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FEDERAL ELECTION COMMISSION
AUGUST 26, 2024 10:43 AM
OFFICE OF GENERAL COUNSEL

August 24, 2024

VIA E-MAIL

MUR 8306

Lisa J. Stevenson
Acting General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463
Enforcement Complaint@fec.gov

Re: Complaint Against Evan Low, Evan Low for Congress, and Stand with Asian Americans

Dear Ms. Stevenson:

I am writing to file a complaint pursuant to 52 U.S.C. §30109(a)(1) and 11 C.F.R. §111.4, against Evan Low, a candidate for Congress in California's sixteenth congressional district, and his campaign committee, Evan Low for Congress (FEC# C00858969) ("Committee"), for the impermissible use of an email list and/or web-server provided by Stand With Asian Americans ("SWAA"), a non-profit organization, in violation of the Federal Election Campaign Act of 1971, as amended ("FECA" or "Act") and FEC regulations. Based on the information set forth below, I request that the Commission commence enforcement proceedings and investigate these campaign finance violations as soon as possible given the upcoming election.

FACTS

On or about February 26, 2024, I became aware of an email entitled "Let's roll back women's rights" sent by the Committee. (*See* email, attached as Exhibit "1.") The email was intended to highlight Mr. Low's pro-choice voting record. The email contained an "unsubscribe" link toward the bottom which – if accessed – directed users to an "unsubscribe" page on a website that indicated it was hosted by SWAA, which is an IRC Section 501(c)(3) tax-exempt organization according to its website. A true and correct copy of the "unsubscribe" webpage is attached as Exhibit "2." As you can see, the "unsubscribe" webpage contains the following URL (or website address): links.standwithasianamericans.com/e/encryptedUnsubscribe (followed by additional information). This indicates that Mr. Low and his committee were using a web platform hosted by SWAA, and that, apparently, they sent this email to SWAA's email list.

SWAA is a tax-exempt organization working to fight discrimination against Asian Americans, particularly in the workplace. Following Mr. Low's announcement of his candidacy, Dave Lu,

SWAA's Co-Founder, stated in a Linked-In post: "I've gotten to know Evan and if one thing is true, it's that he shows up. He cares and he literally shows up to our Stand with Asian Americans rallies to community events." (See Linked-In post, Exhibit "3.") Two other SWAA Co-Founders, Eric Kim and Wendy Nguyen, made contributions of \$1,000 and \$500, respectively, to Mr. Low's Committee. (See April Quarterly Report, pp. 158, 236.) The relationship between Mr. Low and SWAA is unmistakable.

The Committee has not reported receiving any in-kind contribution from SWAA on Schedule A of its FEC campaign reports, nor has it reported making any payments to the organization on Schedule B for purchase of an email list or use of a website or web-server. Consequently, it stands to reason that Mr. Low and his committee received an illegal and unreported contribution from SWAA or, at a minimum, failed to pay SWAA for the use of its web-server and/or email list.

ANALYSIS

1. Illegal Contribution

Under the Act, a "contribution" includes a "gift, subscription, loan, advance, or deposit of money or *anything of value* made by any person for the purpose of influencing any election for Federal office" (52 U.S.C. § 30101(8)(A)(i).) (Emphasis added.) The term "anything of value" includes in-kind contributions of goods or services. (11 C.F.R. § 100.52(d)(1). Under FEC regulations, "the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution." (*Id.*) Such in-kind contributions must be reported by the recipient candidate or committee as a contribution on Schedule A of the committee's campaign reports, and as an expenditure on Schedule B. (11 C.F.R. §104.13(a).)

The use of SWAA's server and/or email list were items of value that were provided to the Low campaign without charge. The Committee has not reported receiving in-kind contribution(s) from SWAA on any of its campaign reports. Thus, the goods or services provided by SWAA to Mr. Low and his Committee are unreported in-kind contributions, which violate the provisions of the FECA and FEC regulations.

Moreover, the Low campaign may only accept contributions from individuals or federal political committees, subject to the limitations and prohibitions of FECA and associated FEC regulations. As a tax-exempt organization, SWAA is prohibited from making – and Mr. Low and his Committee are prohibited from receiving -- contributions to Mr. Low's campaign, whether they be monetary or non-monetary (in-kind) contributions. (52 U.S.C. §§30118(a); 30116(f).) Therefore, the in-kind contribution(s) received by Mr. Low and the Committee from SWAA also violate the prohibitions on contributions from non-individuals contained in the Act and FEC regulations.

2. Unreported Expenditure

Additionally, Mr. Low and his Committee were required to pay fair market value to SWAA for use of their web-server and/or email list, and to report those payments as expenditures on the Committee's campaign statements. As of this date, Mr. Low and his Committee have not disclosed payments made to SWAA on Schedule B of any of their reports, nor have they disclosed any outstanding debts owed to SWAA for use of its web-server and/or email list on Schedule D. Consequently, Mr. Low and his Committee have violated the reporting requirements of the Act and FEC regulations. (*See* 11. C.F.R. §104.3(b).)

CONCLUSION

Based on the foregoing, Complainant asserts that Mr. Low's and his Committee's use of SWAA's web-server and/or email list constitutes receipt of illegal and unreported contribution(s) or unreported expenditures, in violation of the FECA and FEC regulations. Consequently, we urge the FEC to immediately open an investigation into Mr. Low and his Committee for violations of Federal campaign finance laws.

The undersigned declare(s) under penalty of perjury under the laws of the State of California and the United States of America that the statements contained herein are true and correct based on my information and belief.



Name: Ann Ravel

NOTARY ACKNOWLEDGMENT

SEE ATTACHED
CALIFORNIA
NOTARIZATION
08/24/2024

SEE
CALIFORNIA
NOTARIZATION

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Clara)

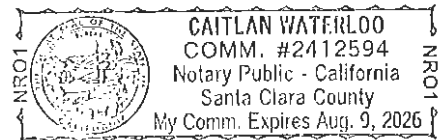
On 08/24/2024 before me, Caitlan Waterloo, Notary Public
(insert name and title of the officer)

personally appeared Ann Miller Ravel-
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Caitlan Waterloo* (Seal)



Subject: Fwd: Let's roll back women's rights

MAGA Republicans are on a mission to roll back your ability to make decisions about your body.

I'm **Evan Low**, and I'm running for Congress to ensure only you have agency over your own body.

When Roe v. Wade was overturned, I co-authored a law that changed the California constitution to ensure women always have the right to choose what's right for you.

[Click here](#) to hear why I am driven to fight for your rights as a woman.



I am running for congress as the only candidate that is rated 100% by planned parenthood.



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Exhibit to the
Complaint



I am running for congress as the only candidate that is rated 100% by planned parenthood.

LEARN MORE ABOUT ME

EVAN
LOW
FOR CONGRESS



Paid For By Evan Low For Congress
To unsubscribe: [click here](#)