

BEFORE THE FEDERAL ELECTION COMMISSION

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v.

MUR No. _____

METOO OHIO
Lisa Lisker, Treasurer
C/O 227 S. Washington St., Suite 115
Alexandria, VA 22314

RENACCI FOR U.S. SENATE
Russell Corwin, Treasurer
150 Smokerise Drive
Wadsworth, OH 44281

MAJORITY STRATEGIES, LLC
12854 Kenan Dr., Suite 145
Jacksonville, FL 32258

COMPLAINT

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that MeToo Ohio (ID: C00686865), Renacci for U.S. Senate (ID: C00466359), and Majority Strategies, LLC (“Majority Strategies”) have violated provisions of the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, *et seq.*
2. There is substantial evidence that MeToo Ohio obtained strategic information about Renacci for U.S. Senate’s plans, projects, activities and needs through the use of a common vendor, the Florida-based Majority Strategies, and made use of that information when creating and

disseminating hundreds of thousands of dollars of advertisements attacking Renacci's opponent. On October 11, 2018, the coordinated scheme became clear, when Renacci's campaign launched only its second broadcast ad of the entire general election—its first since June—and on the same day, MeToo Ohio launched a new ad that was strikingly consistent in theme, tone, and style, including references to the same excerpted court documents and similar visuals. As a result, there is reason to believe that MeToo Ohio made illegal, unreported, and excessive in-kind contributions to Renacci for U.S. Senate in the form of coordinated communications, 11 C.F.R. § 109.21, in violation of FECA's source prohibitions, reporting requirements, and contribution limits.

3. Additionally, MeToo Ohio claims to have primarily funded its pro-Renacci advertisements on credit extended by Majority Strategies; because Majority Strategies does not extend such credit in the ordinary course of business, there is reason to believe that Majority Strategies made unreported and excessive contributions to MeToo Ohio, in violation of its reporting obligations at 52 U.S.C. § 30104(b)(3)(A), or in the alternative that Majority Strategies made independent expenditures, yet failed to file independent expenditure reports, in violation of 52 U.S.C. § 30104(c) and 11 C.F.R. § 109.10(d).
4. “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [FECA] . . . [t]he Commission *shall* make an investigation of such alleged violation” 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).
5. Campaign Legal Center (“CLC”) is a nonpartisan, nonprofit 501(c)(3) organization whose mission is to protect and strengthen the U.S. democratic process through litigation and other

legal advocacy. CLC participates in judicial and administrative matters throughout the nation regarding campaign finance, voting rights, redistricting, and government ethics issues.

FACTS

6. MeToo Ohio is an independent expenditure-only committee (i.e., a “super PAC”) that registered with the Commission on September 5, 2018.¹
7. James (“Jim”) Renacci is a candidate for U.S. Senate in Ohio. Renacci for U.S. Senate, formerly named Renacci for Senate, is his principal campaign committee.² Sherrod Brown is his opponent.
8. On September 13, 2018, the *Columbus Dispatch* reported that:

An “independent” organization linked to the Republican Party is dredging up decades-old allegations of domestic abuse against Sen. Sherrod Brown, which prompted his former wife to say the use of her divorce records by the GOP is “shameless” and “disgusting.”

The organization, known as #MeTooOhio, is spending less than \$100,000 to show a 60-second digital commercial that resurrects allegations that Brown in the 1980s physically abused his then-wife, Larke.³
9. The *Columbus Dispatch* further reported that “digital footprints led to Majority Strategies in Florida, a political consulting headed by Brett Buerck, a former Ohio Republican Party official,” and noted that Majority Strategies also produced and distributed communications for Renacci for Senate.⁴ Buerck confirmed that Majority Strategies, in Buerck’s words, “is serving as the digital and direct mail consultant for (#OhioMeToo’s) effort,” but that Buerck

¹ MeToo Ohio, Statement of Organization, FEC Form 1, at 1, 5 (filed Sept. 5, 2018), <http://docquery.fec.gov/pdf/539/201809059121585539/201809059121585539.pdf>

² Renacci for U.S. Senate, Statement of Organization, FEC Form 1, at 2 (amended Oct. 15, 2018), <http://docquery.fec.gov/pdf/161/201810159124794161/201810159124794161.pdf>.

³ Jack Torry & Jessica Wehrman, *Jim Renacci rips Sherrod Brown for domestic abuse; senator’s ex-wife refutes claim*, THE COLUMBUS DISPATCH (Sept. 13, 2018), <https://www.dispatch.com/news/20180913/jim-renacci-rips-sherrod-brown-for-domestic-abuse-senators-ex-wife-refutes-claim>.

⁴ *Id.*; see also *infra* ¶26.

insisted it was doing so “with all of the necessary legal firewalls in place.”⁵ The article further reported that:

[MeToo Ohio spokeswoman Alice] Stewart said there was no coordination between her group and Brown’s opponent Jim Renacci, a Republican congressman from Wadsworth who was hosting a fund-raiser Thursday with Donald Trump Jr.

