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**MUR 7839**  
**AMENDMENT**

October 28, 2020

**Filed electronically / followed by USPS Filing**

Ms. Lisa J. Stevenson, Esq.  
Acting General Counsel  
Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

Re: Supplement to Complaint against Westerleigh Press and John  
Doe / John Doe Committee(s) for Anonymous Mailers in 2020  
General Election

Dear Ms. Stevenson:

Pursuant to 52 U.S.C. § 30109 and 11 C.F.R. § 111.4, Steve Daines for Montana ("Daines Campaign") filed a Complaint against Westerleigh Press, located at 2 Hollywood Court, South Plainfield, NJ 07080 and its customers John Doe and John Doe Committee for their violations of federal law as more fully described below ("the Complaint"). Co-Complainant, National Republican Senatorial Committee ("NRSC") hereby joins with the Daines Campaign to supplement the original complaint with additional information regarding Respondents' illegal actions in other states.

The Complaint was originally filed against Westerleigh Press and person(s) responsible for at least two anonymous (2) mailings to registered voters in Montana. Now, Complainant has learned that the same Respondents, Westerleigh Press and one or more anonymous Respondents have created, paid for and disseminated false, misleading and anonymous mailers in at least two other states in violation of the Federal Election Campaigns Act, Title 52 United States Code, Subtitle III, Chapter 301, Subchapter I ("the Act") and the regulations promulgated thereunder by the Federal Election Commission ("FEC"), specifically as described below. Co-Complainant hereby supplements the original Complaint filed by the Daines Campaign in this matter.

AUSTIN  
BOSTON  
CHICAGO  
DALLAS  
DENVER

DETROIT  
HOUSTON  
JACKSONVILLE  
LOS ANGELES  
MADISON

MEXICO CITY  
MIAMI  
MILWAUKEE  
NEW YORK  
ORLANDO

SACRAMENTO  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
TALLAHASSEE

TAMPA  
WASHINGTON, D.C.  
BRUSSELS  
TOKYO



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**Supplemental Facts of the Violation(s)**

Respondent Westerleigh Press is clearly involved in a national scheme with one or more unknown parties to violate federal law.

Co-Complainant NRSC advises the Commission that, not only have Westerleigh and its clients violated federal law by producing and disseminating illegal mailers in Montana, but they have also done exactly the same thing in South Carolina and Alaska.

False, anonymous mailers attacking Sen. Lindsey Graham (R-SC) and Sen. Dan Sullivan (R-AK) have been disseminated in their respective states, clearly targeting conservative voters in an effort to suppress Republican and conservative turnout for these Republican Senators on issues of concern to GOP voters: excessive federal spending, gun rights, and support for President Trump's China policies. There are no facts to support the false content of the mailings and no way to hold the Respondents accountable for their interstate conspiracy to violate federal law and to engage in these 'dirty tricks'

Each of the targeted United States Senators is seeking reelection and all are on the November 3, 2020 general election ballot in their respective states.

On or about October 22, 2020, voters in all three states began receiving the Mailers attached to this Supplement. The mailing and receipt of the communications occurred within twelve days of the November 3, 2020 General Election. It is believed that at least five hundred (500) of the mailers were sent to voters in each of the three states within the span of just a few days.

The mailers contain attacks against Sen. Graham and Sen. Sullivan in the same way that the Montana mailers attack Sen. Daines. In fact, one of the mailers in Alaska is almost identical to the Montana mailer. Coupled with the proximity to the election and the unambiguous call to defeat Sen. Graham and Sen. Sullivan, the mailers all constitute public communications expressly advocating their defeat (the "Mailers"). See Mailers, Ex. 4, Ex. 5, and Ex. 6.

The Mailers each contain a pre-paid postage stamp and pre-printed number, which identify Respondent Westerleigh Press, who also produced the Mailers against Sen. Daines. Like the Montana Mailers, the SC and AK Mailers also contain *no* information as to the sponsor or source of payment. Since none of the Mailers contain a disclaimer stating who paid for them, there is also no statement that the mass mailings were not authorized by any candidate or candidate's committee. Additionally, it is clear that this is part of a much larger scheme between Westerleigh Press and person(s) connected or sympathetic to the Democrat opponents of each of these Senators.



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### **The Mailers Violate Multiple Provisions of Federal Law**

Federal campaign finance law is premised upon a requirement that public communications expressly advocating the election of or defeat of a clearly defined federal candidate must contain a disclaimer stating the source of the payment for the communication. 52 U.S.C. § 30120; 11 C.F.R. § 110.11(a)(2); *Federal Election Commission v. Survival Education Fund, Inc.*, 65 F.3d 285 (2d Cir. 1995).

