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2023 NOV 30 AM 3:55

Lisa J. Stevenson
Acting General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

MUR # 8189

Dear Mr. Turner and Ms. Stevenson,

This letter is a complaint against Prince George's County Executive Angela Alsobrooks, who is a candidate in the Democratic primary for United States Senate, presenting violations of the Prince George's County Code and the Federal Election Campaign Act of 1971.

INTRODUCTION

Since at least September, Prince George's County, at Ms. Alsobrooks' initiative, has been sponsoring a blitz of advertisements on television and social media to promote her public image. On information and belief, these television advertisements run exclusively on cable programming favored by Democrats, like MSNBC and CNN, and not on other types of programming, like Fox News.

This abuse of public funds for political purposes violates Prince George's County law. Moreover, these advertisements, which directly promote Ms. Alsobrooks' character, qualifications, and fitness for office and are closely coordinated with her, are illegal contributions to her federal campaign. An immediate investigation is needed to determine the full scope of these violations. Specifically, the public needs to know exactly how many taxpayer dollars have been spent to improve Ms. Alsobrooks' image, how this unusual advertising campaign was conceived and supported, which audiences received the advertisements and how they were selected, and how Ms. Alsobrooks, her campaign, campaign consultants, and political supporters directed or participated in these advertisements.

These advertisements violate the public trust. Even if Ms. Alsobrooks could claim that they were genuine issue ads that fell within a legal loophole, the unleashing of a publicly

funded propaganda campaign -- just weeks after Ms. Alsobrooks announced she would run for U.S. Senate -- clearly places her private interests over the people's interests.

STATEMENT OF FACTS

Ms. Alsobrooks has been County Executive since 2018. The facts involving these new advertisements promoting her are as follows:

- On May 1, 2023, Senator Ben Cardin announced that he would not be a candidate in the 2024 election. See Andrew Solander, *Maryland Sen. Ben Cardin to retire after 2024*, Axios (May 1, 2023), <https://www.axios.com/2023/05/01/maryland-ben-cardin-senate-retire>.
- On May 9, 2023, Ms. Alsobrooks announced that she would run in the Democratic primary to replace Senator Cardin. See William J. Ford, *Prince George's County Executive Angela Alsobrooks enters the race for U.S. Senate*, Maryland Matters, May 9, 2023, <https://www.marylandmatters.org/2023/05/09/prince-georges-county-executive-angela-alsobrooks-enters-the-race-for-u-s-senate/>.
- On August 21, 2023, Hart, Inc., a digital marketing agency in Toledo, Ohio, registered "StrengtheningPGC.com" as a domain name. See <https://www.whois.com/whois/strengtheningpgc.com>. The website says: "Strengthening Prince George's is County Executive Angela Alsobrooks' vision to build the commercial tax base by focusing economic development around transit hubs in the County." <https://strengtheningpgc.com/about>. The contact address is countyexecutive@co.pg.md.us. See <https://strengtheningpgc.com/contact>.
- On or about September 29, 2023, an advertisement branded as "Strengthening Prince George's" began running on cable outlets and social media, with content plainly crafted to promote Ms. Alsobrooks, no discussion of transit, and no call to action for the audience. See <https://www.youtube.com/shorts/xeTBek3LjR8>. A transcript of the ad reads:

Everybody wants to do big things. But big things are the result of hundreds of small things done well every day. And that takes vision. County Executive Angela Alsobrooks' vision is of a Prince George's County

where everyone prospers. Which is why she's teamed up with other County leaders to put the focus of more than \$1 billion of public-private investment where it belongs: on the people who live here. Because change only matters if you're a part of it. Strengthening Prince George's. Progress. Growth. Community.

- The advertisement has no reasonable interpretation other than as an appeal to support Ms. Alsobrooks in the U.S. Senate primary. It focuses solely on her character, qualifications, and fitness for office: i.e., her "vision." It identifies no specific public issue, saying only that Ms. Alsobrooks has "put the focus ... of public-private investment ... on the people who live here." It urges no officeholder to take a particular position or action and urges no one to adopt any position or contact any officeholder. It is what campaign finance experts call a "sham issue ad."
- On information and belief, this advertisement has been running on outlets favored by Democratic primary voters like MSNBC and CNN -- but not on those unlikely to reach Democratic primary voters, like Fox News.
- Similar advertisements are running on social media platforms like Facebook and Instagram. See, e.g., <https://www.facebook.com/ads/library/?id=6826133040766200> ("Jobs. Housing. Amenities. Angela Alsobrooks is making sure \$1 billion in economic investments include everyone.").
- These advertisements contrast sharply with previous County-funded advertisements, which have a clear, reasonable interpretation other than to encourage support for a candidate. For example, in the past, the County has run advertisements under the brand "Experience Prince George's County," which are plainly crafted to encourage tourism, business location, and residence, with lower production values -- and without mentioning Ms. Alsobrooks. See, e.g., <https://www.youtube.com/watch?v=evFmSwsPPL0>.

