



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

July 29, 2022

Ms. Lisa J. Stevenson
Acting General Counsel
Office of the General Counsel
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

COMPLAINT BEFORE THE FEDERAL ELECTION COMMISSION

RE: Request for Investigation into Annette Taddeo and Taddeo for Congress' Use of Non-Federal Funds or Resources

Dear Ms. Stevenson,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good. This complaint is submitted upon information and belief that Annette Taddeo and her campaign committee have illegally used state campaign resources for her federal congressional race.¹

Taddeo, a member of the Florida State Senate and former gubernatorial candidate, is currently running for the U.S. House of Representatives. In June 2022, Taddeo released a video advertisement announcing her campaign for the U.S. House. This advertisement was

¹ This complaint is submitted pursuant to 52 U.S.C. § 30109(a)(1) and is against Annette Taddeo and Taddeo for Congress, FEC Committee ID # C00445163, PO.Box 5651, Tallahassee, FL 32314.

substantially the same as an advertisement from her gubernatorial campaign seven months earlier, including identical video footage for the first one minute and twenty seconds of the advertisements. This video footage is an asset of her state campaign and cannot be used by her federal campaign. Under federal law, federal campaign committees are prohibited from accepting “[t]ransfers of funds or assets from a candidate’s campaign committee or account for nonfederal election.”² Moreover, this type of activity violates federal election laws, including contribution limits and reporting requirements.³ We request the Federal Election Commission (FEC) investigate and take appropriate enforcement actions.⁴

Facts. In October 2021, Taddeo, who is a state elected official, announced her campaign for Florida Governor and released a campaign advertisement titled “Fighting Spirit.”⁵ Seven months later, Taddeo dropped out of the governor’s race and announced that she would instead run for the U.S. House of Representatives for Florida’s 27th Congressional District.⁶ On June 6, 2022, Taddeo’s federal campaign released an advertisement announcing her federal campaign.⁷ The majority of the video footage was the same as that from Taddeo’s gubernatorial

² 11 CFR § 110.3(d).

³ 52 U.S.C. §§ 30116 (contribution limits), 30104 (reporting requirements).

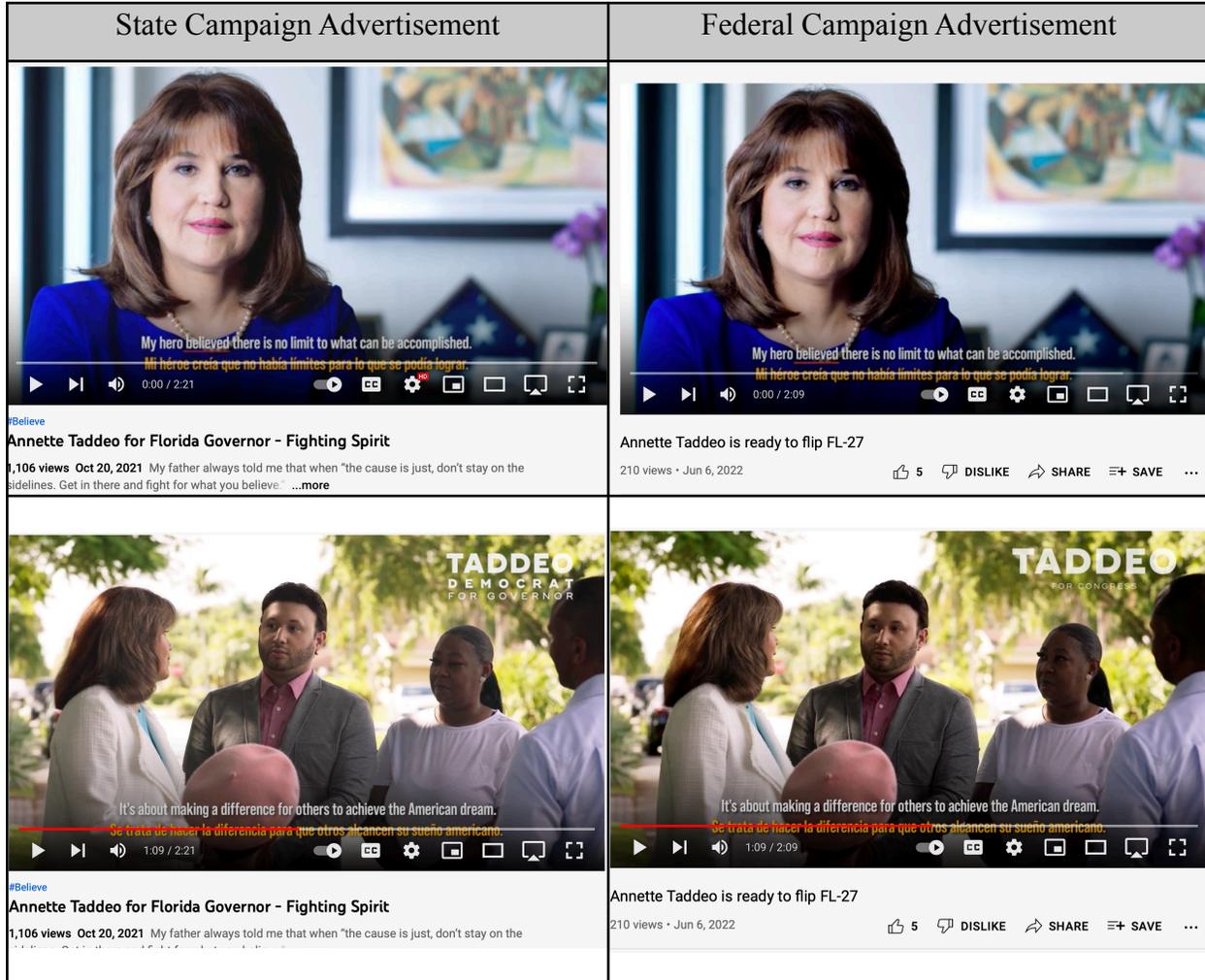
⁴ “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [Act] . . . [t]he Commission shall make an investigation of such alleged violation.” 52 U.S.C. § 30109(a)(2); 11 C.F.R. § 111.4(a).

