



August 21, 2024

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

RE: Complaint Against Vindman for Congress and VoteVets for Illegal Coordination and Excessive and Impermissible In-Kind Contributions

Dear Ms. Stevenson:

A recent article in the *Washington Free Beacon* reveals that Vindman for Congress is referring reporters to an employee of an “independent” political committee, VoteVets, to answer press questions regarding allegations that Congressional Candidate Yevgeny “Eugene” Vindman repeatedly misrepresented his military record.

This raises an obvious concern that VoteVets is effectively serving as a staffing service for Vindman for Congress by paying staffers to perform core campaign functions. It also raises credible concerns that purportedly “independent” expenditures by VoteVets in support of Mr. Vindman are really coordinated with Vindman for Congress.

Accordingly, the Functional Government Initiative requests that the Federal Election Commission find reason to believe that Yevgeny “Eugene” Vindman, Vindman for Congress, and Allison Murray, in her official capacity as treasurer, violated the Federal Election Campaign Act of 1971, as amended (the “Act”) by receiving excessive contributions and contributions from prohibited sources, while VoteVets and Rick Hegdahl, in his official capacity as treasurer, violated the Act by making excessive contributions, making contributions with impermissible funds, and filing false independent expenditure reports.

I. Who We Are

The Functional Government Initiative is a nonpartisan, nonprofit organization dedicated to improving the American public’s awareness about the officials, decisions, and priorities of their government. We do this through investigative research, analysis, and education.

II. Factual Background

On August 19, 2024, the *Washington Free Beacon* reported an interaction with Vindman for Congress, the authorized campaign committee of Yevgeny “Eugene” Vindman, a candidate for federal office (“Vindman Campaign”).

The *Washington Free Beacon* reported contacting the Vindman Campaign regarding allegations that Mr. Vindman engaged in stolen valor by exaggerating his record of military service, including falsely claiming to have “served our nation in combat.”¹

The *Free Beacon* reports that the Vindman Campaign “responded by introducing a third party,” Travis Tazelaar.² Per the *Free Beacon*, Vindman for Congress stated: “I am looping in VoteVets who is going to be providing comment on our behalf to your initial inquiry.... All future questions on this matter or any matters can be directed to him.”³ The *Free Beacon* further reports that Mr. Tazelaar “identifying himself as ‘Political Director, VoteVets,’ responded with a statement lauding Vindman’s 2011 deployment to Iraq as an operational law attorney.”⁴

VoteVets is a hybrid political action committee.⁵ It has endorsed Mr. Vindman’s campaign for Congress.⁶ It has contributed \$10,000 to Vindman for Congress, the maximum allowed for the 2024 election cycle.⁷ And it has made over \$400,000 in purportedly “independent” expenditures in support of Mr. Vindman.⁸

As noted above, Travis Tazelaar refers to himself as the “political director” for VoteVets. VoteVets reports paying Mr. Tazelaar \$124,532 between January 1, 2023, through June 30, 2024.⁹

¹ Jessica Costescu, *Eugene Vindman's House Campaign Refers Communications Requests to Liberal Super PAC, Raising Legal Concerns*, The Wash. Free Beacon (Aug. 19, 2024), <https://freebeacon.com/democrats/eugene-vindmans-house-campaign-refers-communications-requests-to-liberal-super-pac-raising-legal-concerns/> (Attached).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ See *Committee Profile: VoteVets (C00418897)*, Fed. Elec. Comm’n, <https://www.fec.gov/data/committee/C00418897/> (last visited Aug. 20, 2024).

⁶ *VoteVets PAC Endorses Eugene Vindman for Congress*, VoteVets (Nov. 16, 2023), <https://votevets.org/press-releases/votevets-pac-endorses-eugene-vindman-for-congress>.

⁷ *Disbursements: VoteVets*, Fed. Elec. Comm’n, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00418897&recipient_name=C00856955&two_year_transaction_period=2024 (last visited Aug. 20, 2024).

⁸ *Disbursements: VoteVets: Independent Expenditures*, Fed. Elec. Comm’n, <https://www.fec.gov/data/committee/C00418897/?tab=spending#independent-expenditures> (last visited Aug. 20, 2024).

⁹ *Disbursements: VoteVets: Transactions*, Fed. Elec. Comm’n, <https://www.fec.gov/data/committee/C00418897/?tab=spending#disbursement-transactions> (last visited Aug. 20, 2024).

Vindman for Congress reports no payments to Mr. Tazelaar.¹⁰

III. Analysis

The District Court for the District of Columbia confirmed that finding “reason to believe” a violation has occurred and opening an investigation requires “only a credible allegation.”¹¹ Indeed, two Commissioners recently referred to this standard as a “low bar.”¹² The conduct of the Vindman Campaign and VoteVets easily clears this “low bar” and warrants immediate investigation.

A. VoteVets Made and the Vindman Campaign Accepted an Illegal In-Kind Contribution of Personal Services

First, the facts reported by the Free Beacon support a credible allegation that VoteVets has made, and the Vindman Campaign has accepted, an excessive contribution by paying for the personal services of Mr. Tazelaar to the Vindman Campaign.

