

Office of the General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington D.C. 20463

Re: Complaint against Judson Sapp H8FL03046, Judson Sapp for Congress C00665885 & Citizens for Common Sense USA C00682807

July 12, 2019

To whom it may concern:

I, Nicole McConnell, 4200 Mozart Brigade Lane, Apt. C, Fairfax, Virginia 22033 file this complaint with the Federal Election Commission in accordance with the provisions of 52 USC § 30109(a)(1) in the belief that Judson Sapp (H8FL03046), Judson Sapp for Congress (C00665885) & Citizens for Common Sense USA (C00682807) violated provisions of the Code of Federal Regulations.

Facts:

During the 2018 election cycle, candidate Judson Sapp ran against candidate Theodore Scott Yoho (H2FL06109) and his designated committee Ted Yoho for Congress (C00494583) in the FL-3 primary election on 8/28/18. Mr. Sapp also contributed to Citizens for Common Sense USA (C00682807), an independent expenditure only committee, three times during the election cycle:

-7/20/18 - \$20,000.00
-8/13/18 - \$20,000.00
-8/21/18 - \$10,000.00

Citizens for Common Sense USA had \$2,375.00 in other contributions during the cycle, leaving Mr. Sapp's portion of total contributions to be approximately 96%.

Citizens for Common Sense USA also made three independent expenditures during the election cycle:

-A radio buy in support of Mr. Sapp for \$10,000.00 on 8/22/18
-Telephone Calls Against Mr. Yoho for \$1,800.00 on 8/22/189
-Direct Mail Against Mr. Yoho for \$8,950 on 8/17/18

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Applicable Regulations:

11 CFR § 109.20 – Coordination

“Coordinated means made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or a political party committee”

FEC AO 2017 – 10 – Coordination with an Independent Expenditure Only Committee

“An independent expenditure-only political committee may not make contributions to candidates or political party committees, including in-kind contributions such as coordinated communications”

MUR 6753, 52 U.S.C. § 30125(e)(1) & 11 C.F.R. § 300.2(c) – Coordination & controlled entity

“An entity directly or indirectly established, financed, maintained or controlled by a federal candidate or officeholder may not solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office unless those funds comply with the Act's contribution limitations and source prohibitions.”

“The Commission's implementing regulations identify ten non-exhaustive factors to consider in determining whether a federal candidate or officeholder directly or indirectly established, financed, maintained or controlled an entity under § 30125(e). These factors which include, among others...provided funds in a significant amount or on an ongoing basis to the entity...”

Analysis and Conclusion:

It is easy to determine that Citizens for Common Sense USA is an Independent Expenditure Only Committee as Exhibit 1 (attached) shows registration as such with the Federal Election Commission (FEC). Further, it is also easy to determine that candidate Mr. Sapp is the same person who contributed to Citizens for Common Sense USA by Exhibits 2 and 3 (attached), which show the same name and occupation on the independent expenditure's FEC contributor list and Mr. Sapp's candidate website.

Based on the relationship between the two committees, one must determine if Mr. Sapp as “a federal candidate... directly or indirectly established, financed, maintained or controlled an entity.”

In the full donor list for last cycle to Citizens for Common Sense USA (exhibit 4), one can see Mr. Sapp provided 96% of all contributions. In the full independent expenditure list (exhibits 5 & 6), one can see Mr. Sapp's campaign committee benefited from all independent expenditures.

Based on the aforementioned rules, Mr. Sapp easily exerted enough power over the entity by his contributions and the actions of the committee for Citizens for Common Sense USA to become an illegally connected committee and exceed coordination limits.

There has been a clear violation of the Code of Federal Regulations.

I appreciate your attention and thank you for your consideration in this matter.

Nicole McConnell

Nicole McConnell

Signed and sworn to before me this 18th day of July, 2019.
By Nicole McConnell who is personally known to me.

County: Loudoun

State: VA

Elisa Medina

Elisa Medina

Reg No. 7649392

ex: 8-31-23

