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FEDERAL ELECTION COMMISSION

JUNE 16, 2022 8:00 AM

OFFICE OF GENERAL COUNSEL

**BEFORE THE FEDERAL ELECTION COMMISSION**

JOE O'DEA FOR SENATE  
4950 S. Yosemite Street, F2-225,  
Greenwood Village, CO 80111  
1-303-894-6111

v.

MUR No. **8017**

John Doe Organization  
Unknown Address

&amp;

Christian Printers, Inc.  
2700 Bell Avenue  
Des Moines, IA 50321

**COMPLAINT**

1. This complaint is filed with the Federal Election Commission ("FEC" or "Commission") pursuant to 52 U.S.C. § 30109(a)(1) and is based on information known to Complainant, Joe O'Dea for Senate, that provides reason to believe that John Doe Organization and Christian Printers, Inc. ("Christian Printers") have violated 52 U.S.C. § 30104(f)(3) and 11 CFR § 110.11 by sending out electioneering communications, without the required disclaimers. Attached as **Exhibits 1-5** are examples of the mailers sent by the John Doe Organization through Christian Printers.

2. The identity of the John Doe Organization is unknown because the John Doe Organization is flouting the law and not identifying itself. Given the coordinated effort to illegally undermine Joe O'Dea for Senate, it is likely that multiple organizations are behind the coordinated scheme described in this Complaint. We have been able to determine that Christian Printers is the printing/mailing company.

3. The Republican Primary is scheduled for June 28, 2022.

4. On information and belief, the John Doe Organization that sent these mailers is an organization aligned with the Democratic Party and progressive interest groups. The goal here is to make sure that the Republican Party loses in the general election—not to participate in good faith in the Republican Primary. Indeed, by promoting false and misleading statements regarding candidate Joe O’Dea’s history and qualifications for office without mandatory disclosures required by law, the electioneering communications aim to mislead primary voters and undermine Colorado’s primary system.

5. This is the kind of illegal political speech the FEC should doing everything in its power to stop immediately. That is what Joe O’Dea for Senate seeks.

### FACTS

6. In Colorado, a party’s primary election is open only to those registered for that party and unaffiliated voters. C.R.S. § 1-7-201(1), (2.3).

7. Since 1910, Act of June 25, 1910, ch. 392 36 Stat. 822, federal election law has worked on a mandated disclosure system in the—quite correct—belief that sunlight is the best disinfectant. Voters deserve to know who is behind a given campaign statement. The Supreme Court has long recognized that; “The sources of a candidate’s financial support also alert the voter to the interests to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in office.... A public armed with information about a candidate’s most generous supporters is better able to detect any post-election special favors that may be given in return.” *Buckley v. Valeo*, 424 U.S. 1, 67 (1976).

8. Voters deserve to know who is blanketing the mail and airwaves with an eleventh-hour onslaught of misleading propaganda.

9. Indeed, some of the mailers are not merely misleading but contain outright false statements of fact: exhibits 2 and 5 state that Ron Hanks was endorsed by the state republican party when no such endorsement has occurred.

10. Beginning the week of June 6, 2022, progressive and other democratic-aligned groups, including ProgressNow Colorado, announced their intent to intervene in the Republican primary for Colorado's general election for senate in 2022. Bente Birkeland, *The big new player in Colorado's Senate GOP primary? Democratic groups* COLO. PUBLIC RADIO (June 8, 2022), <https://www.cpr.org/2022/06/08/colorado-senate-republican-primary-democrat-groups/>.

11. On information and belief, this is part of a coordinated effort to use false electioneering communications to discredit Joe O'Dea, and potentially other Republican primary candidates, to ensure that a less-electable Republican is nominated for the general election. Natalie Allison, *Dems meddle in Senate primary to advance hardline MAGA Republican* POLITICO (June 9, 2022), <https://www.politico.com/news/2022/06/09/dems-meddle-in-colorado-senate-gop-primary-00038294> ("Democrats are aggressively advancing the campaign of a hardline MAGA Senate candidate in a last-ditch effort to elevate him over a moderate Republican who is viewed as a more serious threat to Democratic Sen. Michael Bennet.").

