

**BEFORE THE
FEDERAL ELECTION COMMISSION**

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

Complainant,

v.

Leah Vukmir
P.O. Box 488
Brookfield, WI 53008,

Leah for Senate and Travis Kabrick, Treasurer
P.O. Box 488
Brookfield, WI 53008,

Americas PAC and Tom Donelson, Treasurer
2560 Plymouth
Marion, IA 52302, and

Restoration PAC and Sherry Gaskill, Treasurer
1901 Butterfield Rd., Suite 120
Downers Grove, IL 60515,

Respondents.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Leah Vukmir, Leah for Senate (the “Committee”) and Travis Kabrick in his official capacity as treasurer (the “Vukmir Respondents”), and Americas PAC and Tom Donelson, Treasurer and Restoration PAC and Sherry Gaskill, Treasurer (collectively the “Super PAC Respondents”) for violating the Federal Election Campaign Act of 1971 as amended (the “Act”) and Federal Election Commission (the “Commission”) regulations.

In short, the Vukmir Respondents appear to have improperly (1) solicited contributions in excess of the applicable contribution limits, and (2) received illegal in-kind

contributions in the form of coordinated communications from the Super PAC Respondents. The Commission should immediately investigate these violations and take appropriate remedial action against Respondents.

FACTS

Leah Vukmir is a candidate for United States Senate in Wisconsin.¹ Leah for Senate is Vukmir's principal campaign committee, and Travis Kabrick is the Committee's treasurer.² On August 14, 2018, Vukmir won a competitive Republican Primary in Wisconsin. During this hard fought primary, megadonor, Richard "Dick" Uihlein, donated funds to a super PAC that spent heavily in support of her opponent, Kevin Nicholson.

Immediately after her primary election victory, Vukmir solicited funds from Uihlein. Responding to a radio host's question whether she would be supported by "outside groups" in the general election, Vukmir replied "Well we are already reaching out to Dick Uihlein and I hope that he will want to continue with his commitment . . . I look forward to having that conversation with him. We have a unity dinner on Friday, with Dick Uihlein [. . .]."³ After meeting with Uihlein at the aforementioned "unity dinner," Vukmir publically suggested she secured a large commitment from the megadonor: "there was a unity dinner recently and we [Vukmir and Uihlein] are looking forward to working together."⁴

After Vukmir publicly admitted to soliciting contributions from Uihlein, Uihlein donated \$1 million to Americas PAC and \$2 million to Restoration PAC on September 17, 2018. Beginning on September 24, Americas PAC reported making \$377,000 in independent

¹ Leah Vukmir, FEC Form 2, Statement of Candidacy (September 7, 2018), http://docquery.fec.gov/cgi-bin/fecimg/?_201709140200263093+0.

² Leah for Senate, FEC Form 1, Statement of Organization (September 8, 2017), <http://docquery.fec.gov/pdf/097/201709140200263097/201709140200263097.pdf>.

³ The Mark Belling Show, 1130 WISN-AM (August 15, 2018). A transcript of the relevant portions of the radio interview are attached as Attachment A.

⁴ UpFront with Mike Gousha, WISN-12 ABC (August 19, 2018). A transcript of the relevant portions of the radio interview are attached as Attachment A.

expenditures attacking Vukmir's general election opponent, Senator Tammy Baldwin. Also beginning on September 24, Restoration PAC reported making \$359,000 in independent expenditures against Senator Baldwin.

Both PACs are super PACs that have received most of their funding from Uihlein. In the 2018 election cycle, Uihlein was responsible for virtually all of Americas PAC's receipts. He donated \$5,150,000 in personal funds to the PAC; another \$1.5 million were donated by Solutions for Wisconsin, a PAC that was funded almost exclusively by Mr. Uihlein, and which was used to support Vukmir's primary opponent during the primary election. In 2016 his donations made up 97% of Americas PAC's total receipts; and in 2014, the first cycle Americas PAC operated, he was responsible for 89% of its total receipts. Uihlein is, by far, Americas PAC's largest and most important donor, and it is plain that he exercises control over the organization.

