



FEDERAL ELECTION COMMISSION
Washington, DC

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Singh for Senate)	
and Elizabeth Curtis in her official capacity as treasurer)	MUR 7770
Hirsh Singh)	
Shore News Network)	
Phil Stilton)	
Recall Murphy/Conservative NJ)	
)	

**STATEMENT OF REASONS OF CHAIRMAN ALLEN J. DICKERSON AND
COMMISSIONERS SEAN J. COOKSEY AND JAMES E. "TREY" TRAINOR, III**

This Matter concerned allegations that Hirsch Singh, a 2020 candidate for U.S. Senate in New Jersey, and his authorized committee, Singh for Senate (the "Singh Committee") paid Shore News Network, a for-profit press entity ("SNN"), in exchange for favorable coverage of Singh's campaign and negative coverage and criticism of his primary election opponent in online articles and on social media, and that the resulting content lacked the proper disclaimers required by the Federal Election Campaign Act of 1971, as amended (the "Act"). The Complaint also alleged that SNN and a Facebook group operated by SNN named Recall Murphy/Conservative NJ were operating as an unregistered political committee. The Respondents denied that that SNN was paid to publish content in favor of Singh or that SNN coordinated with the Singh Committee, and invoked the Act's media exemption.

Our Office of General Counsel ("OGC") recommended that we dismiss the allegations.¹ We agreed with OGC that this Matter should not be pursued further, but we believed that a finding of no reason to believe with respect to the alleged violations was more appropriate than dismissal. As we explain in this Statement of Reasons, the information in the record before us indicated that SNN's activities fell squarely under the Act's media exemption. SNN was therefore not required to append disclaimers to its content, to register as a political committee, or to report in-kind contributions resulting from its favorable coverage of Singh or negative coverage of his opponent. Additionally, the Complaint failed to present credible evidence that SNN and the Singh Committee impermissibly coordinated on communications regulated by the Act.

Accordingly, for the reasons set forth herein, we voted to find no reason to believe that SNN made in-kind contributions to the Singh Committee and Hirsh Singh, and the Singh

¹ First Gen. Counsel's Rpt. at 16, MUR 7770.

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 2 of 10

Committee violated 52 U.S.C. § 30104(b) by failing to report the news articles and video as in-kind contributions from SNN and Stilton; that Hirsh Singh and the Singh Committee violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. § 110.11(a) by failing to include disclaimers on SNN’s news articles and video; that SNN and Recall Murphy/Conservative NJ violated 52 U.S.C. §§ 30102, 30103, and 30104 by failing to register and report as a political committee; or that Hirsh Singh and the Singh Committee violated 52 U.S.C. § 30104(b) by failing to disclose contributions from SNN and Stilton resulting from coordinated communications.

I. FACTUAL BACKGROUND

Hirsh Singh was a 2020 candidate for U.S. Senate in New Jersey, and Singh for Senate was his authorized committee.² SNN is a for-profit news organization founded in 2008 that maintains a website, www.shorenewsnetwork.com, as well as several Facebook groups, one of which was formerly named Recall Murphy and is now named Conservative NJ.³ SNN was founded and is edited by Phil Stilton.⁴

The Complaint alleged that, between October 2019 and July 2020, SNN posted a series of false and libelous articles on its website supporting Singh and criticizing Rikin Mehta, his opponent in the 2020 primary election.⁵ The Complaint also alleged that Singh’s campaign committee paid SNN to write and publish these articles, which it stated are actually “campaign commercials purporting to be objective news without a disclaimer.”⁶ In support, the Complaint cited \$5,000 in payments from the Singh Committee to JTown Magazine, which the Complaint alleged is a subsidiary of SNN.⁷

The Complaint further alleged that the Singh Committee’s paid campaign manager, Joseph Rullo, was featured in a video published by SNN in which Rullo promoted Singh and criticized Mehta, and that this video lacked the required disclaimer.⁸ The video is 37 minutes

² Hirsh Singh Statement of Candidacy (Apr. 25, 2019); Singh for Senate Amended Statement of Org. (Oct. 5, 2019). Singh lost the Republican primary election to Rikin Mehta on July 7, 2020.

³ Stilton and SNN Resp. at 2.