But after the video was made public by the Daily Caller web site in Washington, Renacci said in an emailed statement: “Brown’s well-documented history of domestic violence is deeply troubling. Ohioans deserve to know all the facts, and judge his fitness for public office for themselves.”⁶

10. *The Columbus Dispatch* also reported that “The RNC issued a statement Thursday condemning Brown based on the ‘explosive’ ad, which the GOP credited to a ‘women’s rights group.’”⁷
11. That same day, September 13, 2018, *Cleveland.com* similarly described “a trail of digital footprints that tie the site to Majority Strategies, a prominent Republican political firm that has done hundreds of thousands of dollars work for a Super PAC [called Ohio First PAC] supporting U.S. Rep. Jim Renacci, Brown's opponent in the November election, the Renacci campaign and the Ohio Republican Party.”⁸ It quoted the head of Majority Strategies Buerck as acknowledging the firm’s work for MeToo Ohio: “No one should be surprised that we were hired to work with Me Too Ohio,” Buerck said.⁹
12. On September 23, 2018, the *Columbus Dispatch* reported that MeToo Ohio “is based in a GOP office outside of Washington. D.C., used a firm with GOP connections to prepare the ad, and employed as a spokeswoman a GOP operative from Georgia who had worked for the

⁵ Torry & Wehrman, *supra* note 3.

⁶ *Id.*

⁷ *Id.*

⁸ Andrew J. Tobias, *Dark money website revives allegations from Sherrod Brown’s 1980s-era divorce* CLEVELAND.COM (Sept. 13, 2018),

https://www.cleveland.com/open/index.ssf/2018/09/dark_money_website_revives_all.html.

⁹ *Id.*

presidential campaigns of Ted Cruz of Texas and Mike Huckabee of Arkansas.”¹⁰ The article further noted:

OhioFirst, a political-action committee that has donated money to Brown’s opponent in the current U.S. Senate race, GOP Congressman Jim Renacci, is citing MeTooOhio in a fundraising appeal.

But Alice Stewart, the Virginia-based spokeswoman for MeTooOhio, said, “OhioFirst is an independent effort and is not coordinated with the Renacci campaign. MeTooOhio is also independent and not affiliated with the Renacci campaign. There is absolutely nothing inappropriate about Ohio First and MeTooOhio coordinating.”¹¹

13. On September 20, 2018, Cleveland.com reported that Renacci had “made the divorce a primary campaign talking point over the past week. He's referenced the episode in statements to print media, on national television, local radio, and again on Thursday at a political event in Columbus.”¹²
14. On September 23, 2018, MeToo Ohio filed its first 48-hour report of independent expenditures with the Commission; the report disclosed a total of \$22,004 in independent expenditures, all paid to Majority Strategies, and all opposing Brown in the U.S. Senate race in Ohio:
 - i. \$2,249 for “IE-Oppose Sherrod Brown-Digital Media,” disseminated September 6, 2018;¹³
 - ii. \$6,520 for “IE-Oppose Sherrod Brown-Digital Ads,” disseminated September 13, 2018;¹⁴ and

¹⁰ Darrel Rowland, *Capitol Insider: Ohio GOP chief loose with ‘facts’ on Sherrod Brown*, THE COLUMBUS DISPATCH (Sept. 23, 2018), <https://www.dispatch.com/news/20180923/capitol-insider-ohio-gop-chief-loose-with-facts-on-sherrod-brown>.

¹¹ *Id.*

¹² Andrew J. Tobias, *Jim Renacci doubles down on dredging up Sherrod Brown’s 30-year old divorce*, CLEVELAND.COM (Sept. 20, 2018), https://www.cleveland.com/open/index.ssf/2018/09/jim_renacci_doubles_down_on_dr.html.

¹³ MeToo Ohio, 24/48 Hour Report of Independent Expenditures, FEC Schedule E, at 2 (filed Sept. 23, 2018), <http://docquery.fec.gov/pdf/574/201809239124233574/201809239124233574.pdf>.

iii. \$13,235 for “IE-Oppose Sherrod Brown-Digital Ads,” disseminated September 21, 2018.¹⁵

15. On October 11, 2018, Cleveland.com reported that both Renacci for U.S. Senate and MeToo Ohio were simultaneously launching new ads, and that both centered on the domestic abuse allegations against Brown.¹⁶ The article stated that Renacci for U.S. Senate’s “ad buy is notable in that it is Renacci’s first political advertising since June,” and only Renacci’s second ad during the entire general election.¹⁷ Cleveland.com characterized the MeToo Ohio ads as “supplement[ing]” the Renacci campaign’s simultaneous ad buy on the same theme:

Renacci's buy will be supplemented by ads produced by “MeToo Ohio,” a PAC that Renacci's allies formed last month exclusively for the purpose of calling attention to Brown's divorce. Like Renacci's ad, the MeToo Ohio ad will begin airing tomorrow, and ties Brown's opposition to Kavanaugh to the allegations from his divorce.¹⁸

16. The ads from Renacci for U.S. Senate and MeToo Ohio are consistent in theme, tone, and style: both explicitly connect Brown’s opposition to Brett Kavanaugh’s Supreme Court nomination to the allegations against Brown, both reference the same excerpts from court documents, and both use similar visuals, such as highlighted text from court documents.¹⁹

17. Records filed with the Federal Communications Commission (“FCC”) confirm that both the Renacci campaign and Me Too Ohio (“Me Too PAC” in FCC records) paid for broadcast

¹⁴ *Id.* at 1.

