

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Maine Democratic Party
320 Water Street, 3rd Floor
Augusta, Maine 04330

MUR 7803

Complainant,

v.

Sen. Susan Collins
PO Box 1096
Bangor, ME 04402-1096

Collins for Senator
PO Box 1096
Bangor, ME 04402-1096

Elizabeth T. McCandless
Treasurer, Collins for Senator
901 N Washington Street Suite 700
Alexandria, VA 22314-1535

Respondents.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Senator Susan Collins; her principal campaign committee, Collins for Senator (the "Committee"); and Elizabeth T. McCandless, in her official capacity as Treasurer of the Committee (collectively "Respondents") for clear violations of the Federal Election Campaign Act of 1971, as amended (the "Act" or "FECA"), and Federal Election Commission (the "FEC" or "Commission") regulations.

Recognizing the corrupting role of corporate special interests in our government "that leads to decisions made in the best interest of the lobbyist and his or her client instead of the American people,"¹ in 2007, Congress passed the Honest Leadership and Open Government Act

¹ Statement of Senator Susan Collins on S.1, Statements on Introduced Bills and Joint Resolutions, 153 Cong. Rec. 103-256 (2007), <https://www.govinfo.gov/content/pkg/CRECB-2007-pt1/html/CRECB-2007-pt1-Pg103.htm>.

("HLOGA"), which amended FECA to require the disclosure of contributions bundled by lobbyists and their PACs once the aggregate amount bundled crosses a substantial threshold of \$15,000, adjusted for inflation (currently \$19,000).² The rationale for this rule is simple—once a lobbyist or their PAC bundles such a substantial amount of money for a candidate, there is an obvious risk of corrupting influence. Congress decided in passing HLOGA that the antidote to this risk was disclosure. Disclosure lets the American voters know who may be influencing their elected officials and empowers them to hold their representatives accountable. Senator Collins proudly co-sponsored this bill in 2007 because, as she put it, the law is "a critical part of restoring the people's trust by reforming ethics and lobbying rules."³

Despite her public statements on HLOGA's virtues, Senator Collins and her campaign have failed to comply with it, avoiding the very disclosure she once championed. In particular, Senator Collins' campaign has failed to disclose that certain contributions she received were bundled by a PAC controlled by lobbyists, in violation of the Act and Commission regulations. This flagrant disregard for the requirements that Senator Collins once championed has denied both the public and the Commission of material information regarding the lobbyist involvement in thousands of dollars' worth of contributions to Senator Collins's campaign. The Commission should immediately investigate these clear violations of federal law and levy appropriate sanctions against Respondents.

FACTS

² See Honest Leadership and Open Government Act of 2007, Pub. L. No. 110-81, § 294, 121 Stat. 735, 744-746 (2007); Disclosure of Lobbyist Bundling Activity, 85 Fed. Reg. 9772 (Feb. 20, 2020).

³ Statement of Senator Susan Collins on S.1, *supra* note 1.

Susan Collins is a current United States Senator for Maine. She has represented Maine in the United States Senate since 1997 and is running for re-election in the 2020 U.S. Senate election in Maine.⁴ Collins for Senator is her principal campaign committee.⁵

The National Association of Broadcasters Political Action Committee ("NABPAC") is a separate segregated fund of the National Broadcasters Association and is also a Lobbyist/Registrant PAC.⁶ NABPAC reported collecting and transferring the following earmarked contributions for the Committee in May, June, and July of 2019⁷:

Contributor's Initials	Date of Receipt by NABPAC	Date of Transfer to the Committee	Contribution Amount
K.L.	5/16/2019	5/20/2019	\$1,000.00
C.B.	5/24/2019	5/28/2019	\$1,000.00
V.M.	5/24/2019	5/28/2019	\$2,500.00
S.G.	5/24/2019	5/28/2019	\$250.00
C.M.	5/23/2019	5/28/2019	\$500.00
L.W.	5/24/2019	5/28/2019	\$500.00
R.H.	5/24/2019	5/28/2019	\$1,000.00
R.B.	5/24/2019	5/28/2019	\$1,500.00
E.B.	5/28/2019	5/30/2019	\$1,500.00
J.F.	5/30/2019	6/3/2019	\$500.00
H.H.	5/30/2019	6/3/2019	\$1,000.00
R.G.	5/31/2019	6/3/2019	\$500.00
D.B.	6/4/2019	6/6/2019	\$1,000.00
J.B.	6/12/2019	6/13/2019	\$250.00
L.S.	6/11/2019	6/13/2019	\$1,000.00

⁴ About, Susan Collins, United States Senator for Maine, <https://www.collins.senate.gov/about>; see also Susan M. Collins, FEC Form 2, Statement of Candidacy (amended Oct. 19, 2019),

<https://docquery.fec.gov/pdf/560/201910099163781560/201910099163781560.pdf>.