⁴ The footer section of the SNN website previously contained the text, “Shore News Network, Stilton Company.” See <https://web.archive.org/web/20190903133438/http://shorenewsnetwork.com/about-shore-news-network-your-news> (last visited Mar. 24, 2021), but was recently revised to reflect “Shore News Media & Marketing Ltd,” <https://www.shorenewsnetwork.com/about-shore-news-network-your-news/> (last visited: Mar. 24, 2021). Stilton is the sole member of both Stilton Company, LLC and Shore Media & Marketing LLC. See State of New Jersey, The Stilton Company, LLC *Certificate of Formation* (July 12, 2016); State of New Jersey, Shore Media & Marketing LLC, *Certificate of Formation* (Oct. 2, 2020).

⁵ Compl. at 2–3, MUR 7770.

⁶ *Id.*

⁷ *Id.* at 3–4; see also Singh for Senate 2019 October Quarterly Report at 45 (disclosing two \$1,000 disbursements to JTown Magazine on July 5 and September 3, 2019) (Oct. 15, 2019); Singh for Senate 2019 Year-End Report at 62-63 (Jan. 31, 2020) (disclosing three \$1,000 disbursements to JTown Magazine on Oct. 22, Nov. 4, and Dec. 12, 2019).

⁸ Compl. at 3 (citing *Straight Talk with Joe Rullo: Rick Mehta, Hid Staffer Who Got Kicked Out of College for N-Word Viral Video*, SHORE NEWS NETWORK (June 3, 2020),

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 3 of 10

long and includes Rullo expressly advocating for Singh and against Mehta without disclosing his role with the Singh campaign,⁹ soliciting contributions for Singh, and asking for campaign volunteers.¹⁰ Disclosure reports filed with the Commission reflect that the Singh Committee reported paying Rullo \$11,000 between July 9, 2019 and June 1, 2020 for “strategic management services.”¹¹ The Complaint also alleged that by publishing the articles and the video, SNN provided a forum for the Singh Committee to criticize Mehta.¹²

Finally, the Complaint alleged that the Singh Committee coordinated with SNN to send messages on social media to SNN followers defaming Mehta.¹³ As support, the Complaint attached social media messages and comments from four separate individuals, all of which contained comments critical of Mehta, and one of which includes a link to a SNN article.¹⁴ Lastly, the Complaint generally alleged that SNN and Recall Murphy/Conservative NJ operated as an unregistered political committee.¹⁵

Stilton responded on behalf of himself and SNN, stating that the SNN articles the Complaint addressed reflected the conservative viewpoint of the SSN newspaper and that all of the articles were true and based on legitimate sources.¹⁶ Stilton further stated that the \$5,000 the Singh Committee paid in 2019 was for “web banner advertising on our campaign platform in 2019.”¹⁷ Stilton asserted that the Singh Committee did not advertise with SNN during 2020 and that Singh did not receive “any other compensation or courtesy for his advertising other than his banner ad.”¹⁸ Stilton acknowledged that SNN created the Facebook group Recall Phil Murphy/Conservative NJ, but contended that it was simply “a discussion forum for our readers” and that “once the recall committee failed to achieve their goal, we put notice on our social page that the ‘recall Phil Murphy news’ page was being

<https://web.archive.org/web/20201125194353>

[/https://www.shorennewsnetwork.com/2020/06/03/straight-talk-with-joe-rullo-rick-mehta-hid-staffer-who-got-kicked-out-of-college-for-n-word-viral-video](https://www.shorennewsnetwork.com/2020/06/03/straight-talk-with-joe-rullo-rick-mehta-hid-staffer-who-got-kicked-out-of-college-for-n-word-viral-video) (“Rullo Video”) (last visited Mar. 24, 2021). The Complaint specifically alleged a disclaimer violation in connection with SNN’s “articles” and lists the video among the articles. *Id.*

⁹ *Id.*

¹⁰ *See* Rullo Video.

¹¹ Singh for Senate 2019 October Quarterly Report at 55-56 (Oct. 15, 2019); Singh for Senate 2019 Year-End Report at 76 (Jan. 31, 2020); Singh for Senate 2020 April Quarterly at 97 (Apr. 15, 2020); Singh for Senate 2020 Pre-Primary Report at 297 (June 25, 2020).

¹² Compl. at 1, 3.

¹³ *Id.*

¹⁴ Compl. Ex. A at unnumbered 1–4.

