BEFORE THE FEDERAL ELECTION COMMISSION

Tiffany Muller
End Citizens United
100 M Street SE
Washington, D.C. 20003

Complainant,

v. **MUR No. _____**

CORNEL WEST,
CORNEL WEST FOR PRESIDENT,
and JOSIAH MCKINNEY in his official capacity as treasurer
P.O. Box 1577, 8253A Backlick Road
Newington, Virginia 22122

Respondents.[1]

COMPLAINT

This Complaint is filed with the Federal Election Commission ("FEC" or the "Commission") pursuant to 52 U.S.C. § 30109(a)(1) against Dr. Cornel West ("Cornel West" or "Dr. West"), Cornel West for President, and Josiah McKinney, in his official capacity as treasurer of Cornel West for President (collectively, the "West Campaign"); People Over Party and Paul Hamrick ("POP"); Blitz Canvassing, LLC ("Blitz"); Campaign & Petition Management ("CPM"); Justice for All Party of North Carolina ("JFA"); One Fair Wage, Inc., One Fair Wage Action, Inc. (collectively, "OFW"), and Raise the Wage AZ; Wells Marketing, LLC ("Wells"), and currently yet unknown additional respondents (together, "Respondents") for making, accepting, and/or facilitating excessive and illegal in-kind contributions and excessive and illegal coordinated expenditures in violation of the Federal Election Campaign Act of 1971, as amended ("FECA" or the "Act").

Fundamental to the federal campaign finance system is the premise that candidates must finance their own campaigns for office, and that individuals, corporations, and other groups may not provide direct monetary or in-kind assistance to federal candidates outside the contribution limits and source prohibitions of the Act.[2] This Complaint sets forth particularly brazen and clear

[1] *See* Exhibit A: Setting forth the names and addresses of all initial Respondents.
[2] 52 U.S.C. § 30116; 52 U.S.C. § 30118.

patterns of activity whereby Republican political operatives, dark money groups, and a network of organized and well-funded individuals and corporations have schemed on a national and state-by-state level to illegally assist the West Campaign by providing millions of dollars' worth of signature gathering, organizing, and other services related to ballot access. The West Campaign has illegally accepted these services which it has proven to be incapable of otherwise securing due to a demonstrated lack of support, volunteer activity, and financial resources.[3] Furthermore, given the unique and complicated nature of petition gathering for presidential candidates, it is virtually impossible for these activities to be taking place without direct coordination between the West Campaign and the outside colluding actors, and evidence to date shows that such coordination has been occurring. Over the last few months, these efforts have been extensively documented by NBC News and the Associated Press.[4]

The extent of the illegal effort to support the West Campaign first came into focus in April. One Republican petition circulator gathering signatures for the West Campaign was filmed at a Donald Trump rally in Wilmington, North Carolina on April 20, 2024, telling a potential signer of a petition in support of Cornel West that the purpose of the collection was to "help take away votes from Joe Biden."[5] This was not a one-time occurrence: when the North Carolina State Board of Elections conducted an investigation into the West Campaign's petition efforts this summer, it was revealed that of the more than 30,000 signatures collected to get Cornel West on the ballot, the West Campaign could account for fewer than 3,000 of those signatures; the rest were likely gathered by unaffiliated entities and individuals, many with Republican affiliations, none of whom were paid by the West Campaign.[6] Similarly in Arizona, over 200 paid circulators have registered this cycle with the Arizona Secretary of State to circulate nominating petitions for Cornel West.[7] A majority of these paid circulators registered as working for Wells Marketing, LLC, a signature collection firm with strong Republican ties

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[3] Brian Slodysko, *Kennedy and West Third-Party Ballot Drive are Pushed by Secretive Groups and Republican Donors*, Associated Press (July 16, 2024), https://apnews.com/article/kennedy-west-third-party-2024-election-10c4c166ad4d41cab73660c33a69a58a.

[4] Alex Seitz-Wald, *Operatives with GOP Ties are Helping Cornel West Get on the Ballot in a Key State*, NBC News, (June 7, 2024), https://www.nbcnews.com/politics/2024-election/operatives-gop-ties-are-helping-cornel-west-get-ballot-key-state-rcna153110.

[5] Issac Arnsdorf (@iarnsdorf), X (Apr. 20, 2024, 4:10 PM), https://x.com/iarnsdorf/status/1781777434548846607; Jon Evans, *Former President Donald Trump to Hold Rally in Wilmington on Saturday, April 20*, WECT News 6, (Apr. 15, 2024), https://www.wect.com/2024/04/15/new-hanover-county-gop-reporting-trump-rally-wilmington-saturday-april-20/.