On its face, Mr. Tazelaar’s services to the campaign go beyond those of a typical volunteer. Indeed, the record shows that Mr. Tazelaar appears to be acting effectively as the press secretary for the Vindman Campaign. To wit, the Vindman Campaign’s campaign manager referred the press to Mr. Tazelaar for “all future questions on this matter or any matters.” Answering *all* future questions on *any* subject is what a press secretary or communications director does. It is not a function typically performed by a volunteer.

Moreover, Mr. Tazelaar is not a typical volunteer. He is a paid political consultant. He earns a living in no small part by providing his professional services to political committees. In other words, his personal services are monetized.

Finally, both the Vindman Campaign’s communications and Mr. Tazelaar’s communications indicate that he is responding to questions in his capacity as a paid representative of VoteVets, not as a volunteer. The Vindman Campaign stated it was “looping in VoteVets” in referring questions to Mr. Tazelaar, and Mr. Tazelaar used his title as “political director” of VoteVets in responding. In other words, Mr. Tazelaar was acting in his capacity as a paid employee of VoteVets, not a free agent, in providing personal services to the Vindman Campaign.

These personal services have a quantifiable monetary value. Mr. Tazelaar was paid over \$120,000 by VoteVets in the 2024 election cycle. A portion of that salary payment is properly

¹⁰ See *Disbursements: Vindman for Congress: Transactions*, Fed. Elec. Comm’n, <https://www.fec.gov/data/committee/C00856955/?cycle=2024&tab=spending> (last visited Aug. 20, 2024).

¹¹ *Campaign Legal Ctr. v. FEC*, 646 F. Supp. 3d 57, 67 (D.D.C. 2022).

¹² See Statement of Reasons of Commissioners Shana M. Broussard and Ellen L. Weintraub, MUR No. 7874 (Patriots of America PAC, *et al.*), at 1 n.1 (Mar. 21, 2023).

classified as an in-kind contribution of paid personal services by VoteVets to the Vindman Campaign.

VoteVets has already reached its contribution limit to the Vindman Campaign for both the 2024 primary and general elections. Thus, any in-kind provision of personal services is necessarily an excessive contribution. Moreover, as a hybrid committee, VoteVets is able to receive funds outside of the Act's source and amount restrictions. By using funds outside the source and amount limitations to pay Mr. Tazelaar, VoteVets has made a contribution using impermissible funds.

VoteVets has paid Mr. Tazelaar to provide professional services to the Vindman Campaign. This is an excessive and impermissible contribution that requires immediate investigation.

B. VoteVets Made and the Vindman Campaign Accepted Illegal Contributions in the Form of Coordinated Communications

Second, VoteVets made and the Vindman Campaign accepted impermissible and excessive contributions in the form of coordinated communications that were improperly reported as "independent" expenditures.

Commission regulations set forth a three-part test to determine whether a communication is "coordinated."¹³ There is no question that the payment prong is satisfied: VoteVets—a third party—paid for communications. There is no question that the content prong is satisfied—VoteVets reported \$416,542.65 in independent expenditures supporting Mr. Vindman. Independent expenditures are necessarily public communications that contain express advocacy. Thus, the only question is whether the conduct prong is satisfied.

In this case, there is reason to believe the conduct prong is satisfied in two ways. First, Mr. Tazelaar's service as *de facto* communications director for the Vindman Campaign triggers the presumptions under common vendor/former employee or independent contractor standards. Put differently, Mr. Tazelaar is acting as an off-the-books employee or independent contractor of the Vindman Campaign. Thus, he is a presumptive vector of coordination.

Second, the close cooperation between the Vindman Campaign and VoteVets, as reflected by the Vindman Campaign effectively outsourcing *all* of its communications responses to VoteVets, creates a reasonable inference that the campaign has had "substantial discussions" regarding its plans, projects, and activities with VoteVets. At minimum, this inference is sufficient to clear the "low bar" of the reason to believe standard and warrant investigation.

As noted above, because VoteVets has already contributed the maximum permissible amount to the Vindman Campaign, *any* coordinated communication is an excessive contribution. Likewise, because VoteVets can receive funds outside the source and amount limitations of the Act, such as excessive corporate or union money, any contribution is impermissible.

¹³ See 11 C.F.R. § 109.21.

Finally, because VoteVets certified that it did not engage in coordinating conduct in conjunction with its independent expenditure reports, there is reason to believe VoteVets made false statements on its disclosure reports.

IV. Conclusion

For the foregoing reasons, there is reason to believe that VoteVets made—and Vindman for Congress accepted—excessive and impermissible contributions. Accordingly, the Commission should immediately open an investigation into these apparent violations of law.

I declare under penalty of perjury that the foregoing is true and correct:

Executed on August 21, 2024



Chris Stanley
Director
Functional Government Initiative

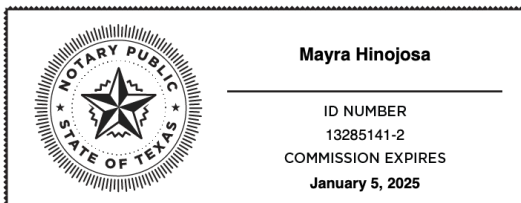
State of Texas

City/County of Hidalgo

Subscribed and sworn to before me on this 21st day of August, 2024.



Notary Public for the State of Texas
My Commission Expires 01/05/2025



Electronically signed and notarized online using the Proof platform.