¹⁵ *Id.*

¹⁶ Andrew J. Tobias, *In second general election ad, Jim Renacci attacks Sherrod Brown over his 1986 divorce*, CLEVELAND.COM (Oct. 11, 2018), https://www.cleveland.com/open/index.ssf/2018/10/in_his_first_general_election.html.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Compare* Renacci for Senate, *Washington’s Worst*, YOUTUBE (uploaded Oct. 11, 2018), <https://www.youtube.com/watch?v=4uQcexM2Ib4>, with Me Too Ohio, *Turning a Blind Eye*, YOUTUBE (uploaded Oct. 10, 2018), https://www.youtube.com/watch?v=2yxypPoM_MM. The MeToo Ohio ad is also posted on the super PAC’s website, together with the first, digital-only ad that launched with the website on September 13, 2018. *See* METOO OHIO, www.metooohio.com (last visited Oct. 23, 2018).

advertising flights that began on October 12, 2018.²⁰ The Facebook political ad archive shows that both MeToo Ohio and Renacci for U.S. Senate ran digital versions of their similar ads beginning the second week of October 2018.²¹

18. On October 14, 2018, MeToo Ohio filed an October quarterly report with the Commission that disclosed \$0 in receipts, \$0 in operating expenditures, \$0 in independent expenditures, and \$27,004 in debts and obligations.²² Despite reporting \$0 in independent expenditures on the fourth page of its October quarterly report, MeToo Ohio reported a total of \$27,004 in independent expenditures on the Schedule E attached to the report, all opposing Brown in the U.S. Senate general election in Ohio.²³ The independent expenditures disseminated on September 6, 13, and 21, 2018 matched those previously reported on 48-hour reports:

- i. \$2,249 to Majority Strategies, LLC for “IE-Oppose Brown, Sherrod-Digital Ads,” disseminated September 6, 2018;²⁴
- ii. \$6,520 to Majority Strategies, LLC for “IE-Oppose Brown, Sherrod-Digital Ads,” disseminated September 13, 2018;²⁵

²⁰ See Public Inspection Files, Search results for “Me Too PAC” or “Renacci for Senate,” FCC.gov, [https://publicfiles.fcc.gov/find/%22me%20too%20pac%22%20or%20%22renacci%20for%20senate%22/page-offset-20/order-newest/filter-\[\]/#files](https://publicfiles.fcc.gov/find/%22me%20too%20pac%22%20or%20%22renacci%20for%20senate%22/page-offset-20/order-newest/filter-[]/#files) (last visited Oct. 23, 2018).

²¹ Compare “Kavanaugh Brown” digital ads paid for by “Me Too Ohio,” Facebook Political Ad Archive, FACEBOOK, [https://www.facebook.com/ads/archive/?active_status=all&ad_type=political_and_issue_ads&country=US&page_id\[s0\]=1973139112764632&q=kavanaugh%20brown](https://www.facebook.com/ads/archive/?active_status=all&ad_type=political_and_issue_ads&country=US&page_id[s0]=1973139112764632&q=kavanaugh%20brown) (last visited Nov. 01, 2018) (showing ads that ran starting October 12, 2018) with “Washington’s Worst” digital ads paid for by “Renacci for Senate,” Facebook Political Ad Archive, FACEBOOK, [https://www.facebook.com/ads/archive/?active_status=all&ad_type=political_and_issue_ads&country=US&page_id\[s0\]=217695830922&q=%22washington%27s%20worst%22](https://www.facebook.com/ads/archive/?active_status=all&ad_type=political_and_issue_ads&country=US&page_id[s0]=217695830922&q=%22washington%27s%20worst%22) (last visited Nov. 01, 2018) (showing ads that ran starting October 11, 2018).

²² MeToo Ohio, October 15 Quarterly Report, FEC Form 3X, at 2-4 (filed Oct. 14, 2018), <http://docquery.fec.gov/pdf/724/201810149124778724/201810149124778724.pdf>. On October 17, 2018, *POLITICO* reported that “Me Too Ohio communications adviser Alice Stewart said in an email that ‘a portion of Me Too Ohio’s money was donated after October 1, so it has not been listed on the FEC report.’” Maggie Severns & Derek Willis, *The Hidden Money Funding the Midterms*, *POLITICO* (Oct. 17, 2018), <https://www.politico.com/interactives/2018/hidden-money-funding-midterms-superpacs/>.

²³ MeToo Ohio, October 15 Quarterly Report, *supra* note 22, at 7-8.

²⁴ *Id.* at 8.

- iii. \$13,235 to Majority Strategies, LLC for “IE-Oppose Brown, Sherrod-Digital Ads,” disseminated September 21, 2018;²⁶ and
 - iv. \$5,000 to Majority Strategies, LLC for “IE-Oppose Brown, Sherrod-Media Production,” disseminated September 24, 2018.²⁷
19. On the Schedule D attached to its October quarterly report, MeToo Ohio listed a single debt to Majority Strategies of \$27,004, which corresponded to the sum of the independent expenditures disclosed on its attached Schedule E.²⁸ MeToo Ohio described the debt’s purpose as “IE-Digital Media/Production-oppose Brown, Sherrod.”²⁹
20. On October 14, 2018, the same day it filed its quarterly report, MeToo Ohio filed a 48-hour report with the Commission disclosing \$278,500 in independent expenditures, which comprised:
- i. \$5,000 to Majority Strategies for “IE-Oppose Brown, Sherrod-Media Production,” disseminated September 24, 2018 and also listed on MeToo Ohio’s October quarterly;³⁰
 - ii. \$97,500 to Majority Strategies for “IE-Oppose Brown, Sherrod-Digital Media,” disseminated October 12, 2018;³¹ and

²⁵ *Id.* at 7.