[6] Medelius Subpoena Response to N.C. State Bd. of Elections (July 9, 2024), available at https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-07-16/New%20Party%20Petitions/Subpoena%20Responses/Medelius%20-%20JFA%20Response.pdf

[7] *Circulator Registrations: Cornel West*, Circulator Portal: Arizona Sec'y of State.

which, again, has not received any compensation for these costly services by the West Campaign.[8]

The West Campaign must pursue the least expensive route because it is functionally broke – at the end of June, the West Campaign reported having just $24,520.37 cash on hand, with $16,958.43 in debts owed.[9] It has spent a total of $12,173 on petition and ballot access efforts in all of 2024, including $0 on petitioning and ballot access services in May and just $753 on the same in June.[10] Yet the West Campaign has somehow maintained a robust nationwide paid signature-gathering presence – an operation that, in North Carolina and Arizona alone, would cost an estimated **$2,300,000.**[11] It is clear that the West Campaign is not paying for these efforts, yet the campaign's submission to date of tens of thousands of signatures in North Carolina, Michigan, Georgia, Utah, and New Mexico plainly demonstrate that someone else is. Respondents took steps to conceal this off-the-books petition gathering operation in violation of federal law.

Based upon the following facts, there is sufficient reason to believe that the West Campaign, other Respondents named in this Complaint, and future Respondents yet unknown violated the Act by making, accepting, and/or facilitating excessive and illegal in-kind contributions and excessive and illegal coordinated expenditures. The Commission should open an investigation into the extent of the FECA violations involved and impose the appropriate penalties on parties here who engaged in brazen violations of the Act.[12]

FACTS

North Carolina Efforts

Cornel West is an independent candidate for the office of President of the United States.[13] Cornel West for President is the authorized principal campaign committee for Dr. West

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[8] FEC Disbursements: Wells Marketing, https://www.fec.gov/data/disbursements/?recipient_name=wells+marketing&data_type=processed (last accessed July 29, 2024).

[9] Cornel West for President: July 2024 Monthly FEC Report, FEC (filed July 20, 2024), available at https://docquery.fec.gov/cgi-bin/forms/C00843508/1805257/; Cornel West for President: June 2024 Monthly FEC Report, FEC (filed June 18, 2024), available at https://docquery.fec.gov/cgi-bin/forms/C00843508/1790056/.

[10] Cornel West for President: July 2024 Monthly FEC Report, FEC (filed July 20, 2024), available at https://docquery.fec.gov/cgi-bin/forms/C00843508/1805257/; Cornel West for President: June 2024 Monthly FEC Report, FEC (filed June 18, 2024), available at https://docquery.fec.gov/cgi-bin/forms/C00843508/1790056/.

[11] *See* Exhibit B: Declaration of Adam Dunstone

[12] If the Commission fails to act in the next 120 days, Complainant will consider exercising the authority available to it under 52 U.S.C. § 30109(a)(8)(A) to hold violators directly accountable in court.

[13] FEC Statement of Organization 2024: Cornel West for President, FEC (last amended Feb. 6, 2024), https://docquery.fec.gov/cgi-bin/forms/C00843508/1754549/.

registered with the FEC, and Josiah McKinney is the treasurer for the West Campaign.[14] The West Campaign established the Justice for All Party on January 31, 2024 as a "vehicle to secure ballot access in specific states[,]" and to be a "mechanism for [the campaign] to travel a path of least resistance . . . to obtain ballot access" in various states.[15] This includes North Carolina, where the requirements for obtaining ballot access as a new political party are far less onerous – and less expensive – than for an independent candidate.[16]

Blitz Canvassing, LLC is a Colorado domestic limited liability company that offers "field operations, canvassing, signature collection, and petition management services."[17] The company has worked for "numerous Republican House and Senate candidates and took in more than $14.6 million in payments working for Never Back Down, the main super PAC that supported former GOP presidential candidate and Florida Gov. Ron DeSantis."[18] No later than May 5, 2024, Blitz, through its agents/affiliates Jacob Smith, David Mills, and Charisma Harris ("Blitz Operatives"), began managing petition collection efforts in North Carolina to place Cornel West on the ballot.[19] North Carolina public records show that the Justice for All Party authorized the Blitz Operatives specifically, along with only a handful of others, to act as agents of JFA, with the ability to drop off and pick up petitions to place the West Campaign on North Carolina's ballot for President.[20] JFA's Chair, Italo Medelius, told a reporter for NBC News that he authorized the Blitz Operatives to act as agents of the campaign's signature gathering efforts at the direction of the West Campaign, which sent the Blitz Operatives to JFA.[21]

North Carolina State Board of Elections ("NCSBE") investigative efforts revealed that the Blitz Operatives were actually working at the direction of Paul Hamrick, purportedly through

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[14] *Id.*

[15] Press Release, Cornel West for President 2024, (Dr. Cornel West Surpasses Ballot Access Threshold in North Carolina, Signaling Major Strides for Independent Presidential Campaign) (May 20, 2024), (https://www.cornelwest2024.com/ncjusticeforall).

[16] N.C. Gen. Stat. § 163-96; NCSBE, Petition for New Political Party Fact Sheet, at 2, available at https://s3.amazonaws.com/dl.ncsbe.gov/Candidate%20Filing/2023_Fact_Sheet_Petition_New_Political_Party.pdf ("...the number of signatures from registered and qualified voters is 13,865 for a new party seeking to become recognized before the 2024 general election."); NCSBE, Petition for Unaffiliated Candidates Fact Sheet, at 2, available at https://s3.amazonaws.com/dl.ncsbe.gov/Candidate%20Filing/2024_Fact_Sheet_Unaffiliated_Candidate.pdf ("In 2024, the number of required signatures [for an unaffiliated candidate] will be 83,188 signatures.")

[17] *Limited Liability Company Summary: Blitz Canvassing LLC*, Colorado Sec'y of State (last accessed July 25, 2024), https://www.coloradosos.gov/biz/BusinessEntityDetail.do?quitButtonDestination=BusinessEntityResults&nameTyp=ENT&masterFileId=20131339157&entityId2=20131339157&fileId=20131339157&srchTyp=ENTITY; Blitz Canvassing, https://blitzcanvassing.com/ (last accessed July 28, 2024).

[18] *Supra* note 4.

[19] *Id.*

[20] *See* Exhibit C: Email Authorizing Blitz.

[21] *Supra* note 4.

a group called People Over Party ("POP").[22] POP was known to the West Campaign as early as January 2024 when the campaign held an event with them in Alabama, Hamrick's home state. Hamrick admitted to the NCSBE during its investigation that his "group" did hire and pay for the Blitz Operatives to gather signatures on behalf of the West Campaign.[23] Hamrick also claimed to represent at least two of the Blitz Operatives as their attorney and stated that the Blitz Operatives would not be responding to the duly authorized subpoenas of the NCSBE.[24]

In written correspondence to the NCSBE dated June 13, 2024, Hamrick insisted that "his client" (meaning People Over Party) had "gathered petitions for the proposed party" (meaning Justice for All) "without any coordination with the representatives of the proposed political Party." That, however, appears to be a blatant lie, intended to obscure the coordination, as JFA's Chair, under questioning from the NCSBE two weeks later on June 26, 2024, stated that Hamrick reached out to him directly to get petition paperwork to circulate.[25] The Chair also revealed that Hamrick had requested that JFA authorize the Blitz Operatives as JFA petition gatherers, and that JFA did so, confirming the public records exchange.[26]

Blitz was not the only outside entity involved in the JFA collection effort in North Carolina. In his response to the NCSBE, Hamrick additionally admitted that POP had engaged "Campaign Petition Management," a canvassing and petition management company, "to train circulators and manage POP's petition efforts to independently support JFA in North Carolina."[27] This appears to be a reference to Campaign & Petition Management, a corporation out of Colorado.[28] One of the CPM managers working on the JFA effort was David Saddler, who

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[22] *See* Letter from The Hamrick Firm LLC to North Carolina State Board of Elections (July 4, 2024), https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-07-16/New%20Party%20Petitions/Subpoena%20Responses/Hamrick/Paul%20Hamrick%20Response.pdf.

[23] *See* Letter from The Hamrick Firm LLC to North Carolina State Board of Elections (July 4, 2024).

[24] *Id.*; *See* Letter from The Hamrick Firm LLC to North Carolina State Board of Elections (July 9, 2024), https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-07-16/New%20Party%20Petitions/Subpoena%20Responses/Medelius%20-%20JFA%20Response.pdf.

[25] North Carolina State of Elections Board Meeting, June 26, 2024 (1:29:00), https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-06-26/State%20Board%20of%20Elections%20Meeting-20240626%202000-1.mp4.

[26] Id. at 1:42:00.

[27] *See* Letter from The Hamrick Firm LLC to North Carolina State Board of Elections (July 9, 2024), https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-07-16/New%20Party%20Petitions/Subpoena%20Responses/Medelius%20-%20JFA%20Response.pdf.

[28] *Articles of Organization: Campaign & Petition Management*, Colorado Sec'y of State (filed January 29, 2018), https://www.sos.state.co.us/biz/ViewImage.do?masterFileId=20181088629&fileId=20181088629; Letter from The Hamrick Firm LLC to North Carolina State Board of Elections (July 4, 2024), https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-07-16/New%20Party%20Petitions/Subpoena%20Responses/Hamrick/Paul%20Hamrick%20Response.pdf.

has previously circulated petitions on behalf of Blitz.[29] Neither Hamrick nor CPM nor the Blitz Operatives received financial compensation from the West Campaign for their services on its behalf.[30]

According to the records produced by the JFA Chair in response to a subpoena from the NCSBE, these clandestine and illegal efforts were responsible for over ninety percent (90%) of the 30,719 petitions submitted on behalf of JFA in North Carolina, while the party itself, via its volunteers, was only able to account for about 2,908 of those signatures.[31] These outside paid circulators were paid for by a yet unknown third party, who funneled the funds through Hamrick.

Hamrick has a recent history of donating to Republican candidates and is no stranger to clandestine efforts to help Republicans by propping up "spoiler" candidates in elections.[32] In 2018, Hamrick was a key intermediary in a scheme to run a fake spoiler candidate in Florida in order to siphon votes away from a progressive candidate whose political views threatened the interests of his client, according to extensive investigative reporting in 2021 and 2022 by the Tampa Bay Times, the Guardian, and the Orlando Sentinel, which unearthed a trove of records including text messages, letters, and other documents that established his role in the scheme.[33] The records showed that, as a part of this ruse, Hamrick was in charge of paying the fake candidate's rent and funneling a $60,000 "salary" to the candidate from an unknown source, which was alleged to be Hamrick's client. Along with facilitating the financing, Hamrick also wrote the strategy memo for how outside consultants would prop up the spoiler candidate to the benefit of the Republican in the race, at one point emailing a fellow consultant, "He [the spoiler

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[29] Letter from The Hamrick Firm LLC to North Carolina State Board of Elections (July 4, 2024); St. Joseph County Parks Election Board Meeting Minutes (February 15, 2018), https://www.sjcparks.org/AgendaCenter/ViewFile/Minutes/_02152018-520.

[30] Cornel West for President: June 2024 Monthly FEC Report, FEC (filed June 18, 2024), available at https://docquery.fec.gov/pdf/419/202406189649212419/202406189649212419.pdf.; Cornel West for President: July 2024 Monthly FEC Report, FEC (filed July 20, 2024), available at https://docquery.fec.gov/cgi-bin/forms/C00843508/1805257/; Cornel West for President: June 2024 Monthly FEC Report, FEC (filed June 18, 2024), available at https://docquery.fec.gov/cgi-bin/forms/C00843508/1790056/.

[31] Letter from The Justice for All Party of North Carolina to North Carolina State Board of Elections (July 9, 2024).

[32] FEC Individual Contributions Report: "Paul Hamrick" or "Hamrick, Paul" / "Alabama" or "Georgia," FEC (last accessed July 29, 2024), https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=Hamrick%2C+Paul&contributor_name=Paul+Hamrick&contributor_state=AL&contributor_state=GA; Nicholas Nehamas, et al., FPL Funds Secretly Paid for a Spoiler Candidate in a 2018 Florida Race, Tampa Bay Times via Miami Herald (Aug. 25, 2022), https://www.tampabay.com/news/florida-politics/2022/08/25/fpl-funds-secretly-paid-for-a-spoiler-candidate-in-a-2018-florida-race/.

[33] *Id.*; Annie Martin and Jason Garcia, *Dark Money Behind Florida 'Ghost' Candidates has Ties to Alabama Political Players Records Suggest*, Orlando Sentinel, (Jan. 25, 2022), https://www.orlandosentinel.com/2021/08/05/dark-money-behind-florida-ghost-candidates-has-ties-to-alabama-political-players-records-suggest/.; Mario Alejandro, et al., *Leaked: U.S. Power Companies Secretly Spending Millions to Protect Profits and Fight Clean Energy*, The Guardian via Floodlight and Orlando Sentinel, (July 27, 2022), https://www.theguardian.com/environment/2022/jul/27/leaked-us-leaked-power-companies-spending-profits-stop-clean-energy?s=09.

candidate] is going to be a handful keeping on target. I think he'll be effective if we just have a plan we make him follow."[34] Once the spoiler candidate's campaign concluded, text messages obtained by the Tampa Bay Times revealed that the candidate wrote his handlers, including Hamrick, to thank them, saying "[a]s you may know, Friday March 1st marks the conclusion of our arrangement and will be the last time I have to bug you about funds."[35]

Hamrick and his co-conspirators are trying to run the same playbook for Cornel West as he and his associates ran in Florida, using undisclosed funds from unknown special interests to prop up a spoiler candidate in violation of federal election laws and to the benefit of the Republican in the race. The impact of his efforts is clear: thousands of signatories of JFA's petition are registered Republicans, even though Dr. West is a left-wing political candidate.[36]

Arizona Efforts

Dark money efforts to improperly aid the West Campaign's ballot access efforts are not restricted to North Carolina. Clear evidence has emerged showing the same pattern happening in Arizona, where tens of thousands of signatures have been gathered on behalf of Dr. West by a network of Republican-aligned petition gathering firms without any reported compensation by the West Campaign. As in North Carolina, the ultimate financing of these petition efforts is murky, but the effect, and the illegality, is clear.

Wells Marketing, LLC is a Missouri domestic limited liability company.[37] The firm, which has a minimal online presence, is a for-profit petition business and routinely pays circulators to gather petition signatures for candidates as well as ballot initiative committees in Arizona; earlier this year, Wells collected signatures on behalf of Republican candidate Blake Masters.[38] According to the Associated Press, Wells is "closely affiliated" with a Republican

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[34] Nicholas Nehamas, et al., *Our Plan Might Have Paid Off: How FPL Dollars Secretly Funded a Spoiler vs. Levine Cava*, Miami Herald, (Aug. 25, 2022), https://www.miamiherald.com/news/local/community/miami-dade/article264312341.html.