¹⁵ Compl. at 1, 3.

¹⁶ Stilton and SNN Resp. at 4.

¹⁷ *Id.*

¹⁸ *Id.* Committee disclosure reports show two expenditures to “Stilton Co, LLC” for “web advertising” on April 13, 2020 and October 6, 2020 for \$1,000 each. Singh for Senate 2020 Pre-Primary Report at 298 (June 25, 2020); Singh for Senate 2020 Post-General Report at 10 (Nov. 24, 2020).

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 4 of 10

renamed in order to allow like-minded readers to keep engaging with each other through our platform.”¹⁹ The Facebook group includes the following description:

This group was initially set up [f]or our Volunteers to receive and share information regarding the Recall Petition. Now that the Recall is over, we have repurposed this group as a forum for political discussion (Conservative/anti-Murphy leaning of course!).²⁰

The Singh Committee and Singh responded that the Complaint should be dismissed for three main reasons: (1) it failed to set out a sufficient factual basis for the allegations; (2) it failed to identify a specific expenditure or specific public communication that would trigger a violation of the coordination regulations; and (3) the media exemption applied.²¹

II. LEGAL ANALYSIS

A. SNN’s Articles and Video Fell Under the Media Exemption

The Complaint alleged that the Singh Committee was “given a forum on [SNN] to perpetrate lies about Mehta,” and appeared to imply that SNN made an in-kind contribution to the Singh Committee by posting the articles and videos critical of Mehta.²²

The Act defines “contribution” and “expenditure” to include the gift of “anything of value” for the purpose of influencing a federal election.²³ The term “anything of value” includes in-kind contributions such as coordinated expenditures.²⁴ However, the Act specifically exempts from the definition of expenditure “any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate.”²⁵ This exemption is called the “press exemption” or

¹⁹ Stilton and SNN Resp. at 3, MUR 7770.

²⁰ Recall Phil Murphy Petition Volunteers Facebook Group, FACEBOOK, <https://www.facebook.com/groups/454842615337653> (last visited June 27, 2022).

²¹ Singh Committee and Singh Resp. at 2, MUR 7770.

²² Compl. at 3.

²³ 52 U.S.C. § 30101(8)(A)(i), (9)(A)(i).

²⁴ 11 C.F.R. §§ 100.52(d)(1), 100.111(e)(1); 52 U.S.C. § 30116(a)(7)(B)(i) (treating as contributions any expenditures made “in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate,” the candidate’s authorized committee, or their agents); *see* 11 C.F.R. § 109.20 (defining “coordinated”); *see also* *Buckley v. Valeo*, 424 U.S. 1, 46-47 (1976).

²⁵ 52 U.S.C. § 30101(9)(B)(i). Commission regulations further provide that neither a “contribution” nor an “expenditure” results from “[a]ny cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station (including a cable television operator, programmer or producer), Web site, newspaper, magazine, or other periodical publication, including any Internet, or electronic publication” unless the facility is “owned or controlled by any political party, political committee, or candidate.” 11 C.F.R. §§ 100.73, 100.132.

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 5 of 10

the “media exemption.”²⁶ Spending covered by this exemption is also exempt from the Act’s disclosure and reporting requirements.²⁷ The Act’s legislative history indicates that Congress did not intend to “limit or burden in any way the First Amendment freedoms of the press and of association. [The exemption] assures the unfettered right of the newspapers, TV networks, and other media to cover and comment on political campaigns.”²⁸

To assess whether the media exemption applies, the Commission has, in the past, applied a two-part test. Whether or not Shore News satisfied the first part of this test is not at issue in this matter.²⁹ The second part involves applying the two-part analysis presented in *Reader’s Digest Association v. FEC*: (1) whether the entity is owned or controlled by a political party, political committee, or candidate; and (2) whether the entity is acting within its “legitimate press function” in conducting the activity.³⁰

With respect to the first prong of the *Readers Digest* analysis, SNN appears to have been owned by Phil Stilton and The Stilton Company, LLC at the time of the activity.³¹ The Complaint does not allege that SNN is owned or controlled by a political party, committee or candidate, and the available information does not indicate that it is.

