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FLORIDA ELECTIONS COMMISSION

In re: Floridians Protecting Freedom, Inc.

FEC 24-_____

Respondent.

_____ /

COMPLAINT

This complaint is filed with the Florida Elections Commission (“Commission”) pursuant to section 106.25, Florida Statutes, against Respondent, Floridians Protecting Freedom, Inc., a Florida political committee, for violations of section 106.147, Florida Statutes, relating to unlawful text messages disseminated by Respondent in support of ballot measure, Amendment 4, appearing on the 2024 General Election ballot and section 106.143, Florida Statutes. The violations resulting from thousands of dollars in expenditures by Respondent are serious in nature and demand investigation by the Commission.

FACTUAL ALLEGATIONS

1. Respondent is a registered Florida political committee formed in April of 2023 that does business under the name “Yes on 4” with a mailing address of Post Office Box 4068, Sarasota, Florida 34230.
2. Respondent has sent multiple text messages in violation of Florida’s laws on text message solicitation and disclosure requirements in section 106.147, Florida Statutes.
3. Section 106.147(1)(a), requires any text message supporting a ballot measure and any electioneering text message to include the phrase “Paid for by” followed by the name of the person or organization sponsoring the message. Alternatively, for text messages, the person or organization may include a working hyperlink or URL to a website containing the required “Paid for by” disclaimer.

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4. Section 106.147(1)(a), Florida Statutes requires:

(1)(a) Any text message or telephone call supporting or opposing a candidate, an elected public official, or a ballot measure, and any electioneering text message or telephone call, must include the phrase "Paid for by," followed by the name of the persons or organizations sponsoring the message or call or, in the case of a text message, a working hyperlink or a uniform resource locator (URL) to a website containing the required disclosure. (emphasis added).

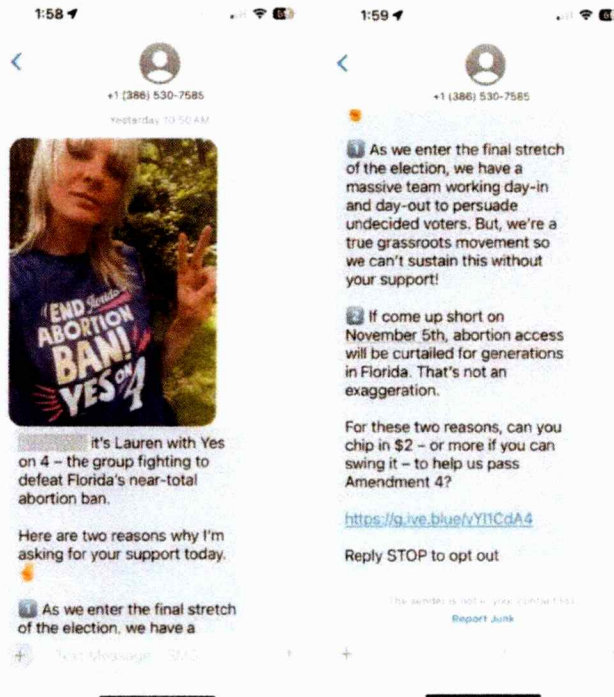
5. In addition, section 106.147(1)(d)1., Florida Statutes requires:

(d)1. If an exchange consists of a sequence of multiple text messages sent on the same day, the sponsorship disclaimer is only required to be included with the first text message.

6. Respondent has sent multiple text messages in support of Amendment 4 that fail not only to include the "Paid for by Floridians Protecting Freedom, Inc." disclaimer, but fail to include *any disclaimer*, whether on the first or second subsequent text message. Respondent also fails to include a working hyperlink or URL to a website containing the required "Paid for by Floridians Protecting Freedom, Inc." disclaimer as required by section 106.147(1)(a), Florida Statutes.

