

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

Brian Melendez, chair,  
Minnesota Democratic–Farmer–Labor Party  
255 East Plato Boulevard  
St. Paul, MN 55107-1623,

Complainant,

v.

Norm Coleman,  
680 Transfer Rd., Ste. A  
St. Paul, MN 55114,

Republican National Lawyers Association  
P.O. Box 18965  
Washington D.C. 20036,

Respondents.

**COMPLAINT**

Complainant files this complaint under 2 U.S.C. § 437g(a)(1) against Norm Coleman and the Republican National Lawyers Association ("Respondents") for multiple violations of the Federal Election Campaign Act, as described below.

• **A. FACTS**

Norm Coleman and Al Franken were candidates for the United States Senate from the state of Minnesota during the 2008 election. In that election, the margin of votes separating the candidates was well under the one half of one percent that triggers a mandatory recount according to state law. After a recount, on January 5, 2009, Franken was certified as the winner by the State Canvassing Board, with a lead of 225 votes. Coleman filed an election contest on January 6 attempting to overturn the result of the recount. To finance this litigation and his other recount efforts, Coleman established the

Coleman Minnesota Recount Committee, a joint fundraising committee of Coleman for Senate 08 and the Republican Party of Minnesota.

The Republican National Lawyers Association ("RNLA") is a political organization organized under section 527 of the Internal Revenue Code. It is not registered with the Federal Election Commission, and has filed Form 8871 with the IRS. Its website can be viewed at <http://www.rnla.org/>. On information and belief, the RNLA accepts contributions from corporations and contributions in excess of the limits permitted by FECA.

On or about January 7, 2009, Newsmax.com published an article by Dick Morris and Eileen McGann titled "Stop Al Franken From Stealing the Election," which can be viewed at

[http://www.newsmax.com/morris/al\\_franken\\_election/2009/01/07/168747.html](http://www.newsmax.com/morris/al_franken_election/2009/01/07/168747.html). Twice, the article states in bold print "You can help stop Al Franken by supporting the Republican National Lawyers Association – Go Here Now." Clicking on the associated link sends the viewer to a page titled "Stop Al Franken From Stealing the Election," which can be viewed at

[https://www.newsmaxstore.com/contribute/rnla/?PROMO\\_CODE=7718-1](https://www.newsmaxstore.com/contribute/rnla/?PROMO_CODE=7718-1). The page asks the viewer to contribute to the RNLA. The viewer may choose to donate one of several enumerated amounts, up to \$5,000, or may choose to contribute an unlimited amount of their choosing. A disclaimer at the bottom of the page states that "Corporate funds are accepted."

- **B. LEGAL ARGUMENT**
  - **1. Legal Background**

The Federal Election Campaign Act limits the amount of money that any person may contribute to Federal candidates and political committees. 2 U.S.C. § 441a(a). It is illegal for anybody to contribute, and for any candidate to receive, contributions to candidates in excess of \$2,300 per election, and it is illegal for anybody to contribute, and for any State political party committee to receive, contributions to State party committees in excess of \$10,000 in a year. *Id.* FECA also prohibits corporations from making contributions or expenditures in connection with Federal elections, and prohibits candidates from accepting such contributions. 2 U.S.C. § 441b(a). Federal campaign finance law treats coordinated expenditures by a non-party, non-candidate sponsor as in-kind contributions to the candidate or political party with whom they were coordinated. *See* 2 U.S.C. § 441a(a)(7)(B)(i)-(ii); 11 C.F.R. § 109.21(b).

Interpreting the Bipartisan Campaign Reform Act of 2002, the FEC has found that “election recount activities are in connection with a federal election,” and thus must be financed within “the amount limitations, source prohibitions, and reporting requirements of the Act.” Advisory Op. 2006-24. Thus, while a separate contribution limit applies to recount activities, neither a candidate nor a state party may raise “soft money” for these activities. They must be financed with federal funds, from federally permissible sources, within federal limits. *Id.*

**2. The RNLA Solicitation Indicates That the RNLA Is Making, and Coleman Is Accepting, ‘Soft Money’ Donations for Recount Activity.**

Because the RNLA is an unregistered 527 that receives corporate contributions and contributions in excess of the limits of FECA, it may not make contributions to Coleman for Senate 08, the Coleman Minnesota Recount Committee, or the Republican Party of Minnesota's federal account. Yet it appears to be doing just that. The

fundraising solicitation in Newsmax tells the viewer that, by contributing to the RNLA, he or she can "Stop Al Franken From Stealing the Election." The solicitation purports to use donations received in response to the solicitation to combat Franken's legal efforts, creating a strong inference that the RNLA is supporting Coleman's recount efforts with soft money. The Commission should investigate to determine whether Coleman has received illegal soft money donations – either directly or in the form of coordinated expenditures – from the RNLA.

**3. RNLA Has Not Registered as a Political Committee with the FEC**

Any political committee that makes contributions or expenditures aggregating in excess of \$1,000 during a calendar year must file a statement of organization with the FEC. 2 U.S.C. §§ 431(4), 433. If the RNLA has made contributions to Coleman's recount effort in excess of \$1,000, it would have been required to register as a political committee. It failed to do so.

**4. Coleman and RNLA May May Have Failed to Properly Report Contributions**

Political committees must report all contributions and expenditures to the Commission. 2 U.S.C. § 434. If Coleman received contributions from the RNLA, he and the RNLA would have had to report them to the FEC. Neither party has done so.

• **C. REQUESTED ACTION**

As we have shown, there is evidence that Respondents have violated the Federal Election Campaign Act and the Bipartisan Campaign Reform Act of 2002. We respectfully request the Commission to investigate these violations. Should the Commission determine that Respondents have violated FECA, we request 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 \_\_\_\_\_, 2008.

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

My Commission Expires:

\_\_\_\_\_

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