With respect to the second prong—whether an entity is acting within its “legitimate press function”—the Commission has examined whether the entity’s materials are available to the general public and whether they are comparable in form to those ordinarily issued by the entity.³² There is no question that the materials at issue here meet that test. Accordingly, while there is reason to doubt the propriety of a federal agency probing the “legitimacy” of press functions, a project involving substantial risk of inconsistent application and

²⁶ See Advisory Op. 2011-11 at 6 (Colbert) (“AO 2011-11”); Advisory Op. 2008-14 at 3 (Melothe) (“AO 2008-14”).

²⁷ See AO 2011-11 at 6, 8–10 (discussing costs that are within this exemption and costs that are not).

²⁸ H.R. REP. NO. 93-1239 at 4 (1974).

²⁹ This inquiry in the first part of the test is whether the entity engaging in the activity is, ostensibly, a “press entity.” See, e.g., Advisory Op. 2005-16 at 4 (Fired Up!) (“AO 2005-16”). Both sitting and prior Commissioners have questioned the constitutionality of this inquiry. See, e.g., Statement of Reasons of Comm’r Sean J. Cooksey at 1 (Apr. 22, 2022), MUR 7789 (*Courier Newsroom, et al.*); Statement of Reasons of Vice Chairman Bradley A. Smith and Comm’rs Michael E. Toner and David M. Mason at 3 (Aug. 25, 2003), MUR 5315 (*Wal-Mart Stores, Inc.*); Statement of Reasons of Chairman Matthew S. Petersen and Comm’rs Caroline C. Hunter and Lee E. Goodman at 3 (June 28, 2016), MUR 6952 (*Fox News Network, LLC*); Concurring Statement of Reasons of Comm’r Lee E. Goodman at 1–3, MUR 6779 (*Gilbert, et al.*). Nonetheless, the parties to this Matter do not dispute that SNN is a press entity for purposes of the media exemption. The SNN Response stated that SNN “is an independent for-profit news organization that publishes community, police, tourism, food[,] dining, sports and yes, political news.” Stilton and SNN Resp. at 2. that publishes community, police, tourism, food[,] dining, sports and yes, political news.”²⁹ The Complaint itself similarly describes SNN as a “news service” and as a “media organization.” Compl. at 3.

³⁰ See *Reader’s Digest Ass’n v. FEC*, 509 F. Supp. 1210, 1214-15 (S.D.N.Y. 1981); AO 2011-11 at 6–7.

³¹ See n.4 and accompanying text.

³² See *Reader’s Digest Ass’n*, 509 F. Supp. at 1215; Factual & Legal Analysis at 4, MUR 7231 (CNN); Advisory Op. 2016-01 at 3 (Ethiq).

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 6 of 10

unconstitutional meddling with entities engaged in activity directly protected by the First Amendment, we need not address that issue here. After all, the media exemption unquestionably extends to a news story, commentary, or editorial that lacks objectivity or expressly advocates for the election or defeat of a clearly identified candidate for federal office.³³ Here, the record indicates that SNN was available to the general public, and that the news stories and videos in question were publicly available on its website. SNN has been in existence since 2008, and it appears to regularly feature articles with a specific political perspective and journalistic style.³⁴ The articles that SNN published regarding Singh and Mehta are consistent with its perspective and journalistic style and are therefore comparable in form to those ordinarily issued by SNN. They fall under the media exemption.

The Rullo Video is also covered by the political commentary component of the media exemption. In the video, Rullo analyzes in detail the backgrounds and characters of Singh and Mehta in connection with the senatorial election. Rullo expressly advocates the election of Singh and the defeat of Mehta.³⁵ Rullo was paid by the Singh Committee during the same period of time that SNN posted the Rullo Video. However, SNN posted articles and videos by Rullo as a regular commentary feature on its website on various political issues unrelated to Singh and the Singh Committee.³⁶ In the Rullo Video, Rullo also asks for contributions and

³³ AO 2005-16 at 6; Advisory Op. 1982-44 at 3 (DNC/RNC) (discussing the “commentary” exemption: “Although the statute and regulations do not define ‘commentary,’ the Commission is of the view that commentary cannot be limited to the broadcaster. The exemption already includes the term ‘editorial’ which applies specifically to the broadcaster’s point of view. In the opinion of the Commission, ‘commentary’ was intended to allow the third person’s access to the media to discuss issues. The statute and regulations do not define the issues permitted to be discussed or the format in which they are to be presented under the ‘commentary’ exemption nor do they set a time limit as to the length of the commentary.”).