⁵ John Kennedy, *Sen. Annette Taddeo Enters Florida Governor's Race, Saying Voters Want A 'Fighter And A Leader'*, *Herald Tribune*, Oct. 18, 2021, available at: <https://www.heraldtribune.com/story/news/politics/state/2021/10/18/annette-taddeo-enters-florida-governor-race-saying-she-can-unite-inspire-minority-coalition/8506901002/>; Annette Taddeo for Florida Governor - Fighting Spirit, YouTube, Oct. 20, 2021, available at: <https://www.youtube.com/watch?v=vkfNA7EEoic>.

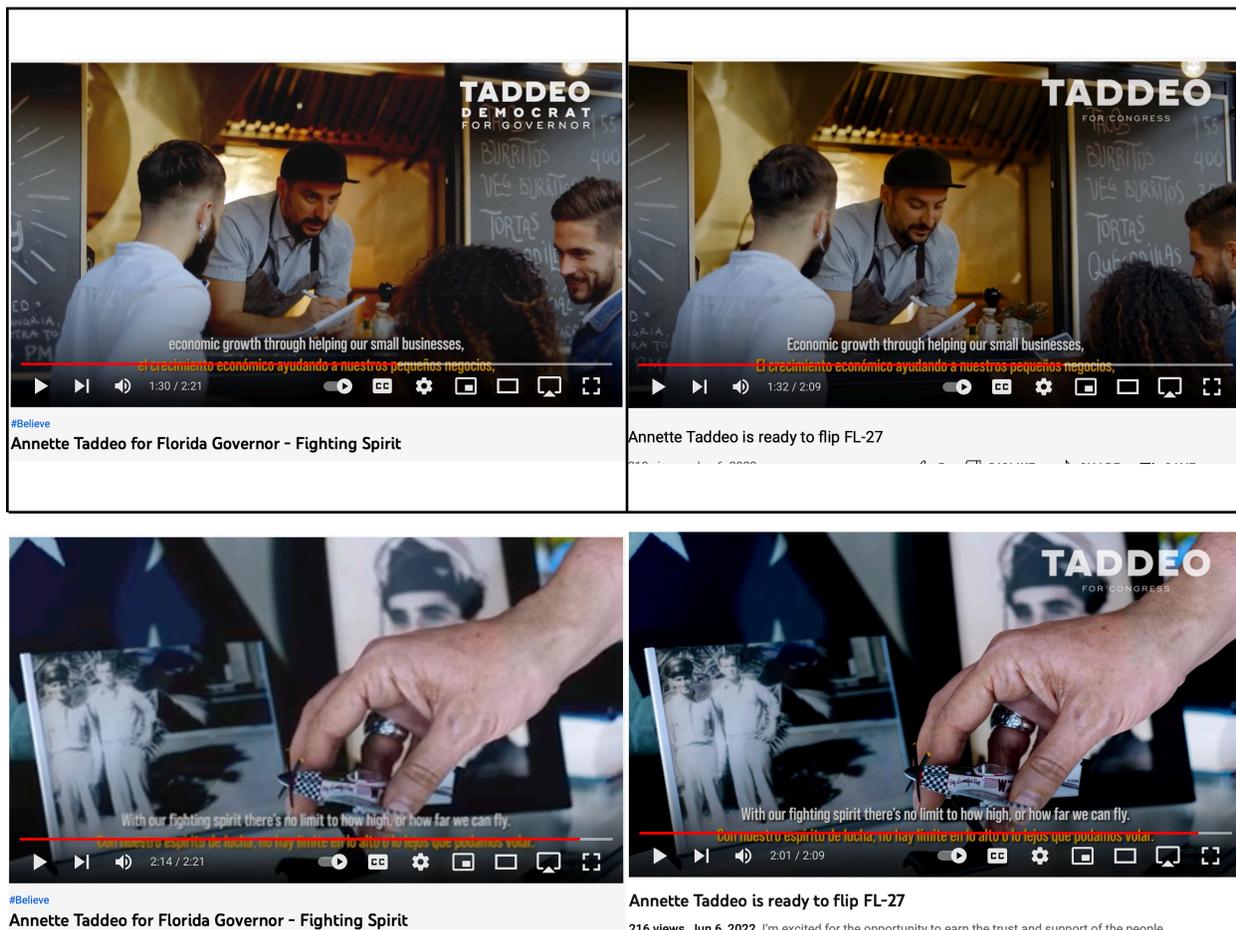
⁶ Jim Turner, *Annette Taddeo Withdraws As A Democratic Candidate For Governor*, *WUSF*, June 7, 2022, available at: <https://wusfnews.wusf.usf.edu/politics-issues/2022-06-07/annette-taddeo-withdraws-democratic-candidate-florida-governor>.

⁷ Annette Taddeo Is Ready To Flip FL-27, YouTube, June 6, 2022, available at: <https://www.youtube.com/watch?v=l3rRtygbZgU>.

advertisement, and in fact the first minute and beyond are identical. For instance, the scenes from both advertisements are compared below:⁸



