



July 19, 2024

Lisa J. Stevenson
Acting General Counsel
Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: Illegal In-Kind Contributions

Dear Ms. Stevenson:

Cornel West's presidential campaign's efforts to gain ballot access in Arizona and North Carolina are largely being funded by illegal in-kind contributions from Republican allied persons. This is evident in petition gathering services, which the DNC Services Corp./Democratic National Committee ("DNC") estimates to exceed \$250,000, provided to that campaign by the firms Wells Marketing LLC and the staff of Blitz Canvassing. The West campaign has publicly stated it is not paying any firm for the ballot petition services these firms are providing, while it is simultaneously accepting the benefits of those services. This series of illegal in-kind contributions are being paid for either by the corporate entities providing these services or by an unidentified third party. Because the campaign has failed to comply with its disclosure obligations under the law, the true source of the funding of its ballot access program remains hidden. Consequently, this matter involves violations of the source and amount restrictions on contributions to federal candidates, as well as the disclosure obligations associated with making contributions and expenditures in federal elections.

The DNC hereby files this Complaint against Wells Marketing LLC, Blitz Canvassing, and People Over Party for making, and Cornel West For President for accepting, in-kind contributions in violation of the Federal Election Campaign Act of 1971, as amended, ("the Act") and against Cornel West For President for accompanying disclosure violations.¹

Factual Background

Dr. Cornel West is seeking the office of President of the United States and has designated Cornel West For President as his principal campaign committee.² As an independent candidate, Dr. West must satisfy certain conditions for his name to be included on the official ballot printed in each state. In Arizona, this requires Mr. West and his designated presidential electors to circulate nomination petitions and collect the signatures of at least 42,303 Arizona voters.³ Arizona requires that paid

¹ This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.4.

² Statement of Candidacy (filed Feb. 6, 2024), <https://docquery.fec.gov/pdf/277/202402069619678277/202402069619678277.pdf>.

³ See Ariz. Rev. Stat. § 16-341(E).



petition circulators as well as circulators who are not Arizona residents register with the Arizona Secretary of State.⁴

In compliance with Arizona state law, Wells Marketing LLC (“Wells”) has registered more than one hundred and seventy individuals to serve as paid circulators for nomination petitions on behalf of Dr. West in Arizona.⁵ Under Arizona law, only those individuals acting “on behalf of” a candidate are authorized to circulate petitions for that candidate.⁶ There is, however, no evidence that Cornel West For President has paid Wells or its circulators for their services. Instead, the West campaign has publicly stated that they do not use paid circulators, preferring instead to rely on volunteer supporters.⁷

The campaign’s denial that it is paying this firm is consistent with its FEC reports, which show it has not paid any vendor for ballot collection services since April.⁸ Yet, the value of the “free” services Wells is providing to the campaign is substantial. The DNC estimates that the cost of hiring a vendor to organize one hundred canvassers to collect the 80,000 signatures the campaign is expected to file is over \$200,000.⁹ This sum is well beyond the West campaign’s capacity to pay. As of May 31, 2024, the West campaign had only \$15,381.34 cash on hand and had raised (and spent) less than \$200,000 in the past three months. Put simply, this in-kind contribution is keeping the West campaign afloat.

Nor is Arizona the first state in which the West campaign has accepted illegal in-kind contributions in the form of ballot petition services from the staff of a Republican-allied firm. In May, the West campaign petitioned for political party status in North Carolina under the name Justice for All.¹⁰

⁴ See Ariz. Rev. Stat. §§ 16-321, 19-118, 19-205.01.

⁵ Ariz. Sec’y of State, Circulator Portal (last visited July 18, 2024), <https://apps.azsos.gov/apps/election/circulatorportal/Home/Search>.

⁶ Ariz. Rev. Stat. § 16-314(B).

⁷ See Alex Seitz-Wald, *Paid Operatives Linked to GOP Firm Are Helping Cornel West in Arizona*, NBC News (June 30, 2024), <https://www.nbcnews.com/politics/2024-election/paid-operatives-gop-firm-helping-cornel-west-arizona-ballot-rcna159675>.

