

FEDERAL ELECTION COMMISSION

NOVEMBER 10, 2021 12:16 PM

OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION OF THE UNITED STATES OF AMERICA

In the Matter of:

Representative Val Demings
Val Demings for U.S. Senate
Danielle Morgan, Treasurer

MUR No. **7943**COMPLAINT

1. Complainant brings this complaint before the Federal Election Commission (“FEC” or “Commission”) seeking an immediate investigation and enforcement action against Representative Val Demings, Val Demings for U.S. Senate, and Danielle Morgan as Treasurer (“Committee”), for violations of the Federal Election Campaign Act (“FECA” or “Act”).
2. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information providing reason to believe that:
3. Respondents have violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61, part of the “soft money” ban under FECA. As the information below demonstrates, a non-federal political action committee called Common Good Virginia sent electronic fundraising solicitations for the benefit of Val Demings’ campaign committee, Val Demings for U.S. Senate. These fundraising solicitations, which were paid for by non-federal funds, represent an illegal use of non-federal (or “soft”) funds to raise money for a candidate for federal office. As such, Representative Demings’ campaign has accepted an in-kind contribution and thereby violated the federal soft money ban.

STATEMENT OF THE LAW

4. 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61 prohibit a federal candidate from soliciting, receiving, directing, transferring, spending, or disbursing funds in connection with an election for federal office, unless the funds are subject to the limitations, prohibitions, and reporting requirements of FECA.

STATEMENT OF FACTS

5. Representative Val Demings is a candidate for federal office, seeking one of Florida’s U.S. Senate seats,¹ and therefore subject to the soft money ban.
6. Common Good Virginia is an active political action committee in the state of Virginia, founded by former gubernatorial candidate Terry McAuliffe.²
7. As a non-federal political action committee, Common Good Virginia is not subject to federal limitations, prohibitions, or reporting requirements. It is, therefore, a soft money organization for purposes of the FECA.

¹ See FEC Form 2, Statement of Candidacy, filed June 9, 2021, <https://docquery.fec.gov/cgi-bin/forms/S2FL00631/1519100/>.

² See Virginia Department of Elections, Political Committees, Statements of Organization, SOO_List-old.csv, <https://www.elections.virginia.gov/candidatepac-info/political-committees/>.

8. In October of 2021, Common Good Virginia sent out numerous fundraising solicitations that requested contributions split between itself and Val Demings for U.S. Senate.³ The e-mails clearly state, “Paid for by Common Good Virginia,”⁴ and the hyperlink to which donors are directed similarly states that the message was “Paid for by Common Good Virginia.”⁵

CAUSE OF ACTION

AGAINST RESPONDENTS REPRESENTATIVE VAL DEMINGS AND COMMITTEE

Illegal Acceptance of an In-Kind Contribution from a Non-Federal Political Action Committee in Violation of 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61

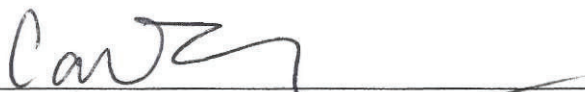
9. By its own admission, Common Good Virginia “paid for” fundraising solicitations on behalf of Representative Demings, a federal candidate. The value of these solicitations is an in-kind contribution from Common Good Virginia, a soft money organization, to Representative Demings, a candidate for U.S. Senate.
10. As noted above, federal candidates are specifically prohibited from receiving funds in connection with an election for federal office unless the funds are subject to FECA.⁶
11. Therefore, by approving and participating in this email solicitation, Representative Demings has accepted an in-kind contribution from an organization not regulated under FECA, in violation of the soft money ban.

PRAYER FOR RELIEF

12. Wherefore, the Commission should find reason to believe that Representative Val Demings and Committee have accepted an illegal in-kind contribution from Common Good Virginia, a non-federal political action committee, in violation of 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61. The Commission should conduct an immediate investigation under 52 U.S.C. § 30109(a)(2) and impose appropriate sanctions for any and all violations. Further, the Commission should enjoin respondents from any future violations, and impose any necessary and appropriate remedies to ensure respondents future compliance with FECA.

