

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

American Democracy Legal Fund  
455 Massachusetts Avenue, N.W.  
Washington, DC 20001

Complainant,

v.

Representative Mia Love  
913 West Grouse Circle  
Saratoga Springs, UT 84045

Friends of Mia Love and Robert Carlin, Treasurer  
PO Box 255  
Riverton, UT 84065

Utah Republican Party and Abram Owen, Treasurer  
117 East South Temple  
Salt Lake City, UT 84111

Respondents.

**COMPLAINT**

The American Democracy Legal Fund (“Complainant”) files this complaint with the Federal Election Commission (the “FEC” or “Commission”) under 52 U.S.C. § 30109(a)(1) against Representative Mia Love; her principal campaign committee, Friends of Mia Love (the “Love campaign”) and its treasurer, Robert Carlin, in his official capacity; and against the Utah Republican Party (the “Party”) and its treasurer, Abram Owen, in his official capacity (together, “Respondents”), for violating the Federal Election Campaign Act of 1971, as amended (the “Act”). Public statements from the Love campaign and Party representatives strongly suggest that in an effort to blatantly evade the United State Postal Service regulations on nonprofit mail rates, during the 2016 election, the Love campaign accepted an excessive in-kind contribution

from the Utah Republican Party to the tune of over \$120,000 by having the Party pay for the Love campaign's political mailings. The Love campaign apparently agreed to reimburse the Party for these mailings. This arrangement appears to violate United States Postal Service regulations.<sup>1</sup> The arrangement also constituted an excessive contribution that both the Love campaign and the Party failed to properly disclose as required by federal law and FEC regulations.

#### A. FACTS

Representative Mia Love was elected to represent Utah's fourth congressional district in 2014, and was reelected in 2016.<sup>2</sup> She is running for reelection again in 2018; her principal campaign committee is Friends of Mia Love.<sup>3</sup> The Utah Republican Party is an authorized state committee of the Republican National Committee and is registered with the FEC as a political party committee.<sup>4</sup>

In January 2018, sources within the Utah Republican Party publicly revealed that the Party sent political mail valued at approximately \$120,000 on behalf of the Love campaign in 2016.<sup>5</sup> The Party apparently continues to owe Arena Communications for services related to this mailing, but Rep. Love's campaign manager Dave Hansen has stated that while this money is "technically" owed by the Party "[i]t's the responsibility of the campaign to pay it off," because the mail was sent on the campaign's behalf.<sup>6</sup> The Utah Republican Party Chair, Rob Anderson,

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<sup>1</sup> Though enforcement of U.S. Postal Service laws and policies is not within the jurisdiction of the Commission, Complainant has also contacted the Postal Inspection Service regarding the illegal use of the Utah Republican Party's postal discount. *See* 39 U.S.C. § 3626(e); United States Postal Service, Domestic Mail Manual 703 § 1.3.

<sup>2</sup> Biography, Mia Love, U.S. House of Representatives, <https://love.house.gov/biography/>.

<sup>3</sup> Friends of Mia Love, FEC Statement of Organization at 2, <http://docquery.fec.gov/pdf/922/201711029084022922/201711029084022922.pdf> (amendment filed Nov. 2, 2017).

<sup>4</sup> Utah Republican Party, Statement of Organization at 2, <http://docquery.fec.gov/pdf/092/201601129004475092/201601129004475092.pdf> (amendment filed Jan. 12, 2016).

<sup>5</sup> Brian Mullahy, Utah GOP Has Campaign Debt from Mia Love and Tanner Ainge, KUTV (January 19, 2018) <http://kutv.com/news/local/utah-gop-has-campaign-debt-from-mia-love-and-tanner-ainge>.

<sup>6</sup> *Id.*

reportedly described these mailings as being sent out by Rep. Love, but with the Utah Republican Party's disclaimer language, stating that the Love campaign agreed to pay "pass-through money" for the mailings.<sup>7</sup> The Party also sent mailings worth approximately \$35,000 in support of Congressional candidate Tanner Ainge during the 2017 special primary campaign for Utah's third congressional district.<sup>8</sup>

In its 2016 and 2017 FEC reports, the Love campaign did not disclose any contributions from the Utah Republican Party.<sup>9</sup> In its 2016 and 2017 FEC reports, the Party did not disclose any coordinated party expenditures made on behalf of federal candidates, and did not report any contributions to federal candidates.<sup>10</sup> The Utah Republican Party reported four expenditures totaling \$54,000 to vendor Arena Communications from October through December 2016, attributed to "Direct Mail - Mia Love."<sup>11</sup> The Party also did not disclose any debts owed by or to the committee, including to Arena Communications.<sup>12</sup>

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<sup>7</sup> Ed Wallace, "Report: AingeGate: Is the UTGOP Laundering Money for Tanner Ainge?" Utah Standard News (January 24, 2018) <https://www.utahstandardnews.com/aingegate-utgop-laundering-money-tanner-ainge/> [hereinafter "Wallace, *Is the UTGOP laundering money?*"]. (Anderson is quoted as saying: "Mia sent out fliers. They put the mailings through the Utah GOP and put paid for by the Utah GOP. That's the kind of pass-through money that we agreed to.")

<sup>8</sup> *Id.*; Tanner Ainge, FEC Form 2, Statement of Candidacy (May 30, 2017) <http://docquery.fec.gov/cgi-bin/fecimg/?201705309055157725+0>.

<sup>9</sup> Friends of Mia Love, Pre-Convention 2016, (amendment filed Jan. 16, 2017); July Quarterly 2016, (amendment filed Jan. 16, 2017); October Quarterly 2016 (amendment filed Jan. 17, 2017); Pre-General 2016 (amendment filed Jan. 17, 2017); Post-General 2016 (amendment filed Jan. 17, 2017); Year-End 2016 (filed Jan. 31, 2017); April Quarterly 2017, (filed April 14, 2017); July Quarterly 2017, (filed July 14, 2017); October Quarterly 2017 (filed Oct. 15, 2017) [hereinafter "Friends of Mia Love Reports"].

<sup>10</sup> FEC.gov, Utah Republican Party, Financial Summary 2015-2016, <https://www.fec.gov/data/committee/C00089482/?cycle=2016> (last accessed Jan. 30, 2018); FEC.gov, Utah Republican Party, Financial Summary 2017-2018, <https://www.fec.gov/data/committee/C00089482/?cycle=2018> (last accessed Jan. 30, 2018) [hereinafter "Utah Republican Party Reports"]

<sup>11</sup> Utah Republican Party, Post-General 2016 at 11, <http://docquery.fec.gov/cgi-bin/fecimg/?201612079037733707> (filed December 7, 2016); Year-End 2016 at 8, <http://docquery.fec.gov/cgi-bin/fecimg/?201701309041566120> (filed January 31, 2017).

<sup>12</sup> Utah Republican Party Reports, *supra* note 10.

## B. LEGAL ARGUMENT

A communication is a party coordinated communication if it is paid for by a party committee and satisfies certain content and conduct standards established by the Commission.<sup>13</sup> A communication satisfies both the content and conduct standard if it involves the dissemination of materials prepared by a candidate, the candidate's authorized committee, or an agent of the committee, and if that dissemination is at the request or suggestion of or with the material involvement of the committee or candidate.<sup>14</sup> Rep. Love's campaign manager admitted to routing political mail through the Party solely to obtain a postal discount, indicating that the mailings originated with the Love campaign.<sup>15</sup> Party chair Rob Anderson is reported as describing the transaction as follows: "Mia sent out fliers. They put the mailings through the Utah GOP and put paid for by the Utah GOP."<sup>16</sup> This statement strongly suggests that the campaign prepared and requested the dissemination of the mailings, meeting both the content and conduct prongs of the Commission's test. Because these mailings were apparently paid for by the Party, they constitute party coordinated communications.

Party coordinated communications must be treated either as in-kind contributions to the candidate with whom the communication was coordinated, or as coordinated party expenditures as authorized by 52 U.S.C. § 30116(d).<sup>17</sup> State parties are permitted to contribute \$5,000 per election to federal candidate committees in combined monetary and in-kind contributions.<sup>18</sup> In

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<sup>13</sup> 11 C.F.R. § 109.37(a).

<sup>14</sup> *Id.* §§ 109.37(a)(2)(i); 109.21(d).

<sup>15</sup> Mullahy, *Utah GOP Has Campaign Debt*, *supra* note 5.

<sup>16</sup> Wallace, *Is the UTGOP laundering money?*, *supra* note 7.

<sup>17</sup> 11 C.F.R. § 109.37(b).

<sup>18</sup> *See id.* §§ 110.1(d), 100.52(d); Federal Election Commission, Contribution Limits for 2015-2016 Federal Elections, <https://transition.fec.gov/info/contriblimitschart1516.pdf>.

2016, each state party and national party committee was permitted to make up to \$48,100 in coordinated expenditures on behalf of each Congressional candidate in a state which, like Utah, has more than one Congressional district.<sup>19</sup> The combined limit for the national and state Republican Party's coordinated communications with the Love campaign in 2016 was \$96,200.<sup>20</sup>

At over \$120,000, this coordinated expenditure well exceeded all applicable limits. In fact, when the Utah Republican Party paid for over \$120,000 worth of political mail on behalf of Rep. Love, it appears to have made, and the Love campaign appears to have accepted, an excessive contribution under the FEC's rules for coordinated party communications and in-kind contributions.<sup>21</sup> Even if the Love campaign intended to ultimately repay the Party for the mailings, the Party's expenditures would nonetheless constitute an excessive contribution to the Love campaign.<sup>22</sup> Further, this expenditure and contribution have not been reported by either the Love campaign or the Utah Republican Party.<sup>23</sup> The Party also failed to report a debt owed to Arena Communications as required by law.<sup>24</sup>

### **C. REQUESTED ACTION**

As we have shown, there is substantial evidence that Respondents have violated the Act. We respectfully request that the Commission investigate these violations, compel Respondents to fully disclose the required financial transactions and repay any excessive contributions or expenditures, and fine Respondents the maximum amount allowed by law.

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<sup>19</sup> See 11 C.F.R. § 109.32; Price Index Adjustments for Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 81 Fed. Reg. 7101 (Feb. 9, 2016).

<sup>20</sup> *Id.*

<sup>21</sup> See 52 U.S.C. § 30116(d); 11 C.F.R. § 109.32.

<sup>22</sup> See 11 C.F.R. §§ 100.52(a), 110.1(d); Federal Election Commission Campaign Guide, Congressional Candidates and Committees at 14 (June 2014) available at <https://www.fec.gov/resources/cms-content/documents/candgui.pdf>.

<sup>23</sup> See Friends of Mia Love Reports, *supra* note 9; Utah Republican Party Reports, *supra* note 10.

<sup>24</sup> See 52 U.S.C. § 30104(b)(8); 11 C.F.R. §§ 104.3(d); 104.11.

Sincerely,

*[Handwritten Signature]*

SUBSCRIBED AND SWORN to before me this 13 day of February, 2018.

*Kristen Van Putten*  
Notary Public

My Commission Expires:

11-30-2021

