

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Deanna Nesburg
End Citizens United
P.O. Box 66005
Washington, DC 20035,

Complainant,

v.

Brian Mast
PO Box 3016
Stuart, FL 34995, and

Mast for Congress and Paul Kilgore, Treasurer
PO Box 3016
Stuart, FL 34995

Respondents.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against, Brian Mast, a candidate for Florida's 18th Congressional District; Mast for Congress (the "Committee"); and Paul Kilgore, in his official capacity as Treasurer (collectively "Respondents") for violating the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission (the "FEC" or "Commission") regulations, as described below. Respondents have failed to comply with the Commission's disclaimer requirements for a television advertisement that they have approved and sponsored. As a result, the FEC should immediately investigate and levy appropriate sanctions for any failure to comply with the Act and Commission regulations.

FACTS

Brian Mast is the Republican nominee for Florida's 18th Congressional District. His principal campaign committee is Mast for Congress (the "Committee"). The treasurer of Mast for Congress is Paul Kilgore.

The Committee has paid for, and Mast has approved, a false and misleading television ad that attacks Mast's opponent, Lauren Baer (the "Advertisement"). A copy of the advertisement is available at: <https://host2.advertisinganalyticsllc.com/admo/#/view/934551>. In an apparent attempt to avoid linking Mast to the advertisement, the advertisement does not comply with the disclaimer requirements imposed by the Act and Commission regulations. While the advertisement has a spoken disclaimer and the printed disclaimers required by the Act, it does not include a full-screen image of Mast delivering the required disclaimer or a clearly recognizable image of Mast during the delivery of the statement. Instead, it shows a fuzzy, indistinct postage stamp-sized image of an individual against an American flag backdrop that is barely recognizable. *See* Exhibit A.

LEGAL ANALYSIS

Under the Act, whenever a candidate or candidate's authorized committee pays for or authorizes a television advertisement, the candidate must convey a statement that he has approved the communication. The candidate must convey the statement with either "an unobscured, full-screen view of the candidate making the statement" or "in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate." 52 U.S.C. 30120(d)(1)(B); 11 C.F.R. 110.11(c)(3)(ii).

Respondents failed to do that here. Instead of providing a full-screen image of Mr. Mast delivering the required disclaimer, or depicting a clearly identifiable image of Mr. Mast, Respondents chose to obscure the source of the advertisement by, instead, including only a fuzzy, postage stamp-sized image of himself that is barely recognizable as such.

The purpose of the disclosure requirement is to require candidates to take personal responsibility for their television advertisements. In an attempt to obscure the source of this false and misleading advertisement, Mast did not do so here.

REQUESTED ACTION

Respondents have violated the Act and Commission regulations by failing to comply with basic disclosure requirements. As such, we respectfully request that the Commission immediately investigate these violations and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,

End Citizens United by,
Deanna Nesburg
P.O. Box 66005 Washington, DC 20035

SUBSCRIBED AND SWORN to before me this ___th day of October, 2018.

Notary Public

My Commission Expires:
