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October 4, 2023

VIA E-MAIL

Federal Election Commission
 Office of Complaints Examination
 & Legal Administration
 Attn: Christal Dennis, Paralegal
 1050 First Street, NE
 Washington, DC 20463

Re: MUR 8148: Ralph King v. Frank LaRose

Dear Ms. Dennis:

The Complaint filed by Mr. King is yet another attack on Ohio Secretary of State Frank LaRose's longstanding commitment to election integrity. Mr. King, who is affiliated with a group called the "Cleveland Tea Party Patriots" that made a public statement of support for one of Secretary LaRose's primary opponents, Bernie Moreno,¹ made the curious choice to get his Complaint in front of the Press about a week before he filed it with this Commission, by sending it to a Plain Dealer reporter. Mr. King then embarked on a press tour that presented the allegations as serious and compelling. Once Secretary LaRose received the actual complaint, the allegations were anything but. This Complaint lacks merit, and it should be dismissed.

¹ Cleveland Tea Party Patriots (@ClevelandTPP), Apr. 19, 2023, TWITTER, <https://twitter.com/ClevelandTPP/status/1648660369085276161?s=20> ("Instead of sending more corrupt & stupid people to DC – Let's clean up DC with @berniemoreno! #OHSen").

October 4, 2023

Page 2

Mr. King's filing should be dismissed because the allegations contained therein do not amount to violations of the Federal Election Campaign Act of 1971. First, Mr. King alleges that Secretary LaRose failed to file his declaration of candidacy in a timely manner. Mr. King supports this allegation by citing to various news articles wherein Secretary LaRose explains how he hopes to one day run for office—in one statement cited by Mr. King, Secretary LaRose doesn't even mention the office he hopes to attain. These statements are far from the unambiguous and non-conditional statements that Complaint portends them to be. Second, he attaches one flyer created by an unnamed person or group that neither seeks to raise money for a federal candidate nor declares Secretary LaRose a candidate for Senate. Third, Mr. King alleges Secretary LaRose improperly raised and expended funds on behalf of an organization called Leadership for Ohio Fund that—he claims—served as a shadow campaign. The facts alleged in the Complaint do not support a finding that Secretary LaRose violated the Federal Election Campaign Act, and the Complaint should be dismissed.

Contemporaneous documentation clearly explains why Leadership for Ohio Fund was formed and how Secretary LaRose believed the entity would spend any funds raised by the entity—to “amplify” Secretary LaRose’s “Ohio Story” by promoting his “work as Ohio Secretary of State, [his] exceptional dedication to election integrity, and the recent legislation [he] introduced to increase voter transparency in Ohio.” *See* Ex. B, Donor Thank You Letter. From “day one” as Secretary of State, Secretary LaRose has been mission-driven to promote fair, honest, and open elections. Leadership for Ohio Fund was just another step in Secretary LaRose’s efforts to share the “Ohio Model” for running elections. Secretary LaRose also was focused on raising awareness and support for Issue 1 on the August Primary ballot, a ballot initiative that sought to amend the

October 4, 2023

Page 3

Ohio Constitution to change the requirements to propose and pass future citizen-initiated state constitutional amendments, a matter he saw as potentially reshaping the Great State of Ohio. He also saw Leadership for Ohio Fund as an organization that he could use to help raise his profile so he could advocate for the passage of Issue 1. At no point did Secretary LaRose knowingly raise or expend federal funds prior to becoming a candidate. Consequently, the Complaint against Secretary Larose should be dismissed.

I. Background

Secretary LaRose has been a champion of election integrity and other efforts in Ohio and around the Country for a number of years. *See* Exhibit A, Declaration of Frank LaRose at ¶2. His goal has always been to boost the confidence of voters in our nation's elections by sharing the numerous successes, reforms, and advances in Ohio's elections that occurred during his time in office. *See id.* at ¶3.