²⁶ *Id.* at 8.

²⁷ *Id.* at 7.

²⁸ *Id.* at 6.

²⁹ *Id.*

³⁰ MeToo Ohio, 24/48 Hour Report of Independent Expenditures, FEC Schedule E, at 1 (filed Oct. 14, 2018), <http://docquery.fec.gov/pdf/722/201810149124778722/201810149124778722.pdf>. It appears that MeToo Ohio may have reported this \$5,000 independent expenditure late. By September 24, 2018, the date of dissemination associated with this expenditure, MeToo Ohio had already aggregated over \$10,000 in independent expenditures in the Ohio U.S. Senate general election, *see* MeToo Ohio, 24/48 Hour Report of Independent Expenditures, FEC Schedule E (filed Sept. 23, 2018), *supra* note 13, at 1, and thus should have been filing reports with the Commission within 48 hours of dissemination.

³¹ MeToo Ohio, 24/48 Hour Report of Independent Expenditures, FEC Schedule E (filed Oct. 14, 2018), *supra* note 30, at 1.

iii. \$176,000 to Strategic Media Placement in Delaware, Ohio for “IE-oppose Brown, Sherrod-Media Buy,” disseminated October 12, 2018.³²

21. On October 17, 2018, MeToo Ohio filed a 48-hour report with the Commission disclosing \$31,500 on a single independent expenditure, paid to Majority Strategies, disseminated October 15, 2018, opposing Brown, and described as “IE-Oppose Brown, Sherrod-Media Production/Media Buy.”³³
22. On October 24, 2018, MeToo Ohio filed a pre-general report with the Commission that reported \$220,000 in receipts, \$0 in operating expenditures, \$176,000 in independent expenditures, and \$156,004 in debts and obligations.³⁴ It reported a total of \$220,000 in contributions, all of which came from an Ohio-based organization called A Public Voice Inc. on October 5, 2018 and October 9, 2018.³⁵
23. Despite reporting spending only \$176,000 in independent expenditures on the fourth page of its pre-general report, MeToo Ohio reported a total of \$305,000 in independent expenditures on the Schedule E attached to the report, all opposing Brown in the U.S. Senate general election in Ohio.³⁶ These expenditures matched those previously reported on 24/48-hour reports filed with the Commission:

- i. \$176,000 to Strategic Media Placement in Delaware, Ohio for “IE-oppose Brown, Sherrod-Media Buy,” disseminated October 12, 2018;³⁷

³² *Id.* at 2.

³³ MeToo Ohio, 24/48 Hour Report of Independent Expenditures, FEC Schedule E, at 1 (filed Oct. 17, 2018), <http://docquery.fec.gov/pdf/427/201810179125598427/201810179125598427.pdf>.

³⁴ MeToo Ohio, Pre-General Report, FEC Form 3X, at 2-5 (filed Oct. 24, 2018), <http://docquery.fec.gov/pdf/427/201810249130858427/201810249130858427.pdf>.

³⁵ *Id.* at 6.

³⁶ *Id.* at 8-9.

³⁷ *Id.* at 9. This \$176,000 independent expenditure to Strategic Media Placement appears to be the only one that MeToo Ohio accounted for in its page 4 total of independent expenditures made during the pre-general reporting period. *See id.* at 4.

- ii. \$97,500 to Majority Strategies for “IE-Oppose Brown, Sherrod-Digital Media,” disseminated October 12, 2018;³⁸ and
 - iii. \$31,500 to Majority Strategies for “IE-Oppose Brown, Sherrod-Media Production,” disseminated October 15, 2018.³⁹
24. On the Schedule D attached to its pre-general report, MeToo Ohio listed a single debt to Majority Strategies totaling \$156,004, which reflected an outstanding balance of \$27,004 at the start of the pre-general reporting period, and an additional \$129,000 of debt incurred during the reporting period.⁴⁰ This additional debt matched the total amount reported on its attached Scheduled E for independent expenditures paid to Majority Strategies during the pre-general reporting period.⁴¹ MeToo Ohio described the debt’s purpose as “IE-Digital Media/Production-oppose Brown, Sherrod.”⁴²
25. Between the close of books for the pre-general report and the date of this complaint, MeToo Ohio has further reported an additional \$251,000 in independent expenditures:
- i. On a 24-hour report filed on October 23, 2018, MeToo Ohio reported paying Majority Strategies \$75,000 for an independent expenditure disseminated on October 22, 2018, for “IE_Brown, Sherrod-Digital Ads”;⁴³ and
 - ii. On a 24-hour report filed on October 25, 2018, MeToo Ohio reported paying Strategic Media Placement \$176,000 for an independent expenditure disseminated October 24, 2018, for “IE-Brown, Sherrod-Media Buy.”⁴⁴

³⁸ *Id.* at 8.

³⁹ *Id.*

⁴⁰ *Id.* at 7.

⁴¹ *Compare id.* (showing a new \$129,000 debt amount incurred during the reporting period), *with id.* at 8 (showing two independent expenditures, paid to Majority Strategies during the reporting period, disseminated October 12, 2018 and October 15, 2018 and totaling \$129,000).

