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**BEFORE THE FEDERAL ELECTION COMMISSION**

2019 SEP 12 PM 2:09

CAMPAIGN LEGAL CENTER  
1101 14th Street NW, Suite 400  
Washington, DC 20005  
(202) 736-2200

MARGARET CHRIST  
1101 14th Street NW, Suite 400  
Washington, DC 20005  
(202) 736-2200

v.

MUR No. \_\_\_\_\_

JOHN DOE, JANE DOE,  
and/or other persons who created  
and operated America Progress Now  
605 E. 132nd St.  
The Bronx, NY 10454

**COMPLAINT**

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that John Doe, Jane Doe, and/or other persons who created and operated America Progress Now violated the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, *et seq.*, by failing to report digital independent expenditures to the Commission in violation of 52 U.S.C. § 30104(c), and by omitting required disclaimer information on those ads in violation of 52 U.S.C. § 30120(a)(3).
2. In the final weeks of the 2018 elections, a Facebook page called America Progress Now was created, ran ads expressly advocating for Green Party candidates in five competitive U.S. Senate and House races, reached hundreds of thousands of Facebook users through its ads, and then fell silent shortly after Election Day. America Progress Now does not appear to exist under that name outside of the Facebook page: The group does not appear in corporate records, it does not appear to have a website, and the street address briefly listed on its

Facebook page showed no record of the entity’s existence. Therefore, there is reason to believe that, by failing to report these digital independent expenditures to the Commission, the individuals behind America Progress Now violated 52 U.S.C. § 30104(c), and by including the name “America Progress Now” on the communications’ disclaimers rather than the name of the person who actually paid for the communications, those individuals violated 52 U.S.C § 30120(a).

3. Digital political spending is expected to reach nearly \$2.8 billion in 2020,<sup>1</sup> and illegal activity is likely to be replicated at a much greater scale if the Commission fails to draw clear lines and enforce the law. Meanwhile, Facebook recently announced that “[i]f we are made aware of an ad that is in violation of a law, we will act quickly to remove it.”<sup>2</sup> Even in cases where the amount spent may be relatively modest, it is important that the Commission send a clear signal—both to political actors and to platforms like Facebook—in advance of the 2020 elections about the application of federal law’s disclaimer and disclosure requirements to digital independent expenditures.
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).

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<sup>1</sup> Alexandra Bruell, *Political Ad Spending Will Approach \$10 Billion in 2020, New Forecast Predicts*, WALL ST. J. (June 4, 2019), <https://www.wsj.com/articles/political-ad-spending-will-approach-10-billion-in-2020-new-forecast-predicts-11559642400>.

<sup>2</sup> Sarah Schiff, *Offering Greater Transparency for Social Issue, Electoral or Political Ads in More Countries*, FACEBOOK (June 25, 2019), <https://newsroom.fb.com/news/2019/06/offering-greater-transparency/>. Facebook also announced that for the 2020 cycle it will grant a “Confirmed Organization” tag to political advertisers who provide an FEC identification number, but there is no indication that Facebook will be independently verifying whether an entity should be reporting its expenditures to the Commission. Katie Harbath & Sarah Schiff, *Updates to Ads About Social Issues, Elections or Politics in the US*, FACEBOOK (Aug. 28, 2019), <https://newsroom.fb.com/news/2019/08/updates-to-ads-about-social-issues-elections-or-politics-in-the-us/>.

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. On October 15, 2018, approximately three weeks before the midterm elections, a group or individual created a Facebook page called “America Progress Now.”<sup>3</sup>
7. On October 27, 2018, the Facebook page began purchasing ads expressly advocating for the election of Green Party U.S. Senate candidates in Michigan and Missouri, and U.S. Congressional candidates in Illinois, Iowa, and Ohio. According to Facebook’s political ad archive, these ads ran until November 6, 2018, the date of the 2018 midterm elections, collectively generated between 248,003 and 882,997 impressions, and all displayed the disclaimer, “Paid for by America Progress Now.”
  - a. One advertisement expressly advocating for the election of Michigan U.S. Senate candidate Marcia Squier cost up to \$100 and was disseminated in Michigan from October 27 through November 6, 2018.<sup>4</sup> The page also spent up to an additional \$100 on a similar version of the ad during the same period.<sup>5</sup> The page also spent between

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<sup>3</sup> America Progress Now, Facebook Ad Library, FACEBOOK, <https://www.facebook.com/AmericaProgressNow/> (last visited Aug. 14, 2019).

