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FEDERAL ELECTION COMMISSION

OCTOBER 9, 2024 11:34 AM

FEDERAL ELECTION COMMISSION

OFFICE OF GENERAL COUNSEL

In the matter of:

ActBlue  
P.O. Box 441146  
Somerville, MA 02144

Maxwell Alejandro Frost for Congress  
Committee ID: C00786822

MUR **8326****COMPLAINT**

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) seeking an immediate and thorough investigation into potential violations of the Federal Election Campaign Act ("FECA" or "Act") by ActBlue and the Maxwell Alejandro Frost for Congress campaign committee.
2. Based on the information detailed below, there is reason to believe that Respondents may have violated federal campaign finance laws, specifically 52 U.S.C. § 30122, § 30116, and § 30104.

**COMPLAINANT**

3. Complainant Citizens Defending Freedom ("CDF"), is a nonpartisan non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CDF is committed to protecting the right of citizens to be informed about the activities of government officials, to ensuring the transparency and accountability in our system of governance and is committed to resolving breaches of freedom and liberty through local awareness, local light, and local action.
4. One of CDF's core missions is ensuring that election activities are free and fair and conducted and in accordance with the law. In furtherance of this mission, CDF conducts public

engagement, advocacy, and education initiatives to ensure, reasonable, common-sense election activities are carried out lawfully to give confidence to the public at large. CDF seeks to ensure that these election activities are carried out in accordance duly enacted election law and shed light on ambiguity in order for our citizens to maintain trust and confidence in our election outcomes.

5. When CDF investigates and discovers violations of the FECA, publicizes campaign finance violators and with the filing complaints with the FEC, CDF's mission is served by keeping the general public informed on the importance of campaign finance laws and deterring future violations.

6. In order to assess whether an individual, candidate, political committee, or other regulated entity is complying with federal campaign finance law, CDF needs the information contained in receipts and disbursements reports that political committees and others must file pursuant to the FECA, 52 U.S.C. § 30104; 11 C.F.R. §§ 104.1–22, 109.10. CDF is hindered in its programmatic activity when an individual, candidate, political committee, or other regulated entity fails to disclose or provides false information in reports required by the FECA. The proper administration of the FECA's reporting requirements includes mandating that all disclosure reports required by the FECA are properly filed with the FEC with an accurate accounting of any contributions made to an individual, candidate, political committee, or other regulated entity.

#### **RESPONDENT**

7. ActBlue (ID: C00401224) is a registered political committee that functions as a conduit for contributions to Democratic candidates and committees. Founded in 2004, ActBlue has processed billions of dollars in political contributions, making it one of the largest and most influential political fundraising platforms in the United States. Its sophisticated operations and vast reach amplify the

severity of its alleged violations.

8. Maxwell Alejandro Frost for Congress (Committee ID: C00786822) is the principal campaign committee for Maxwell Alejandro Frost, a candidate for the U.S. House of Representatives.

#### **STATEMENT OF FACTS**

9. On June 30, 2023, the Maxwell Alejandro Frost for Congress campaign received numerous small-dollar donations through ActBlue. This date is significant as it coincides with the end of a federal reporting period.

10. Analysis of the donation data reveals several suspicious patterns:

- a. For June 30, 2023, 229 donations share identical donor names and addresses for both a federal and state candidate, suggesting potential use of false identities or straw donors. See Exhibit (1) which represents a side by side representation of publicly available campaign finance information.
- b. A significant number of donations are for small amounts, with \$13.50 being a particularly common amount, which would avoid triggering reporting thresholds or to disguise larger contributions.
- c. The donations span multiple states, with many originating from outside Florida, the state Frost is running to represent. This broad geographic spread for a House race is unusual when considering the donation amounts.
- d. These donations appear to match identical donations made to Justin Jones, a Tennessee state representative candidate, on the same day. This parallel pattern across state lines and between federal and state campaigns raises serious questions



about coordination and the true source of these funds. This is particularly true because the Act Blue donations are earmarked for the Frost Campaign.

11. The timing of these donations at the end of a reporting period raises questions about potential attempts to inflate donation numbers or circumvent reporting requirements.

12. The overall pattern suggests possible "smurfing" - the practice of disguising larger contributions as a series of smaller donations from multiple donors. This technique is often used to evade contribution limits or mask the true source of campaign funds.

13. The use of ActBlue as a conduit for these suspicious donations raises questions about the platform's role in facilitating potential violations of campaign finance law.

#### **ALLEGED VIOLATIONS OF LAW**

14. The respondents may have violated 52 U.S.C. § 30122, which prohibits making a contribution in the name of another person or knowingly permitting one's name to be used to effect such a contribution. The pattern of identical donations from shared addresses suggests this law may have been breached.

15. The respondents may have violated 52 U.S.C. § 30116, which sets limitations on contributions and expenditures. If larger contributions were indeed broken up and attributed to multiple donors as the pattern suggests, this would constitute a violation of contribution limits.

16. The respondents may have violated 52 U.S.C. § 30104, which requires accurate reporting of contributor information for donations over \$200. If the true sources of contributions were not accurately reported due to the suspected "smurfing" activity, this would be a violation of reporting requirements.

**PRAYER FOR RELIEF**

WHEREFORE, the Complainant respectfully urges the Federal Election Commission to:

- a. Find reason to believe that ActBlue and Maxwell Alejandro Frost for Congress have violated 52 U.S.C. § 30122, § 30116, and § 30104;
- b. Conduct a thorough investigation into these allegations, including but not limited to: (1) Examining the source and veracity of the suspicious donations; (2) Investigating any potential coordination between the Frost campaign, the Jones campaign, and ActBlue ; (3) Reviewing ActBlue's practices and safeguards for preventing unlawful contributions
- c. Determine and impose appropriate sanctions for any violations found;
- d. Require the respondents to implement robust verification processes for all future donations and conduct a thorough review of their existing donor databases;
- e. Mandate that the respondents provide a full accounting of all potentially unlawful contributions and facilitate the return of these funds if appropriate;
- f. Consider referring this matter to the Department of Justice for criminal investigation if evidence of knowing and willful violations is found;
- g. Take any other appropriate actions within its authority to address and prevent future similar violations.

**VERIFICATION**

The complainant listed below hereby verifies that the statements made in the attached Complaint are, upon his information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

For Complainant "Citizens Defending Freedom"



**Anthony Sabatini**

*Attorney*

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The foregoing instrument was subscribed to and sworn to before me this 30 day of September 2024 by Anthony Sabatini.

  
Notary Public

Notary registration number: HH138786

My commission expires: 6/6/2025



John Steven Blackwelder  
Notary Public  
State of Florida  
Comm# HH138786  
Expires 6/6/2025