APPLICABLE LAW

A. The Advertisements Violate Prince George's County Law

The Prince George's County Code prohibits Ms. Alsobrooks from using public resources to promote her campaign:

- It prohibits her from intentionally using the prestige of her office for private gain, while excepting the performance of "usual and customary constituent services." Prince George's County Code § 2-293(c).
- It prohibits her from using any County facility, property, or work time for personal use or the use of another person unless the use is generally available to the public or authorized by a County law or regulation. Prince George's County Code § 2-293(f).

The Office of Ethics and Accountability warns against waste and abuse. It defines "waste" as "[t]he negligent or extravagant expenditure of County funds, incurring of expenses, or misuse of County resources or property," and defines "abuse" as "[t]he intentionally wrongful or improper use of County resources that can include the excessive or improper use of one's position, in a manner contrary to its rightful or legally intended use." <https://www.princegeorgescountymd.gov/departments-offices/ethics-accountability/fraud-waste-abuse-illegal-acts>.

The advertising blitz to burnish Ms. Alsobrooks' image qualifies as both "waste" and "abuse" and violates County law. The ads have no purpose except to promote her image. They discuss no specific public issue and do not ask the viewers to take any position. They do not qualify as "usual and customary constituent services" because they are highly unusual, deviate sharply from previous advertising campaigns, and provide no public service. The only person who benefits from them is Ms. Alsobrooks -- through greater public visibility while she runs for U.S. Senate.

B. The Advertisements Violate Federal Campaign Finance Law

The Federal Election Campaign Act of 1971 treats the County as fully subject to the limitations and prohibitions on contributions to Ms. Alsobrooks' campaign. See FEC Advisory Opinion 2002-05 at 4 n.8, <https://www.fec.gov/files/legal/aos/2002-05/2002-05.pdf> (holding prohibition on corporate contributions to apply to a municipal corporation); FEC Advisory Opinion 1999-07, at 2 n.3 (treating state as a "person" subject to contribution limits and prohibitions).

Federal campaign finance law treats County-paid public communications as contributions to Ms. Alsobrooks, if they contain the functional equivalent of express advocacy, and if she requests or suggests the communications, is materially

involved in decisions about them, or has substantial discussions with the County about her plans, projects, activities or needs. 11 C.F.R. § 109.21(c)(5), (d)(1)-(3). If a communication is not a "genuine issue ad," but has "indicia of express advocacy," such as to take "a position on a candidate's character, qualifications, or fitness for office," then it is the "functional equivalent of express advocacy," and is treated as a contribution, if Ms. Alsobrooks or her agents are involved in creating, producing, or distributing the communication. *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 469-70 (2007); see also 11 C.F.R. § 109.21(d).

These advertisements violate federal campaign finance law. They are paid for by Prince George's County in vast excess of the \$3,300 contribution limit, which applies to the County just as to anyone else. They contain the functional equivalent of express advocacy: they are not genuine issue advertisements, and they contain indicia of express advocacy by taking a position on Ms. Alsobrooks' character, qualifications, and fitness for office, without asking the audience to take any position on any issue of public concern. Finally, Ms. Alsobrooks is clearly involved in these advertisements, which are being offered through a campaign associated with her leadership. <https://strengtheningpgc.com/contact>. Further investigation will doubtless show that Ms. Alsobrooks and her political advisers were deeply involved in the initiation and pursuit of this campaign. It may show that they conceived the campaign purposefully to avoid FEC requirements, although the broad scope of the FEC's coordination rules and the absence of any genuine issue advocacy means that these requirements still apply anyway.¹

CONCLUSION

For the foregoing reasons, I demand an immediate investigation of Ms. Alsobrooks' role in these advertisements and urge you to seek immediate relief to stop future, similar spending, so that the County may limit the abuse of public funds and its exposure for violations of campaign finance law.

Because Prince George's County faces FEC liability for civil penalties in an amount at least equaling the spending on the advertisements, the public interest requires the County

¹ At issue in this complaint is not whether the County may engage in genuine issue advocacy, but rather whether it may coordinate advertisements with Ms. Alsobrooks that promote her public image at taxpayer expense, when the advertisements contain the functional equivalent of express advocacy. See 11 C.F.R. § 109.21(b)(5).

immediately to pull the advertisements -- or at least to remove their references to Ms. Alsobrooks. The alternative would be to waste even more taxpayer money through the costs of defensive litigation and conciliation through the FEC's enforcement process, and damages through civil litigation after an adverse FEC finding. To do otherwise would be again to place Ms. Alsobrooks' private interests ahead of the public interest.

Moreover, being aware of the legal basis for coordination through these ads, if the County continues to run the ads in their present form, the County would invite a knowing and willful violation, and potential criminal liability.

I ask for your prompt action on this complaint.

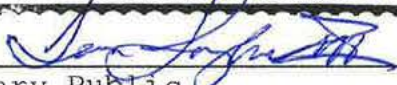
Sincerely,



[NAME] Tanya Wingfield

[ADDRESS] [REDACTED] Ft. Washington MD 20744

SUBSCRIBED AND SWORN to before me this 21 day of November, 2023.



Notary Public

My Commission Expires: