

BEFORE THE
FEDERAL ELECTION COMMISSION

MUR: _____

Republican Party of Pennsylvania
112 State St
Harrisburg, PA 17101

Complainant

v.

Katie McGinty for Senate (FEC ID: C00582809)
Kathleen McGinty
Governor Ed Rendell, Chairman
Jordyn Rush, Treasurer
PO BOX 22447
Philadelphia, PA 19110

Emily's List (FEC ID: C00193433)
Ranny Cooper, Treasurer
1800 M Street, NW
Suite 375N
Washington, D.C. 20036

Women Vote! (FEC ID: C00473918)
Denise Feriozzi, Treasurer
1800 M Street, NW
Suite 375N
Washington, D.C. 20036

League of Conservation Voters Action Fund (FEC ID: C00252940)
Patrick Collins, Treasurer
1920 L Street, NW
Suite 800
Washington, D.C. 20036

League of Conservation Voters Victory Fund (FEC ID: C00486845)

Patrick Collins, Treasurer

1920 L Street, NW

Suite 800

Washington, D.C. 20036

League of Conservation Voters, Inc. (FEC ID: C90005786)

(No Treasurer Listed)

1920 L Street, NW

Suite 500

Washington, D.C. 20036

Respondents

COMPLAINT

The Republican Party of Pennsylvania hereby brings this Complaint against the above-named Respondents. Recent comments by Governor Rendell make clear that Respondents illegally are coordinating millions of dollars of anticipated independent expenditures in violation of federal law.

Factual Background

On March 10, 2016 *Politico's* "Morning Score" reports comments by former Governor Ed Rendell, Chairman of McGinty for Senate, which leave no doubt that Respondents illegally are coordinating independent expenditure efforts.

*Former Gov. Ed Rendell, McGinty's campaign chairman, told Campaign Pro that **EMILY's List will spend far more than \$1 million on the race. Rendell, who has said McGinty and outside groups need to spend at least \$3.5 million combined in the primary, said he believed EMILY's List would spend at least \$2 million on television, with the some of the cash coming from the League of Conservation Voters. Both groups have endorsed McGinty, and Rendell said EMILY's List would be placed in charge of the pro-McGinty independent expenditure operation.***¹

It is stunning that Governor Rendell would so blatantly admit to illegal coordination. Consider the following facts:

- (1) Upon information and belief, Emily's List has never publically reported that it would spend in excess of \$1 million in the race, and the League of Conservation Voters has never publically indicated that it would spend any money on independent expenditures in this race. Nevertheless, Governor Rendell is providing reporters with detailed information regarding these SuperPACs future spending plans. How can that possibly be? The only explanation is that he has requested or suggested, or otherwise obtained, this information from the SuperPACs in clear violation of federal non-coordination rules.
- (2) Governor Rendell's statement that Emily's List "would be placed in charge" of the independent expenditure operation is nothing short of a smoking gun. There are only two explanations for how he could know that, both illegal: (1) the campaign itself is directing these groups' independent expenditure activities; or (2) the groups have informed the campaign of their independent expenditure plans.

Legal Discussion

Federal law prohibits campaigns and outside groups from coordinating independent expenditures. 11 C.F.R. §§ 100.16, 109.21, 109.37. Such "independent expenditures" are considered to be coordinated if any of the following "Conduct test" factors occur:

¹ See enclosure.

- If the communication is created, produced or distributed at the **request or suggestion** of the candidate, candidate's committee, a party committee or agents of the above; or the communication is created, produced or distributed at the suggestion of the person paying for the communication and the candidate, authorized committee, political party committee or agent of any of the foregoing **assents** to the suggestion. 11 CFR 109.21(d)(1).
- If the candidate, the candidate's authorized committee or party committee is **materially involved** in decisions regarding the content, intended audience, means or mode of the communication, specific media outlet used, the timing or frequency or size or prominence of a communication. 11 CFR 109.21(d)(2).
- If the communication is created, produced or distributed after one or more **substantial discussions** about the communication between the person paying for the communication or the employees or agents of that person and the candidate, the candidate's committee, the candidate's opponent or opponent's committee, a political party committee or agents of the above. 11 CFR 109.21(d)(3).
- If the person paying for the communication **employs a common vendor** to create, produce or distribute the communication, and that vendor:
 - Is currently providing services or provided services within the previous 120 days with the candidate or party committee that puts the vendor in a position to acquire information about the campaign plans, projects, activities or needs of the candidate or political party committee; and
 - Uses or conveys information about the plans or needs of the candidate or political party, or information previously used by the vendor in serving the candidate or party, and that information is material to the creation, production or distribution of the communication. 11 CFR 109.21(d)(4).
- If a person who has previously been an **employee or independent contractor** of a candidate's campaign committee or a party committee during the previous 120 days uses or conveys information about the plans or needs of the candidate or political party committee to the person paying for the communication, and that information is material to the creation, production or distribution of the communication. 11 CFR 109.21(d)(5).

Coordination can occur even in the absence of any formal agreement or collaboration between the parties. 11 CFR 109.21(e).

Make no mistake: McGinty's campaign chairman not only has just provided reporters with non-public spending plans of two outside groups, but also stated which group would be "in charge" of the coordinated independent expenditure efforts. There is no possible way he could have that information if he and the campaign were not requesting, suggesting, or assenting to the spending; materially involved with or having substantial discussions with those groups about the spending; or receiving

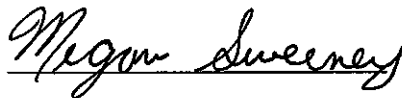
information from a common vendor or former mutual employee or independent contractor. In short, the only possible explanation is that McGinty for Senate is illegally directing or otherwise coordinating with these SuperPACs.

Conclusion

In light of the foregoing, the Republican Party of Pennsylvania respectfully requests that the FEC:

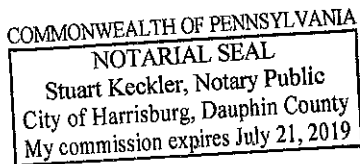
1. Investigate Respondents to determine whether they illegally are coordinating current or anticipated independent expenditure activity, in light of Chairman Rendell's admissions;
2. Where appropriate, enjoin Respondents from engaging in unlimited expenditures which, due to coordination, would violate federal law if executed;
3. Provide the maximum penalties allowable; and
4. Refer this matter to the Department of Justice for further review.

Sincerely,



Megan Sweeney, Communications Director
Republican Party of Pennsylvania

SUBSCRIBED AND SWORN to before me this 15th day of March, 2016.



Notary Public

My commission expires:

July 21, 2019