⁸ Annette Taddeo for Florida Governor - Fighting Spirit, YouTube, Oct. 20, 2021, available at: <https://www.youtube.com/watch?v=vkfNA7EEoic>; Annette Taddeo Is Ready To Flip FL-27, YouTube, June 6, 2022, available at: <https://www.youtube.com/watch?v=l3rRtygbZgU>. Throughout the advertisements, the video footage is the same and more examples are included in Exhibit A.



On its July 15, 2022 FEC report, Taddeo for Congress did not report any payments to Taddeo’s state campaign.⁹ Similarly, Taddeo’s gubernatorial campaign did not report any receipts from Taddeo’s federal campaign as of its June 24, 2022 report¹⁰ and Taddeo’s state Senate campaign did not report any receipts from Taddeo’s federal campaign as of its June 24, 2022 report.¹¹

⁹ Itemized Disbursements, Taddeo For Congress, Federal Election Commission, filed Jul. 15, 2022, available at: <https://docquery.fec.gov/cgi-bin/forms/C00445163/1617343/sb/ALL>.

¹⁰ Contribution Query, Annette Taddeo, Florida Division Of Elections, accessed Jul. 26, 2022, available at: <https://dos.elections.myflorida.com/cgi-bin/contrib.exe>.

¹¹ Contribution Query, Annette Taddeo, Florida Division Of Elections, accessed Jul. 26, 2022, available at: <https://dos.elections.myflorida.com/cgi-bin/contrib.exe>.