⁸ See Report of Receipts and Disbursements at Image# 202405179646072247 (filed May 17, 2024), <https://docquery.fec.gov/pdf/113/202405179646072113/202405179646072113.pdf>.

⁹ Declaration of Elizabeth Wester at 1.

¹⁰ The North Carolina State Board of Elections recently rejected Justice For All’s petition for political party status, finding significant concerns with the signature collection process as well as People Over Party’s refusal to comply with an agency subpoena. See Will Doran, *RFK Jr. Can Run for President in North Carolina, but Elections Officials Deny Cornel West*, WRAL (July 16,

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There, the campaign was approached by People Over Party and accepted the group's help in collecting petition signatures.¹¹ A representative of the West effort acknowledged to state election board officials that he had provided his "express authorization" for three individuals involved with People Over Party to submit signature petitions the group had collected to North Carolina County Boards of Elections on behalf of the campaign.¹² Two of those three individuals are "project manager[s]" at a Republican allied firm, Blitz Canvassing, and the third recently left her position as a "regional political director" at the firm.¹³ Unlike Arizona, North Carolina state law does not require those collecting ballot petition signatures to register and affix their name to the petitions they submit, but assuming Blitz's and

2024),

<https://www.wral.com/story/rfk-jr-can-run-for-president-in-north-carolina-but-elections-officials-deny-cornel-west/21527530/>. Even if the FEC were to give credence to the Justice for All party's claim that it is a real entity, independent of the campaign, that simply converts the nature of the violation to one where Justice for All has failed to register with the FEC and file the required disclosure reports that would acknowledge what may be excessive contributions.

¹¹ See Video of June 26, 2024, North Carolina State Board of Elections Meeting at 1:28:11; 1:30:45; 1:41:01, available at https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-06-26/State%20Board%20of%20Elections%20Meeting-20240626%202000-1.mp4.

See also Video of July 16, 2024, North Carolina State Board of Elections Meeting at 33:42–34:20, available at

https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-07-16/State%20Board%20of%20Elections%20Meeting-20240716.mp4 (highlighting that there is an ongoing fraud investigation into People Over Party).

¹² See Video of June 26, 2024, North Carolina State Board of Elections Meeting at 1:42:30, available at

https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-06-26/State%20Board%20of%20Elections%20Meeting-20240626%202000-1.mp4. Italo Medelius, a co-chair of the Justice for All Party and its official representative to election officials, also acknowledged to NBC News that he authorized the three Blitz Canvassing staff to work on behalf of the campaign. Alex Seitz-Wald, *Operatives with GOP Ties Are Helping Cornel West Get on the Ballot in a Key State*, NBC News (June 7, 2024),

<https://www.nbcnews.com/politics/2024-election/operatives-gop-ties-are-helping-cornel-west-get-ballot-key-state-rcna153110>.

¹³ Alex Seitz-Wald, *Operatives with GOP Ties Are Helping Cornel West Get on the Ballot in a Key State*, NBC News (June 7, 2024),

<https://www.nbcnews.com/politics/2024-election/operatives-gop-ties-are-helping-cornel-west-get-ballot-key-state-rcna153110>.

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People Over Party's efforts were commensurate with those in Arizona, the DNC estimates the value of this in-kind contribution to be approximately \$40,000.¹⁴

Thus, in these two battleground states, Cornel West's campaign has received in-kind contributions well in excess of the limits from Republican leaning entities in violation of federal law. Only after an investigation will it be clear if these are illegal corporate contributions by these entities, or if there is a hidden donor funding these efforts. It is indisputable that the West campaign has accepted the benefits of these services.

Legal Analysis

The Act and the Commission's regulations define a contribution to include "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."¹⁵ The FEC has long held that the candidate's costs associated with gaining access to the ballot are expenses for the purpose of influencing a federal election.¹⁶ "Anything of value" includes in-kind contributions. "[T]he provision of any goods or services without charge or at a charge that is less than the usual and normal charge" is an "in-kind" contribution.¹⁷ The FEC's own campaign guide for candidates notes: "A committee makes an in-kind contribution when it [] pays for consulting, polling or printing services provided to a candidate committee."¹⁸

¹⁴ Declaration of Elizabeth Wester at 1.