³⁴ See, e.g., *Murphy’s “Anti-Hunger” Bill Is A Big Fat Nothing Burger That Won’t Feed A Single Person In New Jersey During COVID-19*, SHORE NEWS NETWORK (May 9, 2020), <https://www.shorenewsnetwork.com/2020/05/09/murphys-anti-hunger-bill-is-a-big-fat-nothing-burger-that-wont-feed-a-single-person-in-new-jersey-during-covid-19>; *Cooking the Books? Murphy To “Significantly Increase” NJ COVID-19 Deaths On Monday*, SHORE NEWS NETWORK (June 20, 2020), <https://www.shorenewsnetwork.com/2020/06/20/cooking-the-books-murphy-to-significantly-increase-nj-covid-19-deaths-on-monday>; *Nobody Shocked After Joe Biden Accused of Sexual Assault by Tara Reade*, SHORE NEWS NETWORK (Apr. 27, 2020), <https://www.shorenewsnetwork.com/2020/04/27/nobody-shocked-after-joe-biden-accused-of-sexual-assault-by-tara-rea-de>; *Watch As Trump Press Secretary Destroys Fake News Media’s COVID-19 ‘Gotchya’ Question*, SHORE NEWS NETWORK (May 7, 2020), <https://www.shorenewsnetwork.com/2020/05/07/watch-as-trump-press-secretary-destroys-fake-news-medias-covid-19-gotchya-question>.

³⁵ For example, Rullo states “start instant messaging every single person that you know to vote for Hirsh Singh” and “we are sick and tired of Rik ... vote for a real Republican.” See Rullo Video; 11 C.F.R. § 100.22(a) (expressly advocating includes, among other things, phrases such as “vote for the President,” “re-elect your Congressman,” “support the Democratic nominee,” “vote against Old Hickory”).

³⁶ See, e.g., *Straight Talk with Joe Rullo: Murphy’s Hypocritical Governing Not Just About Restaurants*, SHORE NEWS NETWORK (June 30, 2020), <https://www.shorenewsnetwork.com/2020/08/18/straight-talk-with-joe-rullo-milwaukee-jane-has-betrayed-the-republican-party-and-america> (discussing Governor Murphy’s approach to COVID-19 policies); *Straight Talk With Joe Rullo: NASCAR Owes Fans an*

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 7 of 10

for volunteers for Singh. Rullo tells viewers that, “all you have to do is, real simple, is continue to share Hirsh’s posts everywhere, start instant messaging every single person that you know to vote for Hirsh Singh.”³⁷ Further, Rullo says:

[W]hat you can do, and I said before, is go to hirshsingh.com and donate to Hirsh even if it is \$5, 10, 20 30, whatever you can afford. In addition, if you want to make calls for Hirsh, instant message me, I will put you in the right direction. If you want to put a sign on your lawn we have a link you can click. If you are interested in, this is what you can do right away, write a letter to the editor and endorse Hirsh for the right reasons³⁸

In Advisory Opinion 2008-14 (Melothé), the Commission analyzed the proposed operation of an Internet TV station covering the campaigns of federal candidates, observing that “under the Commission’s previous interpretations of the media exemption nothing prohibits ... commentators and guests to make express advocacy endorsements of certain candidates to viewers of its Web site content and, concurrently, to suggest that viewers support such candidates with their contributions, so long as neither Melothé, Inc. nor its Web site is owned or controlled by any candidate, political party, or political committee.”³⁹ In explaining its rationale, the Commission relied on an earlier Advisory Opinion that concluded, pursuant to the media exemption, that an “endorsement of, including a contribution solicitation on behalf of [the candidate] in a commentary’ in a subscription periodical does not itself result in a contribution under the Act where the ‘commentary . . . appears as a regular feature in each issue,’ and where the periodical is not owned or controlled by any candidate, political party, or political committee.”⁴⁰ Consistent with that line of analysis, because Rullo’s solicitation was only present in one video and Rullo provided political commentary in the form of videos as a regular feature on SNN, this specific video fell within the scope of the media exemption.