Increasing voter faith and public confidence in our nation's election is not a recent goal of the Secretary. Within a month of being sworn into office, Secretary LaRose took the unprecedented step of proactively making sure his office did not remove any voter from the voting roles who wanted an opportunity to vote. As Secretary LaRose said at the time, "Ohio is once again taking an unprecedented step to ensure everyone who wants to be registered to vote gets that opportunity. Our state has long been a leader in making elections both accessible and secure, and this effort will continue that strong tradition." *See* LaRose Begins Unprecedented Effort to Send Registration Forms to Non-Responsive 'Last Chance' Households, *available at*: <https://www.ohiosos.gov/media-center/press-releases/2019/2019-02-11/>. *Later Time Magazine*

October 4, 2023

Page 4

cited Secretary LaRose describing his concern about making sure voting protections are in place to ensure “voters’ confidence in the system.” *See* News: States are Trying to Stop Election Meddling. But the Real Risk is Public Confidence, *available at*: <https://www.ohiosos.gov/media-center/press-releases/2019/2019-03-05/>. Secretary LaRose’s efforts to improve voter confidence and public faith in elections have persisted for years, and he has pursued and welcomed innovative approaches at every turn, even creating a new Public Integrity division as “part of an ongoing effort to build on Ohio’s record as a national leader in maintaining secure, accurate, and accessible elections.” *See* LaRose Announces Office’s First-Ever Public Integrity Division, *available at*: <https://www.ohiosos.gov/media-center/press-releases/2022/2022-10-05/> Secretary LaRose has always embraced election integrity as a key issue, worked to improve voter confidence and public faith in elections, and he has worked to spread the message of Ohio’s successes whenever he could. *See* Ex. A, at ¶4.

Whether facing Republicans, Democrats, or anybody in between or beyond, Secretary LaRose tells what he describes as the “Ohio Story”—the story of Ohio’s focus on fair, honest, and open elections. *See id.* at ¶5. And he has worked across the aisle to spread that message. During his time co-chairing the Elections Committee of the National Association of Secretaries of State with Michigan Secretary of State Jocelyn Benson, he took every public opportunity to share that their focus was on “working to improve elections administration, boost civic engagement, and bolster voter confidence in Ohio and Michigan.” *See* Secretary LaRose Appointed Co-Chair of the National Association of Secretaries of State Elections Committee, *available at*: <https://www.ohiosos.gov/media-center/press-releases/2020/2020-08-21-b/> In early 2023, he traveled to Washington, DC to speak on a panel at the Conservative Political Action Committee.

October 4, 2023

Page 5

See Ex. A, at ¶6. As one article critical of Secretary LaRose’s attendance at the event noted, Secretary LaRose went there to promote “what [Secretary LaRose] likes to refer to as the ‘Ohio Model’ for elections...” *See* Frank LaRose’s Ohio model: Illegal gerrymandering and ruthlessly attacking voters at every turn, *available at*: <https://ohiocapitaljournal.com/2023/03/02/frank-laroses-ohio-model-illegal-gerrymandering-and-ruthlessly-attacking-voters-at-every-turn/>.

Attacks like this on Secretary LaRose simply encouraged him to broaden his message and speak to any audience that would have him. Consequently, he sought every chance he could to tell the Ohio story despite facing frequent criticism from both sides of the aisle. *See* Ex. A, at ¶7.

Although Secretary LaRose’s efforts faced significant criticism from Democrats and Republicans, proponents of his message sought to fight back. The same day that the Ohio Capital Journal published the above-mentioned article criticizing Secretary LaRose’s Ohio Story, supporters of election integrity created an entity called, “Leadership for Ohio Fund LLC.” *See* Articles of Incorporation, Leadership for Ohio Fund LLC, *available at*: <https://bizimage.ohiosos.gov/api/image/pdf/202306002736>. Secretary LaRose did not found, organize, manage, or lead the Leadership for Ohio Fund. *See* Ex. A, at ¶8. Instead, Secretary LaRose was informed, after it was created, was informed that the organization was going to do significant activity to support election integrity and spread the message of fair, open, and honest elections—activities in line with the Ohio Story. *See id.* at ¶9. Leadership for Ohio Fund would use any money raised by Secretary LaRose to tell the Ohio Story of election integrity to help raise public confidence in elections—a theme dating back to the early days of his first term as Secretary of State. *See id.* at ¶10. Secretary LaRose agrees with that mission, and he decided to raise funds for Leadership for Ohio Fund when possible. *See id.* at ¶11.