<sup>4</sup> America Progress Now, “*Turn up to VOTE for Marcia Squier for U.S. Senate...*,” (disseminated Oct. 27, 2018 – Nov. 6, 2018), Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22turn%20up%20to%20vote%20for%20marcia%20squier%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22turn%20up%20to%20vote%20for%20marcia%20squier%22).

<sup>5</sup> America Progress Now, “*No one in the race for Senate will work as hard to represent middle America than Marcia Squier...*,” (disseminated Oct. 27, 2018 – Nov. 6, 2018), Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22no%20one%20in%20the%20race%20for%20senate%20will%20work%20as%20hard%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22no%20one%20in%20the%20race%20for%20senate%20will%20work%20as%20hard%22).

\$100 and \$499 on a third ad expressly advocating for Squier and disseminated to Michigan voters on November 5 and 6, 2018.<sup>6</sup>

- b. One advertisement expressly advocating for the election of Missouri U.S. Senate candidate Jo Crain cost between \$100 and \$499 and was only disseminated in Missouri from October 27 through November 6, 2018.<sup>7</sup> The page also spent up to an additional \$100 on a similar version of the ad during the same period.<sup>8</sup> The page also spent between \$100 and \$499 on a third ad expressly advocating for Crain and disseminated to Missouri voters on November 5 and 6, 2018, and it spent up to \$100 on a similar version of that ad during the period October 28 through November 6, 2018.<sup>9</sup>
- c. One advertisement expressly advocating for the election of Illinois U.S. House candidate Randy Auxier cost between \$100 and \$499 and was disseminated primarily in Illinois from October 27 through November 6, 2018.<sup>10</sup>

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<sup>6</sup> America Progress Now, “*No one in the race for Senate will work as hard to represent middle America than Marcia Squier...*,” (disseminated Nov. 5, 2018 – Nov. 6, 2018), Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22no%20one%20in%20the%20ace%20for%20senate%20will%20work%20as%20hard%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22no%20one%20in%20the%20ace%20for%20senate%20will%20work%20as%20hard%22).

<sup>7</sup> America Progress Now, “*Vote Jo Crain for senate in Missouri...*,” (disseminated Oct. 27, 2018 – Nov. 6, 2018), Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22vote%20jo%20crain%20for%20senate%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22vote%20jo%20crain%20for%20senate%22).

<sup>8</sup> America Progress Now, “*Vote Jo Crain for Senate in Missouri...*,” (disseminated Oct. 27, 2018 – Nov. 6, 2018), Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22vote%20jo%20crain%20for%20senate%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22vote%20jo%20crain%20for%20senate%22).

<sup>9</sup> America Progress Now, “*Vote Jo Crain to Represent Missouri in the U.S. Senate!*,” (disseminated Nov. 5, 2018 – Nov. 6, 2018), Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22vote%20jo%20crain%20for%20senate%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22vote%20jo%20crain%20for%20senate%22).

<sup>10</sup> America Progress Now, “*VOTE Randy Auxier for Congress, Illinois District 12!*,” (disseminated Oct. 27–Nov. 6, 2018), Facebook Ad Library, FACEBOOK,

- d. One advertisement expressly advocating for the election of Iowa U.S. House candidate Paul Knupp cost between \$100 and \$499 and was primarily disseminated in Iowa between October 27 and November 6, 2018.<sup>11</sup>
  - e. One advertisement expressly advocating for the election of Ohio U.S. House candidate Joe Manchik cost between \$100 and \$499 and was disseminated only in Ohio from October 27 through November 6, 2018.<sup>12</sup> The page spent between \$100 and \$499 on a similar version of the ad during the same period.<sup>13</sup>
8. America Progress Now has not reported independent expenditures to the Commission.<sup>14</sup> Nor does it appear that any other filer has reported the independent expenditures run under the America Progress Now name.<sup>15</sup>
9. The America Progress Now Facebook page also ran an ad featuring federal candidate Bernie Sanders (I-VT), primarily targeting voters in states like Wisconsin, Michigan, Missouri,

[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22vote%20randy%20auxier%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22vote%20randy%20auxier%22).

