



April 17, 2015

Governor Scott Walker
Office of the Governor
115 East Capitol
Madison, WI 53702

Dear Governor Walker:

I'm writing on behalf of Common Cause's 400,000 members and supporters from across the country to express our deep concern over your apparent disregard of federal campaign finance laws as you pursue a campaign for president of the United States. Our concerns are similar to those raised by the Campaign Legal Center and Democracy 21 in their recent complaint to the Federal Elections Commission (FEC).¹

It is disappointing to see those who aspire to our nation's highest office begin their pursuit of it by flouting the law. As you should know, whether "testing the waters" or operating as an announced candidate, a presidential prospect is subject to contribution caps of \$2,700 from each individual per election and \$5,000 from each political action committee (PAC) per election, and may not accept corporate, labor and nonprofit funds. These are rules enacted in the wake of corruption scandals to protect the integrity of America's elections and federal government.

It is patently evident to everyone in America who is paying attention – voters, donors and the media – that you are running for president in 2016. Despite your pretenses to the contrary, your extensive public appearances, fundraising events and press statements over the last few

¹ See Complaint by Campaign Legal Center and Democracy 21 to the Federal Elections Commission (March 31, 2015), available at: <http://www.campaignlegalcenter.org/news/press-releases/fec-complaints-against-presidential-hopefuls-show-widespread-violations-total>.

months make it obvious that you have moved past the “testing the waters” phase and are an outright “candidate” under the Federal Election Campaign Act (FECA).

“Testing the waters” is a limited exception under the guidelines that applies to restricted activities to explore the feasibility of becoming a candidate. Notably, “testing the waters” does *not* apply to activities that “indicate that an individual has decided to become a candidate” including, but not limited to when an individual 1) “raises funds in excess of what could reasonably be expected to be used for exploratory activities”; 2) “undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate”; or 3) “makes or authorizes written or oral statements that refer to him or her as a candidate for a particular office.” 11 C.F.R. § 100.72(b)(2); – (3).

We are profoundly concerned that your engagement in unlimited and unrestricted fundraising under the pretense that you aren’t even considering a run for president is based on a thinly veiled legal fiction and therefore illegal. Such behavior suggests a flagrant disrespect for the rule of law, and the American people deserve better.

During the Conservative Political Action (CPAC) Conference at the end of February, you effectively acknowledged that you are at least “testing the waters,” explaining to the audience:

Those are the sorts of things we’re going to talk about going forward should I choose to be a candidate. . . . And that’s what we’re going to do in any decision going forward, should we choose -- my lawyers love that when I say as we’re exploring a campaign - - should we choose to run for the highest office in the land.²

Then, in a fundraiser in Iowa in early March, you explained that “legally we have to say we are ‘exploring,’ because the minute you say something else, a whole series of things happen. So as

² Governor Scott Walker Remarks at CPAC, C-SPAN (Feb. 26, 2015), video available at: <http://www.c-span.org/video/?324557-12/governor-scott-walker-remarks-cpac> (Tr. at 17:25).

we ‘explore,’ we will come back many more times.” According to an attendee, you also made air quotes when you said “as we explore,” eliciting laughter from the audience.³

Press reports indicate you’ve also been actively engaged in fundraising for your tax-exempt political group, Our American Revival, which under the Internal Revenue Code, 26 U.S.C. § 527, is organized for the purposes of “influencing or attempting to influence” the election of any individual to public office, and may accept unlimited contributions from unlimited sources. For example, you have raised funds in excess of the contribution cap to which you are subject to whether you are “testing the waters” or an outright candidate, such as a \$100,000 check you received “on the spot” during a fundraising tour for your 527 group.⁴

While you have engaged in this full-scale fundraising of unlimited revenue from unrestricted sources, you have actively rallied in Iowa;⁵ hired staff;⁶ leased the same office space in Des Moines previously used by Republican presidential candidates;⁷ visited Iowa, New