[35] *Id.*

[36] *Supra* note 4.

[37] Statement of Change of Business Office Address and Registered Office Address of a Registered Agent of a Foreign or Domestic for Profit or Nonprofit Corporation or a Limited Liability Company: Wells Marketing LLC, Missouri Sec'y of State (July 16, 2021), https://bsd.sos.mo.gov/Common/CorrespondenceItemViewHandler.ashx?IsTIFF=true&filedDocumentid=125502951&version=2.

[38] Circulator Registrations: Wells Marketing LLC, Circulator Portal: Arizona Sec'y of State (last accessed July 25, 2024), https://apps.azsos.gov/apps/election/circulatorportal/Home/Search.

signature gathering operative "with a longstanding reputation for using deceptive tactics."[39] As of the date of this Complaint, Wells has employed at least 183 paid circulators to collect petitions for the West Campaign in Arizona.[40] Yet despite registering hundreds of paid circulators with the Arizona Secretary of State on behalf of federal candidates in 2024, at a likely cost in the millions of dollars, none of Wells Marketing, Vortex Elite, Voter Approved, Mark Jacoby, or Darren Burton appear in a single disbursement report filed with either the Federal Elections Commission *or* the Arizona Secretary of State over the last four years.[41] In fact, none of the five are listed as registered business entities with the Arizona Secretary of State, despite clear state requirements to do so.[42]

As an independent presidential candidate, Dr. West must collect 42,303 valid signatures in order to qualify for the Arizona ballot in 2024;[43] in North Carolina, Georgia, and Michigan, Dr. West's campaign has boasted of collecting between two- and four-times as many signatures as is required by the state's independent candidate threshold. The cost of collecting approximately 90,000 to 180,000 of these signatures in Arizona is between at least $1.8 million and $3.6 million.[44] As described above, the West Campaign reported having just $24,520.37 cash on hand, with $16,958.43 in debts owed, at the end of June; it spent $0 in May on petitioning and ballot access services, and an aggregate total of $753 in June on petitioning and ballot access services.[45] Nonetheless, while the West Campaign is struggling to keep the lights on, a third party is spending at least hundreds of thousands of dollars on paid signature gatherers on its behalf in Arizona.

One Fair Wage, Inc. is purportedly a tax-exempt charitable organization domiciled in the State of New York.[46] One Fair Wage Action, Inc. is purportedly a tax-exempt social welfare

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[39] Brian Slodysko, *Kennedy and West Third-Party Ballot Drives Are Pushed by Secretive Groups and Republican Donors*, Associated Press, (July 16, 2024), https://www.wdbj7.com/2024/07/16/kennedy-west-third-party-ballot-drives-are-pushed-by-secretive-groups-republican-donors/.

[40] *Circulator Registrations: Wells Marketing LLC, Circulator Portal: Arizona Sec'y of State.*

[41] FEC Individual Contributions Report: "Mark Jacoby," FEC (last accessed July 30, 2024), https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=Darren+Burton&recipient_name=Mark+Jacoby&recipient_name=Vortex+Elite&recipient_name=Voter+Approved&recipient_name=Wells+Marketing&two_year_transaction_period=2024&two_year_transaction_period=2022&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024.; and See The Money AZ Candidate Report, SeeThe Money (last accessed July 30, 2024), https://seethemoney.az.gov/.

[42] A.R.S. §10-1501(A)

[43] *Arizona Secretary of State, 2024 Signature Requirements*, available at https://azsos.gov/sites/default/files/2024-01/2024_signature_requirements_web_rev0124.pdf.

[44] *See* Exhibit B: Adam Dunstone Declaration

[45] Cornel West for President: July 2024 Monthly FEC Report, FEC (filed July 20, 2024); Cornel West for President: June 2024 Monthly FEC Report, FEC (filed June 18, 2024), https://docquery.fec.gov/cgi-bin/forms/C00843508/1790056/.

[46] Articles of Incorporation: One Fair Wage, Inc., New York Dep't of State, Div. of Corps. (filed Mar. 4, 2020),https://apps.dos.ny.gov/publicInquiry/FilingHistory.

organization domiciled in the State of Delaware.[47] Raise the Wage AZ is an Arizona state registered political action committee that is associated with the effort to place the One Fair Wage Act 1-02-2024 on the ballot for the 2024 election in Arizona.[48] To do so, Raise the Wage AZ has engaged petition circulators to gather signatures for I-02-2024 Raise the Wage AZ (the "AZ Initiative"). In the process, Raise the Wage AZ – through its supporting One Fair Wage entities – appears to have paid the bill for the Wells Marketing Cornel West circulation efforts.