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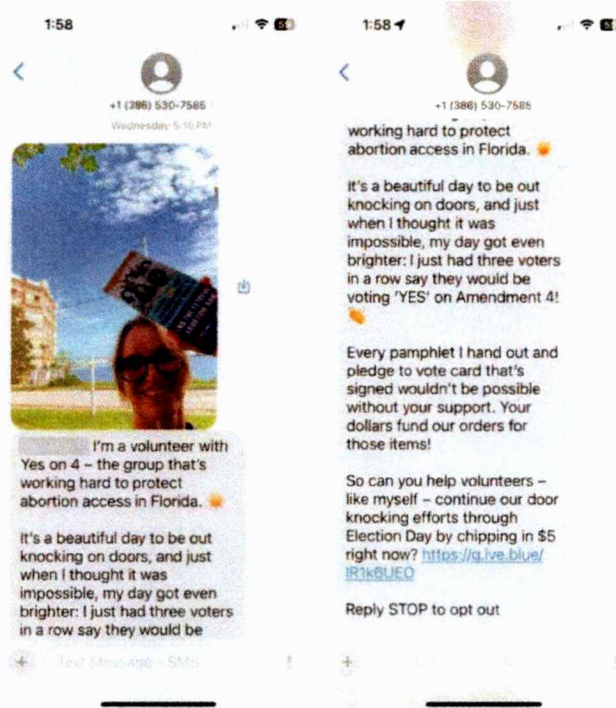
7. On Saturday, October 26, 2024, Respondent sent the following two text messages:



8. Neither text message sent by Respondent on Saturday, October 26, 2024 contains a disclaimer, and the link within the second text message goes to an ActBlue web page that fails to include the required disclaimer from Respondent but instead only includes a disclaimer from ActBlue (“Paid for by ActBlue (actblue.com) and not authorized by any candidate or candidate’s committee.”). *See Ex. A.*

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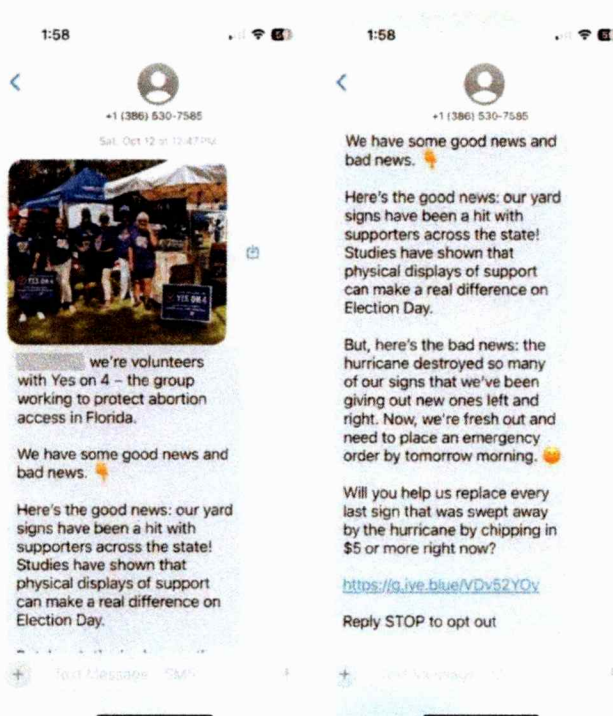
9. On Wednesday, October 23, 2024, Respondent sent the following two text messages:



10. Neither text message sent by Respondent on Wednesday, October 23, 2024 contains a disclaimer, and the link within the second text message goes to an ActBlue web page that fails to include the required disclaimer from Respondent but instead only includes a disclaimer from ActBlue ("Paid for by ActBlue (actblue.com) and not authorized by any candidate or candidate's committee."). See Ex. B.

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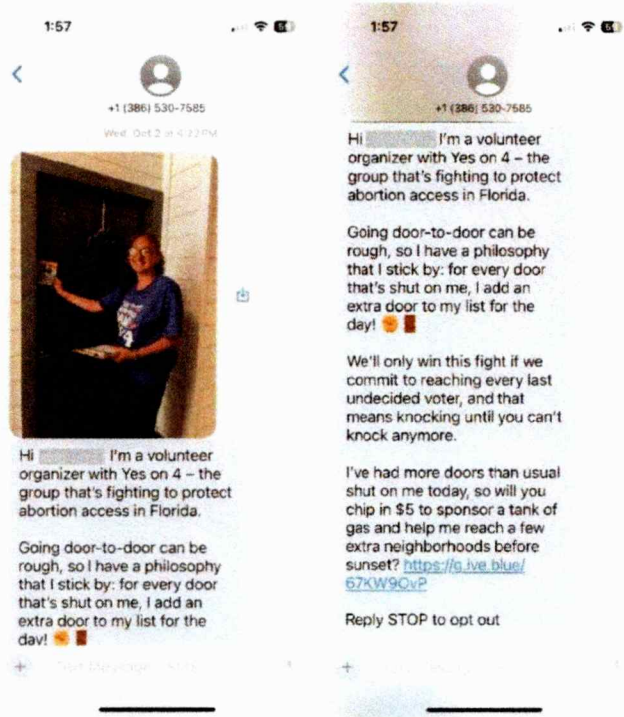
11. On Saturday, October 12, 2024, Respondent sent the following two text messages:



12. Neither text message sent by Respondent on Saturday, October 12, 2024 contains a disclaimer, and the link within the second text message goes to an ActBlue web page that fails to include the required disclaimer from Respondent but instead only includes a disclaimer from ActBlue (“Paid for by ActBlue (actblue.com) and not authorized by any candidate or candidate’s committee.”). *See Ex. C.*

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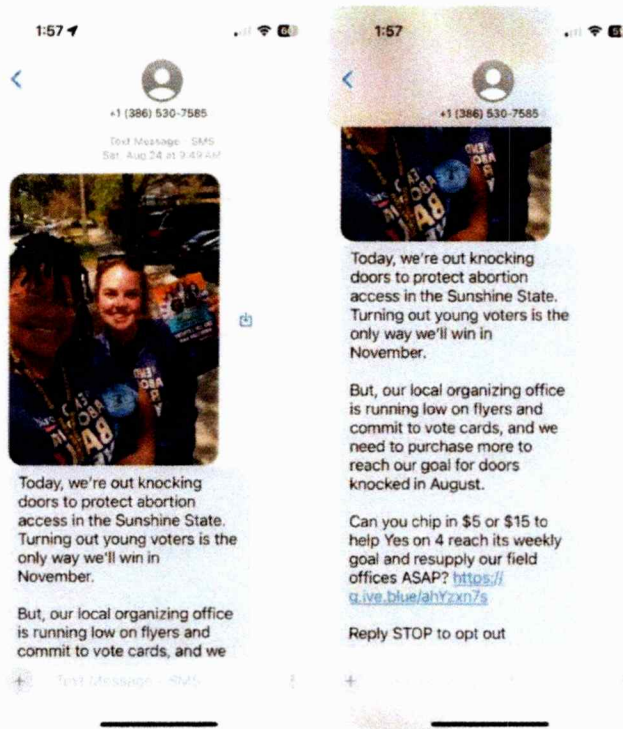
13. On Wednesday, October 2, 2024, Respondent sent the following two text messages:



14. Neither text message sent on Wednesday, October 2, 2024 contains a disclaimer, and the link within the second text message goes to an ActBlue web page that fails to include the required disclaimer from Respondent but instead only includes a disclaimer from ActBlue ("Paid for by ActBlue (actblue.com) and not authorized by any candidate or candidate's committee."). See Ex. D.

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15. On Saturday, August 24, 2024, Respondent sent the following two text messages:



16. Neither text message sent on Saturday, August 24, 2024 contains a disclaimer, and the link within the second text message goes to an ActBlue web page that fails to include the required disclaimer but instead only includes a disclaimer from ActBlue (“Paid for by ActBlue (actblue.com) and not authorized by any candidate or candidate’s committee.”). See Ex. E.

17. Respondent has reported¹ thousands of dollars of expenditures on text messages to out-of-state vendors around the dates the illegal text messages were sent:

Report/Date	Amount	Paid to/Address	Purpose
2024 G2 09/03/24	\$14,000.00	Message Audience 2400 S. 4 th St Austin, TX 78704	Text Messaging
2024 G4 10/03/24	\$15,394.67	Scale to Win 13742 Harper St. Santa Ana, CA 92703	Text Messaging

¹ Respondent’s filed campaign finance reports are publicly available at: <https://dos.elections.myflorida.com/cgi-bin/TreSel.exe>.