The Mailers all contain an unmistakable and unambiguous message that Sen. Graham and Sen. Sullivan should be defeated. *See* Ex.4, Ex. 5 and Ex.6. The Mailers have been disseminated within close proximity to the November 3, 2020 general election, thus constituting an express advocacy communication as described in federal law. 52 U.S.C. § 30101(17); 11 C.F.R. § 100.22.

The content of the Mailers constitute public political advertising. 52 U.S.C. § 30101(22); 11 C.F.R. § 100.26. In addition, the Mailers meet the definition of “mass mailing” since they constitute “a mailing by U.S. mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.” 52 U.S.C. § 30101(23); 11 C.F.R. § 100.27.

An express advocacy public communication must state that the communication was not authorized by a candidate or candidate’s committee, along with the full name and permanent street address, telephone number, or website address of the person who paid for the communication. 52 U.S.C. § 30120; 11 C.F.R. § 110.11(b)(3). Furthermore, there are specific size and legibility requirements for the disclaimer which Respondent(s) have not complied with. 52 U.S.C. § 30120; 11 C.F.R. § 110.11(c).

The Mailers have been produced and mailed by and through Respondent Westerleigh Press, which advertises its history of working for Democratic candidates. If coordinated with the campaign(s) of the opponents to Sen. Graham and Sen. Sullivan, then the Mailers constitute an in-kind illegal contribution from Westerleigh and the anonymous Respondent(s) to Sen. Graham’s opponent’s campaign, Jamie Harrison for US Senate (“Harrison Campaign”) and Sen. Sullivan’s opponent’s campaign, Dr. Al Gross for US Senate (“Gross Campaign”).<sup>1</sup> 11 C.F.R. § 100.52(d).

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<sup>1</sup> *Types of Contributions*, U.S. Federal Election Commission, <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/types-contributions/>, (last visited Oct. 25, 2020), stating that “when a committee, group or individual pays for a communication that is coordinated with a campaign or a candidate, the communication is either an in-kind contribution or, in some limited cases, a coordinated party expenditure by a party committee.”



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If *not* coordinated with the Harrison and Gross Campaigns, Respondent(s) have failed to report the Independent Expenditure within 24-hours of public dissemination of the Mailers, in violation of U.S. campaign finance law. 11 C.F.R. § 109.10(c), (d). Respondent(s) have failed to disclose to the public whether the Mailers were or were not authorized by a candidate; therefore, the public has no way of knowing the extent of the involvement of the Harrison or Gross Campaigns, or the Democratic Party committees in Montana, South Carolina, Alaska, or the Democratic Senatorial Campaign Committee (“DSCC”) in these last minute, anonymous attacks on Sen. Daines, Sen. Graham, and Sen. Sullivan.

The Mailers do not comply with any of the requirements of U.S. campaign finance law. The Respondents have deliberately failed to comply with the disclosure requirements of all such communications.

Similar disclosure requirements to the ones Respondents are purposefully flouting at the expense of a better informed electorate, have been upheld by the U.S. Supreme Court as recently as 2010. See *Citizens United v. Federal Election Comm’n*, 130 S. Ct. 876, 885 (2010) (finding that disclosure requirements and disclaimers for political ads “provide information to the electorate, *McConnell v. Federal Election Comm’n*, 540 U.S. 93, 196 (2003), and ‘insure that the voters are fully informed’ about who is speaking, *Buckley v. Valeo*, 424 U.S. 1, 76 (1976). At the very least, they avoid confusion by making clear that the ads are not funded by a candidate or political party.”). The disclosure requirements for independent expenditures outlined by Congress are an essential aspect of our campaign finance system. It is these same disclosure requirements that enable citizens to have access to “the information needed to hold corporations and elected officials accountable for their positions.” *Citizens United*, 558 U.S. at 370 (citing *McConnell*, 540 U.S. at 259 (opinion of Scalia, J.)). The transparency that the disclosure requirements provide has proved crucial in enabling “the electorate to make informed decisions and give proper weight to different speakers and messages.” *Citizens United*, 558 U.S. at 371.

The amount of the in-kind contribution or the independent expenditure is unknown due to the lack of transparency in the Mailers; however, if the amount at issue is \$25,000 or more, Respondents should be criminally prosecuted to the fullest extent of the law pursuant to U.S. 52 U.S.C. § 30109(d). Further, these are interstate transactions and there is clearly a conspiracy involving Westerleigh Press and one or more other persons to violate federal law.



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**Conclusion**

Westerleigh Press is a printer in New Jersey with a self-described specialty in the area of 'political printing' for unions and Democratic candidates and committees.