¹⁵ 52 U.S.C. § 30101(8)(A)(i); *accord* 11 C.F.R. § 100.52(a).

¹⁶ See FEC Advisory Op. 1994-05 (White) at n.1,

<https://saos.fec.gov/saos/searchao?AONUMBER=1994-05> ("[E]xpenditures to influence your election would include amounts you spend . . . to promote yourself for the general election ballot by seeking signatures on nomination

petitions."); see also FEC Advisory Op. 1984-11 (Serrette) at 4, <https://www.fec.gov/files/legal/aos/1984-11/1984-11.pdf> (citing 11 C.F.R. § 9032.9) (determining that expenses made to collect petition signatures for the general election ballot are expenditures, and therefore are, "qualified campaign expenses," which are expenses made in connection with a candidate's campaign for nomination).

¹⁷ 11 C.F.R. § 100.52(d)(1).

¹⁸ FEC, *Campaign Guide for Nonconnected Committees* at 25 (May 2008), <https://www.fec.gov/resources/cms-content/documents/policy-guidance/nongui.pdf>. See also FEC Advisory Op. 2007-22 (Hurysz) at 6, <https://www.fec.gov/files/legal/aos/2007-22/2007-22.pdf> ("The provision of . . . items without charge would relieve your campaign of the expense that it would

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Previously, the FEC has found it to be an in-kind contribution when an entity provides a campaign with free campaign-strategy consulting services,¹⁹ or when a media company purchases potentially damaging information about a candidate in consultation with or at the suggestion of the candidate's agent.²⁰ "In determining whether there is an in-kind contribution, the Commission has considered whether the provision of an item would 'relieve' the campaign of an expense it 'would otherwise incur' to obtain a similar benefit."²¹

The definition of a "contribution" to a candidate includes an expenditure "made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents."²² Similarly, the statute defines an "independent expenditure" as one that is "not made in concert or cooperation with or at the request or suggestion of

otherwise incur to obtain such materials. Thus, the provision of such items without charge would constitute a contribution . . .").

¹⁹See, e.g., Factual & Legal Analysis ("F&LA") at 32–33, MURs 4568, 4633, & 4634 (Triad Mgmt's Servs., Inc.), <https://www.fec.gov/files/legal/murs/4568/28044191758.pdf>.

²⁰ See F&LA at 11, MURs 7324, 7332 & 7366 (A360 Media, LLC f/k/a Am. Media, Inc., et al.), https://www.fec.gov/files/legal/murs/7366/7366_21.pdf.

²¹ F&LA at 8 n.33, MURs 7838, 7849, 7852 & 7856 (Expensify, Inc., et al.), https://www.fec.gov/files/legal/murs/7852/7852_07.pdf (quoting FEC Advisory Op. 2017-06 (Stein & Gottlieb) at 5, [https://www.fec.gov/files/legal/aos/2017-06/AO-2017-06-\(Stein-Gottlieb\)-Final-\(09.14.17\).pdf](https://www.fec.gov/files/legal/aos/2017-06/AO-2017-06-(Stein-Gottlieb)-Final-(09.14.17).pdf) ("The Commission also considers whether the provided services relieve the recipient committees of any financial burden or obligation they would otherwise incur, thereby providing something of value that would constitute a contribution from the entity that provides the service.")). See also FEC Advisory Op. 2015-07 (Hillary for America) at 6, <https://www.fec.gov/files/legal/aos/2007-22/2007-22.pdf> (reasoning that "reliev[ing] [the committee] of the expense that it would otherwise incur" would constitute an in-kind donation); FEC Advisory Op. 2007-22 (Hurysz) at 6, <https://saos.fec.gov/saos/searchao?SUBMIT=ao&AO=2196> (explaining that accepting campaign material such as flyers and advertisements from Canadian independent candidates would be an unlawful foreign contribution because "[t]he provision of these items without charge would relieve [the] campaign of the expense that it would otherwise incur to obtain such materials"); FEC Advisory Op. 1992-33 (DNC/RNC) at 3, <https://www.fec.gov/files/legal/aos/1992-33/1992-33.pdf> ("As a general rule, an in-kind donation for Federal elections is treated as if funds equal to the value of the donation were received by the committee and then the committee expended those funds to purchase the goods or services.").