Law. Federal law prohibits federal candidates from soliciting, receiving, directing, transferring, or spending funds in connection with an election for federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Act.¹² For instance, funds raised for a state campaign are not subject to federal contribution limitations or federal reporting requirements for contributions and expenditures, and these “non-federal” funds cannot be used for a federal election.¹³

In addition to funds, a federal campaign cannot use the assets of a state campaign.¹⁴ The regulation also specifies that federal candidate campaign committees are prohibited from accepting contributions from a non-federal candidate campaign committee:

“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.”¹⁵

These laws apply before the candidate announces a federal campaign while in the “testing the waters” phase and throughout the campaign.¹⁶

Legal Analysis. In the present case, Taddeo’s state campaign was not subject to the limitations, prohibitions, and reporting requirements of federal law. Thus, both before and after announcing her federal campaign, Taddeo is (1) not permitted to spend any state campaign funds

¹² 52 U.S.C. §§ 30101, 30116, 30118; *see also* 11 C.F.R. § 300.63 (“If an individual is simultaneously running for both Federal and State or local office, the individual must raise, accept, and spend only Federal funds for the Federal election.”).

¹³ *Id.*

¹⁴ 52 U.S.C. § 30101(8)(A)(“non-federal” contributions are broadly defined to include monetary donations, gifts, and loans, but also “anything of value . . . for the purpose of influencing any election for Federal office.”).

¹⁵ 11 CFR § 110.3(d).

¹⁶ Funds raised or spent during the “testing the waters” phase prior to announcing a federal candidacy are also subject to federal law. 11 CFR § 100.72 (stating only funds permissible under the Act may be used for testing the waters activities, and if the individual becomes a candidate all funds received are contributions subject to the reporting requirements of the Act).

for her federal election, and (2) is not permitted to transfer any funds or assets from her state campaign committee to her federal campaign committee.

However, the facts in this case demonstrate she did just that. Any video taken for Taddeo's state campaign is an asset of that campaign. Filming video footage requires camera crews, equipment, participants, coordination, and planning, all of which require expenditures of campaign funds. As such, video footage is an item of value and is valuable to the campaign for which it is prepared.¹⁷ Thus, Taddeo is prohibited from transferring video assets from her state campaign to her federal campaign. Despite the fact that her Congressional campaign utilized video footage from her state gubernatorial campaign, Taddeo for Congress' public reports show it did not make any disbursements to her nonfederal gubernatorial campaign committee for the cost of the video footage.

Based on the facts above, it appears Taddeo and Taddeo for Congress accepted a prohibited contribution from her nonfederal campaign committee in violation of federal law. Therefore, we request the FEC investigate whether Taddeo transferred state assets to her federal campaign. Ultimately, if one or more campaign laws are found to have been broken we request the FEC hold the respondents accountable.

¹⁷ The video footage has copyright protection and is a valuable asset.

State Campaign Advertisement	Federal Campaign Advertisement
 <p>My hero believed there is no limit to what can be accomplished. <i>Mi héroe creía que no había límites para lo que se podía lograr.</i></p> <p>#Believe Annette Taddeo for Florida Governor - Fighting Spirit 1,106 views Oct 20, 2021 My father always told me that when "the cause is just, don't stay on the sidelines. Get in there and fight for what you believe." ...more</p>	 <p>My hero believed there is no limit to what can be accomplished. <i>Mi héroe creía que no había límites para lo que se podía lograr.</i></p> <p>Annette Taddeo is ready to flip FL-27 210 views Jun 6, 2022</p>
 <p>I get my fighting spirit, my belief, from him, my dad. <i>Heredo mi espíritu de lucha, mi fe, mi fe, mi padre.</i></p> <p>#Believe Annette Taddeo for Florida Governor - Fighting Spirit 1,106 views Oct 20, 2021 My father always told me that when "the cause is just, don't stay on the sidelines. Get in there and fight for what you believe." ...more</p>	 <p>I get my fighting spirit, my belief, from him, my dad. <i>Heredo mi espíritu de lucha, mi fe, mi fe, mi padre.</i></p> <p>Annette Taddeo is ready to flip FL-27 210 views Jun 5, 2022</p>
 <p>Growing up on a farm in Colombia taught me a lot of things, <i>Crecer en una finca en Colombia me enseñó muchas cosas.</i></p> <p>#Believe Annette Taddeo for Florida Governor - Fighting Spirit 1,106 views Oct 20, 2021 My father always told me that when "the cause is just, don't stay on the sidelines. Get in there and fight for what you believe." ...more</p>	 <p>Growing up on a farm in Colombia taught me a lot of things, <i>Crecer en una finca en Colombia me enseñó muchas cosas.</i></p> <p>Annette Taddeo is ready to flip FL-27 210 views Jun 6, 2022</p>



