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FEDERAL ELECTION COMMISSION

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OFFICE OF GENERAL COUNSEL

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Lee M. Diamond[REDACTED]
Margate City, NJ 08402

Complainant,

v.

MUR 8338Jeff Van Drew
PO Box 671
Cape May Court House, NJ 08210Van Drew for Congress and Bradley T. Crate, Treasurer, in his official capacity
PO Box 671
Cape May Court House, NJ 08210

Respondents.

COMPLAINT

In accordance with 52 U.S.C. § 30109(a)(1), this complaint alleges violations of the Federal Election Campaign Act (“*FECA*” or the “*Act*”) and Federal Election Commission (“*FEC*”) regulations against Jeff Van Drew, his campaign committee, Van Drew for Congress, and its treasurer, Bradley T. Crate, in his official capacity. Respondents violated federal law and regulations when they authorized and made disbursements for paid television communications that fail to comply with the FEC’s disclaimer requirements.

The FEC has clear disclaimer regulations that all candidates must abide by when sponsoring public communications. Following these well-established disclaimer requirements matters. No candidate can unilaterally determine the rules do not apply to them. Yet, Mr. Van Drew decided he either did not care what the rules are; or he did not even bother to look at the

regulations and guidance. Regardless, the FEC must enforce the Act. The FEC should immediately investigate Respondents and levy appropriate sanctions.

I. Facts

Jeff Van Drew is a candidate to represent New Jersey's Second Congressional District.¹ His principal campaign committee is Van Drew for Congress.² Bradley T. Crate is Van Drew for Congress's treasurer.³

Respondents paid for and authorized the television advertisement, titled "Proud Of It" that began airing on October 22nd, 2024.⁴

The advertisement includes an oral statement by Mr. Van Drew approving of the communication ("I'm Jeff Van Drew, I approve this message") and a written "paid for by" disclaimer at the end of the advertisement ("Paid for by Van Drew for Congress"). However, the advertisement's written statement does not identify the candidate or state he approves of the advertisement.

II. Legal Argument

The Act's disclaimer requirements apply whenever a political committee makes a disbursement to finance any public communication, including a television advertisement.⁵ According to FEC regulations, during television advertisements paid for or authorized by a candidate or an authorized committee of the candidate, the candidate must make an oral statement (1) identifying himself or herself and (2) stating that he or she approves of the

¹ Jeff Van Drew, FEC Form 2, Statement of Candidacy (October 13, 2023), <https://docquery.fec.gov/pdf/560/202310139597545560/202310139597545560.pdf>.

² Jeff Van Drew for Congress, FEC Statement of Organization (October 13, 2023), <https://docquery.fec.gov/pdf/562/202310139597545562/202310139597545562.pdf>.

³ *Id.*

⁴ <https://bigal.media/mediaplayer.php?q=a%2BC%2FLgI%3D26ea5d2834c5c1153702352d3b8e9c8a>

⁵ 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(a)(1)-(4). A public communication is defined as "any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising." 11 C.F.R. § 100.26.

advertisement.⁶ Furthermore, the television advertisement “must also include a *similar statement that must appear in clearly readable writing* at the end of the television communication.”⁷

Here, Respondents’ television advertisement does not comply with the Commission’s requirements. Its written statement does not “identify[]” the candidate or “state[] that [he] approves of the advertisement.”⁸ Respondents’ advertisement thus appears to violate federal law and the Commission’s regulations.⁹

There is no valid excuse or justification for the Respondents’ failure to comply with this disclaimer requirement. Every election cycle, hundreds of candidates sponsor thousands of advertisements that comply with these requirements. Respondents’ violation of the law undermines the very purpose of disclaimer requirements: to ensure that all Americans know who pays for and sponsors political advertisements, and which advertisements are authorized by the candidate.

III. Requested Action

Respondents appear to have violated the Act and FEC regulations by failing to include in their television advertisement a written disclaimer stating that Mr. Van Drew approved of the communication. Respondents’ alleged violations are clear and straightforward and would not require the Commission to devote substantial resources to remedy the violations. Nor does the statute of limitation present any concerns. Indeed, the statute of limitations does not run until September 2029. As such, the Commission has no basis for dismissing this matter as an exercise of prosecutorial discretion under *Heckler v. Chaney*, 470 U.S. 821 (1985). Instead, the

⁶ 11 C.F.R. § 110.11(c)(3)(ii).

⁷ *Id.* § 110.11(c)(3)(iii) (emphasis added). For that statement to be “clearly readable,” it must (1) “appear in letters equal to or greater than four (4) percent of the vertical picture height”; (2) *[be] visible “for a period of at least four (4) seconds”*; and (3) “appear with a reasonable degree of color contrast between the background and the text of the statement.”

⁸ *Id.* § 110.11(c)(3)(ii); § 110.11(c)(3)(iii).

⁹ 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(c)(3)(iii).

Commission should find reason to believe the Respondents violated the Act and Commission regulations by failing to include the necessary written approved by language in their advertisement. We request the Commission enjoin the Respondents from further violations and be fined the maximum amount permitted by law.

λ
Sincerely,

Lee M. Diamond

Lee M Diamond *10/28/2028*

SUBSCRIBED AND SWORN to before me this 28th day of October, 2024.

Lisa C Florentino

Notary Public

LISA C FLORENTINO
Notary Public
State of New Jersey
My Commission Expires Aug. 16, 2028
I. D# 2458159

My Commission Expires:

Aug 16, 2028