²² 52 U.S.C. § 30116(a)(7)(B)(i); accord 11 C.F.R. § 109.20.

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[the candidate mentioned in the communication], the candidate’s authorized political committee, or their agents, or a political party committee or its agents.”²³

Here, Wells is paying more than one hundred and seventy petition circulators to collect signatures on behalf of Cornel West,²⁴ services the West campaign would otherwise have to pay for itself. The FEC has previously rejected a PAC’s similar request to provide a campaign with a contact list that was “the product of time-consuming, labor-intensive activities” by the PAC.²⁵ In that opinion, the FEC noted:

Providing the list to Governor DeSantis after he becomes a federal candidate (should he do so) would exceed the Act’s contribution limits, and providing the list to Governor DeSantis after he begins testing the waters for a federal candidacy (should he do so) would be contrary to the Commission’s regulation at 11 C.F.R. § 100.72(a). R4R’s proposal to provide the compiled contact information to Governor DeSantis in the event he becomes a federal candidate or begins testing the waters is also contrary to restrictions on the noncontribution accounts of hybrid PACs.²⁶

In upholding the FEC’s decision in that matter, the District Court emphasized that the PAC was offering a “thing of value” that was “a uniquely effective, tangible tool designed to assist him in pursuing the presidency.”²⁷ The valuable efforts of more than one hundred and seventy paid petition circulators is likewise a “thing of value” that is “a uniquely effective, tangible tool” designed to assist Dr. West in pursuing the presidency, and is, thus, an in-kind contribution.

The West campaign is similarly responsible for accepting these illegal in-kind contributions by having their agents authorizing those company employees to collect the signatures, or by knowingly accepting the benefit of those contributions before state agencies.²⁸ This meets even the elevated test

²³ 52 U.S.C. § 30101(17)(B); *accord* 11 C.F.R. § 100.16.

²⁴ Ariz. Sec’y of State, Circulator Portal (last visited July 18, 2024), <https://apps.azsos.gov/apps/election/circulatorportal/Home/Search>.

²⁵ FEC Advisory Op. 2022-12 (Ready for Ron) at 5–7, <https://www.fec.gov/files/legal/aos/2022-12/2022-12.pdf> (citation omitted).

²⁶ *Id.* at 4.

²⁷ *Ready for Ron v. FEC*, No. CV 22-3282 (RDM), 2023 WL 3539633, at *8–9 (D.D.C. May 17, 2023).

²⁸ *See supra* notes 10–11 and accompanying text for a description of the campaign’s representative’s express authorization of the collection process by Blitz Canvassing and People Over Party to state regulators, and *infra* notes 32–35 and accompanying text for a description of the campaign’s implicit acceptance of the benefit of Arizona signature collections from Wells.

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for when a campaign is deemed to accept an in-kind contribution recently noted by several Commissioners.²⁹

Wells may argue that the services it is providing Cornel West For President are not an in-kind contribution, but instead are an “independent expenditure” consistent with the Supreme Court’s decisions.³⁰ This argument fails because, as explained below, under Arizona law, Wells cannot submit valid petition signatures without working “in cooperation, consultation, or concert, with, or at the request or suggestion of”³¹ Cornel West For President, and thus providing an in-kind contribution to, the West Campaign.³² It would also simply convert this case into one in which Wells—or potentially a secret donor—has failed to comply with the FEC’s disclosure rules for independent expenditures.

In Arizona, “[a]ny person desiring to become a candidate at any election and to have the person’s name printed on the official ballot *shall file*, not less than one hundred twenty nor more than one hundred fifty days before the primary election . . . , a nomination petition in addition to the nomination paper required.”³³ Presidential electors (who “represent” the presidential candidate and who must be designated in writing to the Secretary of State³⁴) must file a statement of interest *before any signatures can be collected*.³⁵ Petitions are then circulated, “*by or on behalf of* the person wishing to become a candidate for a political office,” in this case, the presidential electors that have been designated by the candidate.³⁶ Once the petitions are circulated, presidential “[c]andidates are

²⁹ See, e.g., FEC MUR 7781, Statement of Reasons of Chairman Allen J. Dickerson and Commissioner James E. “Trey” Trainor, III at 2, https://www.fec.gov/files/legal/murs/7781/7781_12.pdf.

