

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

RE: Complaint against Friends of Joe Sestak, Margaret Infantino, Treasurer; Sestak for Senate, Margaret Infantino, Treasurer; and Joe Sestak, personally

Dear Sirs:

Pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4, the Republican Party of Pennsylvania hereby files this Complaint against Friends of Joe Sestak, Margaret Infantino, Treasurer; Sestak for Senate, Margaret Infantino, Treasurer; and Joe Sestak, personally (collectively, “Respondents”) for violation of the Federal Election Campaign Act of 1971, as amended (“the Act” or “FECA”), 2 U.S.C. §431 *et. seq.* and the regulations of the Federal Election Commission (“the Commission” or “FEC”). Respondents have violated – and continue to violate – the Act in a number of ways, specifically outlined below.

**Facts of the Violation(s):**

1. Joe Sestak was an unsuccessful candidate for the United States Senate from Pennsylvania in the 2010 General Election.
2. In the Sestak for Senate Year End 2010 FEC Report, Respondents reported zero debt from the 2010 General Election. [Attachment A]
3. From and after the 2010 General Election and through December 31, 2012, Respondent Joe Sestak for Senate reported to the FEC in its filings zero debt and zero contributions for the Sestak for Senate committee. [Attachment B, Summary Pages of FEC Reports of Sestak for Senate filed during 2011 and 2012]
4. On March 23, 2013, Respondents changed the name of the Sestak for Senate committee to Friends of Joe Sestak (See Attachment C, Amended Statement of Organization, Sestak for Senate)
5. Then on April 15, 2013, Respondents filed with the FEC the April 2013 Quarterly Report of the Friends of Joe Sestak Committee (the “April 2013 Quarterly Report”), which reflects fundraising during the first quarter of 2013 in a total amount of \$ 460,250.00. (See Attachment D, Sestak for Senate Committee April 2013 Quarterly FEC Report, Page Two)
6. In addition, the April 2013 Quarterly Report reflects that Respondents had raised at least \$5,000 on or about February 9, 2013. The amounts raised trigger the requirement to file a Statement of Candidacy for the 2014 Election Cycle, were reported by the Respondents as follows:

January 25, 2013	\$1,000
January 25, 2013	\$2,000
February 4, 2013	\$1,000
February 9, 2013	\$6,200

Total: \$10,200 as of February 9, 2013

(See Attachment D, April 2013 Quarterly Report filed with the FEC by the Friends of Joe Sestak, f/k/a Sestak for Senate Committee)

7. According to Respondents' own FEC filings, they raised \$10,200 by February 9, 2013, yet no Statement of Candidacy has been filed for the 2014 Election Cycle as is required by FECA (see discussion below)

8. A Statement of Candidacy is required to be filed within fifteen (15) days of raising or spending an aggregate of \$5,000. (see discussion below)

9. As of this date, no Statement of Candidacy for the 2014 cycle has been filed by the Respondents. The most recent Statement of Candidacy filed by Respondent Joe Sestak is his 2009 Statement of Candidacy for the United States Senate for the 2010 Election Cycle.

10. Funds deposited into the Friends of Joe Sestak depository account have been treated at all times as 'contributions' under FECA: The funds have been reported in the manner required for reporting of contributions to federal political committees, the amount(s) of the contributions are within the amounts and limits for contributions during the 2014 election cycle (\$2600 per election, per individual donor), and are disclosed as 'contributions' on the Summary Page and Schedule A of Receipts by Friends of Joe Sestak f/k/a Sestak for Senate. See Attachment D, April 2013 Quarterly FEC Report.

11. Friends of Joe Sestak raised \$460,250.00 during the First Quarter of 2013, but spent only \$10,185.26, leaving a cash on hand balance of \$458,709.33 as of March 31, 2013. Respondents are clearly 'amassing a campaign war chest' without declaring any candidacy, in violation of FECA. [See discussion below] (See Attachment D, April 2013 Quarterly Report filed with the FEC by the Friends of Joe Sestak)

**Violations of FECA:**

Federal law provides that an individual becomes a candidate *by operation of law* when the individual has received contributions 'aggregating in excess of \$5,000'. See 2 U.S.C. §431(2) and 11 C.F.R. §100.3.

