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February 6, 2014

Via Overnight Delivery
Lisa J. Stevenson
Deputy General Counsel
Federal Election Commission
999 E St. NW
Washington, DC 20463

MUR# 6781

OFFICE
2014 FEB 11 11:03:03

Re: **Complaint for violation of 11 C.F.R. § 102.14 by the NRCC**

Dear Deputy General Counsel Stevenson,

We are writing to bring to the Commission's attention a potential violation of the Federal Election Campaign Act by the National Republican Congressional Committee (NRCC). The NRCC currently publishes a webpage soliciting contributions for itself in a manner which has resulted in at least one person believing that by responding to the solicitation, he was contributing to the very candidate being opposed by the NRCC. We believe that this webpage represents a communication in violation of 11 C.F.R. § 102.14, which is intended to prevent precisely this type of abuse.

The webpage is found at <http://contribute.sinkforcongress2014.com> (last visited February 4, 2014). *See Appendix A.* It is part of a website created by the NRCC which seems to parody the official website of Alex Sink, a candidate in the special election this March for the 13th Congressional District of Florida ("the candidate"). The website is titled "Alex Sink for Congress," the name of the candidate's authorized committee. It mirrors some of the design elements of the committee's official website, such as color scheme, but it contains a variety of express statements advocating the defeat of the candidate.

Media reports have verified that at least one supporter of the candidate has mistaken the website for the official site of the candidate and unintentionally made a contribution to the NRCC. *See Appendix B.* Whether or not the intent of the site is to trick people into contributing to a committee which opposes their preferred candidate, we believe the webpage violates the very clear restrictions found in 11 C.F.R. § 102.14. That regulation creates a bright-line prohibition on using a candidate's name in the title of a communication unless ". . . the title clearly and unambiguously shows opposition to the named candidate," regardless of intent or context. *See 11 C.F.R. § 102.14(a) and (b)(3).*

Although the regulation is silent as to what constitutes the "title" of an Internet communication, we believe the webpage violates this regulation under any reasonable

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application of the term. The HTML title element on the page reads, "Alex Sink for Congress - Contribute." That text appears at the top of the visitor's web browser window and clearly gives the impression that the contribution is made to the candidate's committee. *See Appendix C.* The URL itself includes "sinkforcongress" with no indication of opposition. The largest type on the page, found at the very top, reads only, "ALEX SINK CONGRESS." We believe that the title of the page is most appropriately considered to be either the HTML title, the URL, or the largest type, all of which in this case contain the name of the candidate, but fail to include any statement of opposition. The single mention on the webpage of opposition to the candidate appears further down the page and in smaller type, among the page's other content.

We respectfully request that the Commission investigate the NRCC's actions and take appropriate steps in response to any violations found. This is not an isolated incident. The NRCC has created additional, similar sites advocating the defeat of other candidates, some of which also include a page for accepting contributions to the NRCC. *See, e.g.,* <https://www.nrcc.org/martha-robertson-congress/contribute/>, <https://www.nrcc.org/kyrsten-sinema-congress/contribute/>, and <https://www.nrcc.org/ann-kirkpatrick-congress/contribute/> (last visited February 4, 2014). Such a practice, in clear violation of the law, must not be permitted to continue.

This should be a matter of singular importance to the Commission. Although there is nothing new about advocating a candidate's defeat through parody, what is novel about these webpages that solicit contributions to the NRCC is the disturbing similarity they bear to fraudulent practices commonly undertaken on the Internet to swindle unsuspecting consumers, commonly known as "phishing." Unscrupulous practices such as phishing have led to considerable skepticism of online transactions among many consumers. The NRCC's actions risk creating a comparable skepticism towards making small-dollar political contributions online, with potentially disastrous consequences.

The Commission has recognized in its past rulemaking the pivotal importance of the Internet as a tool for political participation, calling it "the most accessible marketplace of ideas in history," a "unique and evolving mode of mass communication." *71 Fed. Reg. 18589, 18589-90 (2006)*. Since that time, the essential role played by the Internet as a tool for engaging massive numbers of grassroots contributors has become evident. Never before have so many small-dollar contributors been such a potent force in the political process. This renaissance in fundraising has been entirely dependent upon emerging Internet technologies, and those evolving technologies are still in the process of becoming universally accepted and adopted.

The NRCC's repeated actions — especially if they are copied by other political committees — present a substantial threat to the future efficacy of online political engagement. The NRCC has stated that it has refunded the mistaken contribution, and

it is conceivable that the NRCC would remove this specific page in response to an enforcement action. But these remedial measures are insufficient. Trust in the process is lost at the time of the violation, and it is not easily regained once lost. An unequivocal statement that this conduct violates the law is what is needed to ensure that the Internet remains a safe place for small-dollar contributors.

The prohibition on the use of a candidate's name is clear and simply applied. The damage done to the political process by actions resembling phishing is significant. It is incumbent upon the Commission to take swift and meaningful action to make the entire regulated community aware that the type of activity at issue here will not be tolerated and will have immediate consequences.

Respectfully submitted,



Erin Hill
Executive Director

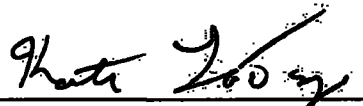


Steven Gold
General Counsel

Encl. Appendix A (NRCC webpage printout)
 Appendix B (Tampa Bay Times Article printout)
 Appendix C (NRCC webpage printout)

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY

On this 6th day of February, 2014, before me, the undersigned notary public, personally appeared ERIN HILL, personally known to me to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.



