

RE: FISCHBACH FEC VIOLATION

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OFFICE OF GENERAL COUNSEL

BEFORE THE
FEDERAL ELECTION COMMISSION
April 28, 2020

Kurt B. Sweeney, Attorney
c/o Hughes for Congress 2020
P.O. Box 190
Ada, OK 74821

Complainant,

MUR 7731

v.

Mrs. Michelle Fischbach
Fischbach for Congress FEC #1350424
P.O. Box 190
Litchfield, MN 55455

Respondents,

SENT VIA EMAIL AND USPS CERTIFIED MAIL TO:
Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463
Email: cela@fec.gov

COMPLAINT

Complainant files this complaint with the Federal Election Commission under 52 U.S.C. § 30109(a)(1) against Michelle Fischbach and Fischbach for Congress (hereinafter referred to as “Fischbach”) for potential violations of the Federal Election Campaign Act of 1971, as amended (the “Act”) and Federal Election Commission (“FEC”) regulations, as described below. In two different instances from two separate entities cited herein, Fischbach has received independent expenditures totaling \$23,397.42, as reported to the FEC. One entity is registered as the Minnesota Citizens Concerned for Life, Inc. Federal PAC (“MCCL”). Fischbach’s husband, Mr. Scott Fischbach, was employed as the Executive Director of MCCL at the exact time of the expenditure supporting Fischbach was made, i.e., as reported on February 13, 2020. The other entity is

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registered as the National Right to Life Victory Fund (“NRLV”). Fischbach’s mother, Darla St. Martin, was employed as the Co-Executive Director of the NRLV at the exact time of the expenditure supporting Fischbach was made, i.e., as reported on February 12, 2020.

Pursuant to FEC governing laws and regulations, coordination between independent expenditures and the candidate running for office is strictly prohibited. Per the FEC, the term “independent expenditure” means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents. A communication is “made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents” if it is a coordinated communication under 11 CFR 109.21 or a party coordinated communication under 11 CFR 109.37. Further, no expenditure shall be considered independent if the person making the expenditure allows a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents to become materially involved in decisions regarding the communication as described in 11 CFR 109.21(d)(2), or shares financial responsibility for the costs of production or dissemination with any such person.

FEC regulations provide for a three-pronged test to determine whether a communication is coordinated. Under these regulations, a communication is considered to be a coordinated communication (and, as a result, counts against contribution limits) if it satisfies a three-prong test. The three prongs of the test consider:

1. The source of payment (payment prong);
2. The subject matter of the communication (content prong); and

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3. The interaction between the person paying for the communication and the candidate or the political party committee (conduct prong).

FEC rules also state that should the content and payment prongs of the test be satisfied, there still must be some interaction between the SSF individual, group, corporation, labor organization, or political committee paying for the communication and the campaign committee for there to be coordination. The conduct prong identifies the possible types of interactions. A communication that satisfies any one of the conduct standards satisfies the conduct prong.

F A C T S

1. Michelle Fischbach is a Candidate for U.S. Congress in Minnesota's 7th Congressional District. (see "Exhibit A").
2. Scott Fischbach is Michelle Fischbach's husband and is currently employed as the Executive Director of the Minnesota Citizens Concerned for Life ("MCCL"). Michelle Fischbach disclosed her husband's source of income in her Financial Disclosure Report with the Clerk of the House of Representatives as the Minnesota Citizens Concerned for Life. (see "Exhibit B").
3. MCCL reported an "independent expenditure" totaling \$11,698.71 in support of Michelle Fischbach on February 13, 2020. (see "Exhibit C").
4. Darla St. Martin is Michelle Fischbach's mother and is currently employed as the Co-Executive Director of the National Right to Life Victory Fund ("NRLV"). (see "Exhibit D").
5. Michelle Fischbach reported on her Financial Disclosure Report a paid salary in 2019 totaling \$24,000.00 from the National Right to Life; Fischbach also reported on her

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Financial Disclosure Report a paid salary of \$36,000.00 from the National Right to Life in 2018. (see “Exhibit B”).

6. NRLV reported an “independent expenditure” totaling \$11,698.71 in support of Michelle Fischbach on February 12, 2020. (see “Exhibit E”).

L E G A L A R G U M E N T

Given these facts, rules, and laws, it is inconceivable that Michelle Fischbach did not coordinate with, or at a minimum was made aware of, either her mother’s or husband’s intended or actual independent expenditure related activity. Instead, it is most likely that Michelle Fischbach was made very well aware of the intended independent expenditure activity prior to its placement supporting her candidacy. In her own Financial Disclosure Report, Michelle Fischbach stated she received a salary, potentially as recent as December 31, 2019, from the National Right to Life – the organization which made the “independent expenditure” in support of her candidacy as described herein.

Therefore, the available facts suggest that Michelle Fischbach violated the Act and FEC regulations and the Commission should promptly investigate this matter to ensure Respondent complies with the most basic requirements imposed on federal candidates.