Respondents clearly received well in excess of \$5,000 on or about February 9, 2013. The FECA further requires that a candidate must file a Statement of Candidacy within fifteen (15) days of triggering candidate status. See 2 U.S.C. §432(e) and 11 CFR § 101.1

**11 C.F.R. §101.1 Candidate designations (2 U.S.C. 432(e)(1)).**

“(a) *Principal Campaign Committee.* Within 15 days after becoming a candidate under 11 CFR 100.3, each candidate, other than a nominee for the office of Vice President, shall designate in writing, a principal campaign committee in accordance with 11 CFR 102.12. A candidate shall designate his or her principal campaign committee by filing a Statement of Candidacy on FEC Form 2, or, if the candidate is not required to file electronically under 11 CFR 104.18, by filing a letter containing the same information (that is, the individual's name and address, party affiliation, and office sought, the District and State in which Federal office is sought, and the name and address of his or her principal campaign committee at the place of filing specified at 11 CFR part 105). Each principal campaign committee shall register, designate a depository, and report in accordance with 11 CFR parts 102, 103, and 104”. (emphasis added)

Pursuant to the requirements of the FECA, Joe Sestak was obligated under the law to file a Statement of Candidacy on or before February 24, 2013 – fifteen days after triggering candidate status on February 9, 2013. Furthermore, Joe Sestak was obligated to file a federal Candidate Personal Financial Disclosure Report on or before March 9, 2013 – thirty days after triggering candidate status.

Respondents are wholly disregarding the requirements of federal law by failing to file the required public disclosures attendant to a candidate, a designation imposed upon Respondents by the raising of nearly half a million dollars during the first quarter of 2013.

Even if Respondents claim they are operating within a ‘testing the waters’ phase whereby the decision to seek federal office in 2014 has not yet been made, it is a violation of federal law to ‘amass a campaign war chest’ during the ‘testing the waters’ phase preceding a candidacy. [citation] Specifically, FEC regulations provide that an indication of candidate status is raising funds “in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.” 11 C.F.R. §100.72 (2). Clearly, Respondents are amassing a war chest for purposes of a candidacy without complying with the filing and disclosure requirements under federal law.

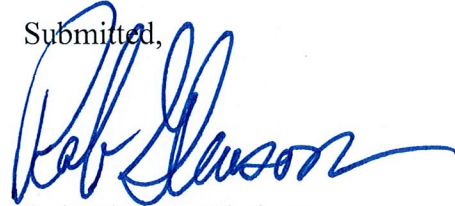
**Conclusion.**

Upon information and belief, and based upon the facts set forth above, the Respondents: Joe Sestak for Senate, Friends of Joe Sestak, Margaret Infantino, Treasurer and Joe Sestak, personally, have violated the Federal Election Campaign Act of 1971, as amended. Respondents are in continuing violation of FECA by their ongoing failure to file a Statement of Candidacy

and the Personal Financial Disclosure Report required to be filed when an individual triggers candidate status, which Joe Sestak did on February 9, 2013.

Please contact me if you have further questions.

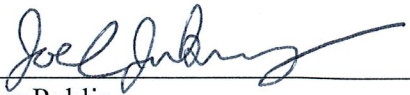
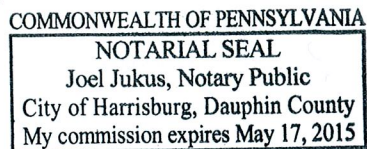
Submitted,



Rob Gleason, Chairman  
Republican Party of PA  
112 State Street  
Harrisburg, PA 17101

Before me this 10 day of May, 2013, appeared Mr. Rob Gleason and under penalty of perjury did swear and affirm that the above and foregoing facts are true and correct to the best of his knowledge and belief.

S E A L



Notary Public

My Commission Expires: 5/17/2015