⁵ Collins for Senator, FEC Form 1, Statement of Organization (amended July 1, 2020),

<https://docquery.fec.gov/pdf/921/202007019244228921/202007019244228921.pdf>.

⁶ See National Association of Broadcasters Political Action Committee, FEC Form 1, Statement of Organization (amended Feb. 15, 2016), <https://docquery.fec.gov/pdf/956/201602199008505956/201602199008505956.pdf>;

National Association of Broadcasters Political Action Committee, FEC Form 1, Statement of Organization (amended Apr. 9, 2020), <https://docquery.fec.gov/pdf/319/202004099216621319/202004099216621319.pdf>.

⁷ NABPAC, FEC Form 3X, Report of Receipts and Disbursements (June 17, 2019),

<https://docquery.fec.gov/pdf/062/201906179150074062/201906179150074062.pdf>; NABPAC, FEC Form 3X, Report of Receipts and Disbursements (July 18, 2019),

<https://docquery.fec.gov/pdf/402/201907189151433402/201907189151433402.pdf>; NABPAC, FEC Form 3X, Report of Receipts and Disbursements (Aug. 15, 2019),

<https://docquery.fec.gov/pdf/696/201908159162874696/201908159162874696.pdf>.

L.L.	6/11/2019	6/13/2019	\$2,800.00
P.L.	6/12/2019	6/17/2019	\$500.00
J.E.	6/12/2019	6/17/2019	\$500.00
S.D.	6/17/2019	6/20/2019	\$1,000.00
D.C.	6/27/2019	7/1/2019	\$500.00
Total:			\$19,300

The Committee in turn disclosed the receipt of each of the above contributions in its July Quarterly Report.⁸

Contributor's Initials	Date of Receipt by the Committee	Contribution Amount
K.L.	5/30/2019	\$1,000.00
C.B.	6/19/2019	\$1,000.00
V.M.	6/19/2019	\$2,500.00
S.G.	6/19/2019	\$250.00
C.M.	6/19/2019	\$500.00
L.W.	6/19/2019	\$500.00
R.H.	6/19/2019	\$1,000.00
R.B.	6/19/2019	\$1,500.00
E.B.	6/19/2019	\$1,500.00
J.F.	6/19/2019	\$500.00
H.H.	6/19/2019	\$1,000.00
R.G.	6/19/2019	\$500.00
D.B.	6/19/2019	\$1,000.00
J.B.	6/23/2019	\$250.00
L.S.	6/23/2019	\$1,000.00
L.L.	6/23/2019	\$2,800.00
P.L.	6/23/2019	\$500.00
J.E.	6/23/2019	\$500.00
S.D.	6/29/2019	\$1,000.00
D.C.	6/29/2019	\$500.00
Total:		\$19,300

NABPAC further reported collecting and transferring the following earmarked contributions for the Committee in January, February, and March of 2020⁹:

⁸ Collins for Senator, FEC Form 3X, Report of Receipts and Disbursements (July 15, 2019), <https://docquery.fec.gov/pdf/841/201907159151154841/201907159151154841.pdf>

Contributor's Initials	Date of Receipt by NAPBAC	Date of Transfer to the Committee	Contribution Amount
R.B.	1/11/2020	1/13/2020	\$1,500
R.H.	1/21/2020	1/30/2020	\$1,000
L.S.	1/22/2020	1/27/2020	\$1,000
K.R.	1/27/2020	1/30/2020	\$1,000
S.H.	2/19/2020	2/24/2020	\$5,600
K.L.	2/19/2020	2/24/2020	\$2,500
K.H.	2/19/2020	2/24/2020	\$5,600
P.L.	2/20/2020	2/24/2020	\$500
J.E.	2/27/2020	3/2/2020	\$500
Total:			\$19,200

The Committee in turn disclosed the receipt of each of the above contributions in its April Quarterly Report.¹⁰

Contributor's Initials	Date of Receipt by the Committee	Contribution Amount
R.B.	1/24/2020	\$1,500
R.H.	1/29/2020	\$1,000
L.S.	2/5/2020	\$1,000
K.R.	1/30/2020	\$1,000
S.H.	3/4/2020	\$400 ¹¹
K.L.	3/4/2020	\$2,500
K.H.	3/4/2020	\$400 ¹²
P.L.	3/4/2020	\$500
J.E.	3/12/2020	\$500
Total:		\$8,800

⁹ NABPAC, FEC Form 3X, Report of Receipts and Disbursements (Feb. 19, 2020), <https://docquery.fec.gov/pdf/885/202002199186541885/202002199186541885.pdf>; NABPAC, FEC Form 3X, Report of Receipts and Disbursements (Mar. 18, 2020), <https://docquery.fec.gov/pdf/848/202003189203896848/202003189203896848.pdf>; NABPAC, FEC Form 3X, Report of Receipts and Disbursements (Apr. 15, 2020), <https://docquery.fec.gov/pdf/450/202004159219315450/202004159219315450.pdf>.