<sup>11</sup> America Progress Now, “*Support & VOTE for Paul Knupp...*,” (disseminated Oct. 27-Nov. 6, 2018), Facebook Ad Library, FACEBOOK,

[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&q=%22vote%20for%20paul%20knupp%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&q=%22vote%20for%20paul%20knupp%22).

<sup>12</sup> America Progress Now, “*VOTE Joe Manchik for Congress...*,” (disseminated Oct. 27-Nov. 6, 2018), Facebook Ad Library, FACEBOOK,

[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22we%27ve%20lost%20to%20greedy%2C%20corporate%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22we%27ve%20lost%20to%20greedy%2C%20corporate%22).

<sup>13</sup> America Progress Now, “*Vote Joe Manchik on November 6<sup>th</sup>...*,” (disseminated Oct. 27-Nov. 6, 2018), Facebook Ad Library, FACEBOOK,

[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22vote%20joe%20manchik%20on%20november%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22vote%20joe%20manchik%20on%20november%22).

<sup>14</sup> Search results for “America Progress Now,” FEC.GOV, <https://www.fec.gov/search/?type=candidates&type=committees&type=site&query=america+progress+now> (last visited Aug. 14, 2019).

<sup>15</sup> No filer or committee reported independent expenditures in support of any of the five candidates who America Progress Now supported. See Independent Expenditures (24- and 48-hour reports), FEC.GOV [https://www.fec.gov/data/independent-expenditures/?data\\_type=processed&is\\_notice=true&candidate\\_id=H6OH12119&candidate\\_id=H6MI14229&candidate\\_id=S8MO00327&candidate\\_id=H8IL12152&candidate\\_id=H8IA03140](https://www.fec.gov/data/independent-expenditures/?data_type=processed&is_notice=true&candidate_id=H6OH12119&candidate_id=H6MI14229&candidate_id=S8MO00327&candidate_id=H8IL12152&candidate_id=H8IA03140).

Illinois, and Pennsylvania, and urging voters “to send him some allies in Washington. This November, don’t vote for a party, vote for Progressive values.”<sup>16</sup> Other ads targeted to similar states urged voters to “vote third party.”<sup>17</sup> The group also ran ads expressly advocating the election of state candidates, and other ads expressing support for democratic socialism in general.<sup>18</sup>

10. On November 5, 2018, *ProPublica* and *Vice News* reported that the America Progress Now ads had falsely attributed quotes to the federal candidates they were supporting.<sup>19</sup> For example, the group ran an ad stating “VOTE Randy Auxier for Congress, Illinois District 12,” along with a quote that appears to be from Auxier;<sup>20</sup> Auxier told *ProPublica* and *Vice News*, “I did not say or write the text that is with my picture, although I do agree with the content, for the most part.”<sup>21</sup> Michigan U.S. Senate candidate Marsha Squier wrote in a

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<sup>16</sup> America Progress Now, “Bernie Sanders is leading the way...,” (disseminated Nov. 5-Nov. 6, 2018), Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22bernie%20sanders%20is%20leading%20the%20way%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22bernie%20sanders%20is%20leading%20the%20way%22).

<sup>17</sup> America Progress Now, “Vote 3<sup>rd</sup> Party!,” (disseminated Oct. 27-Nov. 6, 2018), Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=%22break%20free%20from%20the%20two-party%20lie%22](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22vote%203rd%20party!%20vote%20to%20save%20our%20country!%22; see also America Progress Now, “Break free from the two-party lie...Vote Third Party.” (disseminated Nov. 6-Nov. 13, 2018), Facebook Ad Library, FACEBOOK, https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=%22break%20free%20from%20the%20two-party%20lie%22).

<sup>18</sup> See America Progress Now, Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&page\\_ids\[0\]=751228941880577&q=America%20Progress%20Now](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime&page_ids[0]=751228941880577&q=America%20Progress%20Now).

<sup>19</sup> Jeremy Merrill & William Turton, *A Mysterious Facebook Group Is Using Bernie Sanders’ Image to Urge Democrats to Vote for the Green Party*, PROPUBLICA and VICE NEWS (Nov. 5, 2018), <https://www.propublica.org/article/a-mysterious-facebook-group-is-using-bernie-sanders-image-to-urge-democrats-to-vote-for-the-green-party>.

