



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 9, 2023

VIA ELECTRONIC MAIL
info@DebAdeimy4Congress.com
dsatterfield@hdafec.com

David Satterfield, Treasurer
Deborah Adeimy for Congress
P.O. Box 15467
West Palm Beach, FL 33416

RE: MUR 7980
Deborah Adeimy for Congress
and David Satterfield in his
official capacity as treasurer

Dear Mr. Satterfield:

On April 20, 2022, the Federal Election Commission (the "Commission") notified Deborah Adeimy for Congress and you in your official capacity as treasurer (the "Committee") of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was included in that notification. On May 3, 2022, we received the Committee's response to the complaint. On February 28, 2023, after considering the information provided in the complaint, and the information provided in your response, the Commission exercised its prosecutorial discretion and dismissed the allegations that the Committee violated 52 U.S.C. § 30120 and 11 C.F.R. § 110.11. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which more fully explains the basis for the Commission's decision is enclosed. If you have any questions, please contact Christopher S. Curran, the staff attorney assigned to this matter at (202) 694-1362.

Sincerely,

A handwritten signature in black ink, appearing to read "A.B.R.", written over a white background.

Anne B. Robinson
Assistant General Counsel

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

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6 **RESPONDENT:** Deborah Adeimy **MUR:** 7980
7 Deborah Adeimy for Congress and
8 David Satterfield in his official capacity
9 as treasurer
10

I. INTRODUCTION

12 The Complaint in this matter alleges that 2022 U.S. House candidate Deborah Adeimy
13 and her principal campaign committee Deborah Adeimy for Congress and David Satterfield in
14 his official capacity as treasurer (the “Committee”) violated the Federal Election Campaign Act
15 of 1971, as amended (the “Act”), by including a deficient disclaimer on a campaign mailer.
16 Specifically, the Complaint claims that the disclaimer was too small. The Respondents deny
17 violating the Act. For the reasons set forth below, the Commission dismisses the matter pursuant
18 to its prosecutorial discretion under *Heckler v. Chaney*.¹

II. FACTUAL BACKGROUND

19 Deborah Adeimy was a candidate to represent Florida’s 22nd Congressional District in
20 the 2022 election cycle and lost the primary election in August 2022.² Deborah Adeimy for
21 Congress was her principal campaign committee.³ On April 11, 2022, the Committee paid Orion
22 Press a total of \$16,822.68 for “printing.”⁴
23

¹ 470 U.S. 821, 831 (1985).

² See Deborah Adeimy, Statement of Candidacy (Nov. 9, 2022),
<https://docquery.fec.gov/pdf/586/202211099546746586/202211099546746586.pdf>.

³ See Deborah Adeimy for Congress, Statement of Organization (May 5, 2022),
<https://docquery.fec.gov/pdf/139/202205059502669139/202205059502669139.pdf>.

⁴ See Deborah Adeimy for Congress, 2022 July Quarterly Report at 46 (July 15, 2022),
<https://docquery.fec.gov/pdf/684/202207159521494684/202207159521494684.pdf#navpanes=0> (showing
\$10,814.07 and \$6,008.61 paid on April 11, 2022).

1 The Complainant, LJ Foley, is the manager and member of Voter Infusion, LLC (“Voter
2 Infusion”).⁵ Voter Infusion provides campaigns with, *inter alia*, data analytics, messaging,
3 distribution, and campaign strategy services.⁶ On April 13, 2022, the Committee paid \$4,000 to
4 Voter Infusion, LLC for “political strategy consulting.”⁷