⁴² *Id.* at 7.

⁴³ MeToo Ohio, 24/48 Hour Report of Independent Expenditures, FEC Schedule E, at 1 (filed Oct. 23, 2018), <http://docquery.fec.gov/pdf/636/201810239130817636/201810239130817636.pdf>.

26. Renacci for U.S. Senate has also reported at least \$118,525 in disbursements to Majority Strategies in the 120 days preceding MeToo Ohio’s independent expenditures supporting Renacci, which were also produced and disseminated by Majority Strategies. According to Renacci for U.S. Senate’s October quarterly and pre-general reports, the committee reporting paying Majority Strategies:⁴⁵
- i. \$18,700 for “production and delivery” on August 2, 2018;⁴⁶
 - ii. \$9,550 for “production and delivery” on August 9, 2018;⁴⁷
 - iii. \$14,440 for “production and delivery” on August 24, 2018;⁴⁸
 - iv. \$24,725 for “production and delivery” on September 21, 2018;⁴⁹ and
 - v. \$51,110 for “production and delivery” on October 2, 2018.⁵⁰

SUMMARY OF THE LAW

27. A political committee must comply with the organizational and recordkeeping requirements of 52 U.S.C. § 30102, and must file periodic disclosure reports of its receipts and disbursements, 52 U.S.C. § 30104.

⁴⁴ MeToo Ohio, 24/48 Hour Report of Independent Expenditures, FEC Schedule E, at 1 (filed Oct. 25, 2018), <http://docquery.fec.gov/pdf/729/201810259131022729/201810259131022729.pdf>.

⁴⁵ The Ohio Republican Party State Central & Executive Committee additionally reported \$176,397 in disbursements to Majority Strategies in the 120 days preceding MeToo Ohio’s pro-Renacci independent expenditures, for purposes that it claimed were not FEA or were non-allocable. *See* Ohio Republican Party State Central & Executive Committee, Disbursements to Majority Strategies, May 16, 2018-Nov. 1, 2018, FEC.GOV, https://www.fec.gov/data/disbursements/?two_year_transaction_period=2018&data_type=processed&min_date=05%2F16%2F2018&max_date=11%2F01%2F2018&committee_id=C00162339&recipient_name=majority+strategies. On October 15, 2018, the party committee reported a \$549,932 disbursement for “non-allocable absentee ballot mail.” *Id.*

⁴⁶ Renacci for U.S. Senate, October Quarterly Report, FEC Form 3, at 933 (filed Oct. 15, 2018), <http://docquery.fec.gov/pdf/317/201810159124951317/201810159124951317.pdf>.

⁴⁷ *Id.* at 937.

⁴⁸ *Id.* at 961.

⁴⁹ *Id.* at 1003.

⁵⁰ Renacci for U.S. Senate, Pre-General Report, FEC Form 3, at 1208 (filed Oct. 25, 2018), <http://docquery.fec.gov/pdf/389/201810259131028389/201810259131028389.pdf>.

28. The political committee disclosure reports required by FECA must disclose to the Commission and the public, including complainants, specific information regarding such committee's financial activities, including the total amount of contributions received, 52 U.S.C. § 30104(b)(2)(A), as well as the identification of each person or political committee who made a contribution in excess of \$200 during the reporting period, together with the date and amount of such contribution, 52 U.S.C. § 30104(b)(3)(A)-(B). The Supreme Court has repeatedly recognized the importance of campaign finance disclosure to informing the electorate. *See, e.g., Citizens United v. FEC*, 558 U.S. 310, 369 (2010) (“[T]he public has an interest in knowing who is speaking about a candidate shortly before an election.”).
29. “Contribution” includes “any gift . . . 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).
30. “Contribution” also includes an extension of credit, “unless the credit is extended in the ordinary course of the person’s business and the terms are substantially similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation.” 11 C.F.R. § 100.55.
31. A political committee that files quarterly reports and makes an expenditure on behalf of a candidate in a primary election must additionally file a pre-primary report no later than 12 days before that primary, disclosing all receipts and disbursements as of the 20th day before the primary election. 52 U.S.C. § 30104(a)(4)(A); 11 C.F.R. § 104.5(c)(1).
32. Independent expenditures are expenditures that expressly advocate the election or defeat of a clearly identified federal candidate and are not coordinated with such candidate or political party. 52 U.S.C. § 30101(17); 11 C.F.R. § 100.16(a). A political committee that makes independent expenditures must itemize them on its periodic reports. 52 U.S.C.

§ 30104(b)(4)(H)(iii), (6)(B)(iii); 11 C.F.R. § 104.4(a). A person other than a political committee that makes independent expenditures in excess of \$250 in a calendar year shall similarly file a report with the Commission. 52 U.S.C. § 30104(c); 11 C.F.R. § 109.10(b-c). Every person that makes independent expenditures aggregating \$1,000 or more less than 20 days, but more than 24 hours, before the date of an election must report the expenditures within 24 hours. 52 U.S.C. § 30104(g)(1)(A); 11 C.F.R. §§ 104.4(c), 109.10(d).