<sup>20</sup> America Progress Now, Facebook Ad Library, FACEBOOK, [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=US&impression\\_search\\_field=has\\_impressions\\_lifetime&q=America%20Progress%20Now&view\\_all\\_page\\_id=751228941880577](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&impression_search_field=has_impressions_lifetime&q=America%20Progress%20Now&view_all_page_id=751228941880577) (last visited Aug. 14, 2019).

<sup>21</sup> Merrill & Turton, *supra* note 19.

comment on America Progress Now’s Facebook page that “This site is NOT authorized to make up quotes I never said or run ads on my behalf,” and to “Cease and desist NOW!”<sup>22</sup>

11. *ProPublica* and *Vice News* also reported:

there’s no sign of America Progress Now at the address listed on its Facebook page. When we visited 605 E. 132nd St. in the Bronx on Monday morning, none of the tenants we spoke to had ever heard of America Progress Now. The building’s landlord, Stephen Rosenfeld, said in a phone call that he hadn’t heard of the group either and that no tenants by that name were in his building. After reaching out to America Progress Now, the page removed its Bronx address.<sup>23</sup>

12. America Progress Now’s independent expenditures continued to run through the November 6, 2018 election. The Facebook page’s last ads stopped running on November 13, 2018, and it has not run additional ads or made other posts since that date.

13. No organization with the name America Progress Now exists in the LexisNexis corporate filings database,<sup>24</sup> nor does it appear in state corporate records databases in New York, Delaware, Washington D.C., or Maryland.<sup>25</sup> The entity does not appear to have a website, and search engine results provide no evidence of the entity’s existence, outside of the now-dormant Facebook page.

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> LexisNexis, *Corporate Filings Search Form*, [http://help.lexisnexis.com/tabularasa/pubrec/search?lbu=US&locale=en\\_US&product=pubrec&audience=all&pageLength=-1&queryString=America+Progress+Now&Click+the+Search+button+to+submit+your+search+query.x=57&Click+to+Search+button+to+submit+your+search+query.y=6](http://help.lexisnexis.com/tabularasa/pubrec/search?lbu=US&locale=en_US&product=pubrec&audience=all&pageLength=-1&queryString=America+Progress+Now&Click+the+Search+button+to+submit+your+search+query.x=57&Click+to+Search+button+to+submit+your+search+query.y=6) (last visited July 30, 2019).

<sup>25</sup> NY Department of State Division of Corporations, *Corporation and Business Entity Database*, [https://appext20.dos.ny.gov/corp\\_public/CORPSEARCH.ENTITY\\_SEARCH\\_ENTRY](https://appext20.dos.ny.gov/corp_public/CORPSEARCH.ENTITY_SEARCH_ENTRY) (last visited Aug. 12, 2019); Delaware Division of Corporations, *Entity Name Search*, <https://icis.corp.delaware.gov/EntitySearch/NameSearch.aspx> (last visited Aug. 12, 2019); DC Department of Consumer and Regulatory Affairs, *Business Filings Search*, <https://corponline.dcr.dg.gov/Home.aspx/ProcessRequest> (last visited July 30, 2019); *see also* Maryland Business Express, *Business Entity Search*, <https://egov.maryland.gov/BusinessExpress/EntitySearch>, (last visited July 30, 2019).

## SUMMARY OF THE LAW

14. Independent expenditures are expenditures for communications that expressly advocate the election or defeat of a clearly identified federal candidate and are not coordinated with a candidate or political party. 52 U.S.C. § 30101(17); 11 C.F.R. § 100.16(a); *see also* 11 C.F.R. § 100.22 (defining “expressly advocating”).
15. FECA requires that a person other than a political committee that makes independent expenditures “in an aggregate amount or value in excess of \$250 during a calendar year” with respect to a particular election must file a statement with the Commission to report the political spending. 52 U.S.C. § 30104(c). The statement must disclose, among other things, “the identification of each person who made a contribution in excess of \$200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.” 52 U.S.C. § 30104(c)(2)(C). Independent expenditure advertisements placed on Facebook are subject to FECA’s reporting requirements. Advisory Opinion 2011-28 (Western Representation PAC).
16. All public communications that expressly advocate the election of a clearly identified federal candidate must include a disclaimer identifying who paid for the communication, and whether the communication was authorized by a candidate. 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11. A disclaimer on such a communication that is not paid for or authorized by a candidate must “clearly state the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate’s committee.” 52 U.S.C. § 30120(a)(3); 11 C.F.R. § 110.11(b)(3). The term “public communication” includes “communications placed for a fee on another person’s Web site.” 11 C.F.R. § 100.26. A