October 4, 2023

Page 6

Secretary LaRose also was focused on raising awareness and support for Issue 1 on Ohio's August Special Election Ballot, a matter he saw as potentially reshaping the Great State of Ohio. *See id.* at ¶12. Consequently, not only did Leadership for Ohio Fund help to tell Secretary LaRose's Ohio Story, it also raised his profile in the battle to pass Issue 1. *See id.* Secretary LaRose served as the face of this fight, and he saw a benefit to being in front of influential individuals who he could eventually convince to support Issue 1. *See id.* at ¶13. Consequently, and most likely to the chagrin of the management of Leadership for Ohio Fund, he focused both on spreading his election integrity message and raising funds for Leadership for Ohio Fund to amplify that message. *See id.* at ¶14.

But even so, he didn't raise funds for Leadership for Ohio Fund right away. Secretary LaRose was unaware that the entity had been incorporated when he traveled to Washington, DC to speak about the Ohio story in March 2023, and the facts support the Secretary's lack of knowledge regarding the organization. *See id.* at ¶15. Specifically, Secretary LaRose participated in a major fundraising event while in Washington, D.C. with numerous members of Congress and large donors. But instead of raising funds for Leadership for Ohio Fund, Secretary LaRose instead raised funds for his state campaign. *See* Ohio Secretary of State Frank LaRose Plan D.C. Fundraiser with Congress Members Ahead of Conservative Conference, *available at*: <https://www.cleveland.com/news/2023/02/ohio-secretary-of-state-frank-larose-plans-dc-fundraiser-with-congress-members-ahead-of-conservative-conference.html>. Secretary LaRose's spokesperson at the time made it clear that Secretary LaRose would use his time in DC to "talk about things that Ohio's done to advance election integrity, and that Ohioans have confidence in our elections because we run them so professionally and accurately." *See id.* Even when he

October 4, 2023

Page 7

returned to DC for an event with Leadership for Ohio Fund later in 2023, Secretary LaRose continued to tell his Ohio Story instead of having a fundraiser for Leadership for Ohio Fund—the event flyer clearly indicated that to attend the event there was “No Contribution Needed.” *See* <https://twitter.com/HenryJGomez/status/1648748792093499407/photo/1>; *see also* Ex. A at ¶16. As indicated herein, Secretary LaRose traveled to DC on multiple occasions to tell his Ohio Story, not to raise money for some future Senate run. Contemporaneous documentation supports this statement.

When Secretary LaRose did raise funds for Leadership for Ohio Fund, it is clear that he was raising funds for non-federal activity. As explained in each of the thank you notes signed by Secretary LaRose to donors:

[Leadership for Ohio Fund] was formed to promote free and fair elections in Ohio, increase participation in the electoral process, and support leaders like me, who have demonstrated dedication to achieving these goals.

Your direct support will fund, the promotion of my work as Ohio Secretary of State, my exceptional dedication to election integrity, and the recent legislation I’ve introduced to increase voter transparency in Ohio.

See Ex. B. Secretary LaRose always understood that Leadership for Ohio Fund would amplify the Ohio Story and work to increase confidence in U.S. elections by amplifying my unique Ohio voice and experience. *See* Ex. A, at ¶17.

October 4, 2023

Page 8

II. Secretary LaRose Was Not Testing the Waters with Leadership for Ohio Fund

Leadership for Ohio Fund was not organized to assist Secretary Frank LaRose in testing the waters for a race for the United State Senate. As explained herein, the sole purpose of Leadership for Ohio Fund—and the money raised by it—was to tell Frank LaRose’s Ohio Story and focus on election integrity. As explained by Secretary LaRose, well before the filing of this FEC Complaint, “[Leadership for Ohio Fund] was formed to promote free and fair elections in Ohio, increase participation in the electoral process, and support leaders like me, who have demonstrated dedication to achieving these goals.” *See* Ex. B. Secretary LaRose raised no money for any federal purpose, and he did not have any say over any expenditure decision of Leadership for Ohio Fund. *See* Ex. A, at ¶18. He raised no funds to explore a potential Senate run. The facts simply do not support a finding that Secretary LaRose violated the Federal Election Campaign Act, and the Complaint should be dismissed without further action.

