

BY OVERNIGHT MAIL AND ELECTRONIC MAIL

December 4, 2020

Federal Election Commission
Office of the General Counsel
1050 First Street NE
Washington, DC 20002

MUR 7862**Re: Complaint Against the Iowa Democratic Party and Rita Hart for Iowa****1. Introduction**

As president of Accuracy in Media (“AIM”), I am submitting this complaint concerning the actions of Rita Hart for Iowa and the Iowa Democratic Party (“IDP”). On October 21, 2020, AIM produced a video report, “Accuracy in Media Exposes Possible FEC Violation in Iowa Senate Race.” That report contained footage showing the IDP staging a volunteer mailing event where no real volunteer work, other than a photo shoot, occurred. Our undercover journalist investigated this event and established that volunteers who attended did no actual mailing work. Instead, the volunteers merely posed for photographs, standing by mailing machines or with mailers in hand. Though the initial investigation focused on the IDP and Theresa Greenfield, further review of FEC filings suggests Rita Hart for Iowa may also have engaged in a fraudulent mailing scheme.

Pursuant to 11 C.F.R. § 111.4, I, Adam Guillette, (“Complainant”) submit this complaint against the IDP¹ and Rita Hart for Iowa² for review by the Federal Election Commission. It is my belief, based on the information set out below, that the IDP and Hart campaign have violated the Federal Election Campaign Act (“FECA”) with respect to federal candidate mailings. Eyewitness, recorded evidence, available at <https://www.youtube.com/watch?v=sydNF2Sxpqo>, demonstrates that the IDP and Hart campaigns likely engaged in a deceitful scheme to manipulate and use volunteer mail exemptions contained in the FECA when they were not entitled to do so.

The evidence here demonstrates that the IDP knowingly engaged in deceptive acts to undermine the Federal Election Commission. The recorded evidence illustrates that the IDP funded Hart mailings under the volunteer mail exemption when it was not allowed to do so. *See* 52 U.S.C. §§ 30101(8)(B), (9)(B); 11 C.F.R. 100.87, 100.147. That is, the evidence suggests that the IDP and Hart campaigns knowingly staged artificial volunteer sessions to make it appear that real volunteers were used in substantial ways to create and distribute these mailings. *See* 18 U.S.C. § 1001. This scheme would also appear to violate 11 C.F.R. 110.11(b)’s disclaimer requirements, because the mailers may not state whether a candidate or committee authorized the communications.

¹ FEC Filer ID: C00035600

² FEC Filer ID: C00706457

2. The Facts

On September 17, 2020, an undercover reporter with AIM attended an IDP event. The IDP asked individuals to attend this 30-minute event to help stage pictures and make it appear volunteers helped with mail operations. At no point did the volunteers actually provide actual assistance with preparing or distributing mailings.

In the AIM video, an individual appearing to be Bob Ward explained that volunteers would pretend to help with mailings so that the campaigns in question would qualify for lower postal rates and to serve as evidence for the FEC. AIM video at 00:10-00:36. The video explains that volunteers are used for photo opportunity purposes—with literature having been pre-assembled by banding machines. Volunteers were asked to stand by them holding mailers. *Id.* It also appears that volunteers were asked to wear different candidate stickers, so that it appeared volunteers worked on each of the different campaigns. *Id.* at 1:04-1:15. Throughout this video, it appears that volunteers offered no real assistance with mailers.

The video makes clear that the event lasted a short time, wherein scores of photographs were taken for the purpose of manipulating federal election law and to falsely secure lower postage rates. Indeed, Bob Ward of the IDP even admits on video that this process is just to “pretend” to use volunteers to satisfy the FEC’s legal requirements. *Id.* at 00:10-00:36.

3. Violations of the Law

Based on FEC filings, in October 2020 alone, the IPD claimed some \$166,991.16 in allegedly proper exempt mail on behalf of Hart for Iowa, a federal congressional candidate committee.³ *See* EXHIBIT A. To claim such an exemption, there must be “substantial volunteer involvement.”⁴ Absent real volunteer involvement, state party payments for mailings on behalf of a federal candidate constitute either contributions or coordinated party expenditures, both subject to limits under the FECA. *See* 52 U.S.C. § 30116(a)(2)(A), 30116(d).

³ In support of this, see the Iowa Democratic Party’s Form 3x reports for October 8 and October 13, 2020 claiming \$166,991.16 in exempt mailings for Hart.