¹⁰ Collins for Senator, FEC Form 3X, Report of Receipts and Disbursements (Apr. 15, 2020), <https://docquery.fec.gov/pdf/456/202004159219329456/202004159219329456.pdf>.

¹¹ While NABPAC reported receiving \$5,600 from this donor and transferring that amount to the Committee, the Committee only reported receiving \$400 from the donor.

¹² While NABPAC reported receiving \$5,600 from this donor and transferring that amount to the Committee, the Committee only reported receiving \$400 from the donor.

The Committee did not report any of the contributions listed above as being earmarked through NABPAC or any other conduit, instead reporting them as if they were direct contributions.¹³ The Committee did not file an FEC Form 3L (Report of Contributions Bundled by Lobbyists/Registrants and Lobbyist/Registrant PACs) at any point in 2019.¹⁴

LEGAL DISCUSSION

I. Respondents failed to report \$18,800 in Lobbyist/Registrant PAC contributions

Recognizing the need for additional disclosure when lobbyists are involved in the collection of contributions, the Act, as amended by HLOGA, and Commission regulations place special reporting requirements on campaign committees that accept contributions that are sent to them through a federally-registered lobbyist, an organization that is registered with the House or Senate for employing one or more federal lobbyists (both “lobbyist/registrants”), or a lobbyist/registrant PAC, which is a political committee established or controlled by a lobbying/registrant.¹⁵

A federal candidate’s authorized committee must file an FEC Form 3L if it has received two or more bundled contributions that were forwarded by or received and credited to a person reasonably known by the committee to be a lobbyist/registrant or lobbyist/registrant PAC if those contributions aggregate in excess of a certain amount during the “covered period.”¹⁶ In 2019, that threshold amount was \$18,700.¹⁷ The form must report the name, address, and employer of each

¹³ *Id.*

¹⁴ Collins for Senator, Committee Filings (2019-2020), <https://www.fec.gov/data/committee/C00314575/?tab=filings>.

¹⁵ 52 U.S.C. § 30104(i); 11 C.F.R. § 104.22. A lobbyist/registrant is defined as either a “current registrant under Section 4(a) of the Lobbying Disclosure Act of 1995” or an “individual who is named on a current registration or current report filed under Section 4(b)(6) or 5(b)(2)(C) of the Lobbying Disclosure Act of 1995.” *Id.* § 104.22(a)(2). A “lobbyist/registrant PAC” is “any political committee that a lobbyist/registrant ‘established or controls.’” *Id.* § 104.22(a)(3).

¹⁶ *Id.* § 104.22(b)(1). “Forwarded” means “delivered or transmitted, by physical or electronic means, to the reporting committee by a lobbyist/registrant or lobbyist/registrant PAC, or by any person that the reporting committee knows to be forwarding such contribution on behalf of a lobbyist/registrant or lobbyist/registrant PAC.” *Id.* § 104.22(a)(6)(i).

lobbyist/registrant or lobbyist/registrant PAC meeting that threshold, as well as the aggregate amount of bundled contributions forwarded by or received and credited to each lobbyist/registrant or lobbyist/registrant PAC by the committee during the covered period.¹⁸

In order to meet these reporting obligations, a committee must check the FEC's website to determine whether, at the time a contribution was forwarded to or received by the committee, the person forwarding the contribution identified itself as a lobbyist/registrant PAC on its Statement of Organization, FEC Form 1.¹⁹

For committees reporting quarterly during non-election years, as the Committee was in 2019, the applicable "covered periods" are the semi-annual periods of January 1 through June 30 and July 1 through December 31 and the quarters beginning on January 1, April 1, July 1, and October 1 of each calendar year.²⁰

NABPAC's FEC Form 1 clearly indicated that it was a lobbyist/registrant PAC.²¹ NABPAC reported forwarding \$18,800 worth of contributions to the Committee during the overlapping January 1 to June 30, 2019 semiannual and the April 1 to June 30, 2019 quarterly reporting periods.²² However, the Commission's website indicates that Respondents did not file an FEC Form 3L Report at any point in 2019.²³ As such, it appears that Respondents failed to file the FEC Form 3L in July 2019 that they were required by law to file, violating both the Act and

¹⁷ Lobbyist Bundling Disclosure Threshold for 2019, 84 Fed. Reg. 2506 (Feb. 7, 2019).