Kate LaForge
Notary Public
My Commission Expires:

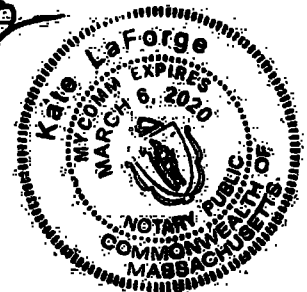


COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY

On this 6th day of February, 2014, before me, the undersigned notary public, personally appeared STEVEN GOLD, personally known to me to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



Kate LaForge
Notary Public
My Commission Expires:



APPENDIX A

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Alex Sink CONGRESS

Make a Contribution Today to Help Defeat Alex Sink and candidates like her

<input type="checkbox"/> \$75	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
<input type="checkbox"/> \$100	<input type="checkbox"/> \$250	<input type="checkbox"/> \$500
<input type="checkbox"/> Other (enter amount)		

Federal law limits individual contributions to a federal political party committee to \$32,400 per individual donor per calendar year.

Contact Info

First Name* _____ Last Name* _____

Email* _____ Phone* _____

Address* _____

City* _____ State* Zip Code* _____

Employment Information

Occupation* _____ Employer* _____

I'm Retired

Payment Information

Card number _____

Expiration (MM/YY) _____ Security Code _____

/

CONTRIBUTE

Contributions from corporations, labor organizations, national banks, foreign nationals that are not lawfully admitted permanent residents, and federal government contractors are prohibited. Funds received in response to this solicitation are subject to federal contribution limits. Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer for individuals whose contributions exceed \$200 in a calendar year.

By clicking contribute I confirm that I am at least 18 years old and am making this contribution on a personal credit or debit card with my own personal funds - not those of another person or entity - and that I meet the eligibility requirements set forth below:

- I am not a foreign national.
- I am not a federal contractor.

[Privacy Policy](#)

[www.alexsink.com](#)

Tampa Bay Times

THE BUZZ

From the staff of the Tampa Bay Times

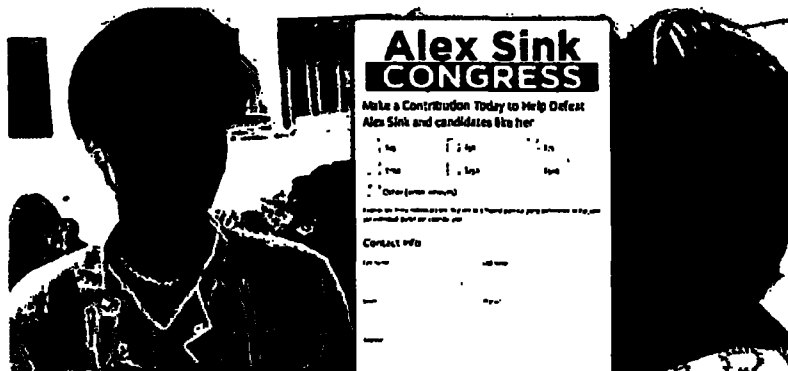
Campaign site misleads man into donating money against Sink



Alex Leary, Times Washington Bureau Chief

Monday, February 3, 2014 11:44am

Ray Bellamy said he wanted to make a political contribution to Alex Sink a Google search landed him at



Web capture of NRCC fundraising site

Alex Leary | Times

"<http://contribute.sinkforcongress2014.com>."

"It looked legitimate and had a smiling face of Sink and all the trappings of a legitimate site," Bellamy, a doctor from Tallahassee who follows Florida politics, wrote in an email to the *Buzz*. (Here's Sink's actual site, which uses a similar color scheme.)

What Bellamy overlooked was that the site is designed to raise money *against* Sink. "I failed to notice the smaller print: Under "Alex Sink Congress" was the sentence 'Make a contribution today to help defeat Alex Sink and candidates like her,' " he said.

"After sending what I thought was a contribution of 250 dollars to Sink, I get a page clearly thanking me for attempting to defeat Democrats, Obama, and Pelosi. The new URL is [https://www.nrcc.org/contribute/thank you/](https://www.nrcc.org/contribute/thank-you/) and a photo of Greg Walden, Republican Congressman -Oregon 2nd District."

Walden is head of the National Republican Congressional Committee. The NRCC has set up similar sites for other candidates, according to this NBC News report. And National Journal last year reported on other

misleading sites, which experts said could violate election rules.

Asked Monday about the Sink site, an NRCC spokeswoman, Katie Prill, did not address the question. "Ms. Sink doesn't want to be honest about her support of ObamaCare or her awful record as CFO, we are happy to inform voters," she wrote in an email.

Democrats have their own misleading URL: Jollyforcongress.com, though the site is clearly against Sink's Republican rival, David Jolly.

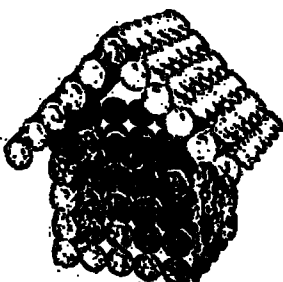
Bellamy wrote Monday afternoon: "I got an email from Eric Cantor this am urging some action related to Pelosi and it had their phone # so I called them. The receptionist Kate, who would not give her last name, and would not transfer me to the Finance Dept., said the NRCC let credit card companies handle such requests. She would not refund my money. My credit card company is mailing me papers to register a complaint or challenge the charge."

UPDATE: The NRCC says Bellamy's donation has been refunded.

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Alex Sink CONGRESS

Make a Contribution Today to Help Defeat
Alex Sink and candidates like her

\$25

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\$75

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Other (enter amount)

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