12. Concealing the source of the mailers is material to this scheme because it allows these democratic/progressive groups to conceal their involvement. By hiding the source of the message, these groups are able to advertise to voters who might otherwise severely discount or ignore their message.

13. On information and belief, this campaign includes the electioneering communications, mailers, at issue in this Complaint. These mailers are oversized and professionally put together. Given their wide distribution and professional content, the total cost of these mailers is estimated at several million dollars. *Id.* (noting that one "left-wing super PAC" was spending \$800,000 a week to "meddle in the Republican primary").

14. Although the date of mailing is unknown, the mailers were received by voters during the weeks of June 6 and 13, 2022:

15. The mailers, Exhibits 1-5, do not contain the required disclosures. Specifically, the mailers do not state who paid for them and who is responsible for their contents.

16. On information and belief, between 400,000-500,000 voters have received multiple pieces of mail affected by these malicious actions.

17. The purpose of this scheme is clear—a last-minute bomb thrown in the middle of a race to intentionally mislead voters. This is corrupting of the political process and designed to change the outcome of an important Senate Race.

18. The tactic here is corrosive to our political discourse and incredibly difficult to remedy through anything but swift action. As courts have explained in analogous contexts, is impossible to ‘unring the bell’ and undo the harm. In other words, “If you throw a skunk into the jury box, you can’t instruct the jury not to smell it.” *United States v. Lewis*, 174 F.3d 881, 885 (7th Cir. 1999).

19. To be clear, the campaign violations here are not part of some good faith participation in the Republican Primary. It is a naked effort to stack the deck in the general election by propping up the less palatable general election candidate through misleading and illegal campaign mailings. This is not regular politics and regular political speech in response is not sufficient.

20. The conduct must be stopped and enjoined, not merely belatedly punished. The cost of doing business cannot include paying for willful violations of law in this sort of bad faith conduct.

### **FIRST CLAIM—VIOLATIONS OF FECA**

21. The Federal Election Campaign Act (“FECA”) and Commission regulations require electioneering communications to contain certain mandatory disclosures. Specifically, electioneering communications must disclose who is responsible for the communication. 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(b).

22. The mailers at issue here meet the definition of “electioneering communication” in § 30104(f)(3)(A)(i) because the mailers:

- a. Clearly identify candidates for federal office (Joe O'Dea and his opponent, Ron Hanks);
  - b. Were sent within 30 days before the primary election (set for June 28, 2022); and
  - c. Were targeted at the relevant audience of Republican Primary voters and were, on information and belief, targeted at more than 50,000 persons in the State of Colorado (up to 500,000).
23. The mailers do not contain the disclosures required by law. Exhibits 1-5.
24. Two of the mailers, Exhibits 2 and 5, falsely represents that Ron Hanks was endorsed by the Colorado Republican Party.
25. Therefore, there is reason to believe that Christian Printers and the John Doe Organization have violated FECA and Commission regulations by sending the mailers at issue in violation of 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(b).

## **SECOND CLAIM—EXPEDITED INJUNCTIVE RELIEF TO PREVENT FURTHER HARM**

26. The normal timeline utilized by the FEC is inappropriate for this matter. Delay by the Commission will only reward the willful misconduct described in this Complaint.
27. Namely, the absence of the disclosures required by federal law, 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(b), are causing immediate, irreparable harm to Joe O'Dea.
28. If the Commission does not provide immediate relief to stop these willful violations of federal election law, it may change the outcome of a very important Senate race.
29. Given the clear violations and the likely irreparable harm, the FEC should act immediately: (1) investigate and identify the offending John Doe Organization (or organizations), and (2) enjoin it and Christian Printers from further misconduct, including preventing any additional mailers.

**PRAYER FOR RELIEF**

30. The Commission should find reason to believe that John Doe Organization and Christian Printers have violated FECA and Commission Regulations as set forth herein and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).

31. The Commission should further seek appropriate sanctions for any and all violations of law uncovered during its investigation, including civil penalties sufficient to deter future violations and an injunction against future violations in addition to any other remedies which are necessary and appropriate to ensure compliance with federal law.