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2024 G4A 10/7/24	\$1,240.01	Scale to Win 13742 Harper St. Santa Ana, CA 92703	Text Messaging
2024 G4A 10/7/24	\$8,686.98	Scale to Win 13742 Harper St. Santa Ana, CA 92703	Text Messaging
2024 G4A 10/11/24	\$2,570.28	Scale to Win 13742 Harper St. Santa Ana, CA 92703	Text Messaging
2024 G5 10/18/24	\$12,045.04	Scale to Win 13742 Harper St. Santa Ana, CA 92703	Text Messaging

18. Because the text messages were being sent by individuals being paid, Respondent was required to comply with the requirements of section 106.147, Florida Statutes.

19. Because an individual was not required to sign up or opt-in to receive the text messages, Respondent was required to comply with the requirements of section 106.147, Florida Statutes.

20. In order to lawfully comply with the Division of Elections' advisory opinions about online payment processing, *see Division of Elections Opinions* 08-07; 10-11; 12-12; and 16-07, the ActBlue fundraising webpages that the text messages link to must be those of the Respondent political committee. And Respondents' ActBlue fundraising webpages also fail to include the necessary paid political advertisement disclaimer of Respondent as required by section 106.143(1), Florida Statutes. *See Division of Elections Advisory Opinion* 12-12 ("Because it is the candidate's webpage and the webpage constitutes a paid expression on the Internet, the webpage also would require the candidate's political disclaimer if it expressly advocates the election or defeat of a candidate."). All of the webpages as shown in Exhibits A-E expressly advocate for Amendment 4 "YES ON 4", but fail to include Respondent's disclaimer in violation of section 106.143(1)(c), Florida Statutes.²

² This complaint is not directed at ActBlue. However, if Respondent asserts in defense that the fundraising webpages are not theirs, but instead are webpages of ActBlue, then ActBlue is in direct

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21. This Complaint has identified at least 10 individual violations by Respondent relating to text messages and section 106.147 and at least 5 separate violations relating to section 106.143(1)(c). Each violation results in a minimum of a \$200 fine and based on the fact that Respondent has reported to date spending over \$95 million in support of Amendment 4, it is likely there are thousands of violations that a Commission investigation will uncover.

22. In addition, any person who willfully violates section 106.147 is guilty of a first-degree misdemeanor. "Person" is defined in statute to include any officer of a political committee, any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity, and any agent or other person acting on behalf of a political committee or corporation, partnership, or other business entity. *See* § 106.147(4), Fla. Stat. Based on the findings of its investigation, the Commission should consider whether referral to the Statewide Prosecutor is warranted.

CONCLUSION

Wherefore, Respondent has committed violations of Chapter 106, Florida Statutes, including specifically section 106.147 and section 106.143(1)(c), Florida Statutes, and therefore, the Commission should:

1. Investigate Respondent's illegal actions as alleged herein;
2. Find that Respondent willfully failed to comply with the requirements of Chapter 106, Florida Statutes; and
3. Impose such civil fines and other penalties as necessary.

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EXHIBIT A

Webpage linked to in Respondent's Saturday, October 26, 2024 text message:
<https://g.ive.blue/vY11CdA4>

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YES ON 4

Floridians Protecting Freedom

URGENT: Help us reach our emergency fundraising goal! 🚨



Please, will you rush a donation to help reach our emergency fundraising goal and fight back against extremists' new ad?

It's crucial that Florida voters know the truth about Amendment 4: it will end the near-total ban and protect abortion access in our state.

Will you chip in to help power our movement and pass Amendment 4 on November 5th?

Choose an amount:

Your contribution will benefit Floridians Protecting Freedom.

\$25

\$100

COPY

\$250

\$1,000

✓

Make it monthly!

Yes, count me in!

✓ **No, donate once**

Checkout

E Have an ActBlue Express account? [Sign in to give faster.](#)

 **Pay with card**

Or

 **Pay**

Contribution rules

1. I am a U.S. citizen or lawfully admitted permanent resident (i.e., green card holder).
2. I am at least eighteen years old.
3. This contribution is made from my own funds, and funds are not being provided to me by another person or entity for the purpose of making this contribution.

Contributions to Floridians Protecting Freedom are not deductible for federal income tax purposes.

