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OFFICE OF GENERAL COUNSEL

**BEFORE THE UNITED STATES
FEDERAL ELECTION COMMISSION**

End Citizens United
Tiffany Muller
100 M St. SE
Washington, DC 20003

MUR 7936

Complainant,

V.

Marjorie Taylor Greene
3 Central Plaza, No. 142
Rome, GA 30161

Greene for Congress and Perry Greene, Treasurer
3 Central Plaza, No. 142
Rome, GA 30161

Save America Stop Socialism PAC and Perry Greene, Treasurer
413 Shorter Avenue
Suite 103
Rome, GA 30165

Respondents,

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Representative Marjorie Taylor Greene, Greene for Congress, Save America Stop Socialism PAC (“SASS PAC”), and Perry Greene, in his official capacity as Treasurer, (collectively “Respondents”) for violating the Federal Election Campaign Act of 1971, as amended (the “Act”), and the Federal Election Commission (the “FEC” or “Commission”) regulations, as described below. In particular, (1) SASS PAC has likely made, and Greene for Congress has likely received, excessive in-kind

contributions in the form of coordinated communications; (b) SASS PAC has violated the Act's disclaimer requirements; (c) Respondents have violated the Act's reporting requirements by failing to disclose the in-kind contribution made by SASS PAC to Greene for Congress. As a result, the FEC should immediately investigate and levy appropriate sanctions against Respondents for their failure to comply with these basic requirements of the Act and Commission regulations.

FACTS

Rep. Marjorie Taylor Greene is a member of the U.S. House of Representatives representing the State of Georgia's 14th Congressional District, and she is a candidate for re-election to the House of Representatives.¹ Her principal authorized campaign committee is Greene for Congress (the "Committee")² and its treasurer is Perry Greene.³ Rep. Greene is also affiliated with a leadership PAC known as SASS PAC.⁴ Perry Greene is also the treasurer of SASS PAC.

Earlier this year, Rep. Greene aired a 60-second campaign advertisement, which was posted to YouTube on or about August 17.⁵ At the beginning of the advertisement, Rep. Greene states that she "approve[s] this message so that you know the facts."⁶ She then appears on-screen and states the following to camera for the remainder of the advertisement:

¹ Marjorie Taylor Greene, FEC Form 2, Statement of Candidacy (02/08/2021) *available at* <https://docquery.fec.gov/cgi-bin/forms/H0GA06192/1499121/>.

² *Id.*; *see also* Greene for Congress FEC Form 1, Statement of Organization (05/03/2021) *available at* <https://docquery.fec.gov/cgi-bin/forms/C00708289/1514931/>.

³ Greene for Congress FEC Form 1, Statement of Organization (05/03/2021) *available at* <https://docquery.fec.gov/cgi-bin/forms/C00708289/1514931/>.

⁴ Save America Stop Socialism PAC FEC Form 1, Statement of Organization (08/18/2021) *available at*

<https://docquery.fec.gov/pdf/081/202108189466323081/202108189466323081.pdf#navpanes=0>.

⁵ Marjorie Taylor Greene Attacks Senate Republicans Who Voted for Infrastructure in New Ad, Aug. 17, 2021, YouTube, <https://www.youtube.com/watch?v=jkgpl-NvB6c>.

⁶ *Id.*

Nineteen cowardly Senate Republicans joined Chuck Schumer and the Senate Democrats to pass the so-called infrastructure bill that's really the first step in Biden's communization of America. Now, it goes to the House where Republicans need to stay united and stop this bill. Now, Democrats are tying this to the \$3.5 trillion budget full of woke identity politics and AOC's pro-China Green New Deal. These America last bills will usher in amnesty for illegals, higher taxes, sky-rocketing inflation, and destroy American energy independence. It's all a lie. The infrastructure bill just isn't infrastructure and the budget passes the Green New Deal. It's time for Republicans to stay united, stand strong, and vote no.⁷

Subsequently, SASS PAC aired an almost identical video advertisement on the One America News Network ("OANN"), which was posted to YouTube on or about September 29, 2021.⁸ The SASS PAC advertisement omits the initial "approved by" message, but is otherwise identical to the Greene for Congress advertisement. It begins with a voiceover disclaimer that states "Save America Stop Socialism PAC is responsible for the content of this advertising" and a written disclaimer that states "Paid for by Save America Stop Socialism PAC. Not authorized by any candidate or candidate's committee. www.saveamericastopsocialism.com."⁹ After the 4 second disclaimer, Rep. Greene appears on screen and makes the same statement that she did in her campaign advertisement.¹⁰ Both advertisements display the same video footage of Rep. Greene speaking to camera.