The public is only aware of these efforts due to the Arizona Secretary of State's Circulator Portal ("AZ Portal"), which as the name suggests, requires paid and non-resident (i.e., out-of-state) circulators to register with the Secretary of State and report certain information about themselves, the effort they are gathering signatures for, and who hired them.[49] Since 2017, 12,556 individual out-of-state or paid circulators have registered with the AZ Portal, accounting for over 25,322 total registrations. Of that total, there are only 83 instances in which a circulator was registered to circulate petitions for both a federal candidate and a ballot initiative on the same day—all of which happened between June 30, 2024, and July 3, 2024, with each of the 83 circulators registering to collect for both I-02-2024 Raise the Wage AZ (the "AZ Initiative") and the West Campaign; a majority of these circulators said the company they were working for was Wells Marketing.[50] In fact, 78 circulators registered to gather signatures for both the "AZ Initiative" and the West Campaign on the exact same day, July 1st.[51]

These "double carriers" were carrying petitions for both the AZ Initiative – through the Arizona political committee Raise the Wage AZ – and for Cornel West.[52] Arizona's campaign finance laws require expenditures for ballot initiative petitions and candidate campaigns to be reported; and yet precisely who is paying circulators to carry petitions for both the One Fair Wage Act and the West Campaign is nowhere to be found in the statutorily required reports.

Raise the Wage AZ reported to the Secretary of State of Arizona spending a total of $5,301,504.26 through July 13, 2024. Of that $5,301,504.26, Raise the Wage AZ reported spending $1,768,800 on "contractors for petition gathering services" between April 1, 2024 and

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[47] Business Entity Search: One Fair Wage Action, Inc., Delaware Dep't of State, Div. of Corps. (incorporated Mar. 25, 2014), https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx.

[48] Raise the Wage AZ: Campaign Finance Reports, Arizona Sec'y of State (last accessed July 29, 2024), https://seethemoney.az.gov/Reporting/Explore#JurisdictionId=0|Page=11|startYear=2023|endYear=2025|IsLessActive=false|ShowOfficeHolder=false|View=Detail|Name=2~101257|TablePage=1|TableLength=10.

[49] *Circulator Registrations: Wells Marketing LLC*, Circulator Portal: Arizona Sec'y of State.

[50] *Id.*

[51] *Id.*

[52] Hank Stephenson and Nicole Ludden, *Signatures In, The Battles Begin*, Arizona Agenda (July 3, 2024), https://arizonaagenda.substack.com/p/signatures-in-the-battles-begin.

July 13, 2024.[53] Not a dime of the more than five million dollars' worth of contributions and expenditures is itemized in their report.[54] Instead, Raise the Wage AZ attributed all the activity as in-kind donations from One Fair Wage, the 501(c)(3) tax-exempt entity supporting Raise the Wage AZ. However, the AZ Portal attributes 897 circulator registrations for the AZ Initiative to One Fair Wage *Action*, the 501(c)(4) tax-exempt entity domiciled in Delaware.[55]

Since the West Campaign is not paying Wells for petition services, but Raise the Wage AZ through One Fair Wage and One Fair Wage Action did make large disbursements for petition services to the exact same circulators who were carrying the AZ Initiative petitions at the exact same time as the petitions for the West Campaign, there is reason to believe that One Fair Wage at least partially paid for the West Campaign collection, either purposefully or unknowingly; yet it reports no in-kind disbursements to the West Campaign, and the West Campaign does not report any in-kind contributions from One Fair Wage.

LEGAL STANDARDS

The Federal Election Campaign Act of 1971, as amended, governs the funding of campaigns for federal office. 52 U.S.C. § 30118(a) prohibits corporations from donating any funds to federal candidates and bars federal candidates from accepting such contributions. Similarly, 52 U.S.C. § 30116(a) and (f) prohibit individuals from making contributions in excess of contribution limits, and candidates and their committees from accepting such excessive contributions. 52 U.S.C. § 30116(a)(7)(B)(i) states that coordinated expenditures are treated as in-kind contributions.

FECA requires any group of persons that receive aggregate "contributions" or make aggregate "expenditures" of more than $1,000 in a calendar year to register and report as political committees with the Commission.[56] If the entity is not established or controlled by a federal candidate, it will only be considered a political committee if its "major purpose" is "[f]ederal campaign activity" which includes the nomination or election of federal candidates.[57] In determining whether an entity's major purpose is federal campaign activity, the FEC will

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[53] Raise the Wage AZ: Campaign Finance Report (July 15, 2024), Arizona Sec'y of State, https://seethemoney.az.gov/PublicReports/2024/75CC261C-22C0-4C6A-AD63-E5F46FE4DDC4.pdf; Raise the Wage AZ: Campaign Finance Report (July 20, 2024), Arizona Sec'y of State, https://seethemoney.az.gov/PublicReports/2024/8E371042-D211-4E21-B470-78FD823FA4C0.pdf.

[54] *Id.*

[55] It is highly unlikely that One Fair Wage Action is permitted to hide its activities under Arizona law and is likely required to be registered as an Arizona political committee.

[56] 52 U.S.C. § 30101(4)(A).

