tax purposes. Contributions are prohibited from corporations and foreign nationals (unless a green card holder). It is illegal for any person to reimburse another for making a contribution to a political campaign.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and employer of individuals whose contributions exceed \$200 in an election cycle. Please complete the following information.

Employer _____

Occupation _____

Phone _____

Email _____

Jeanne for Congress

Facebook.com/JeanneLives