Therefore, given the clear applicability of the media exemption to the content at issue, we voted to find no reason to believe that Hirsh Singh and the Singh Committee violated 52 U.S.C. § 30104(b) by failing to disclose in-kind contributions (in the form of SNN’s articles and the Rullo Video) from SSN and Stilton.

Apology, SHORE NEWS NETWORK (June 23, 2020), <https://www.shorenewsnetwork.com/2020/06/23/straight-talk-with-joe-rullo-nascar-owes-fans-an-apology> (discussing an alleged hate crime of a noose that was found in a NASCAR driver’s garage).

³⁷ Rullo Video at 27:00-27:12.

³⁸ *Id.* at 33:16–33:46.

³⁹ AO 2008-14 at 7. The Commission was unable to render a definitive conclusion in the Advisory Opinion because it lacked necessary factual information on the frequency, character, and context of such solicitations.

⁴⁰ *Id.* (citing Advisory Op. 1980-109 (Ruff Times)).

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 8 of 10

B. Unpaid Political Content Published by a Press Entity Does Not Require a Disclaimer

With respect to the allegation that SNN’s articles and video lacked disclaimers, the Complaint alleged that the content in question was effectively “campaign commercials purporting to be objective news” that were paid for by the Singh Committee.⁴¹ The Act and Commission regulations require a disclaimer whenever a political committee makes a disbursement for the purpose of financing any public communication through any broadcast, cable, satellite communication, newspaper, magazine, outdoor-advertising facility, mailing, or any other type of general public political advertising.⁴² If a communication requiring a disclaimer is paid for and authorized by a candidate, a candidate’s authorized committee, or its agents, the disclaimer must clearly state that the communication was paid for by the authorized committee.⁴³

The available information, however, does not indicate that the Singh Committee paid for the articles or video that were placed on the SNN website. The record does not contain any evidence to substantiate the allegation in the Complaint that the Singh Committee’s payments to JTown Magazine were for the publishing of the articles or video and not for traditional advertising on the SNN website.⁴⁴ Nor does the available information indicate that Rullo was paid to create and publish this video by either SNN or the Singh Committee. The Complaint alleged that Rullo was Singh’s campaign manager at the time the video was posted, and disclosure reports show that Rullo was being paid by the Singh Committee for “strategic management services.”⁴⁵ Although Rullo’s affiliation with the Singh Committee was not disclosed in the video, Commission regulations do not require that a press entity’s political commentary disclose the speaker’s employment affiliations, and the Commission has not previously concluded that because a political commentator is also paid by a campaign, his or her commentary constitutes an advertisement requiring a disclaimer. Because the Complaint contained insufficient facts indicating that SNN’s articles and videos were actually paid advertisements, we found that these communications did not require disclaimers.

Accordingly, based on the lack of evidence in the record supporting the allegation that Hirsh Singh and the Singh Committee violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. § 110.11(a) by failing to include disclaimers on SNN’s content, we voted to find no reason to believe a violation of the Act occurred.

⁴¹ Compl. at 1.

⁴² 52 U.S.C. §§ 30101(22), 30120; *see also* 11 C.F.R. §§ 100.26, 110.11.

⁴³ 52 U.S.C. § 30120(a)(1); *see also* 11 C.F.R. § 110.11(b)(1).

⁴⁴ The Committee’s payments to Stilton Co, LLC for “web advertising” during 2020 similarly do not appear to substantiate the allegation. *See* n.18 and accompanying text.

⁴⁵ Singh for Senate 2019 October Quarterly Report at 55-56 (Oct. 15, 2019); Singh for Senate 2019 Year-End Report at 76 (Jan. 31, 2020); Singh for Senate 2020 April Quarterly Report at 97 (Apr. 15, 2020); Singh for Senate 2020 Pre-Primary Report at 297 (June 25, 2020).