33. Any expenditure made in coordination with a candidate—i.e., “in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents”—is an in-kind contribution to the candidate, 52 U.S.C. § 30116(a)(7)(B)(i); 11 C.F.R. § 109.20, and must be reported as a contribution to that candidate by the political committee that made the payment, 11 C.F.R. § 109.21(b).
34. A communication is coordinated with a candidate and/or that candidate’s authorized committee, and is thus a contribution to that candidate’s committee, when the communication (1) is paid for, in whole or in part, by a person other than the candidate or committee (2) satisfies at least one of the “content standards” in the regulation, such as “expressly advocat[ing] . . . the election or defeat of a clearly identified candidate for Federal office” and (3) satisfies at least one of the “conduct standards” in the regulation. *Id.* § 109.21(a).
35. The “conduct standard” of the regulation is satisfied if the political committee paying for the communication (a) uses a commercial vendor⁵¹ to create, produce, or distribute the communication⁵² that (b) during the previous 120 days also provided certain services to the

⁵¹ The regulation cross-references the definition of “commercial vendor” at 11 C.F.R. § 116.1(c), which includes “any persons providing goods or services to a candidate or political committee whose usual and normal business involves the sale, rental, lease or provision of those goods or services.” *Id.*

⁵² 11 C.F.R. § 109.21(d)(4)(i).

candidate identified in the communication or a political party committee,⁵³ such as development of media strategy and selection of advertising slots; selection of audiences; polling; developing the content of communications; voter identification; or otherwise providing political or media advice,⁵⁴ and (c) the vendor uses or conveys to the political committee information about the candidates’ or party committee’s “plans, projects, activities or needs” (or information used previously by the commercial vendor in providing services to the candidate) and “that information is material to the creation, production, or distribution of the communication.”⁵⁵ 11 C.F.R. § 109.21(d)(4).⁵⁶

CAUSES OF ACTION

I. MeToo Ohio Has Illegally Made Excessive, Corporate, and Unreported In-Kind Contributions to Renacci for U.S. Senate

36. MeToo Ohio has made illegal, excessive, and unreported in-kind contributions to Renacci for U.S. Senate by financing coordinated communications through the use of a common vendor, Majority Strategies, LLC.
37. A political committee makes a “coordinated communication” when the communication (1) is paid for, in whole or in part, by a person other than the candidate or committee; (2) satisfies at least one of the “content standards” in the regulation, for example by “expressly advocat[ing] . . . the election or defeat of a clearly identified candidate for Federal office”;

⁵³ *Id.* § 109.21(d)(4)(ii).

⁵⁴ *Id.* § 109.21(d)(4)(ii)(A-I).

⁵⁵ *Id.* § 109.21(d)(4)(iii).

⁵⁶ These requirements are not satisfied if the material information was obtained from a publicly available source, 11 C.F.R. § 109.21(d)(5)(ii), or if the committee establishes and implements a firewall in a written policy that prohibits the flow of information about the candidate’s campaign plans, projects, activities or needs to those responsible for the creation, production, or distribution of the communications, pursuant to 11 C.F.R. § 109.21(h). However, in promulgating the rules, the Commission emphasized that it did “not agree the mere existence of a confidentiality agreement or ethical screen should provide a *de facto* bar to the enforcement of the limits on coordinated communication imposed by Congress. Without some mechanism to ensure enforcement, these private arrangements are unlikely to prevent the circumvention of the rules.” 68 Fed. Reg. 421, 435 (Jan. 3, 2003).

and (3) satisfies at least one of the “conduct standards” in the regulation, such as the use of a “common vendor.” 11 C.F.R. §§ 109.21(a), 109.21(c)(3).

38. MeToo Ohio’s communications satisfy the “payment” and “content” prongs because it reported \$231,004 in payments to Majority Strategies, LLC for independent expenditures expressly advocating against Renacci’s opponent.⁵⁷
39. There is reason to believe MeToo Ohio’s communications additionally satisfy the “conduct” prong at 11 C.F.R. § 109.21(a)(3). MeToo Ohio (a) contracted with Majority Strategies, LLC, a commercial vendor within the meaning of the regulation, to create, produce, or distribute communications expressly advocating against the election of Renacci’s opponent, and (b) during the relevant time period, Majority Strategies, LLC provided several of the regulation’s enumerated services to Renacci for U.S. Senate,⁵⁸ and (c) there is evidence that provides reason to believe Majority Strategies used or conveyed to MeToo Ohio information about Renacci for U.S. Senate’s “plans, projects, activities or needs,” and that such information was “material to the creation, production, or distribution” of MeToo Ohio’s communications attacking Renacci’s opponent. *Id.* § 109.21(d)(4).
40. On October 11, 2018, the Renacci campaign launched only its second broadcast ad of the entire general election—its first since June—and on the same day, MeToo Ohio launched a new ad that was strikingly consistent in theme, tone, and style.⁵⁹ It appears that both Renacci

⁵⁷ See sources cited *supra* ¶¶14, 18, 20, 21, 22-23, 25.

⁵⁸ See sources cited *supra* ¶26. Additionally, the “conduct” standard can also be satisfied by a political party contracting with a common vendor during the 120 days preceding the expenditure, *see* 11 C.F.R. § 109.21(d)(4)(ii), and the Ohio Republican Party State Central & Executive Committee also reported disbursements to Majority Strategies in the 120 days preceding MeToo Ohio’s pro-Renacci independent expenditures. *See* Ohio Republican Party State Central & Executive Committee, Disbursements to Majority Strategies, May 16, 2018-Nov. 1, 2018, FEC.GOV, *supra* note 45.