Westerleigh has conspired with the unknown Respondent(s) to deliberately disguise the identity and source of payment for the Mailers in at least three (3) states, and should be required to identify the source of payment for the Mailers. The Commission must then prosecute each of those responsible to the fullest extent of the law, including, but not limited to, the maximum civil and criminal penalties.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Cleta Mitchell'.

Cleta Mitchell, Esq.  
FOLEY & LARDNER, LLP  
3000 K Street NW #600  
Washington, DC 20007  
[cmitchell@foley.com](mailto:cmitchell@foley.com)  
(202) 295-4081 (direct)

Counsel, Steve Daines for Montana

Submitted this 28<sup>th</sup> day of October 2020

Upon information and belief, I hereby swear and affirm that the above and foregoing statements are true and correct to the best of my knowledge and belief.

Darby Grant

Darby Grant, Deputy General Counsel  
National Republican Senatorial Committee  
425 Second Street, NE  
Washington, DC 20002

Before me this 24th day of Oct, 2020, appeared Darby Grant and under penalty of perjury did swear and affirm that the above and foregoing facts are true and correct to the best of her knowledge and belief.

Washington, DC  
District of Columbia

S E A L

Rashia Taylor  
Notary Public

My Commission Expires:

01/14/2022

RASHIA TAYLOR  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires January 14, 2022

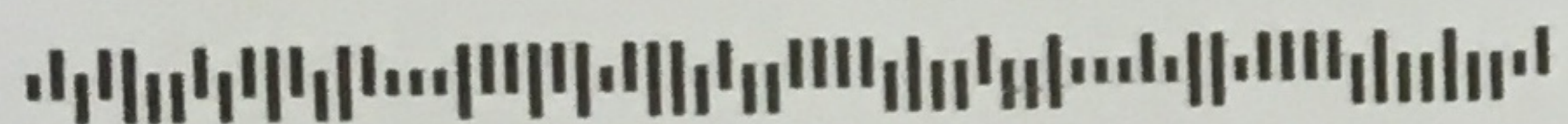


**Exhibit 4**

# Why is Dan Sullivan turning his back on Donald Trump and sticking up for China?



PRSRT STD  
U.S. POSTAGE  
**PAID**  
**RMS**  
08899



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# **Dan Sullivan: Stop helping China and start supporting President Trump's Trade Agenda**

While China continues its unfair trade practices, President Trump is fighting back.  
So why does Dan Sullivan oppose President Trump's trade policies?

**He called Trump's trade policies "misguided" and even voted to let China  
manipulate its currency without consequences.**

Dan Sullivan has continued to oppose President Trump's trade agenda even as China gains  
the upper hand at the expense of Alaskans' fishing, timber, and other industries. We need  
our leaders to stand up to China and protect our Alaskan way of life.

