

OFFICE OF
GENERAL COUNSEL
American Democracy Legal Fund
455 Massachusetts Avenue, NW
Washington, DC 20001

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GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

2020 MAR 13 6 PM 12:39

March 2, 2020

MUR # 7714

Charles Kitcher
Acting Associate General Counsel
Federal Election Commission
1050 First St NE
Washington, DC 20463

To Whom It May Concern,

We respectfully request that your office immediately begin an investigation into allegations that those working on behalf of United States Senate candidate John James have violated federal election law.

On February 28, 2020, the Daily Beast reported that a dark money group called Better Future Michigan (BFM) working in support of James' candidacy for Senate has possibly violated federal election law in the interest of electing James to the United States Senate. The Executive Director of the group, Victoria Sachs, was formerly James' campaign manager in his unsuccessful 2018 campaign for Senate. According to the Daily Beast, Sachs received her last payment from the James campaign only a month before BFM was incorporated in 2019. This is a clear violation of the 120 day "cooling off" period that bars campaign staffers from joining independent expenditure organizations working to elect the candidate whose campaign said former staffers previously worked for.

Furthermore, according to the Daily Beast, "The firm that BFM has used to place its broadcast ads is an Alexandria, Virginia, media buyer called Del Cielo Media. The company is actually a subsidiary of the Smart Media Group, the firm that the James campaign used to place its ads last cycle. In fact, the very same individual handling BFM ads for Del Cielo also placed James campaign ads for Smart Media."

The Daily Beast goes on to detail further overlap between BFM and the James campaign, reporting that "the campaign's largest vendor of the cycle so far is the Republican digital consultancy IMGE, to which it paid about \$236,000 for 'media placement' through the end of 2019. The first of those payments came on June 5 of last year. Less than three weeks later, IMGE created BFM's website, according to web registration data. Hours after PAY DIRT asked the

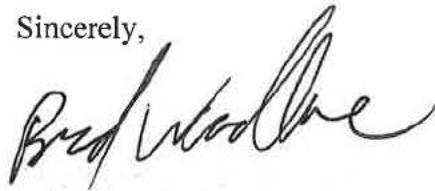
James campaign about that particular case of apparent vendor overlap, BFM's website registration data was scrubbed of fingerprints tying it to IMGE."

Additional reporting by the Daily Beast about BFM's conduct suggests BFM is circumventing election laws by acting as a defacto advertising arm of the James campaign. BFM is a registered nonprofit, meaning it cannot have express political advocacy as its primary purpose. So far, BFM has spent \$300,000 on television ads attacking James' Democratic opponent, Senator Gary Peters. However, because BFM is not required to disclose its donors, we do not know if they are in fact following the law and spending within the confines allowed by federal law. It is unclear what else BFM has spent its money on other than attacking Peters.

While BFM is running ads advancing James' candidacy by attacking his opponent, James' campaign itself has yet to run any advertising. According to the Daily Beast, this suggests that "rather than running a parallel ad campaign to its dark-money adjunct, James' political team appears to have relied entirely on the television advertising run by a group led by James' one-time campaign chief. The James campaign itself hasn't run any broadcast TV ads so far this cycle. But in that void, Sachs' group has conveniently picked up the slack."

The facts outlined in this report suggest illegal behavior by those working on behalf of John James' candidacy. We respectfully request you begin an immediate investigation into these allegations.

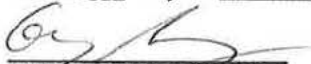
Sincerely,



Brad Woodhouse

District of Columbia: SS

Sworn to and subscribed before me on the 2ND day of MARCH, 2020



Notary Public's Signature
My Commission Expires 07-14-2021