⁵⁹ *See, e.g.,* Tobias, *In second general election ad, Jim Renacci attacks Sherrod Brown over his 1986 divorce*, *supra* note 16.

for U.S. Senate and MeToo Ohio contracted with Majority Strategies to produce the ads.⁶⁰ It cannot be a coincidence that MeToo Ohio’s ad would be released on the same day as Renacci’s first ad in nearly four months; that both ads would focus on connecting Brown’s opposition to the Kavanaugh nomination to the allegations against Brown; that both ads would reference the same excerpts from court documents; and that both would use similar visuals, such as highlighted text from those same court documents.⁶¹ These facts provide reason to believe that Majority Strategies used or conveyed to MeToo Ohio information about Renacci for U.S. Senate’s “plans, projects, activities or needs,” and that such information was “material to the creation, production, or distribution of the communication,” *id.* § 109.21(d)(4).⁶²

41. A payment for a coordinated communication is an in-kind contribution to the candidate committee or political party committee with which it is coordinated. 11 C.F.R. § 109.21(b).

⁶⁰ According to Renacci for U.S. Senate’s October quarterly and pre-general reports, the committee paid Majority Strategies \$24,725 for “production and delivery” on September 21, 2018, and \$51,110 for “production and delivery” on October 2, 2018. *See* sources cited *supra* ¶26. These are the only disbursements that would appear to relate to video ad production on the two reports spanning the relevant period. *See* Renacci for U.S. Senate, October Quarterly Report, *supra* note 46; Renacci for U.S. Senate, Pre-General Report, *supra* note 50. MeToo Ohio reported directly paying Majority Strategies for the production and dissemination of the communication. *See* sources cited *supra* ¶¶20, 21, 23.

⁶¹ *Compare* Renacci for Senate, *Washington’s Worst*, YOUTUBE (uploaded Oct. 11, 2018), <https://www.youtube.com/watch?v=4uQcexM2Ib4>, with Me Too Ohio, *Turning a Blind Eye*, YOUTUBE (uploaded Oct. 10, 2018), https://www.youtube.com/watch?v=2yxypPoM_MM. The Facebook political ad archive shows MeToo Ohio’s ad buy corresponded with the Renacci campaign’s ad buy beginning October 12, 2018. *See* Digital ads run by the page “Me Too Ohio,” Facebook Political Ad Archive, FACEBOOK, [https://www.facebook.com/ads/archive/?active_status=all&ad_type=political_and_issue_ads&country=US&page_id\[s\]\[0\]=1973139112764632&q=%22me%20too%20ohio%22](https://www.facebook.com/ads/archive/?active_status=all&ad_type=political_and_issue_ads&country=US&page_id[s][0]=1973139112764632&q=%22me%20too%20ohio%22) (last visited Oct. 23, 2018) (showing one set of ads that ran starting September 13, 2018, and a second set that ran starting October 12, 2018).

⁶² Additionally, in September 2018, on the same day MeToo Ohio disseminated its first ad and launched its website floating the allegations against Brown, Renacci issued a statement amplifying the claims, and over the next week, “made the divorce a primary campaign talking point.” *See* sources cited *supra* ¶¶8, 13. Renacci’s rapid amplification of the messages and themes may suggest that the candidate had advance knowledge of the communications and approved of their dissemination. These facts could indicate that MeToo Ohio’s communications were “created, produced, or distributed at the suggestion of MeToo Ohio,” and Renacci or his committee “assent[ed] to the suggestion,” satisfying the “request or suggestion” conduct standard at 11 C.F.R. § 109.21(d)(1)(ii).

42. Therefore, there is reason to believe that MeToo Ohio has made, and Renacci for U.S. Senate has received, in-kind contributions in the form of coordinated communications, in excess of FECA's \$2,700 limit on contributions by a non-multicandidate political committee to a candidate, 52 U.S.C. § 30116(a)(1), in violation of FECA's prohibition on contributions to a candidate using corporate funds, 52 U.S.C. § 30118(a), (b)(2), and in violation of FECA's reporting requirements. 52 U.S.C. § 30104(b).

II. MeToo Ohio Failed to Report Contributions Received from Majority Strategies

43. There is reason to believe that MeToo Ohio failed to report contributions received from Majority Strategies.
44. MeToo Ohio formed in Alexandria, Virginia on September 5, 2018, had not raised a penny, and had no record of political fundraising, and shortly after the committee's formation the Jacksonville, Florida-based Majority Strategies extended the committee at least \$156,004 in credit.⁶³ Within the first two weeks following MeToo Ohio's formation, Majority Strategies produced and disseminated \$27,004 of ads entirely on credit;⁶⁴ over the following weeks, on October 12 and 15, Majority Strategies extended credit for an additional \$129,000 in independent expenditures.⁶⁵
45. A vendor may extend credit to a political committee, but if the credit is not "extended in the ordinary course of the person's business" with terms "substantially similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation," then the extension of credit is a contribution. 11 C.F.R. § 100.55. Political committees must report the

⁶³ Following the pre-general report, MeToo Ohio reported an additional \$75,000 in independent expenditures disseminated Oct. 22, 2018. *See* MeToo Ohio, 24/48 Hour Report of Independent Expenditures, FEC Schedule E (filed Oct. 23, 2018), *supra* note 43, at 1. It is not yet known whether Majority Strategies similarly extended "credit" for these independent expenditures.