In addition to not raising funds to explore a potential Senate run, Secretary LaRose did not expend any funds, or control the expenditure of any funds, to explore a potential Senate run. As explained in the fundraising “thank you” letter, Secretary LaRose understood that the entity would fund “the promotion of [his] work as Ohio Secretary of State, [his] exceptional dedication to election integrity, and the recent legislation [he] introduced to increase voter transparency in Ohio.” *See* Ex. A, at ¶19; *see also* Ex. B. Well before Mr. King took notice, Secretary LaRose publicly explained to each donor why he was collecting funds for Leadership for Ohio and how those funds would be spent.

Secretary LaRose was not aware of, or involved in directing, any expenditures made for polling or other activities of Leadership for Ohio Fund. *See* Ex. A, at ¶20. There is no allegation

October 4, 2023

Page 9

that Secretary LaRose used the polling data for any purpose whatsoever, and Secretary LaRose confirms he had no control or influence over any expenditure decisions of Leadership for Ohio Fund. Secretary LaRose did not know about, did not approve, and did not control the expenditure of any funds from Leadership for Ohio Fund for testing the waters activities.

III. Secretary LaRose Was Not a Candidate for Federal Office Prior to July 17, 2023

Secretary LaRose was not a candidate for federal office before July 4, 2023, when he made his first public statement that he was considering running for office. Specifically, Secretary LaRose posted a picture of a draft Form 2 with a filing date of July 15, 2023. *See* <https://x.com/FrankLaRose/status/1676244499888996353?s=20>. Secretary LaRose readily admits that he began actively considering a run for Senate on July 4, 2023. He then announced his candidacy on July 17, 2023. *See* Ex. A, at ¶21

Prior to July 17, 2023, Secretary LaRose was not a candidate for Federal office. Before July 4, 2023, he occasionally mentioned that he hoped to run for Senate one day in response to encouragement from some supporters and questions from reports. *See* Ex. A, at ¶22. He did no general public political advertising to publicize a campaign for federal office, he raised no funds to support his campaign for federal office, he made no statements where he referred to himself as a candidate for a particular office, the Republican primary was many months away, and he took no action to qualify for the ballot.² *See* Ex. A, at ¶23. In fact, even though he arguably began testing the waters on July 4, 2023, he did not pass the \$5,000 money raise threshold until July 17,

² 11 C.F.R. § 100.72.

October 4, 2023

Page 10

and he didn't expend \$5,000 until days later. Frank LaRose was not a candidate for Senate until July 17, 2023.

The Complaint presents scant evidence to the contrary. As Secretary LaRose made clear, “There are lots of people reaching out to me. They’re offering support as grassroots supporters, and there are people that are calling and saying they would like to help financially when the time is right for that.” *See* Ohio Secretary of State Tells Donors He’ll Enter GOP Senate Primary ‘Soon,’ *available at*: <https://www.yahoo.com/lifestyle/ohio-secretary-state-tells-donors-220029393.html>. Nothing he said, at the time and transcribed by the articles or at any other time, rises to the standard quoted in the Complaint itself: Secretary LaRose simply did not make “a non-conditional statement that he . . . will announce his . . . candidacy . . . unambiguously indicates that the individual has decided to become a candidate.” *See* Complaint at 7, ¶ 21. Nothing cited in the article is non-conditional or unambiguous. Specifically, even the statement quoted in the complaint and in the article is conditional and ambiguous. The full quotes, rather than the selectively edited versions, both include the word hope—in one instance “hopefully soon” and in the other “hope to announce.” He didn’t state any date for the announcement, didn’t mention any opponent, and, in one voicemail, didn’t even mention the office he one day hoped to attain. These statements are not enough to turn “hope” into candidacy.³ And they are far less definitive than the statements of the candidate described in MUR 6449, which Mr. King cites in support of his Complaint. *See* MUR 6449 (Bruning), at Factual & Legal Analysis 7 (candidate declaring “I’m ready to run,” “I can’t imagine any conditions under which I would not run,” and that he “welcomes a ‘spirited primary’ contest for the Republican nomination”).