Time is of the essence specifically in this matter, as the Primary Election by Delegate Convention to Nominate the U.S. Representative for Minnesota’s 7th Congressional District is scheduled for May 2, 2020.

The voters of Minnesota’s 7th Congressional District should be made aware of this matter whether in the court of a competent jurisdiction or in the court of public opinion as it clearly violates the Act and demonstrates Fischbach’s lack of respect for the MN07’s constituents.

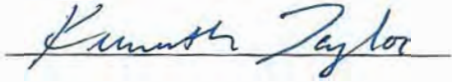
RE: FISCHBACH FEC VIOLATION

Sincerely,



Kurt B. Sweeney, Attorney
c/o Hughes for Congress 2020
P.O. Box 190
Ada, OK 74820

SIGNED & SUBSCRIBED BEFORE ME THIS 28 DAY OF April, 2020.



MY COMMISSION EXPIRES ON: 03/10/2023

NOTARY PUBLIC



FEC FORM 2

STATEMENT OF CANDIDACY

FILING FEC-1350423

1. Michelle Fischbach

PO Box 190
Litchfield, MN 55355

2. Identification Number: HoMNO7091

3. Party: Republican Party

4. Office Sought: House of Representatives

5-6. State & District of Candidate: Minnesota - 7

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2020 election(s).

Fischbach for Congress

PO Box 190
Litchfield, MN 55355

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

8. I hereby designate the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

DECLARATION OF INTENT TO EXPEND PERSONAL FUNDS (House or Senate Only)

9. I intend to expend personal funds exceeding the

threshold amount (see 11 C.F.R. 400.9) by

- 9A. **0.00** for the primary election, and
- 9B. **0.00** for the general election

Signed as: Michelle Fischbach

Signed by the candidate on: 09/02/2019

Filed: 09/02/2019

(End FEC FORM 2)

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Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (800) 424-9530 In Washington (202) 694-1100
For the hearing impaired, TTY (202) 219-3336 Send comments and suggestions about this site to:
webmaster@fec.gov.



FINANCIAL DISCLOSURE REPORT

Clerk of the House of Representatives • Legislative Resource Center • 135 Cannon Building • Washington, DC 20515

FILER INFORMATION

Name: Michelle Fischbach
Status: Congressional Candidate
State/District: MN07

FILING INFORMATION

Filing Type: Amendment Report
Filing Year: 2019
Filing Date: 10/2/2019

SCHEDULE A: ASSETS AND "UNEARNED" INCOME

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
401K ⇒ American Fund American Balanced Fund A [MF]		\$15,001 - \$50,000	None		
401K ⇒ American Fund Capital World [MF]		\$1,001 - \$15,000	None		
401K ⇒ American Fund Euro-Pacific Growth Fund [MF]	SP	\$1,001 - \$15,000	None		
401K ⇒ American Fund Growth Fund of America A [MF]		\$1,001 - \$15,000	None		
401K ⇒ American Fund Retirement Target Date Fund [MF]	SP	\$100,001 - \$250,000	None		
401K ⇒ American Fund Washington Mutual Fund A [MF]		\$15,001 - \$50,000	None		

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
401K ⇒ American Funds Balanced Fund A [MF]	SP	\$15,001 - \$50,000	None		
401K ⇒ American Funds Growth Fund A [MF]	SP	\$1,001 - \$15,000	None		
401K ⇒ American Funds New Perspective Fund A [MF]	SP	\$1,001 - \$15,000	None		
401K ⇒ American Funds New Perspective Fund A [MF]		\$1,001 - \$15,000	None		
401K ⇒ Clear Bridge Small Cap C [MF]		\$1,001 - \$15,000	None		
401K ⇒ Clear Bridge Value Trust C [MF]		\$15,001 - \$50,000	None		
401K ⇒ Clear Bridge Value Trust C [MF]	SP	\$1,001 - \$15,000	None		
Farmland Belgrade [FA] LOCATION: Belgrade, Kandiyohi, MN, US DESCRIPTION: Farmland in Belgrade	JT	\$50,001 - \$100,000	Rent	\$2,501 - \$5,000	None
Rental Home Paynesville [RP] LOCATION: Paynesville, Stearns, MN, US	JT	\$50,001 - \$100,000	Rent	\$5,001 - \$15,000	\$5,001 - \$15,000
State of Minnesota Pension [PE]		Undetermined	None		

* Asset class details available at the bottom of this form. For the complete list of asset type abbreviations, please visit <https://fd.house.gov/reference/asset-type-codes.aspx>.

SCHEDULE C: EARNED INCOME

Source	Type	Amount Current Year to Filing	Amount Preceding Year
Minnesota Citizens Concerned for Life	spouse salary	N/A	N/A
National Right to Life	salary	\$24,000.00	\$36,000.00

Source	Type	Amount Current Year to Filing	Amount Preceding Year
State of Minnesota	salary	\$1,200.00	\$63,500.00
Central Minnesota Builders Assn.	salary	\$8,000.00	N/A

SCHEDULE D: LIABILITIES

Owner	Creditor	Date Incurred	Type	Amount of Liability
JT	Central Minnesota Credit Union	September 2016	Mortgage on Rental Property	\$15,001 - \$50,000
	Great Lakes Student Loans	June 2007	Student Loan	\$50,001 - \$100,000
	Nelnet	June 2007	Student Loan	\$10,000 - \$15,000

SCHEDULE E: POSITIONS

Position	Name of Organization
Board Member	St. Cloud Hospital Board

SCHEDULE F: AGREEMENTS

None disclosed.