³⁰ See, e.g., *Citizens United v. FEC*, 558 U.S. 310 (2010).

³¹ 52 U.S.C. § 30116(a)(7)(B)(i); *accord* 11 C.F.R. § 109.20(a).

³² Nor would it void the in-kind contributions from Blitz Canvassing and People Over Party, given the West campaign’s representative’s authorizing of the collection process to state regulators. See *supra* notes 10–11 and accompanying text.

³³ Ariz. Rev. Stat. § 16-314(A) (emphasis added). In Arizona, the candidates for the purposes of the petition are the presidential electors that are designated by the campaign, see Ariz. Rev. Stat. § 16-341(G), (J). In other words, *nomination papers* are due from the presidential and vice-presidential candidates as well as the presidential electors, but *the petition* is circulated on behalf of the presidential electors.

³⁴ See *id.* § 16-341(G).

³⁵ *Id.* at § 16-341(I).

³⁶ *Id.* at § 16-314(b) (emphasis added).

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responsible for verifying the correct number of signatures are obtained,”³⁷ and the documents must be submitted by the presidential candidate himself or herself.³⁸

Thus, because Arizona law requires the candidate and his or her designated presidential electors to circulate the nomination petition “*by or on behalf of*” the candidate,³⁹ to “verify[] the correct number of signatures are obtained,”⁴⁰ and to ultimately file the completed nomination paperwork with the Secretary of State,⁴¹ it is not possible for Wells and its petition circulators to circulate and submit nomination petitions without acting “in cooperation, consultation or concert with, or at the request or suggestion of” Cornel West for President and/or Mr. West himself. Nor is there any doubt that the West campaign is receiving the benefit of these services. They are, in fact, the primary means by which Mr. West will seek to gain a position on the ballot in these states. Consequently, the petition collection effort undertaken by Wells is an unlawful in-kind contribution to the campaign.

Conclusion

When a third party provides free services or pays a campaign’s expenses, federal law treats that as an in-kind contribution.

As part of the effort to qualify Dr. Cornel West for the ballot in Arizona, Wells is paying individuals to circulate petitions “on behalf of” Dr. Cornel West, but Cornel West For President is not paying Wells nor its circulators for their services. The West campaign used the same approach in North Carolina. This is a textbook example of an unlawful in-kind contribution.

³⁷ See Ariz. Sec’y of State, Running for U.S. President in Arizona – A Candidate Guide at 6 (Mar. 2024).

³⁸ See Ariz. Rev. Stat. § 16-314(A); Ariz. Sec’y of State, Running for U.S. President in Arizona – A Candidate Guide 5 (Mar. 2024) (“An independent presidential *candidate must submit* paperwork to the Secretary of State to qualify to appear on the ballot for the November 5, 2024 General Election.”) (emphasis added); Ariz. Att’y Gen. Adv. Op. (No. I20-004) at 3 (Mar. 24, 2020), <https://www.azag.gov/sites/default/files/2020-03/I20-004.pdf> (“In order to qualify to have their names on the ballot, *candidates must submit* a statutorily prescribed number of qualified signatures.”) (emphasis added); Cf. Ariz. Rev. Stat. § 16-341(K) (“A candidate who does not file a timely nomination petition that complies with this section is not eligible to have the candidate’s name printed on the official ballot . . .”).

³⁹ Ariz. Rev. Stat. § 16-314(B) (emphasis added).

⁴⁰ See Ariz. Sec’y of State, Running for U.S. President in Arizona – A Candidate Guide at 5–6 (Nov. 2023).

⁴¹ See *id.*

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For the reasons stated above, the Commission should conclude that there is reason to believe that Cornel West For President, Wells Marketing LLC, Blitz Canvassing, and People Over Party have violated the Federal Election Campaign Act of 1971, as amended, and seek such monetary, declaratory, or injunctive relief as necessary to remedy these violations.

Sincerely,

Monica Guardiola
Deputy Executive Director
Democratic National Committee
430 South Capitol Street SE
Washington, DC 20003

Signed and sworn to before me, under penalty of perjury.

Notary Public

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