person paying for a public communication on Facebook that expressly advocates the election of a clearly identified federal candidate must include all disclaimer information specified by 52 U.S.C. § 30120(a). Advisory Opinion 2017-12 (Take Back Action Fund).

## **CAUSES OF ACTION**

### **I. JOHN DOE, JANE DOE, AND/OR OTHER PERSONS UNLAWFULLY FAILED TO REPORT INDEPENDENT EXPENDITURES**

17. Between October 27 and November 6, 2018, John Doe, Jane Doe, and/or other persons used the Facebook page America Progress Now to pay for independent expenditure ads on Facebook that expressly advocated for the election of federal candidates in U.S. Senate races in Michigan and Missouri, and in U.S. House races in Illinois, Iowa, and Ohio.<sup>26</sup> 52 U.S.C. § 30101(17); 11 C.F.R. § 100.16(a).
18. Though the spending information for each ad listed in Facebook’s Ad Library provides ranges (*e.g.*, \$100-\$499) rather than discrete amounts, aggregating those ranges for ads in each race provides reason to believe that America Progress Now spent in excess of \$250 in independent expenditures with respect to at least some of the featured federal candidates’ elections.
19. By failing to report all independent expenditures in excess of \$250, there is reason to believe that America Progress Now violated 52 U.S.C. § 30104(c).

### **II. AMERICA PROGRESS NOW UNLAWFULLY FAILED TO INCLUDE ACCURATE DISCLAIMER INFORMATION**

20. Persons paying for independent expenditures on Facebook must include a disclaimer that “clearly state[s] the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state[s] that the

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<sup>26</sup> See sources cited *supra* ¶7.

communication is not authorized by any candidate or candidate's committee." 52 U.S.C. § 30120(a)(3); Advisory Opinion 2017-12 (Take Back Action Fund).

21. America Progress Now does not appear to be a legal person. "America Progress Now" does not appear in corporate records, nor does it appear in Commission records, nor does it appear to have a website, and the apartment building address briefly listed on its Facebook page showed no record of the entity's existence, according to reporting by *Vice News* and *ProPublica*.<sup>27</sup>
22. Because America Progress Now is not a person, it could not have paid for the independent expenditures run from the America Progress Now Facebook page.
23. Therefore, there is reason to believe that John Doe, Jane Doe, and/or other persons violated section 30120(a) by including the name "America Progress Now" on the Facebook page's ad disclaimers, rather than the identity of the person(s) who paid for the communications.

#### **PRAYER FOR RELIEF**

24. Wherefore, the Commission should find reason to believe that that John Doe, Jane Doe, and/or other persons who created and operated America Progress Now violated 52 U.S.C. §§ 30104(c) and 30120(a)(3), and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
25. 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.


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<sup>27</sup> Merrill & Turton, *supra* note 19.

Respectfully submitted,



Campaign Legal Center, by  
Brendan M. Fischer  
1101 14th Street, NW, Suite 400  
Washington, DC 20005  
(202) 736-2200



Margaret Christ  
1101 14th Street NW, Suite 400  
Washington, DC 20005  
(202) 736-2200

Brendan M. Fischer  
Campaign Legal Center  
1101 14th Street, NW, Suite 400  
Washington, DC 20005  
Counsel to the Campaign Legal Center,  
Margaret Christ

September 12, 2019

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



Margaret Christ



Sworn to and subscribed before me this 12 day of September 2019.



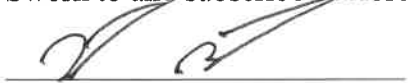
Notary Public

For Complainant Campaign Legal Center



Brendan M. Fischer

Sworn to and subscribed before me this 12 day of September 2019.



Notary Public