32. The Commission should expedite its consideration of this matter and enjoin the conduct at issue immediately.

Respectfully submitted,

/s/Brent R. Owen  
Joe O'Dea for Senate

Brent R. Owen  
Squire Patton Boggs (US) LLP  
717 17th Street, Suite 1825  
Denver, Colorado 80202


June 15, 2022

**VERIFICATION**

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

Sworn pursuant to 18 U.S.C. § 1001.

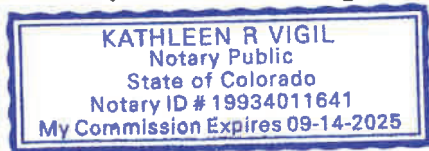
For Complainant JOE O'DEA FOR SENATE

  
\_\_\_\_\_  
Joe O'Dea

SUBSCRIBED AND SWORN TO before me this 15th day of June, 2022.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:







After Colorado's Democratic Governor  
signed laws restricting gun rights,  
Republican JOE O'DEA spoke with his wallet...






PPSRT STD  
U.S. Postage  
PAID  
Denver, CO  
Permit No. 2571

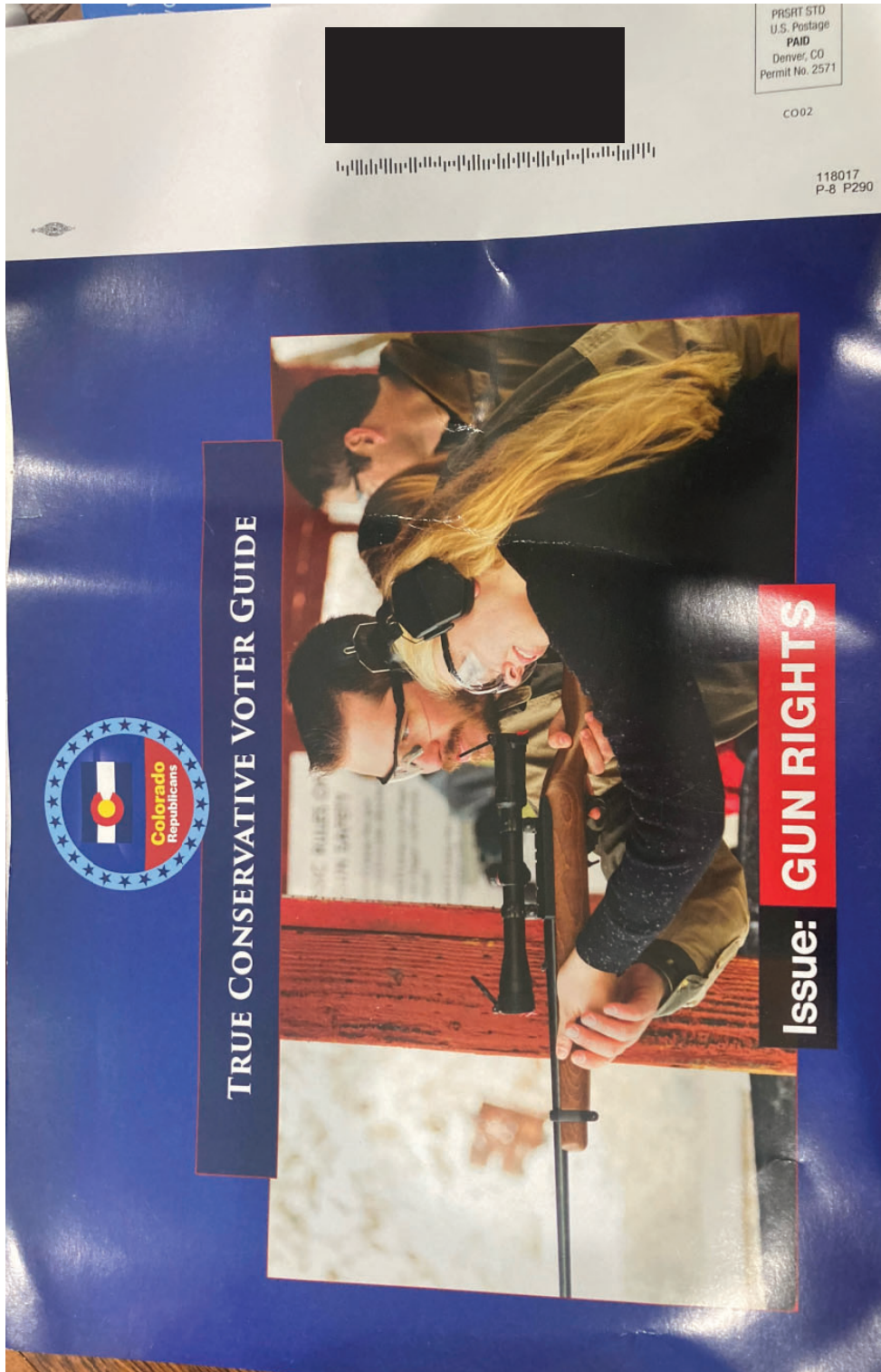
CO01

118024 P-7 P200

**State Rep. Ron Hanks** won the top line designation for U.S. Senate and the endorsement of the Colorado Republican Party in April 2022..

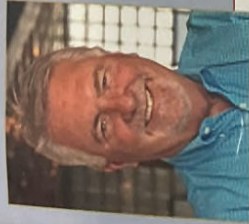


- 32 years in uniform
- Defender of the Second Amendment
- Protector of the Unborn





# U.S. SENATE VOTER GUIDE: GUN RIGHTS



## JOE O'DEA

Gave hundreds in campaign contributions to Democrat John Hickenlooper after he **signed laws restricting gun rights**, including background checks on private gun sales and limits on ammunition capacity.<sup>1</sup>