¹⁸ *Id.* § 104.22(b)(1).

¹⁹ *Id.* § 104.22(b)(2)(i)(C).

²⁰ *Id.* § 104.22(a)(5).

²¹ See National Association of Broadcasters Political Action Committee, FEC Form 1, Statement of Organization (amended Feb. 15, 2016), <https://docquery.fec.gov/pdf/256/201602199008505956/201602199008505956.pdf>; National Association of Broadcasters Political Action Committee, FEC Form 1, Statement of Organization (amended Oct. 23, 2019), <https://docquery.fec.gov/pdf/404/201910289165303404/201910289165303404.pdf>.

²² NABPAC reports transferring Drew Cantor's \$500 contribution on July 1, 2019, after the close of the first semiannual and second quarterly reporting periods in 2019. However, the Committee reports receiving this contribution on June 29, 2019, a date within both reporting periods. For the purpose of calculating the total contributions forwarded by the NABPAC during the two reporting periods, we have used NABPAC's reported date of transfer, rather than the Committee's reported date of receipt.

²³ Collins for Senator, Committee Filings (2019-2020), <https://www.fec.gov/data/committee/C00314575/?tab=filings>.

Commission regulations. The result of this violation is not a mere technical reporting error. The Committee was required to disclose to the American public that it received almost \$19,000 through a political action committee run by lobbyists and it did not do so.

II. Respondents failed to report the earmarking of at least \$28,100 in contributions

Federal campaign finance law places further reporting requirements on committees that make and receive “earmarked contributions,” meaning contributions that are given by a donor to a third party with the intent that the third party pass the contribution along to a specific recipient campaign.²⁴ For example, the Act requires all intermediaries and conduits to report the original source of such contributions to the Commission and to the intended recipient. Similarly, Commission regulations require recipient committees to report each conduit or intermediary who forwards one or more earmarked contributions which in the aggregate exceed \$200 in any election cycle.²⁵ The regulations also require recipient committees to itemize each contribution forwarded by an intermediary or conduit if the underlying contributor’s total contributions to the committee, earmarked or contributed directly, exceed \$200 that election cycle.²⁶ This information must be itemized on Schedule A attached to the report for the reporting period in which the earmarked contribution was received.²⁷

NABPAC’s campaign finance reports indicate that it served as an intermediary for at least \$28,100 in contributions to the Committee.²⁸ However, the Respondents did not report these

²⁴ 52 U.S.C. § 30116(a)(8); 11 C.F.R. § 110.6(c)(1)(iv). “Earmarked” means “a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate’s authorized committee.” *Id.* § 110.6(b)(1). “Conduit or intermediary” means “any person who receives and forwards an earmarked contribution to a candidate or a candidate’s authorized committee,” unless the person fits into one of five enumerated exceptions. *Id.* § 110.6(b)(2)

²⁵ *Id.* § 110.6(c)(2)(i).

²⁶ *Id.* § 110.6(c)(2)(ii).

²⁷ *Id.* § 110.6(c)(2)(iii).

²⁸ While NABPAC reports receiving and transferring \$5,600 each from S.H. and K.H. in February 2020, the Committee reports only receiving \$400 each from these individuals around that time. The contribution total used in this section is derived from the contribution sizes reported by the Committee, not NABPAC.

contributions as coming from an intermediary, instead reporting each contribution *as if it came directly from the original source of the funds*. This reporting failure violated clear Commission regulations and deprived the public and the Commission of important information regarding the true nature of tens of thousands of dollars of contributions to the Committee.

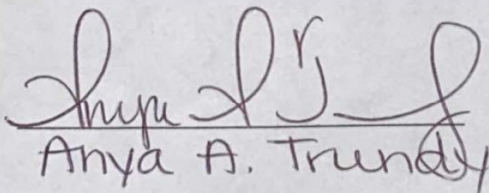
REQUESTED ACTION

As demonstrated above, public evidence indicates that Senator Collins and her campaign have violated the Act and Commission regulations by failing to comply with simple but important disclosure requirements that, years ago, Senator Collins herself championed. As such, we respectfully request that the Commission immediately investigate these violations and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



SUBSCRIBED AND SWORN to before me this 24 day of September, 2020.



Notary Public

My Commission Expires:

09/14/2027