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Annette Taddeo is ready to flip FL-27
210 views · Jun 6, 2022



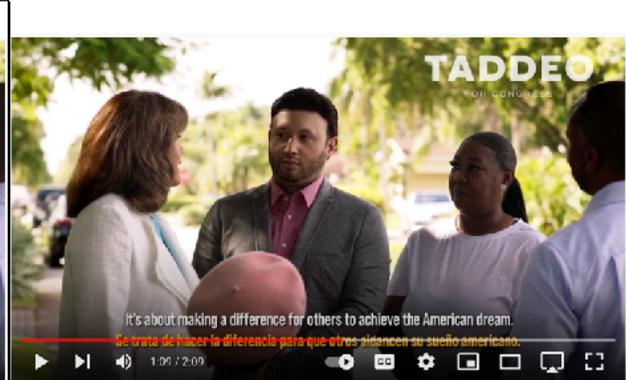
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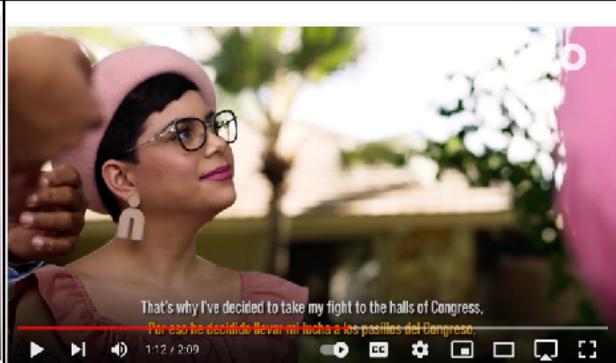
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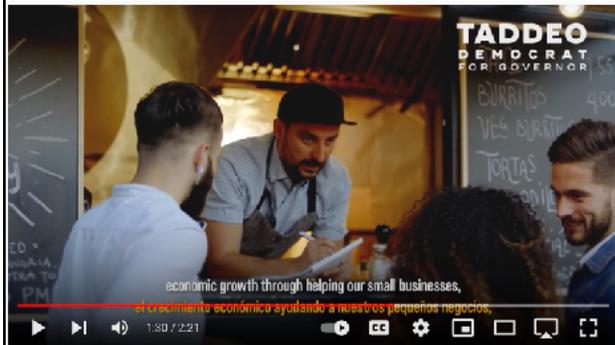
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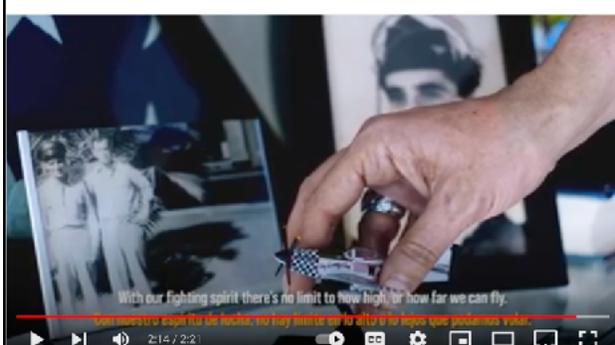
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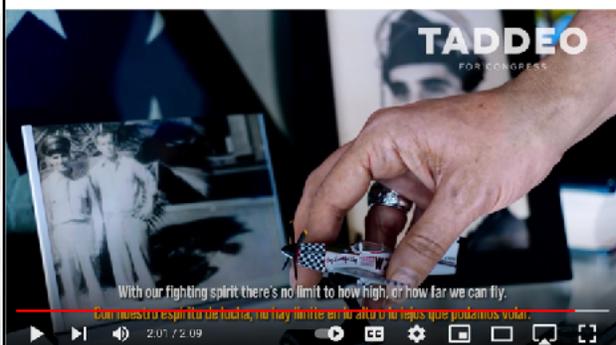
#Believe
Annette Taddeo for Florida Governor - Fighting Spirit



Annette Taddeo is ready to flip FL-27



#Believe
Annette Taddeo for Florida Governor - Fighting Spirit



Annette Taddeo is ready to flip FL-27
215 views Jun 6, 2022 I'm excited for the opportunity to earn the trust and support of the people