LEGAL DISCUSSION

- 1. SASS PAC likely made an excessive in-kind contribution in the form of a coordinated communication to Greene for Congress.**

⁷ *Id.*

⁸ Rep. Marjorie Taylor Greene Urges Republicans to Vote No on Infrastructure Bill, September 29, 2021, YouTube, <https://www.youtube.com/watch?v=CfWSR8rDaHs>.

⁹ *Id.*

¹⁰ *Id.*

Candidates are limited to raising \$5,000 for their campaigns from multicandidate committees, and \$2,900 per election from other permissible sources.¹¹ When a candidate's leadership PAC pays for expenses that "could and should" be paid for by the candidate's authorized committee, it is treated as a contribution, and is therefore limited to \$5,000 per election (in the case of a multicandidate PAC) or \$2,900 (in the case of a PAC that has not yet achieved multicandidate status).¹²

When a person, including a leadership PAC, pays for a "coordinated communication" that is coordinated with a candidate or the candidate's agents, the communication will be considered an in-kind contribution to that candidate.¹³ A communication qualifies as a "coordinated communication" when it meets a three-part test: 1) the communication must be paid for by someone other than the candidate, authorized committee, or political party committee; 2) the communication must meet one of the "content standards" provided in 11 C.F.R. § 109.21(c); and 3) the communication follow conduct that meets one of the "conduct standards" set forth in 11 C.F.R. § 109.21(d).

For purposes of the second prong, a communication meets the content standard when it "disseminates, distributes, or republishes, in whole or in part, campaign materials prepared by a candidate or the candidate's authorized committee."¹⁴ A communication meets the third prong of the test when, inter alia, 1) a candidate or the candidate's agents request or suggest that the payor make the communication; 2) the candidate or the candidate's agents are materially

¹¹ 52 U.S.C. § 30116(a).

¹² *Explanation and Justification, Leadership PACs*, 68 Fed. Reg. 67013, 67017 (Dec. 1, 2003).

¹³ *Id.*; 11 C.F.R. § 109.21(b).

¹⁴ 11 C.F.R. § 109.21(c)(2); see *MUR 6535, Conciliation Agreement* (Nov. 19, 2015) (finding that a super PAC had made an excessive in-kind contribution to now-Senator Romney's authorized campaign committee when it republished campaign materials prepared by the campaign committee and failed to report the expenditures as contributions).

involved in decision making regarding the content, intended audience, means or mode, media outlet used, timing, or prominence of the communication; or 3) the communication is created or produced by a common vendor or former employee or independent contractor to the candidate.¹⁵ In addition, when a third party finances the “dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, the candidate’s authorized committee, or an agent of either of the foregoing,” it results in an in-kind contribution being *made* from the payor to the candidate, regardless of whether any of the conduct prongs are met.¹⁶

Here, Greene for Congress disseminated an advertisement featuring Rep. Greene in August and, subsequently, SASS PAC disseminated essentially the same advertisement on OANN. The two advertisements are the same, except for differing disclaimer language. Thus, the content prong of the coordinated communications rule has been met. The conduct prong was also most certainly met here. SASS PAC is Rep. Greene’s leadership PAC so, by definition, it is established, maintained, financed and controlled by her.¹⁷ The two committees share the same treasurer and Rep. Greene appeared in the SASS PAC advertisement. Thus, Rep. Greene was materially involved in the SASS PAC advertisement. She may have also requested or suggested that SASS PAC disseminate the advertisement and, given the almost complete overlap of footage, the common vendor prong may have been met. Thus, by republishing the Greene for Congress advertisement, SASS PAC made, and Greene for Congress accepted, an in-kind contribution.¹⁸ As the communication at issue was a television advertisement, its value likely

¹⁵ 11 C.F.R. § 109.21(d).

¹⁶ *Id.* § 109.23(a).

¹⁷ *Id.* § 100.5(e)(6).