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 9 of 10

C. SNN’s Social Media Activities Did Not Satisfy the Statutory Threshold for Political Committee Status

The Complaint alleged that SNN and a Facebook group operated by SNN, Recall Murphy/Conservative NJ, acted as an unregistered political committee.⁴⁶ The Act defines a political committee as “any committee, club, association, or other group of persons” that receives aggregate contributions or makes aggregate expenditures in excess of \$1,000 during a calendar year.⁴⁷ Notwithstanding the statutory threshold for contributions and expenditures, an organization will be considered a political committee only if its “major purpose is Federal campaign activity (i.e., the nomination or election of a Federal candidate)” or if it is controlled by a federal candidate.⁴⁸ Political committees are required to register with the Commission, meet organizational and recordkeeping requirements, and file periodic disclosure reports.⁴⁹

Because the articles and video SNN published fall within SNN’s legitimate press functions for the reasons discussed above, the costs associated with them do not constitute contributions or expenditures.⁵⁰ With regard to the allegation regarding SNN’s creation and operation of the Recall Murphy/Conservative NJ Facebook group, the available information does not indicate that the Act’s statutory threshold of \$1,000 was met or that SNN or the Facebook group were controlled by a federal candidate or had the “major purpose” of federal campaign activity. Creating a Facebook group like the one at issue does not cost money, and the Commission lacks information about any advertisements placed by Recall Murphy/Conservative NJ or by SNN itself. Nor does the available information suggest that Recall Murphy/Conservative NJ received contributions or had the “major purpose” of supporting or opposing a federal candidate.

Therefore, because the available information does not indicate that Recall Murphy/Conservative NJ met the \$1,000 statutory threshold or the “major purpose” requirement, we voted to find no reason to believe that SNN and Recall Murphy/Conservative NJ violated 52 U.S.C. §§ 30102, 30103, and 30104 by failing to register and report as a political committee.

⁴⁶ Compl. at 1, 3, MUR 7770.

⁴⁷ 52 U.S.C. § 30101(4)(A).

⁴⁸ Political Committee Status: Supplemental Explanation and Justification, 72 Fed. Reg. 5595, 5597 (Feb. 7, 2007) (“Suppl. E&J”) (“[D]etermining political committee status under [the Act], as modified by the Supreme Court, requires an analysis of both an organization’s specific conduct — whether it received \$1,000 in contributions or made \$1,000 in expenditures — as well as its overall conduct — whether its major purpose is Federal campaign activity (i.e., the nomination or election of a Federal candidate).”); see *Buckley*, 424 U.S. at 79; *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238, 262 (1986).

⁴⁹ See 52 U.S.C. §§ 30102, 30103, 30104.

⁵⁰ 52 U.S.C. § 30101(9)(B)(i); 11 C.F.R. §§ 100.73, 100.132; see also Factual and Legal Analysis at 6, MUR 5928 (Kos Media, LLC) (concluding that respondent media entity did not fail to register as a political committee because its activity fell squarely within the scope of the media exemption).

MUR 7770 (Singh for Senate, *et al.*)

Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and

James E. “Trey” Trainor, III

Page 10 of 10

D. Singh Supporters’ Social Media Messages Did Not Qualify as Coordinated Communications

Finally, the Complaint alleged that the Singh Committee coordinated with SNN to send messages on social media to SNN followers defaming Mehta.⁵¹ Under Commission regulations, a communication is “coordinated” with a candidate, authorized committee, political party committee, or their agents and is treated as an in-kind contribution if the communication meets a three-part test: (1) payment for the communication by a third party; (2) satisfaction of one of five content standards of 11 C.F.R. § 109.21(c); and (3) satisfaction of one of six conduct standards of 11 C.F.R. § 109.21(d).⁵²

The available information does not indicate that SNN had any involvement in paying for or disseminating the social media messages referenced in the Complaint, or that a third party expended any funds in connection with the messages. Moreover, these messages do not qualify as electioneering communications or public communications under any of the content standards set forth in the regulations.⁵³

Therefore, because the social media message at issue failed to satisfy both the payment and content prongs of the Commission’s regulations defining coordinated communications, we voted to find no reason to believe that Hirsh Singh and the Singh Committee violated 52 U.S.C. § 30104(b) by failing to disclose contributions from SNN and Stilton resulting from alleged coordinated communications.

July 13, 2022

Date



 Allen J. Dickerson
 Chairman

July 13, 2022

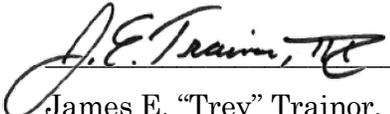
Date



 Sean J. Cooksey
 Commissioner

July 13, 2022

Date



 James E. “Trey” Trainor, III
 Commissioner

⁵¹ Compl. at 1, 3, MUR 7770.

⁵² 11 C.F.R. § 109.21.

⁵³ *Id.*