November 10, 2021

Respectfully Submitted,



Caitlin Sutherland, Executive Director
Americans for Public Trust
107 South West Street, Suite 442
Alexandria, VA 22314

³ See Exhibit A, E-mail from Common Good Virginia (info@mcauliffeoffice.org) (October 17, 2021, 1:06 PM EDT); See Exhibit B, E-mail from Common Good Virginia (info@mcauliffeoffice.org) (October 20, 2021, 10:38 AM EDT); See Exhibit C, E-mail from Common Good Virginia (info@mcauliffeoffice.org) (October 23, 2021, 10:32:01 AM EDT); See Exhibit C, E-mail from Common Good Virginia (info@mcauliffeoffice.org) (October 20, 2021, 10:38 AM EDT).

⁴ *Id.*

⁵ See Exhibit D, ActBlue Donation Landing Page (October 28, 2021, 3:14 PM EDT).

⁶ 52 U.S.C. § 30125(c)(1)(A); 11 C.F.R. § 300.61.

VERIFICATION

13. The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

For Complainant "Americans for Public Trust"

Caitlin Sutherland
Caitlin Sutherland

City of Alexandria
Commonwealth of Virginia

The foregoing instrument was subscribed and sworn to before me this 10th day of November 2021 by Caitlin Sutherland.

[Signature]
Notary Public

Notary registration number: 347285

My commission expires: 4/30/2024



EXHIBIT A

----- Forwarded message -----

From: Val Demings < >
Date: Sun, Oct 17, 2021 at 1:06 PM
Subject: it could go permanently RED
To:

[REDACTED]

Hi, friend. I'm sorry for popping into your inbox like this – but I'm leaning on my strongest supporters because **Republicans are trying to PERMANENTLY keep Florida red and flip the Senate.**

[REDACTED]

I'm fighting to defeat Marco Rubio and defend our Democratic majority in the Senate – but I just found out that the Republican National Committee is investing at least \$10 MILLION in on-the-ground organizers to keep Florida RED for decades. I can't bear the thought.

I'll give it to you straight, friend: GOP leaders are saying that registering 60,000 more Republican voters could

hand Florida to the GOP *permanently*. I'm not giving up on Florida – but with Republicans pouring money into this race, I need to make critical investments right now. And I cannot afford to make those investments if I miss my critical \$50,000 grassroots fundraising goal tonight.



I can't thank you enough for your support.

Congresswoman Val Demings

[DONATE »](#)

Paid for by Common Good Virginia

Sent via [Terry McAuliffe](#), To update your email address, change your name or address, or to stop receiving emails from Terry McAuliffe, please [click here](#)



EXHIBIT B

----- Forwarded message -----
From: Val Demings < >
Date: Wed, Oct 20, 2021 at 10:38 AM
Subject: Marco Rubio is attacking me right now
To:



Marco Rubio is attacking me, team.



First in a primetime interview with Fox News host Sean Hannity *and now* on Twitter, Rubio is taking pages out of his idol Donald Trump's playbook: Divisive rhetoric. Misrepresentations about me. Far-right talking points. He even

said he'd "absolutely" welcome the twice-impeached former president on the campaign trail.

This is what we're up against, team, and it's only the beginning. The worst part is that with Senate control on the line, the full force of the GOP establishment and their dark money allies will pour millions into Florida to prop up Marco Rubio, and Trump will be fanning the flames every step of the way.

That's why we've got to build a grassroots movement that can fight back, here and now, and all the way to the finish line. But we're still falling short of the number of donors we'd hoped to have at this point.

Thanks for stepping up and having my back from the very beginning, team. I have so much faith in this team. Together, we can deliver better leadership for Floridians and defend our majority in the Senate.

Val Demings

[DONATE »](#)

Paid for by Common Good Virginia

Sent via . To update your email address, change your name or address, or to stop receiving emails from Terry McAuliffe, please

EXHIBIT C

From: Val Demings <info@mcauliffeoffice.org>
Date: October 23, 2021 at 10:32:01 AM EDT
To:
Subject: **it very well could go permanently RED**
Reply-To: info@mcauliffeoffice.org

Image removed by sender.