¹⁸ To the extent that Rep. Greene or Greene for Congress contends that the conduct prong has not been met here, and, therefore, that Greene for Congress did not *receive* an in-kind contribution,

exceeds the \$2,900/\$5,000 contribution limit.¹⁹ Therefore, Respondents have likely violated the Act's contribution limits.

2. SASS PAC's disclaimer is materially misleading because Rep. Greene plainly authorized the advertisement.

If a political committee disseminates a public communication that is authorized by a candidate, the communication must identify the person who paid for it and state that it was authorized by the candidate or campaign.²⁰ A television advertisement that is authorized by a candidate must also include an audio and printed statement indicating that the candidate approved the message, and contain a clearly identifiable photographic or video image of the candidate.²¹

Here, the disclaimer that appears at the beginning of the Leadership PAC's advertisement states, "Paid for by Save America Stop Socialism PAC. Not authorized by any candidate or candidate's committee. www.saveamericastopsocialism.com."²² However, immediately after the disclaimer appears, Rep. Greene appears in the advertisement, identifies herself as a Congresswoman, and speaks for the remaining 56 seconds of the 60 second advertisement. These facts, along with the fact that this advertisement is identical to Rep. Greene's campaign advertisement, and that the PAC is established, maintained, financed and controlled by Rep. Greene, indicate that the advertisement was, in fact, authorized by Rep. Greene. By stating that

SASS PAC would have still *made* an in-kind contribution to Greene for Congress under 11 C.F.R. § 109.23(a).

¹⁹ SASS PAC has not notified the Commission that it has attained multicandidate status and, therefore, the \$2,900 limit likely applies here. However, if SASS PAC has achieved multicandidate status, it has violated the Act by failing to timely notify the commission. 11 C.F.R. § 102.2(a)(3).

²⁰ 52 U.S.C. § 30120; 11 C.F.R. § 110.11(b)(2).

²¹ 11 C.F.R. § 110.11(c)(3).

²² Rep. Marjorie Taylor Greene Urges Republicans to Vote No on Infrastructure Bill, September 29, 2021, YouTube, <https://www.youtube.com/watch?v=CfWSR8rDaHs>.

the advertisement was “not authorized by any candidate or candidate’s committee,” SASS PAC is materially misrepresenting the nature of its advertisement to its viewers. The SASS PAC advertisement also violates the Act by failing to indicate that it is “approved” by Rep. Greene in writing and verbally, and by failing to depict Rep. Greene on screen.²³

3. Respondents Failed to properly report the SASS PAC advertisement as an in-kind contribution.

For the reasons stated above, SASS PAC made, and Greene for Congress received, an in-kind contribution in the form of political advertising. On October 15, 2021, Greene for Congress filed its quarterly report for the period covering July 1, 2021 to September 30, 2021.²⁴ The report’s itemized receipts failed to report any in-kind contributions from SASS PAC.²⁵ Therefore, Respondents have further violated the Act’s reporting requirements.²⁶

REQUESTED ACTION

As we have shown, Respondents have likely violated the Act by making and receiving excessive in-kind contributions and by failing to comply with the Act’s disclaimer requirements. Moreover, Respondents have violated further provisions of the Act by failing to properly report the in-kind contribution. We respectfully request that the Commission immediately investigate

²³ Even if the Commission accepts the fantastical proposition that the SASS PAC advertisement was not authorized by Rep. Greene, the advertisement would still violate Commission regulations. It does not include the printed disclaimer at the end of the advertisement, and it fails to identify in writing that “SASS PAC is responsible for the content of this advertising.” 11 C.F.R. § 110.11(c)(4)(iii).

²⁴ Greene for Congress, FEC Form 3, Report of Receipts and Disbursements (10/15/2021) available at <https://docquery.fec.gov/cgi-bin/forms/C00708289/1544238/>.

²⁵ Greene for Congress, Schedule A Itemized Receipts (10/19/2021) available at <https://docquery.fec.gov/cgi-bin/forms/C00708289/1544238/sa/11C>.

²⁶ See 52 U.S.C. § 30104; 11 C.F.R. § 109.21(b) (requirements for reporting coordinated communications).

these violations; and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,

Tiffany Muller
End Citizens United
100 M St. SE
Washington, DC 20003



SUBSCRIBED AND SWORN to before me this 22nd day of October, 2021.

Notary Public



My Commission Expires:

08/14/2024



KAZIM H. JESSE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires August 14, 2024