⁶⁴ MeToo Ohio, October 15 Quarterly Report, *supra* note 22, at 6-8.

⁶⁵ MeToo Ohio, Pre-General Report, *supra* note 34, at 7-8.

identity of all contributors over \$200, and the date and amount of the contribution. 52 U.S.C. § 30104(b)(3)(A).

46. Majority Strategies, in the ordinary course of business, does not regularly extend over \$156,000 in credit to an entity that was just formed and had a total of \$0 in its bank account. Other than its similar extension of credit to Ohio First PAC, a super PAC that is similarly supporting Renacci⁶⁶ and apparently coordinating with MeToo Ohio,⁶⁷ there appears to be no record of Majority Strategies extending six figures of credit to a newly formed committee with no cash-on-hand.⁶⁸ Therefore, the extension of credit by Majority Strategies LLC constituted in-kind contributions to MeToo Ohio.
47. As a result, there is reason to believe that MeToo Ohio failed to report in-kind contributions received from Majority Strategies LLC, in violation of its reporting obligations at 52 U.S.C. § 30104(b)(3)(A).

⁶⁶ See Campaign Legal Center, “CLC Complaint to FEC Regarding Ohio First PAC” (August 9, 2018), <https://campaignlegal.org/sites/default/files/2018-08/08-09-18%20Ohio%20First%20Complaint%20%28final%29.pdf>.

⁶⁷ See Rowland, *supra* note 10 (“Alice Stewart, the Virginia-based spokeswoman for MeTooOhio, said, ‘OhioFirst is an independent effort and is not coordinated with the Renacci campaign. MeTooOhio is also independent and not affiliated with the Renacci campaign. There is absolutely nothing inappropriate about Ohio First and MeTooOhio coordinating.’”).

Additionally, MeToo Ohio’s only reported contributor, “A Public Voice Inc.,” which gave a total of \$220,000 on October 5, 2018 and October 9, 2018, *see* sources cited *supra* ¶22, also contributed \$370,000 to Ohio First PAC on October 9, 2018. Ohio First PAC, Pre-General Report, FEC Form 3X, at 6 (filed Oct. 25, 2018), <http://docquery.fec.gov/pdf/318/201810259131036318/201810259131036318.pdf>. As a result, Public Voice Inc. is responsible for the entirety of MeToo Ohio’s reported contributions, and approximately half of Ohio First PAC’s contributions.

⁶⁸ According to Commission records as of November 3, 2018, 35 discrete groups or political committees have reported paying Majority Strategies (in Jacksonville, Florida) for independent expenditures in the 2016 election cycle, the 2018 election cycle, or both. But of those entities that registered with the Commission as political committees (i.e., filed statements of organization) since January 1, 2015, Ohio First PAC and MeToo Ohio were the *only* ones that reported owing debt to Majority Strategies on their first regular reports filed after registration. *See* Independent expenditures to Majority Strategies (24- and 48-hour reports), 2015-18, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&is_notice=true&payee_name=majority+strategies&min_date=01%2F01%2F2015&max_date=12%2F31%2F2018 (last visited Nov. 03, 2018).

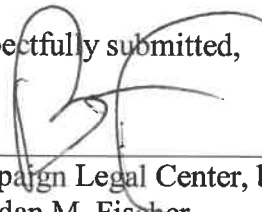
III. In the Alternative, Majority Strategies Made Unreported Independent Expenditures

48. There is reason to believe that Majority Strategies made independent expenditures but failed to file independent expenditure reports pursuant to 52 U.S.C. § 30104(c) and 11 C.F.R. § 109.10(d).
49. MeToo Ohio reported at least \$156,004, and as much as \$231,004, in independent expenditures opposing Jim Renacci's opponent, using Majority Strategies as a vendor, yet reported no disbursements to Majority Strategies. Thus, all disbursements made by Majority Strategies, LLC for these independent expenditures must have been made by Majority Strategies, LLC itself.
50. Therefore, if the Commission finds that there is not reason to believe that Majority Strategies made contributions to MeToo Ohio, the Commission should find reason to believe that Majority Strategies made independent expenditures, yet failed to file independent expenditure reports, in violation of 52 U.S.C. § 30104(c) and 11 C.F.R. § 109.10(d).


PRAYER FOR RELIEF

51. Wherefore, the Commission should find reason to believe that MeToo Ohio, Renacci for U.S. Senate, and Majority Strategies, LLC violated 52 U.S.C. § 30101 *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
52. Further, the Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Respectfully submitted,



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November 14, 2018

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.



For Complainant Margaret Christ

A handwritten signature in black ink, appearing to read "Margaret P. Christ", written over a horizontal line.

Margaret Christ

Sworn to and subscribed before me this 13 day of November 2018.

A handwritten signature in black ink, written over a horizontal line.

Notary Public



For Complainant Campaign Legal Center

A handwritten signature in black ink, appearing to read "Brendan M. Fischer", written over a horizontal line.

Brendan M. Fischer

Sworn to and subscribed before me this 13 day of November 2018.

A handwritten signature in black ink, written over a horizontal line.

Notary Public