5 The Complaint alleges that the Committee paid Orion Press for a mailer that contained a
6 disclaimer that was “in as small of font as possible and hidden” in the 8.5x11 inch mailer’s left
7 corner.⁸ The Complaint includes a picture of a mailer containing a small disclaimer at the
8 bottom left.⁹ The disclaimer’s text is black, is contained within a printed box, and says “PAID
9 FOR BY DEBORAH ADEIMY FOR CONGRESS.”¹⁰ The mailer was allegedly sent to
10 approximately 32,000 individuals in Palm Beach County, Florida.¹¹ The Complaint further
11 alleges that the mailers were identical but for the addressee information.¹² The Complaint claims
12 the “General Consultant” — who, based on the attachments to the Complaint, appears to be the
13 Complainant working in his capacity as the manager of Voter Infusion — repeatedly warned
14 Adeimy and the Committee’s treasurer about the disclaimer but that Adeimy ignored those
15 warnings.¹³

⁵ Florida Department of State, Division of Corporations, Search for Corporations, Limited Liability Companies, Limited Partnerships, and Trademarks by Name, <https://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (search “Voter Infusion”).

⁶ VOTER INFUSION, <https://www.voterinfusion.com/home.html> (last visited Jan. 10, 2023).

⁷ *See* Deborah Adeimy for Congress, 2022 July Quarterly Report at 47.

⁸ Compl. ¶¶ 5, 13 (Apr. 15, 2022).

⁹ *Id.* at App. 4.

¹⁰ *Id.*

¹¹ *Id.* ¶ 5.

¹² *Id.* ¶ 6.

¹³ *Id.* ¶¶ 12-22.

1 In their Response, Adeimy and the Committee deny violating the Act.¹⁴ The Response
2 asserts that the campaign properly adhered to disclaimer requirements and cites various
3 examples, such as the campaign’s website, videos, signs, ads, invitations, and Facebook page.¹⁵
4 The Response also states that the image of the mailer included in the Complaint is “not true to
5 size.”¹⁶ Finally, the Response asserts that the Complainant is “weaponizing” the Act’s complaint
6 process in response to a failed business relationship and requests redaction “wherever possible to
7 avoid encouraging such activity.”¹⁷

8 **III. LEGAL ANALYSIS**

9 The Act requires that mailings by authorized political committees “clearly state that the
10 communication has been paid for by such authorized political committee.”¹⁸ Commission
11 regulations require that “public communication[s]” by political committees include a
12 disclaimer.¹⁹ The term “public communication” is defined as a communication by means of any
13 broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility,
14 mass mailing, or telephone bank to the general public, or any other form of general public
15 political advertising.²⁰ “Mass mailing” means “a mailing by United States mail or facsimile of

¹⁴ Resp. at 1 (May 3, 2022).

¹⁵ *Id.* The Committee’s website includes disclaimers at the bottom of the home page and on the contribution page. See DEBORAH ADEIMY FOR CONGRESS, <https://debadeimy4congress.com/> (last visited Jan. 10, 2023); DEBORAH ADEIMY FOR CONGRESS, <https://secure.winred.com/deborah-adeimy-for-congress/donate-today/thank-you/preview> (contribution page) (last visited Jan. 10, 2023). The Committee’s Twitter page also includes campaign videos and signs containing disclaimers. See Deborah Adeimy for U.S. Congress (@DebAdeimy), TWITTER, https://twitter.com/DebAdeimy?ref_src=twsrc%5Etfw (last visited Jan. 10, 2023).

¹⁶ Resp. at 1.

¹⁷ *Id.*

¹⁸ 52 U.S.C. § 30120(a)(1); 11 C.F.R. § 110.11(b)(1).

¹⁹ 11 C.F.R. § 110.11(a)(1).

²⁰ *Id.* § 100.26.

1 more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-
2 day period.”²¹

3 A disclaimer notice must be clearly and conspicuously displayed, meaning it must “give
4 the reader. . . adequate notice of the identity of the person or political committee that paid for
5 and, where required, that authorized the communication. A disclaimer is not clear and
6 conspicuous if it is difficult to read or hear, or if the placement is easily overlooked.”²²