Hi, friend. I'm sorry for popping into your inbox like this – but I'm leaning on my strongest supporters because **Republicans are trying to PERMANENTLY keep Florida red and flip the Senate.**



I'm fighting to defeat Marco Rubio and defend our Democratic majority in the Senate – but I just found out that the Republican National Committee is investing at least \$10 MILLION in on-the-ground organizers to keep Florida RED for decades. I can't bear the thought.

I'll give it to you straight, friend: GOP leaders are saying that registering 60,000 more Republican voters could hand Florida to the GOP *permanently*. I'm not giving up on Florida – but with Republicans pouring money into this race, I need to make critical investments right now. And I cannot afford to make those investments if I miss my critical \$50,000 grassroots fundraising goal tonight.

So I have to ask you humbly and directly because outlets like CNN say my race could decide Senate control: will you split a donation of \$25 or more between Common Good VA and my campaign to help me win in Florida and defeat Marco Rubio? I'm still short of my \$50,000

**midnight goal, so contributing whatever amount
you can will really help my campaign right now.**

Donate \$25

Donate \$50

Donate \$100

Donate other

I can't thank you enough for your support.

Congresswoman Val Demings

DONATE »

Paid for by Common Good Virginia

Sent via [ActionNetwork.com](#). To update your email address, change your name or address, or to stop receiving emails from Terry McAuliffe, please [click here](#).

EXHIBIT D

10/28/21, 3:12 PM

Split a contribution between Val Demings and Common Good — Donate via ActBlue



Split a contribution between Val Demings and Common Good

Val Demings is running against Marco Rubio for the U.S. Senate seat in Florida. Rush a contribution right now to be split between Val Demings and Common Good.

Common Good Virginia is committed to supporting progressive candidates in the Commonwealth and around the country in 2021 and beyond. Your support is critical to stopping Trumpism and ensuring progressives win up and down the ballot.

Choose an amount to split:

2 RECIPIENTS

Your contribution will be split evenly between Val Demings and Common Good VA. [Customize amounts](#)

\$10

\$25

\$50

\$100

\$250

\$1,000

\$2,500

10/28/21, 3:12 PM

Split a contribution between Val Demings and Common Good — Donate via ActBlue

Make it monthly!**Yes, count me in!****No, donate once****Checkout****👉 Have an ActBlue Express account? [Sign in to give faster.](#)****paypal****Continue with credit or debit****Contribution rules**

1. I am a U.S. citizen or lawfully admitted permanent resident (i.e., green card holder).
2. This contribution is made from my own funds, and funds are not being provided to me by another person or entity for the purpose of making this contribution.
3. I am at least eighteen years old.
4. I am not a federal contractor.
5. I am making this contribution with my own personal credit card and not with a corporate or business credit card or a card issued to another person.
6. Virginia: This contribution is made from my own funds or the funds of an authorizing corporation or other entity, and the funds are not being provided by any other person or entity.

By providing your mobile phone number you consent to receive recurring updates from Val Demings for U.S. Senate, including by automated text message. Txt HELP for help, STOP to end. Msg & Data rates may apply. Privacy Policy & Terms of Service. Only individuals who are American citizens or permanent resident aliens that reside in the United States may contribute. Only corporations who are incorporated in the United States, who utilize U.S. proceeds for the contribution, and for which the decision to contribute was made by an American citizen or permanent resident alien may contribute.

By making a contribution you certify that you have read these notices and that this contribution complies with the law.

Contributions to Common Good Virginia are not tax deductible.

Paid for by Common Good Virginia.

10/28/21, 3:12 PM

Split a contribution between Val Demings and Common Good — Donate via ActBlue

7. Common Good Virginia is only asking for donations of up to \$2,900 per election from individuals and for donations of up to \$5,000 per election from federal political committees.

Common Good Virginia is not asking for donations in excess of these amounts or for donations from corporations, labor organizations, foreign nationals, federal contractors, or national banks, and will not accept any such contributions here.

8. Contributions or gifts to Common Good Virginia and Val Demings for U.S. Senate are not tax deductible. Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in an election cycle.

By proceeding with this transaction, you agree to ActBlue's terms & conditions.