[57] *Buckley v. Valeo*, 424 U.S. 1, 79 (1976).

evaluate whether an entity has spent a "sufficiently extensive [amount on] campaign activity[.]" The FEC employs a case-by-case approach to its major purpose analysis.[58] However, the Commission will generally find that an organization's major purpose is federal campaign activity when an organization far outspends on campaign activity compared to non-campaign activity.[59]

A "contribution" includes "any gift, subscription, loan, advance, or deposit of money anything of value made by any person for the purpose of influencing any election for Federal office."[60] The term also includes "the payment by any person of compensation for the personal services of another person which are rendered to a political committee."[61] Specific to the Act's corporate source prohibition, a "contribution" also includes the "gift of . . . any services" from a corporation, including a limited liability company taxed as a corporation, to a candidate or authorized committee.[62] An "expenditure" means "any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office" as well as "a written contract, promise, or agreement to make an expenditure."[63]

A "coordinated expenditure" is an expenditure "made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents" subject to the limitations and prohibitions of the Act.[64] During the 2024 election cycle, individuals are limited to monetary or in-kind donations of $3,300 per election.[65] These limits preserve "the integrity of our system of representative democracy."[66]

The Commission has promulgated regulations to further define the contours of these limitations. One such regulation states that "the provision of any goods or services without charge or at a charge that is less than the usual and normal charge" including for "membership lists" and "mailing lists" is an "in-kind contribution."[67] Another, that an expenditure intended to influence a federal election which is not made for a communication is an "in-kind contribution to

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[58] Campaign Legal Center v. Iowa Values, 573 F. Supp. 3d 243, 259 (D.D.C. 2021) citing Fed. Election Comm'n v. Mass. Citizens for Life, Inc., 479 U.S. 238, 262 (1986).
[59] *Id.*
[60] 52 U.S.C. § 30101(8)(A)(i).
[61] 52 U.S.C. § 30101(8)(A)(ii).
[62] *Id.* § 30118(b)(2).
[63] Id. § 30101(9)(A).
[64] Id. § 30116(a)(7)(B)(i).
[65] Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 88 Fed. Reg. 7,088, 7,089-90 (Feb. 2, 2023).
[66] *Buckley v. Valeo*, 424 U.S. at 26-27.
[67] 11 C.F.R. § 100.52(d)(1).

. . . the candidate . . . with whom or with which it was coordinated."[68] A non-communication expenditure is coordinated when it is made in "cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee."[69]

A candidate petition circulated to gather signatures to place a candidate on the ballot is, first and foremost, a list of voters who support that candidate, as well as information that would help any party identify and contact those voters by name, address, and often date of birth, indistinguishable from a membership list or a mailing list. The FEC recently weighed in on the value of a list of supporters in Advisory Opinion 2022-12 ("RFR AO").[70] In the RFR AO, the FEC reaffirmed unanimously, by a vote of 6-0, that membership lists and mailing lists are things of value, stating:

> it is well established under the Commission's regulation that "mailing lists" or "membership lists" compiled by political committees are an in-kind contribution under the Act if provided at less than the "usual and normal charge." As the D.C. District Court recognized in FEC v. Christian Coalition, "[e]ven if the names on the . . . list were publicly available, the fact that the [respondent] expended resources to compile the list" of persons likely to support a candidate "created value that was passed on" when that list was provided to the candidate.[71]

The Commission concluded that the outside group could not simply provide these mailing lists or membership lists that were created at great expense to the candidate, reasoning that

> The contact information in R4R's petition would be of significant value to Governor DeSantis not only because of its expensive development costs, but also because it exclusively includes persons who are advocating in favor of Governor DeSantis running for President. Accordingly, R4R may not provide the contact information to Governor DeSantis without charge if and when he becomes a federal candidate because the value of the information would exceed the contribution limits.[72]

Requestors challenged the unanimous FEC Advisory Opinion in court, where the District Court for the District of Columbia held that the Commission's determinations were appropriate as a matter of law.[73]

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[68] 11 C.F.R. § 109.20(b). A different regulation, not applicable in the instant case, governs communication activities which are coordinated with a candidate.
[69] *Id.* § 109.20(a).
[70] FEC Advisory Opinion 2022-12 (Ready for Ron), at 6, https://www.fec.gov/files/legal/aos/2022-12/2022-12.pdf.
[71] *Id.*
[72] *Id.* at 7.
[73] *Ready for Ron v. FEC*, No. 1:22-cv-03282-RDM (D.D.C. 2023), at 10-11, 18.