³ See Press Release, *Audio Reveals Walker’s ‘April Fool’ on Campaign Finance Laws*, One Wisconsin Now (Apr. 1, 2015), available at: <http://www.wispolitics.com/index.html?Article=345447>

⁴ Matea Gold, *Scott Walker works to harness national donor network for White House run*, WASH. POST, Feb. 4, 2015, http://www.washingtonpost.com/politics/scott-walker-works-to-harness-national-donor-network-for-white-house-run/2015/02/04/44c0ee96-ab5c-11e4-abe8-e1ef60ca26de_story.html; Dan Balz, *Scott Walker forms committee in preparation for 2016 presidential bid*, WASH. POST (Jan. 27, 2015), <http://www.washingtonpost.com/blogs/post-politics/wp/2015/01/27/scott-walker-forms-committee-in-preparation-for-2016-presidential-bid/>.

⁵ Jessie Opoien, *Scott Walker makes his case to Iowa conservatives, says he’ll be back ‘many more times,’* THE CAPITAL TIMES, Jan. 25, 2015, http://host.madison.com/ct/news/local/writers/jessie-opoien/scott-walker-makes-his-case-to-iowa-conservatives-says-he/article_54faa606-a401-11e4-b4ea-dff9a3e7aa15.html

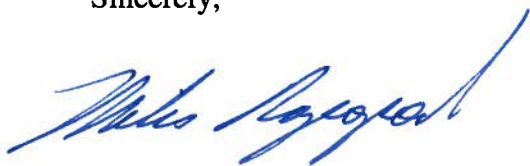
⁶ Zeke J. Miller, *Walker Hires Two Former RNC Aides in Political Roles*, TIME, March 1, 2015, available at: <http://time.com/3727860/scott-walker-danny-odriscoll-wells-griffith/>

⁷ Adam B. Lerner, *Scott Walker leases office space in Iowa*, POLITICO, Feb. 10, 2015, <http://www.politico.com/story/2015/02/scott-walker-iowa-office-space-115096.html>

Hampshire and South Carolina, sometimes repeatedly;⁸ and even explicitly referenced yourself as a candidate during a March 1, 2015 interview with Chris Wallace on Fox News.⁹

If you are not running for president, or even testing the waters for a run for president, please explain to the American people what your purpose is for these activities. Barring some unforeseen explanation that defies common sense, we urge you to move swiftly to comply with our nation's campaign finance laws by registering as a candidate, demonstrating how your campaign has been and will be funded by contributions within the allowable limits, and ceasing all coordination with other political organizations.

Sincerely,



Miles Rapoport
President,
Common Cause

CC: Ann M. Ravel
Chair
Federal Election Commission
999 E Street, NW

⁸ Peter Hamby, *Scott Walker plots South Carolina blitz*, CNN, Mar. 2, 2015, available at: <http://www.cnn.com/2015/03/02/politics/scott-walker-2016-south-carolina-blitz/index.html>; Editor, *Walker to Headline Multi-County NW Iowa GOP Fundraiser April 24*, The Iowa Republican (Mar. 2, 2015), <http://theiowarepublican.com/2015/walker-to-headline-multi-county-nw-iowa-gop-fundraiser-april/>; Kasie Hunt, *Bush, Walker circle each other in New Hampshire*, MSNBC (Mar. 16, 2015), available at: <http://www.msnbc.com/msnbc/jeb-bush-scott-walker-circle-each-other-new-hampshire>.

⁹ Jose A. DelReal, *Scott Walker says he opposes comprehensive immigration reform. He didn't always.*, WASH. POST, Mar. 1, 2015, <http://www.washingtonpost.com/blogs/post-politics/wp/2015/03/01/scott-walker-says-he-opposes-comprehensive-immigration-reform-he-didnt-always/> (“And my view on [comprehensive immigration reform] has changed. *I’m flat out saying it. A candidate can say that.* Sometimes they don’t.”)(emphasis added).

Washington, DC 20463

Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

John Koskinen
Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

Caroline D. Ciralo
Principal Deputy Assistant Attorney General
Tax Division, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

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