TRACER	
Name	Michael A. Hickenlooper, Governor (D)
Address	1000 14th Avenue, Suite 1000, Denver, CO 80202
Phone	(303) 733-1000
Fax	(303) 733-1001
E-mail	michael.hickenlooper@colorado.gov
Website	www.governor.colorado.gov
Party	Democrat
Office	Governor
Term	2011-2015
Committee	Senate
Subcommittee	Public Safety
Staff	Michael A. Hickenlooper, Governor (D)
Staff	Michael A. Hickenlooper, Governor (D)
Staff	Michael A. Hickenlooper, Governor (D)



## RON HANKS

- Sponsor of Constitutional Carry proposal in Colorado that would guarantee our right to self-defense<sup>2</sup>
- Sponsored legislation to end limits on ammunition capacity<sup>3</sup>
- Sponsored legislation to allow use of deadly force against intruders<sup>4</sup>




1. Colorado Secretary of State  
2. HB22-1033, 1-12-22  
3. HB21-1070, 2-16-21  
4. HB22-1105, 1-20-22

PROVIDE INFO  
U.S. SENATE  
NAME  
AND  
ADDRESS  
C2003


PA 1344  
3097

U.S. SENATE VOTER GUIDE: TAXES AND SPENDING



**JOE O'DEA**

**SUPPORTED**  
Biden's \$1.2 Trillion  
Infrastructure Bill

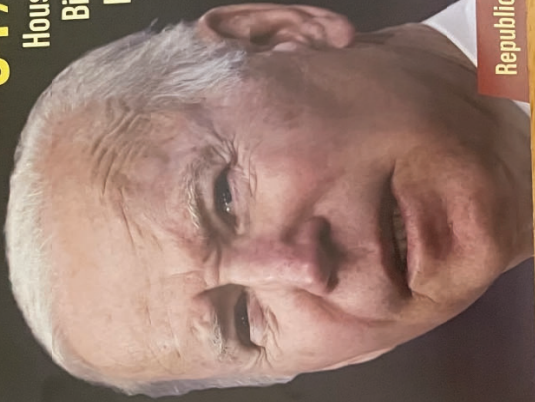


**RON HANKS**

**OPPOSED**  
Biden's \$1.2 Trillion  
Infrastructure Bill

ENDORSED  
by the  
**COLORADO**  
REPUBLICAN PARTY

**94% Of Republican U.S.  
House Members OPPOSED  
Biden's \$1.2 Trillion  
Infrastructure Bill...**



Republican Senate Candidate **JOE O'DEA SUPPORTED IT**