Even more recently, the Commission looked at the issue of coordinated expenditures and continued to affirm FEC precedents regarding in-kind contributions. In FEC Advisory Opinion 2024-01 ("TMP AO"), the Commission concluded that certain communication-based expressive activities such as canvassing in support of federal candidates may be exempt from the definition of "public communication." Therefore, the Commission determined that due to drafting choices and technical interactions between the regulations, certain communication-based expressive activities are not capable of being treated as coordinated communications under 11 C.F.R. 109.21.[74] However, the Commission also reached two important additional conclusions. First, the data that resulted from any canvassing activities would undeniably qualify as "a thing of value" and therefore if the data was provided to a federal candidate for "less than the usual and normal charge" the result would be an excessive in-kind contribution to the federal candidate.[75] Notably, the Commission made clear that coordinated non-communication expenditures continue to be treated as in-kind contributions under 11 C.F.R. 109.20. Said differently, the TMP AO did not in any way change the law related to providing non-communication goods and services to candidates at less than the usual and normal charge, or without charge, which continue to be treated as in-kind contributions to the candidate.[76] If anything, the TMP AO strengthened this position.

LEGAL ANALYSIS

In North Carolina, People Over Party and Paul Hamrick made illegal coordinated expenditures, and the West Campaign solicited, received, and accepted illegal in-kind contributions well in excess of the Act's contribution limits. The West Campaign, after initially working with POP on an event in January 2024, enlisted POP and Hamrick, along with a currently unknown financier, to hire and compensate the Blitz Operatives. The West Campaign utilized the Blitz Operatives and Campaign & Petition Management to head up an operation to gather more than 25,000 petition signatures. The West Campaign specifically authorized the Blitz Operatives and JFA to collect and drop off petitions – facilitated by the West Campaign and JFA who provided petition documents –, and to exercise custody and control over the petitions in North Carolina. At no point did the West Campaign compensate the Blitz Operatives, POP or Campaign & Petition Management for these services.

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[74] FEC Advisory Opinion 2024-01 (Texas Majority PAC), at 4-7, https://www.fec.gov/files/legal/aos/2024-01/2024-01.pdf.
[75] *Id.* at 8.
[76] *Id.*

In addition, Paul Hamrick and People Over Party claim to have paid the Blitz Operatives for their efforts, likely an amount well in excess of their non-campaign spending. This substantial spending on federal campaign activity crosses the political committee threshold. Thus, the group should be registered as a political committee under the Act and must disclose funds raised by Hamrick and People Over Party for the coordinated expenditures made with the West Campaign.

In Arizona, at least 183 paid circulators are gathering petition signatures on behalf of Cornel West through Wells Marketing. Under Arizona state law, petitions must be organized and delivered to the Secretary of State by the candidate.[77] Thus, to qualify for the ballot in Arizona, a candidate must, at some point, become involved in the signature gathering process at the very least to facilitate the provision of such signatures to the Secretary of State. Petition firms do not work on credit. There is no plausible permissible explanation for the lack of payment made by the West Campaign for what are at least hundreds of thousands of dollars of paid signature gathering efforts by Wells in Arizona. While it is still unclear the extent to which the West Campaign has knowledge of the Wells effort and coordination with the effort, in order to comply with Arizona state law, the West Campaign will be in receipt of the Arizona petitions prior to any submission. By operation of Arizona law, if the West Campaign does turn in the Wells petitions, the campaign will be setting forth a specific roadmap to its own massive FECA violations. If the West Campaign is not currently aware of this forthcoming and egregious violation, this Complaint will put the West Campaign on notice. This may transform any specific future acceptance of these illegally gathered signatures into a knowing and willful violation of the Act.

Similarly, OFW has likely made expenditures and contributions in excess of the political committee reporting thresholds under the Act. Further, OFW may have violated Internal Revenue Service rules and Arizona law through its subsidization of the West Campaign through tax-exempt entities. Alternatively, there may be another financial backer, potentially known to OFW, Wells, and the West Campaign, avoiding campaign finance reporting of these regulated activities.

Complainant's investigation is continuing into these undisclosed outside efforts. As of the date of this Complaint, an election law attorney who regularly represents Republican Party entities and causes, is suing North Carolina to force Dr. West onto the ballot. Additional evidence has started to emerge in other states of other illicit signature gathering efforts to benefit

[77] A.R.S. § 16-341(K); *Running for U.S. President in Arizona: A Candidate Guide*, Arizona Sec'y of State (Mar. 2024), https://azsos.gov/sites/default/files/docs/2024_running_for_president_handbook_20240309.pdf.

the West Campaign, and Complainant will supplement this Complaint or file additional complaints to shed light on these ongoing efforts.

PRAYER FOR RELIEF

For the above reasons, the Commission should find reason to believe that Respondents violated FECA and corresponding Commission regulations. The Commission should conduct an immediate investigation pursuant to 52 U.S.C. § 30109(a)(2). The FEC should pursue appropriate sanctions for all violations, and it should pursue additional remedies as necessary and appropriate to procure compliance with the Act and corresponding Commission regulations, including any referrals for knowing and willful violations.

Respectfully Submitted,

Tiffany Muller
President
End Citizens United
100 M St. SE
Washington, DC 20003

SUBSCRIBED AND SWORN to before me this 31st day of July 2024.

Mark Andrews

Notary Public

My Commission Expires: 7-14-2029

MARK ANDREWS NOTARY PUBLIC EXP. 7-14-29 DISTRICT OF COLUMBIA