

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

Brad Woodhouse  
American Democracy Legal Fund  
455 Massachusetts Avenue, NW  
Washington, DC 20001

Complainant,

v.

Gov. Rick Scott and Rick Scott for Florida  
P.O. Box 3791  
Tallahassee, FL 32315

Salvatore Purpura, Treasurer  
Rick Scott for Florida  
P.O. Box 9891  
Arlington, VA 22219

Respondents.

**COMPLAINT**

This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) against U.S. Senate candidate Rick Scott, the Governor of Florida; Rick Scott for Florida (the “Committee”); and Salvatore Purpura, 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 appear to have used Florida government resources to make and receive an excessive in-kind contribution for the benefit of Governor Scott’s campaign for U.S. Senate. In particular, Respondents used in a campaign advertisement video footage and photographs, recorded and disseminated by the Governor’s press office, depicting Governor Scott visiting a disaster area. The FEC should immediately investigate and levy appropriate sanctions for these violations of federal campaign finance law.

## FACTS

Governor Rick Scott is running for a U.S. Senate seat in Florida.<sup>1</sup> His principal campaign committee is Rick Scott for Florida (the “Committee”).<sup>2</sup> The treasurer of the Committee is Salvatore Purpura.<sup>3</sup> Governor Scott has approved, and his Committee is airing, a television advertisement that includes video footage and images of Governor Scott visiting areas of Florida that were recently devastated by Hurricane Michael.<sup>4</sup> This footage and these images were recorded, edited, and disseminated by the Governor’s Office.<sup>5</sup>

## LEGAL DISCUSSION

The Act provides that “no person shall make contributions . . . to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed” \$2,700.<sup>6</sup> A “person” is defined as “an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.”<sup>7</sup> “The Commission has not extended this exclusion to State governments or their

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<sup>1</sup> Rick Scott, FEC Form 3, Statement of Candidacy (Apr. 12, 2018),

<http://docquery.fec.gov/pdf/513/201804120200184513/201804120200184513.pdf>.

<sup>2</sup> Rick Scott for Florida, FEC Form 1, Statement of Organization (Apr. 19, 2018),

<http://docquery.fec.gov/pdf/127/201804200200349127/201804200200349127.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> Rick Scott for Florida, *Leading* (Oct. 16, 2018),

[https://www.youtube.com/watch?v=cs5SFMBsI7w&feature=youtu.be&utm\\_source=Iterable&utm\\_medium=email&utm\\_campaign=Press\\_Outreach](https://www.youtube.com/watch?v=cs5SFMBsI7w&feature=youtu.be&utm_source=Iterable&utm_medium=email&utm_campaign=Press_Outreach).

<sup>5</sup> See Steve Contorno, *Rick Scott is already using Hurricane Michael in a political ad*, TAMPA BAY TIMES (Oct. 16, 2018), <https://www.tampabay.com/florida-politics/buzz/2018/10/16/rick-scott-is-already-using-hurricane-michael-in-a-political-ad/>; Gary Fineout (@findout), TWITTER (Oct. 16, 2018, 1:18 PM), <https://twitter.com/fineout/status/1052292612399517697>.

<sup>6</sup> 52 U.S.C. §§ 30116(a)(1)(A), (c); Fed. Election Comm’n, Contribution Limits for 2017–2018 Federal Elections, <https://transition.fec.gov/info/contriblimitschart1718.pdf>.

<sup>7</sup> 52 U.S.C. § 30101(11).

instrumentalities.”<sup>8</sup> Therefore, state governments are subject to the same contribution limits as all other “persons” under the Act.<sup>9</sup>

Respondents have directly and expressly acknowledged receiving and making an in-kind contribution of official State of Florida resources to Rick Scott for Florida. Specifically, Mr. Scott’s U.S. Senate campaign informed reporter Gary Fineout that it “took images/video for new ad going after Nelson from information distributed to various media outlets and public by [Governor Scott’s] press office.”<sup>10</sup> Therefore, Respondents have taken state government property—video footage and images of Governor Scott responding to Hurricane Michael in early October—and have used it in a campaign ad without paying the state for the value of the footage. The receipt of these images and footage constitutes the receipt of an in-kind contribution of “anything of value” under the Act.<sup>11</sup> Given the substantial costs of transporting a film crew and a photographer to a disaster area on short notice, the value of the footage and images almost certainly exceeds the law’s \$2,7000 contribution limit to federal candidates.

If the value of this footage and these images did indeed exceed the federal contribution limit, the Committee should have reimbursed the state for the value of the footage in excess of the contribution limit in order to prevent the receipt of the footage from becoming an excessive in-kind contribution.<sup>12</sup> Additionally, the receipt of the footage will need to reported on Mr. Scott’s next FEC report.<sup>13</sup> If it is not, this reporting deficiency will constitute a second violation of the Act.

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<sup>8</sup> Fed. Election Comm’n, Adv. Op. 1999-07.

<sup>9</sup> FEC Adv. Op. 2000-5 n.3 (“the Commission has made clear that State governments and municipal corporations are persons under the Act and are subject to its contribution provisions”).

<sup>10</sup> Gary Fineout (@findout), TWITTER (Oct. 16, 2018, 1:18 PM), <https://twitter.com/fineout/status/1052292612399517697>.

<sup>11</sup> 52 U.S.C. § 30101(8)(A) (defining “contribution as” “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office”).

<sup>12</sup> 11 C.F.R. § 103.3(b)(3).

<sup>13</sup> 52 U.S.C. § 30104.

**REQUESTED ACTION**

As we have shown, Respondents appear to have violated the Act and Commission regulations by accepting and using an excessive in-kind contribution from the Government of Florida. As such, we respectfully request that the Commission immediately investigate this violation and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,

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

\_\_\_\_\_

Notary Public

My Commission Expires:

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