³ The Federal Election Campaign Act does not turn every starry-eyed child who hopes to be President or Senator into a candidate testing the waters.

October 4, 2023

Page 11

The Complaint also cites a flyer that Mr. King refers to as “general public advertising.” As a practical matter, nowhere on the flyer does it state that Secretary LaRose is a candidate for U.S. Senate or other federal office. Moreover, there is no indication on the flyer regarding who distributed the flyer. There is no attempt to raise any funds. There is no allegation that the flyer was disseminated to any group that would constitute “general public advertising.” There is no allegation Secretary LaRose prepared or approved the flyer. Finally, there are no facts to support an allegation that any individual or entity paid to create the flyer. If a fundraiser or supporter of Secretary LaRose prepared such a flyer for no compensation, and then handed that flyer to a couple people, that simply does not qualify as “general public advertising.” Such a flyer certainly does not indicate that Secretary LaRose has become a candidate for United States Senate.

IV. The Complaint Does Not Allege That Secretary LaRose “Established, Financed, Maintained, or Controlled” The Leadership for Ohio Fund

Even if Leadership for Ohio Fund paid for polling or distributed the flyer in question, the actions of Leadership for Ohio Fund cannot be attributed to Secretary LaRose. Secretary LaRose did not establish, finance, maintain, or control Leadership for Ohio Fund. *See* Ex. A, at ¶16. As the Commission is well aware:

federal candidate and officeholders—as well as any entity ‘directly or indirectly established, financed maintained, or controlled [‘EFMC’d’] by or acting on behalf of’ a federal candidate, officeholder—may not solicit, receive, direct, transfer, or spend funds raised outside the federal limits and source prohibitions in connection with a federal election.⁴ To determine whether a candidate, federal officeholder, or his or her agent EFMC’d an entity, the Commission considers a non-exhaustive list of ten factors set forth in 11 C.F.R. § 300.2(c)(2), which ‘must be examined in the context of the overall relationship between [the candidate or officerholder] and the entity.’⁵

⁴ 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

⁵ 11 C.F.R. § 300.2(c)(2).

October 4, 2023

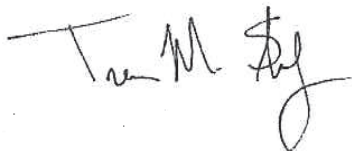
Page 12

In analyzing the 10 factors identified in 11 C.F.R. § 300.2(c)(2), the Complaint fails to allege any facts that indicate that Secretary LaRose established, financed, maintained, or controlled Leadership for Ohio Fund. The closest the Complaint comes to meeting any of the 10 criteria is that Secretary LaRose raised money for the entity. But, as explained herein, Secretary LaRose clearly indicated to donors who contributed that, “Your direct support will fund, the promotion of my work as Ohio Secretary of State, my exceptional dedication to election integrity, and the recent legislation I’ve introduced to increase voter transparency in Ohio.” *See* Ex. B. If Leadership for Ohio Fund expended any money contrary to this description, Secretary LaRose was not aware of those expenditures, and he was not involved in making them.

V. Conclusion

For the foregoing reasons, Mr. King’s complaint should be dismissed, and the Commission should take no further action.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor M. Stanley". The signature is written in a cursive, flowing style.