⁴ *See* Factual and Legal Analysis in Matter Under Review (“MUR”) 5841 at 7 (Arizona Democratic Party) (FEC Nov. 5, 2007) (describing past enforcement matters as examining whether there was “substantial volunteer involvement” in the distribution of the materials); Statement of Reasons in MUR 5837 at 4 (Missouri Democratic State Committee) (FEC Dec. 19, 2007) (observing that in past matters the Commission has emphasized that “substantial volunteer involvement” is required for the exemption to apply).

a. Federal Election Campaign Act Violations

If the IDP is providing mailings for Hart without substantial volunteer involvement, it is subject to either a \$5,000 contribution limit to Hart or a \$51,900 House nominee party expenditure limit.⁵ Assuming these are coordinated party expenditures, the IDP is knowingly making \$115,091.16 in excessive party expenditures under 52 U.S.C. § 30116(d). Any knowing violation of the FECA involving amounts \$25,000 or more trigger fines and possible imprisonment up to five years. 52 U.S.C. § 30109(d)(1)(A)(i). Because of the high dollar amount of likely violations, I believe an investigation should commence immediately.

Beyond the large amounts of prohibited party coordinated expenditures or contributions sponsored by the IDP, the mailers might also fail to indicate whether or not the Hart campaign authorized them. 11 C.F.R. 110.11(b). This would violate necessary disclosure requirements as well and should be investigated.

b. Deceiving and Impairing the Functions of Federal Agencies

Where a party sets out to knowingly deceive and impair the functions of a federal agency, serious criminal considerations come into play. 18 U.S.C. § 1001 prohibits the issuance of false statements or information, such as falsely labeling mailings as exempt in FEC reports, or falsely qualifying for reduced postal rates, with accordingly severe penalties. 18 U.S.C. § 371 provides that where a party seeks to impede a federal agency in its operations, criminal penalties may be appropriate. Knowingly setting out to deceive and impair the functioning of the FEC triggers serious criminal concerns, which should trigger referral to the Department of Justice.

4. Election Implications and Need for an Immediate Investigation

Based on the facts recorded in AIM's video, I am concerned that the Iowa Democratic Party and Hart for Iowa may have illegally manipulated the law to gain an advantage in this November's election—a still hotly contested race. By falsely claiming to use volunteers, these parties may have been able to unfairly inflate their political spending, comparatively disadvantaging any opponents. They also do damage to the American public by damaging the function of the FEC. Because the election remains contested, I request an immediate investigation into this wrongdoing.

⁵ Federal Election Commission, Coordinated party expenditure limits, <https://www.fec.gov/help-candidates-and-committees/making-disbursements-political-party/coordinated-party-expenditures/coordinated-party-expenditure-limits/>.

Sincerely,

/s Benjamin Barr
ON BEHALF OF COMPLAINANT
Benjamin T. Barr
BARR & KLEIN PLLC
444 N. Michigan Avenue, Ste. 1200
Chicago, Illinois 60611
ben@barrklein.com

Counsel for Complainant

VERIFICATION

Accuracy in Media hereby verifies that the statements made in this complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.



Adam Guillette
~~President, Accuracy in Media~~
1717 K Street NW, Ste. 900
Washington, DC 20006

Subscribed to me and sworn to before me on this 4th day of December, 2020.



Notary Public

My commission expires on: 10/30/2023



**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER:
(check only one)

<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 26	<input type="checkbox"/> 27
<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input checked="" type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Federal: Iowa Democratic Party

Full Name (Last, First, Middle Initial)

A. Wildfire Contact

Mailing Address 290 Broadway
Ste 132

City
Methuen

State
MA

Zip Code
01844-6827

Purpose of Disbursement
Exempt Mail/Hart

Candidate Name

Category/
Type

Office Sought: House
 Senate
 President

Disbursement For:
 Primary General
 Other (specify) ▼

State: District:

Date of Disbursement

/ /

10 / 08 / 2020

FEC Identification Number

Transaction ID : 500714566

Amount of Each Disbursement this Period

92250.00

Memo Item

Full Name (Last, First, Middle Initial)

B. Wildfire Contact

Mailing Address 290 Broadway
Ste 132

City
Methuen

State
MA

Zip Code
01844-6827

Purpose of Disbursement
Exempt Mail/Finkenauer

Candidate Name

Category/
Type

Office Sought: House
 Senate
 President

Disbursement For:
 Primary General
 Other (specify) ▼

State: District:

Date of Disbursement

/ /

10 / 09 / 2020

FEC Identification Number

Transaction ID : 500714567

Amount of Each Disbursement this Period

41208.77

Memo Item

Full Name (Last, First, Middle Initial)

C. Wildfire Contact

Mailing Address 290 Broadway
Ste 132

City
Methuen

State
MA

Zip Code
01844-6827

Purpose of Disbursement
Exempt Mail/Hart

Candidate Name

Category/
Type

Office Sought: House
 Senate
 President

Disbursement For:
 Primary General
 Other (specify) ▼

State: District:

Date of Disbursement

/ /

10 / 13 / 2020

FEC Identification Number

Transaction ID : 500714568

Amount of Each Disbursement this Period

74741.16

Memo Item

SUBTOTAL of Disbursements This Page (optional)..... ▶

208199.93

TOTAL This Period (last page this line number only)..... ▶