7 In printed communications, the disclaimer must be contained within a printed box set
8 apart from the contents of the communications.²³ The print of the disclaimer must be of
9 sufficient size to be “clearly readable” by the recipient of the communication, and the print must
10 have a reasonable degree of color contrast between the background and the printed statement.²⁴
11 Commission regulations contain a safe harbor establishing that a fixed, 12-point type size is a
12 sufficient type size for disclaimer text in newspapers, magazines, flyers, signs and other printed
13 communications that are no larger than 24 inches by 36 inches.²⁵

14 Because the Committee appears to have paid \$16,822.68 for the mailer to be sent to
15 approximately 32,000 individuals, the mailer appears to qualify as a mass mailing and, thus, a
16 public communication that requires a clear and conspicuous disclaimer. Here, the disclaimer’s
17 text was black against a white background, was contained within a printed box, and identified the

²¹ *Id.* § 100.27.

²² *Id.* § 110.11(c)(1).

²³ *Id.* § 110.11(c)(2)(ii).

²⁴ *Id.* § 110.11(c)(2)(i), (iii). The regulations provide two safe harbor examples that would comply with the color contrast requirement: the disclaimer is printed in black on a white background; or the degree of contrast between the background and the disclaimer text color is at least as great as the degree of contrast between the background color and the color of the largest text in the communication. *Id.*

²⁵ *Id.* § 110.11(c)(2)(i).

1 Committee as the payor.²⁶ The Complaint alleges that the font size of the disclaimer was less
2 than 12-point type size but does not specify the actual size of the font.²⁷

3 We note that the size of the disclaimer text appears very small in the screenshot included
4 in the Complaint.²⁸ On the other hand, other aspects of the disclaimer appear to satisfy the
5 disclaimer requirements for printed communications. For example, the disclaimer is contained
6 within a printed box.²⁹ The disclaimer likely meets the safe harbor for reasonable degree of
7 color contrast (black print on a white background).³⁰ Finally, the placement of the disclaimer in
8 the bottom corner of the mailer appears to be in a place that would not be overlooked.³¹

9 But we do not draw any specific conclusion about whether the mailer’s disclaimer was
10 clearly and conspicuously displayed because the image of the mailer attached to the Complaint
11 appears to have reduced the mailer’s size.³² In a recent matter, the Commission exercised its
12 prosecutorial discretion and dismissed allegations, in part, because the complaint’s support for its
13 allegation (a video recording) had been edited.³³ Here, it also appears that the image of the
14 mailer has been edited in a way that makes the mailer’s disclaimer smaller than it actually
15 appeared.

²⁶ Compl. at App. 4.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *See* 11 C.F.R. § 110.11(c)(2)(ii).

³⁰ *See id.* § 110.11(c)(2)(iii).

³¹ *See id.* § 110.11(c).

³² The Commission has also declined to pursue violations where “a disclaimer is included in a communication, but there is a potential violation stemming from a technical deficiency.” *See* Factual & Legal Analysis at 8, MUR 6846 (DeFazio for Congress) (citing cases).

³³ *See* Statement of Reasons of Chairman Allen J. Dickerson, Vice Chair Steven T. Walther, and Commissioners Shana M. Broussard, Sean J. Cooksey, James E. “Trey” Trainor III, and Ellen L. Weintraub, MURs 7826 & 7862 (Iowa Democratic Party, *et al.*).

1 Under these circumstances, and given that the available information indicates that the
2 Committee may have spent less than \$17,000 on the mailer, further use of the Commission's
3 resources is not warranted.³⁴ Accordingly, the Commission exercises its prosecutorial discretion
4 and dismisses the allegation that Deborah Adeimy and the Committee violated 52 U.S.C. §
5 30120 and 11 C.F.R. § 110.11 by including an improper disclaimer on a mailer.³⁵

³⁴ To the extent that the Complaint alleges Adeimy and the Committee also failed to include a disclaimer in an audio recording "on 3/29," the available information does not indicate such a recording was ever disseminated, and the Response specifically asserts it was never sent. Compl. ¶ 19, App. 4, 6; Resp. at 1. Accordingly, this allegation does not warrant further use of the Commission's resources.

³⁵ *See Heckler*, 470 U.S. at 831.