Trevor M. Stanley

Attachment

EXHIBIT A

BEFORE THE
FEDERAL ELECTION COMMISSION

Declaration of Frank LaRose

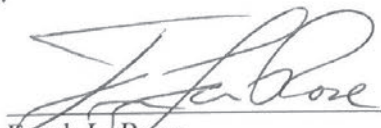
I, Frank LaRose, declare under penalty of perjury that the following is true and accurate:

1. I am the Secretary of State of Ohio. The statements in this declaration are based upon my personal knowledge to the best of my recollection.
2. I have been a champion of election integrity and other efforts in Ohio and around the Country for a number of years.
3. My goal has always been to boost the confidence of voters in our nation's elections by sharing the numerous successes, reforms, and advances in Ohio's elections that occurred during my time in office.
4. I have always embraced election integrity as a key issue, and I have worked to spread the message of Ohio's successes whenever I could.
5. I consider the story of Ohio's election successes the "Ohio Story."
6. In early 2023, I traveled to Washington, DC to speak on a panel at the Conservative Political Action Committee.
7. I am willing to tell the "Ohio Story" to any audience, and I often seek out any chance I can to tell the Ohio story despite facing frequent criticism from both sides of the aisle.
8. I did not found, organize, manage, or lead the Leadership for Ohio Fund.
9. I was informed that the organization was going to do significant activity to support election integrity and spread the message of fair, open, and honest elections—activities in line with the Ohio Story.
10. I understood they would use any money raised by me to tell that Ohio Story of election integrity to help raise public confidence in elections—a theme dating back to the early days of my first term as Secretary of State.
11. I agree with that mission, and I decided to raise funds for Leadership for Ohio Fund when possible.
12. I also was focused on raising awareness and support for Issue 1, a matter I saw as potentially reshaping the Great State of Ohio. I believed the entity could also raise my profile in the battle to pass Issue 1 on Ohio's Special Election Ballot.

13. I saw a benefit to being in front of influential individuals who I could eventually convince to support Issue 1.
14. Consequently, I focused both on spreading an election integrity message and raising funds for Leadership for Ohio Fund to amplify that message.
15. I was unaware that the entity had been incorporated when I traveled to Washington, DC to speak about the Ohio Story in March 2023.
16. When I returned to Washington, DC for an event with Leadership for Ohio Fund later in 2023, the event was not a fundraiser.
17. I always understood that Leadership for Ohio Fund would amplify the Ohio Story and work to increase confidence in U.S. elections by amplifying my unique Ohio voice and experience.
18. I raised no money for any federal purpose, and I did not have any say over any expenditure decision of Leadership for Ohio Fund.
19. Consequently, the thank you note attached as Exhibit B to this response is true and accurate.
20. I was not aware of, or involved in directing, any expenditure decisions made for polling or other activities of Leadership for Ohio Fund.
21. I made my first public statement that I might run for Senate on Twitter on July 4, 2023. I announced my candidacy on July 17, 2023.
22. Before July 4, 2023, I occasionally mentioned that I hoped to run for Senate one day in response to encouragement from some supporters and questions from reports.
23. Before July 4, 2023, however, I made no general public political advertising to publicize a campaign for federal office, I raised no funds to support a campaign for federal office, I made no statements where I referred to myself as a candidate for a particular office, the Republican primary was many months away, and I took no action to qualify for the ballot.
24. I did not establish, finance, maintain, or control Leadership for Ohio Fund.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

By:


Frank LaRose

Date: October 4, 2023

EXHIBIT B

June 8, 2023

[REDACTED]

Dear [REDACTED]

Thank you for your generous support of [REDACTED] to the Leadership for Ohio Fund.

Your support ensures my commitment to the success of LFO.

This advocacy organization was formed to promote free and fair elections in Ohio, increase participation in the electoral process, and support leaders like me, who have demonstrated dedication to achieving these goals.

Your direct support will fund, the promotion of my work as Ohio Secretary of State, my exceptional dedication to election integrity, and the recent legislation I've introduced to increase voter transparency in Ohio.

LFO Fund will tell my "Ohio Story" – the story of a husband, father, and decorated combat veteran, which, when combined with my public service as Ohio Secretary of State, and before that as an Ohio State Senator, have given me a unique voice that LFO Fund will help amplify in Ohio and around the country.

Yours in Service,

Frank LaRose