



February 21, 2018

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

**Re: Federal campaign violations by candidate Debbie Lesko**

Greetings:

I write to inform you of apparent campaign finance violations committed by Debbie Lesko, candidate for Congress, Arizona Congressional District 8, as well as an affiliated independent expenditure committee that Mrs. Lesko has funded from her Arizona State Senate campaign account, “Re-elect Debbie Lesko for State Senate”, Arizona Committee ID: 201800032. The name of the independent expenditure committee is “Conservative Leadership for Arizona”, FEC Committee ID:C00665489.

Pursuant to 52 United States Code § 30109(a)(1), I submit the following complaint:

**THE FACTS**

The facts are simple and straight forward. Debbie Lesko was an Arizona State Senator. When Trent Franks vacated his seat in the United States House of Representatives, she declared her candidacy for this office, and subsequently resigned as an Arizona State Senator.

On January 18, 2018, Mrs. Lesko made a \$50,000 contribution from her State Senate campaign to Conservative Leadership for Arizona. (See attached campaign finance report, Exhibit 1). Mrs. Lesko is the Treasurer of her State Senate committee, so presumably she signed the check or some other authorization transferring these funds. Conservative Leadership for Arizona has received only \$50 from another source, and has been supporting Mrs. Lesko’s candidacy for Congress. (See attached article from *The Arizona Capital Times*, Exhibit 2).

**THE LAW**

Mrs. Lesko’s actions implicate different federal laws. The following violations are clear.

## **1. Violation of federal law prohibiting transfer of candidate's state committee funds to federal committee**

Federal states that if candidate wants to use her state campaign funds to aid her federal campaign, she is required to obtain the consent of the individual donors who gave her the money to run for State Senate. Specifically, 11 CFR § 110.3, subsection (d) states:

*Transfers from nonfederal to federal campaigns.* Transfers of funds or assets from a candidate's campaign committee or account for a nonfederal election to his or her principal campaign committee or other authorized committee for a federal election are prohibited. However, at the option of the nonfederal committee, the nonfederal committee may refund contributions, and may coordinate arrangements with the candidate's principal campaign committee or other authorized committee for a solicitation by such committee(s) to the same contributors. The full cost of this solicitation shall be paid by the Federal committee.

If Mrs. Lesko wanted to use funds that contributors had been given her to run for Arizona State Senate, she was required to obtain consent on an individual basis. Instead, she just wrote a check for \$50,000 to an affiliated federal committee. This is a violation of federal law.

## **2. Illegal coordination between a candidate and an independent expenditure**

Federal law on coordination involves a three-prong inquiry focusing on payment, content, and conduct. 11 CFR § 121. Clearly the payment and content prongs are satisfied here, as the above recitation of facts show.

As to the conduct prong, FEC policy on this states that “This conduct standard has two parts, and satisfying either satisfies the standard. The first part is satisfied if the person creating, producing or distributing the communication does so at the request or suggestion of a candidate, authorized committee, or political party committee or agent of any of these.” (<https://www.fec.gov/help-candidates-and-committees/making-disbursements/coordinated-communications/>).

This independent expenditure committee was formed on January 10, 2018. Other than a \$50, token contribution (that was perhaps necessary to initially open a bank account), every penny has come from Mrs. Lesko. The possibility that all of these events just “happened” is nil. Clearly these shenanigans were orchestrated by Mrs. Lesko. This violation of federal law makes the whole process for independent expenditures a mockery. The FEC must take action to get to the bottom of this and hold Mrs. Lesko accountable for her flouting of campaign finance laws.

## **3. Filing of erroneous campaign finance report**

Conservative Leadership for Arizona initially tried to hide the source of the \$50,000 contribution from Mrs. Lesko. This attempted cover up the source of funds violates 52 U.S.C. § 30101 *et seq.*, requiring timely and accurate reports.

Conservative Leadership for Arizona initially reported raising \$50,000 in the form of interest, dividends or “other federal receipts.” (See campaign finance reports, Exhibit 1). This was clearly not an accurate characterization of the source of these funds on the campaign finance reports, as Conservative Leadership for Arizona has acknowledged by belatedly amending its report to provide the true source of these funds, Mrs. Lesko’s Arizona State Senate committee. With the election a mere six days away, it is a fair inference that Mrs. Lesko had intended to try to hide these shenanigans until after the election. Action must be take on this violation as well to protect the integrity of the federal campaign finance disclosure system.

**CONCLUSION**

Mrs. Lesko is thumbing her nose at federal campaign finance law, and in the process violating various federal campaign finance statutes. If others are expected to follow these laws, that requires that scofflaws such as Mrs. Lesko be held accountable. I request that you exercise your powers to do just this.

Very truly yours,

Phil Lovas

**VERIFICATION**

The complainant listed below hereby verifies that the statements made in the above Complaint are, upon his information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

\_\_\_\_\_  
Phil Lovas

Sworn to and subscribed to me this 21<sup>st</sup> day of February, 2018.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

My commission expires: \_\_\_\_\_