By submitting your email address and cell phone number, you agree to receive periodic emails, calls and text messages (including via automatic dialer systems and/or pre-recorded calls) from Floridians Protecting Florida and each of its Partner Organizations (see list below)* regarding those organizations' issues and other ways to get involved in their work. You may unsubscribe at any time. Text STOP to stop receiving text messages. Message and data rates may apply. Message frequency varies. **Terms.**

By proceeding with this transaction, you agree to ActBlue's [terms & conditions](#).

COPY

EXHIBIT B

Webpage linked to in Respondent's Wednesday, October 23, 2024 text message:
<https://g.ive.blue/IR1k6UEO>

copy

YES ON 4

Floridians Protecting Freedom

URGENT: Help us reach our emergency fundraising goal! 🚨



Please, will you rush a donation to help reach our emergency fundraising goal and fight back against extremists' new ad?

It's crucial that Florida voters know the truth about Amendment 4: it will end the near-total ban and protect abortion access in our state.

Will you chip in to help power our movement and pass Amendment 4 on November 5th?

Choose an amount:

Your contribution will benefit Floridians Protecting Freedom.

\$25

\$100

COPY

\$250

\$1,000

✓

Make it monthly!

Yes, count me in!

✓ **No, donate once**

Checkout

E Have an ActBlue Express account? [Sign in to give faster.](#)

 **Pay with card**

Or



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By proceeding with this transaction, you agree to ActBlue's [terms & conditions](#).

COPY

EXHIBIT C

Webpage linked to in Respondent's Saturday, October 12, 2024 text message:

<https://g.ive.blue/VDv52YOy>

copy



Floridians Protecting Freedom

URGENT: Help us reach our emergency fundraising goal! 🚨



Please, will you rush a donation to help reach our emergency fundraising goal and fight back against extremists' new ad?

It's crucial that Florida voters know the truth about Amendment 4: it will end the near-total ban and protect abortion access in our state.

Will you chip in to help power our movement and pass Amendment 4 on November 5th?

Choose an amount:

Your contribution will benefit Floridians Protecting Freedom.

\$25

\$100

copy

\$250

\$1,000

\$

Make it monthly!

Yes, count me in!

✓ No, donate once

Checkout

Have an ActBlue Express account? [Sign in to give faster.](#)

Pay with card (VISA, Mastercard, American Express, Discover)

Or

Pay (Google Pay)

Contribution rules

- 1. I am a U.S. citizen or lawfully admitted permanent resident (i.e., green card holder).
2. I am at least eighteen years old.
3. This contribution is made from my own funds, and funds are not being provided to me by another person or entity for the purpose of making this contribution.

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By proceeding with this transaction, you agree to ActBlue's terms & conditions.

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EXHIBIT D

Webpage linked to in Respondent's Wednesday, October 2, 2024 text message:

<https://g.ive.blue/67KW9OvP>

copy

YES ON 4

Floridians Protecting Freedom

URGENT: Help us reach our emergency fundraising goal! 🚨



Please, will you rush a donation to help reach our emergency fundraising goal and fight back against extremists' new ad?

It's crucial that Florida voters know the truth about Amendment 4: it will end the near-total ban and protect abortion access in our state.

Will you chip in to help power our movement and pass Amendment 4 on November 5th?

Choose an amount:

Your contribution will benefit Floridians Protecting Freedom.

\$25

\$100

COPY

\$250

\$1,000

✓

Make it monthly!

Yes, count me in!

✓ **No, donate once**

Checkout

E Have an ActBlue Express account? [Sign in to give faster.](#)

 **Pay with card**

Or

 **Pay**

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EXHIBIT E

Webpage linked to in Respondent's Saturday, August 24, 2024 text message:

<https://g.ive.blue/ahYzx7s>

copy



YES ON 4

Floridians Protecting Freedom

URGENT: Help us reach our emergency fundraising goal! 🚨



Please, will you rush a donation to help reach our emergency fundraising goal and fight back against extremists' new ad?

It's crucial that Florida voters know the truth about Amendment 4: it will end the near-total ban and protect abortion access in our state.

Will you chip in to help power our movement and pass Amendment 4 in November?

Choose an amount:

Your contribution will benefit Floridians Protecting Freedom.

\$25

\$100

COPY

\$250

\$1,000

\$

Make it monthly!

Yes, count me in!



No, donate once

Checkout

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