Similarly, contributions from Uihlein and Solutions for Wisconsin, constitute over 98% of Restoration PAC's donations in the 2018 cycle. Just like America's PAC, Restoration PAC is an organization almost exclusively funded by Uihlein, it is plain that Mr. Uihlein exercises control over the organization.

LEGAL DISCUSSION

The Vukmir Respondents appear to have violated the Act and Commission regulations in two separate ways: (1) they improperly solicited contributions well in excess of the statutorily imposed limits; and (2) they improperly coordinated public communications with Super PACs controlled by Uihlein.

A. Solicitation In Excess of Contribution Limits

The Act, as amended by the Bipartisan Campaign Reform Act of 2002, prohibits candidates from soliciting contributions of more than \$5,000 per year for political action committees.⁵

⁵ 52 U.S.C. § 30125(e); Advisory Opinion 2011-12.

Vukmir’s own public statements suggest that she solicited funds in excess of the \$5,000 from Uihlein. When speaking to a journalist, Vukmir evinced jealousy over the millions Uihlein spent for her primary opponent and said, specifically, that she was “already reaching out to Dick Uihlein” and she “hope[d] that he will want to continue with his commitment.” She stated that “ultimately what we want” is for Uihlein to contribute millions to a Super PAC supporting her candidacy, as he did for Nicholson. She got her wish. As she later stated publicly, she met with Uihlein at a “unity dinner” and stated that the two looked forward to working together. And shortly thereafter, Uihlein donated \$2,000,000 to Restoration PAC and \$1,000,000 to Americas PAC. Thus it appears as if he Vukmir Respondents illegally solicited soft money for Restoration PAC and Americas PAC.

B. Improper Coordination Between a Candidate and Super PACs

Federal candidates are prohibited from accepting contributions – including in-kind contributions in the form of coordinated communications from super PACs.⁶ A public communication is considered to be an in-kind contribution to a candidate if it contains certain content, and is made after the candidate engages in certain types of conduct.⁷ A public communication will meet the *content* prong if, among other things, it expressly advocates the election or defeat of a clearly identified federal candidate, contains the functional equivalent of express advocacy, or refers to a candidate for Congress and is publicly distributed in the candidate’s jurisdiction within 90 days of that candidate’s election:

A communication will meet the *conduct* prong if, among other things, it is created, produced, or distributed at the request or suggestion of a candidate, a candidate’s authorized committee, or a political party committee (or their agents).

Based on Vukmir’s public statements, there is reason to believe that the Vukmir Respondents received illegal in-kind contributions in the form of coordinated communications

⁶ See Advisory Opinion 2010-11.

⁷ 11 C.F.R. § 109.21.

from Americas PAC and Restoration PAC. When asked by a radio host whether she would receive the support of outside groups, Vukmir responded: “Well we are already reaching out to Dick Uihlein and I hope that he will want to continue with his commitment . . . I look forward to having that conversation with him. We have a unity dinner on Friday, with Dick Uihlein.” She later described the meeting, saying that she and Uihlein were “looking forward to working together.” Meanwhile, after this meeting, the two super PACs, each of which is funded almost solely by Uihlein, spent \$736,000 on advertisements opposing her general election opponent, Senator Tammy Baldwin. These advertisements were reported as independent expenditures, meaning that they met the content prong of the coordinated communications rule. And because the facts suggest that they were requested or suggested by Vukmir and, therefore, they appear to have been illegal in-kind contributions to Vukmir’s campaign.

REQUESTED ACTION

As we have shown, there is reason to believe that Respondents have violated the Act and Commission regulations. We respectfully request that the Commission immediately investigate these violations, enjoin Respondents from further violations, and fine Respondents 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 ____ day of October 2018.

Notary Public

My Commission Expires: _____