

February 13, 2018

Postal Inspection Service  
222 S Riverside Plz, Ste 1250  
Chicago, IL 60606-6100

To Whom It May Concern:

We respectfully request that the Postal Inspection Service conduct an immediate investigation into the misuse of the United States Postal Service's ("USPS") reduced postal rates by the Utah Republican Party (the "Party") and the campaign committee of Representative Mia Love. Recent public statements by Representative Love's campaign manager and the chairman of the Utah Republican Party indicate that the Representative Love's campaign committee, along with at least one other campaign committee, sent political mail using the Utah Republican Party's reduced rate authorization during the 2016 and 2017 campaigns, in clear violation of federal law and USPS policy.<sup>1</sup>

### **Factual Background**

The Utah Republican Party is an authorized state committee of the Republican National Committee, the national political committee of the Republican Party.<sup>2</sup> Representative Mia Love was first elected to represent Utah's fourth congressional district in 2014, and successfully ran for re-election in 2016.<sup>3</sup> Her principal campaign committee is Friends of Mia Love.<sup>4</sup>

Dave Hansen, campaign manager for Representative Love's 2016 campaign, has recently admitted that during the 2016 election, the Love campaign funneled campaign mailings through the Utah Republican Party in order to take advantage of the lower postal rate enjoyed by the Party.<sup>5</sup> He stated that the Love campaign intends to reimburse the Utah Republican Party for mailings it sent on behalf of the campaign, and that while the state party "technically" continues to owe a vendor for the cost of the mailings, "[i]t's the responsibility of the campaign to pay it off."<sup>6</sup> Utah Republican Party Chair Rob Anderson confirmed that the Party has offered multiple

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<sup>1</sup> See 39 U.S.C. § 3626(e); United States Postal Service, Domestic Mail Manual, 703 § 1.6 (updated January 21, 2018) [hereinafter "DMM"].

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

<sup>3</sup> Biography, U.S. House of Representatives, available at <https://love.house.gov/biography/>.

<sup>4</sup> Friends of Mia Love, Statement of Organization at 2, available at <http://docquery.fec.gov/pdf/922/201711029084022922/201711029084022922.pdf> (amendment filed Nov. 2, 2017)

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

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

candidates the option to route mailings through the Party to take advantage of its postal rate. He also stated that at least one other campaign has taken advantage of the Party's lower postal rate.<sup>7</sup>

### Legal Analysis

Under federal law, "qualified political committees" are entitled to send third-class mail at a reduced postal rate, also called the Nonprofit USPS Marketing Mail rate (the "Nonprofit rate").<sup>8</sup> A "qualified political committee" is a national or state committee of a political party, the Republican and Democratic Senatorial Campaign Committees, the Democratic National Congressional Committee, and the National Republican Congressional Committee.<sup>9</sup> A "state committee" is "an organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level."<sup>10</sup> Qualified organizations must receive authorization from the USPS in order to utilize the Nonprofit rate.<sup>11</sup> Political organizations other than "qualified political committees" are not permitted to mail at the Nonprofit rate.<sup>12</sup> The Utah Republican Party is a state committee, and is thus entitled to send third-class mail at the Nonprofit rate. However, Friends of Mia Love is a candidate committee, and is not considered a "qualified political committee" under the statute.

Qualified committees such as the Utah Republican Party are not entitled to use their Nonprofit rate authorization to send mail on behalf of or in coordination with unauthorized organizations.<sup>13</sup> According to the USPS Domestic Mail Manual, an organization authorized to mail at the Nonprofit rate may only mail its own matter, and may not "delegate or lend the use of its authorization to mail at the Nonprofit USPS Marketing Mail prices to any other person or organization."<sup>14</sup> Authorized organizations may send mailings in cooperation with other organizations, but only when each cooperating organization is individually authorized to mail at the Nonprofit rate.<sup>15</sup> USPS has further clarified that unauthorized political committees, such as candidate committees, may not "share in the costs of preparing or printing the material or paying postage" for discounted-rate mailings, even if the mailings are ultimately sent by a qualified committee. Parties may use the Nonprofit rate to send mailings that endorse candidates, but the material being mailed must be "the committee's own" and the committee must pay the postage "without reimbursement from the candidate."<sup>16</sup>

Friends of Mia Love is not a qualified political committee. As a result, the Utah Republican Party is not authorized to send mail on behalf of or in coordination with Friends of Mia Love using its reduced postal rate. The Party apparently sent mailings with the understanding that they would be reimbursed by the Love campaign.<sup>17</sup> This agreement is a violation of the postal service

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<sup>7</sup> *Id.*

<sup>8</sup> See 39 U.S.C. § 3626(e); DMM, 703 § 1.3.

<sup>9</sup> 39 U.S.C. § 3626(e)(2)(A).

<sup>10</sup> *Id.* § 3626(e)(2)(C).

<sup>11</sup> DMM, 703 §§ 1.1.2, 1.4.1(g).

<sup>12</sup> *Id.* § 1.4.1(g).

<sup>13</sup> See *Id.* §§ 1.6.1, 1.6.3.

<sup>14</sup> *Id.* § 1.6.1.

<sup>15</sup> *Id.* § 1.6.3.

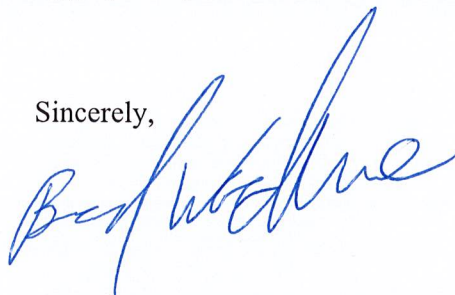
<sup>16</sup> USPS Customer Support Ruling PS-055, State Committee of a Political Party - Nonprofit USPS Marketing Mail (updated January 2017), <http://pe.usps.com/text/CSR/PS-055.htm>.

<sup>17</sup> See Mullahy, *Utah GOP Has Campaign Debt*, *supra* note 5.

regulation barring qualified committees from sending campaign mailings that are the reimbursed from the candidate.<sup>18</sup>

According to the USPS, “civil and criminal penalties apply to false, fictitious, or fraudulent statements made in connection with a Nonprofit USPS Marketing Mail mailing.”<sup>19</sup> We request that the Postal Inspection Service promptly investigate the Utah Republican Party and Friends of Mia Love’s misuse of reduced postal rates, and seek appropriate penalties under federal law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Walker", is written over the word "Sincerely,".

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

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<sup>18</sup> See USPS Customer Support Ruling PS-055, State Committee of a Political Party - Nonprofit USPS Marketing Mail (updated January 2017), <http://pe.usps.com/text/CSR/PS-055.htm>.

<sup>19</sup> United States Postal Service, Publication 417 § 4-1, Nonprofit USPS Marketing Mail Eligibility: Nonprofit and Other Qualified Organizations (Jan. 2017).