SCHEDULE J: COMPENSATION IN EXCESS OF \$5,000 PAID BY ONE SOURCE

None disclosed.

SCHEDULE A ASSET CLASS DETAILS

- 401K (Owner: SP)
- 401K

EXCLUSIONS OF SPOUSE, DEPENDENT, OR TRUST INFORMATION

Trusts: Details regarding "Qualified Blind Trusts" approved by the Committee on Ethics and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child?

☐ Yes ☒ No

Exemption: Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption?

☐ Yes ☒ No

CERTIFICATION AND SIGNATURE

☒ I CERTIFY that the statements I have made on the attached Financial Disclosure Report are true, complete, and correct to the best of my knowledge and belief.

Digitally Signed: Michelle Fischbach , 10/2/2019

24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES
(Schedule E)

NAME OF COMMITTEE (In Full)

Minnesota Citizens Concerned for Life, Inc. Federal PAC

FEC IDENTIFICATION NUMBER ▼

C C00129171

Check if ☐ 24-hour report

☒ 48-hour report

☐ New report

☒ Amends report filed on

02

13

2020

Full Name of Payee

Printing Partners

Mailing Address 929 West 16th Street

City

Indianapolis

State

IN

Zip Code

46202-2214

Purpose of Expenditure
IE-Fischbach-Direct Mail

Category/
Type

Date of Public Distribution/Dissemination

02

13

2020

Amount

11698.71

Transaction ID : SE.5740

Date of Disbursement or Obligation

02

13

2020

Name of Federal Candidate

FISCHBACH, MICHELLE, ..

☒ Support

☐ Oppose

Office Sought:

☒ House

☐ Senate

District: 07

State: MN

Calendar Year-To-Date
Per Election for Office Sought

11698.71

2020

Disbursement For: ☒ Primary

☐ Other (specify) ▶

☐ General

EXHIBIT

C

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EXHIBIT

D

Series ▾

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Darla St. Martin



On the C-SPAN Networks:

Darla St. Martin is an Associate Executive Director for the National Right to Life Committee with **nine** videos in the C-SPAN Video Library; the first appearance was a 1989 **Forum**. The year with the highest average number of views per program was **1990** with an average of 955 views per program. Most appearances with **David N. O'Steen** (7), **John C. Wilke** (3), **James Bopp Jr.** (3). Most common tag: **Abortion**.

Appearances by Title:

c. October 2, 1989 - Present
Associate Executive Director,
National Right to Life Committee
Videos: 9

RECENT APPEARANCES



JULY 8, 2016

National Right to Life Convention

Anti-abortion advocates spoke at the National Right to Life Convention on how right-to-life issues may impact the 2016...



JUNE 26, 2010

Abortion and Health Care Reform

Participants spoke about abortion, new health care regulations, and how conservatives should frame the issues in the 2010...



JULY 2, 2004

Right to Life Convention

The National Right to Life Committee held its annual convention. Speakers talked about their opposition to abortion. They...



JUNE 21, 1996

Republican Party Platform and Abortion

The participants urged a stronger pro-life plank in the Republican platform.

[See all appearances >](#)

APPEARANCE STATS

Filter By

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All Event Types



**2016**Videos: **1**[See all videos >](#)**2010**Videos: **1**[See all videos >](#)**2004**Videos: **1**[See all videos >](#)**1996**Videos: **1**[See all videos >](#)**1992**Videos: **2**[See all videos >](#)**1990**Videos: **1**[See all videos >](#)[▼ More](#)

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24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES
(Schedule E)

NAME OF COMMITTEE (In Full)
NATIONAL RIGHT TO LIFE VICTORY FUND

FEC IDENTIFICATION NUMBER ▼
C C00509893

Check if ☐ 24-hour report ☒ 48-hour report ☒ New report ☐ Amends report filed on

Full Name of Payee
Printing Partners

Mailing Address **929 West 16th St.**

City **Indianapolis** State **IN** Zip Code **46202**

Purpose of Expenditure
IE-Fischbach, Michelle-Direct Mail Category/Type **004**

Date of Public Distribution/Dissemination
MM / DD / YYYY
02 / 12 / 2020

Amount
11698.71

Transaction ID : **SE.23344**
Date of Disbursement or Obligation
MM / DD / YYYY
02 / 12 / 2020

Name of Federal Candidate
FISCHBACH, MICHELLE, . . .

Office Sought: ☒ House District: **07**
☐ President ☐ Senate State: **MN**

Disbursement For: ☐ Primary ☐ General
☒ Other (specify) **Conven**

Calendar Year-To-Date
Per Election for Office Sought

11698.71