**CALL DAN SULLIVAN AT (202) 224-3004 AND TELL HIM TO START STANDING UP TO CHINA.**

**Exhibit 5**

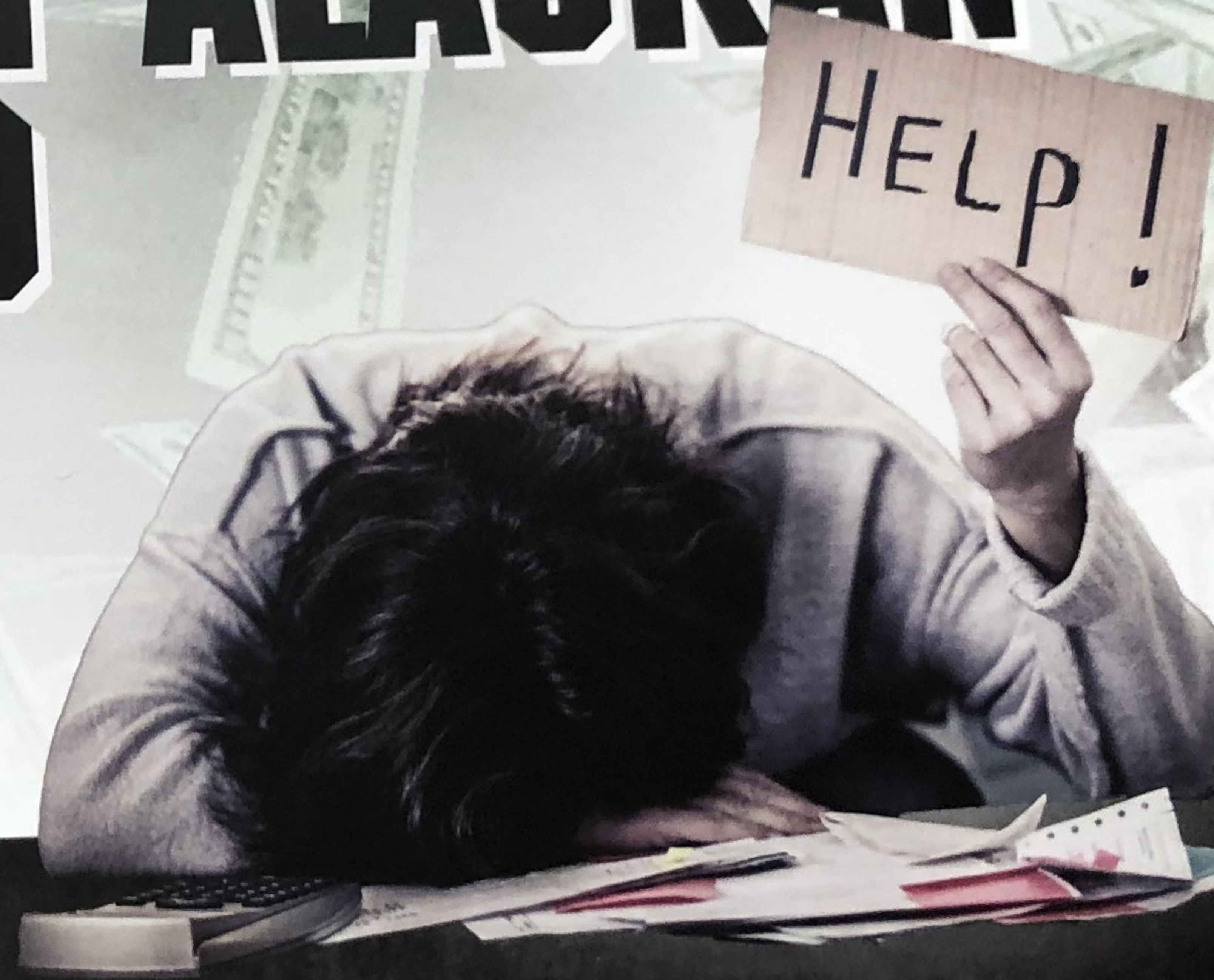
# DAN SULLIVAN'S \$5 TRILLION SPENDING SPREE WILL COST EVERY ALASKAN FAMILY \$45,000

## Even before the pandemic,


Dan voted for over \$5 trillion in new spending, piling \$45,000 in debt on every Alaskan family. Since the pandemic hit, Dan Sullivan's support for runaway spending has increased the national deficit by trillions more.<sup>1</sup> Dan Sullivan is one of the top spenders in the Senate – and our families are footing the bill.<sup>2</sup>

### CHECK THE FACTS:

1. H.R. 748; CBO, 4/16/20; 2. The R Street Institute, [spendingtracker.org](https://spendingtracker.org), accessed 9/30/20.



**CALL DAN SULLIVAN AT 202-224-3004 AND TELL HIM  
TO STOP SPENDING OUR FAMILIES INTO GOVERNMENT DEBT.**

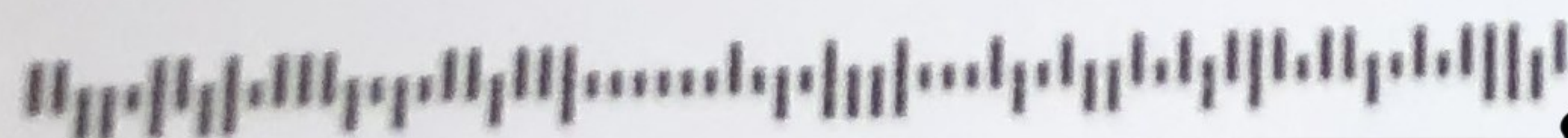


# DAN SULLIVAN IS ON A GOVERNMENT SPENDING SPREE

**"DC on spending binge with no plan  
to cut back, as debt held by the public  
to top GDP by year's end"**

**FOX  
NEWS**  
April 24, 2020

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**Exhibit 6**

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PRSRT STD  
U.S. POSTAGE

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**RMS**  
08899

Lindsey Graham wants to let the government round up guns.

# Will they come for yours?

# Why won't Lindsey Graham honor our Second Amendment rights?

*At a time when the Second Amendment is under constant attack*, Lindsey Graham is helping radical liberal Democrats take away our rights. Graham even sponsored a so-called "red flag" bill that would allow the government to take your guns away without due process, even if you haven't committed a crime.<sup>1</sup> We need our leaders to defend our constitutional rights—so we can defend ourselves.

"Congress weighs Graham-sponsored 'red flag' bill to take guns from those deemed dangerous"

The Post and Courier

8/7/19



**CALL LINDSEY GRAHAM AT (202) 224-5972  
AND TELL HIM TO PROTECT THE SECOND AMENDMENT**