

Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

August 18, 2023

Federal Election Commission,

I am writing to request you investigate the activity of Progress Rhode Island, a Super PAC that was registered on June 8, 2023¹ and Aaron Regunberg, candidate in the Special Election in Rhode Island's First Congressional District. Specifically, there is reason to believe they may have violated three FEC regulations. To date, Progress Rhode Island has made expenditures solely to the benefit of Aaron Regunberg.

Violation of the 48 hour filing requirement: Political committees who make independent expenditures (IEs) have to disclose this activity within 48-hours of dissemination². Progress Rhode Island disseminated direct mail on August 1, 2023, the public received the mail on August 3, 2023³, yet Progress Rhode Island did not file 48 hour notice until 8:01 pm on August 3, 2023⁴, after a local news outlet reported that the FEC Form 24 had not been submitted⁵. Given that most post offices are closed by 8pm, it is unlikely that the mail was disseminated within 48 hours of this filing. Additionally, the timing of the filing also begs the question, would the committee have filed at all if the press had not highlighted that the FEC Form 24 had not been filed? Or had it intended to keep its activity secret?

Excessive Fundraising: Within a week of being registered with the FEC, Progress Rhode Island received the only two reported contributions it has received to date. The Super PAC received⁶ \$5,000 from Erica Preiss Regunberg on June 13, 2023 and \$125,000 from James Cielinski on June 15, 2023; mother and father-in-law of candidate Regunberg, respectively. The contribution from candidate Regunberg's father-in-law is greater than \$5,000,⁷ the limit that a candidate or campaign can legally solicit on behalf of a Super PAC. It would appear highly unlikely that a contribution of this size from an

¹ <https://docquery.fec.gov/cgi-bin/forms/C00842443/1706732/>

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<https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2023-reporting-dates/24-and-48-hour-reports-independent-expenditures-periods-special-elections-2023/>

³ <https://twitter.com/IanDon/status/1686808326112219136>

⁴ https://www.fec.gov/data/filings/?data_type=efiling&q_filer=C00842443

⁵ <https://www.wpri.com/news/elections/outside-groups-start-pouring-money-into-ri-to-sway-democratic-primary-voters/>

⁶ <https://www.fec.gov/data/committee/C00842443/?tab=raising>

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<https://www.fec.gov/help-candidates-and-committees/making-disbursements-pac/fundraising-super-pacs-federal-candidates-nonconnected-pac/#:~:text=Federal%20candidates%20and%20officeholders%20may,the%20Act%20from%20making%20a>

immediate family member to a Super PAC solely set up to help a candidate would be unknown to that candidate, begging the question: did candidate Regunberg illegally solicit this contribution from his father-in-law?

Apparent coordination: Given that the Super PAC's sole purpose appears to be to support candidate Regunberg, it appears that the candidate's family knew the intentions of the Super PAC before they made their contributions. This begs the question: did candidate Regunberg relay information to his family that they then used to guide the activities of a Super PAC supporting his election?

Additionally, following the establishment of Progress Rhode Island, candidate Regunberg's campaign put up a "red box"⁸ that was only public for a short time, including messaging and other information that an outside entity like a Super PAC could use to guide its spending and communication on the candidate's behalf. Two "asset" links were included to offer material to use in any investments, a DropBox⁹ link and a Google Drive¹⁰ link. Internet archives show that the "red box" was available on the candidate's website on July 19, 2023¹¹ and removed by July 27, 2023¹². A new "red box" link titled 'Overview,' which is barely viewable and clearly designed to be difficult to find (see Appendix A), was posted at the bottom left corner of candidate Regunberg's website by July 27, 2023¹³ and removed by August 5, 2023¹⁴. This activity indicates that neither version of these two pages were intended for public consumption, but rather was specifically created for certain people or entities to view on a very specific timeframe, which appears to meet the FEC's definition¹⁵ of 'coordination.'

Finally, Progress Rhode Island disseminated a mail piece on August 8th, 2023¹⁶ that included a photo that appears to be from a photo shoot organized and paid for by Regunberg's campaign. While a similar photo appeared on the Regunberg's campaign website at the time the mail piece was produced, the publicly available photo¹⁷ was not the same photo that was ultimately used in the mail piece. See Appendix B for a comparison of the two photos. Given that the photo used by the Super PAC was from candidate Regunberg's campaign but not publicly available before the mailer went out, it begs the question: how did the Super PAC get access to it?

⁸ www.aaronregunberg.com/tell-your-neighbors

⁹ https://www.dropbox.com/scl/fo/6512d6pwxh7itd7ylri5a/h/jpg?dl=0&subfolder_nav_tracking=1

¹⁰ https://drive.google.com/drive/folders/19RN_L7KaWLawcNdbuPkaJl1wFfl62GBw

¹¹ <http://web.archive.org/web/20230719225358/https://www.aaronregunberg.com/>

¹² <http://web.archive.org/web/20230727154209/https://www.aaronregunberg.com/>

¹³ <https://web.archive.org/web/20230727154209/https://www.aaronregunberg.com/>

¹⁴ <https://web.archive.org/web/20230805003614/https://www.aaronregunberg.com/>

¹⁵

[https://www.fec.gov/help-candidates-and-committees/making-independent-expenditures/#:~:text=Determining%20coordination&text=The%20three%20prongs%20of%20the%20party%20committee%20\(conduct%20prong\).](https://www.fec.gov/help-candidates-and-committees/making-independent-expenditures/#:~:text=Determining%20coordination&text=The%20three%20prongs%20of%20the%20party%20committee%20(conduct%20prong).)

¹⁶ <https://docquery.fec.gov/cgi-bin/forms/C00842443/1721305/se>

¹⁷ <https://archive.ph/F1L2s>

I am grateful for your review of this matter and your efforts to uphold the integrity of our elections.

Signed,

Brexton Isaacs, Campaign Manager
Sabina Matos for Congress
One Park Row, Floor 5
Providence, RI 02903

Appendix A: Apparently Hidden “Red Box” on Candidate Regunberg’s Website

The bottom of candidate Regunberg’s campaign website had an apparently hidden link in dark gray font with a dark blue background. The link is titled “Overview” and internet archives show that it linked to “aaronregunberg.com/overview”.¹⁸ The was posted at the bottom left corner of candidate Regunberg’s website by July 27, 2023¹⁹ and removed by August 5, 2023.²⁰ The screenshot below shows the barely visible link as it appeared on the website as of July 27th, 2023.²¹



¹⁸ <https://web.archive.org/web/20230727154209/https://www.aaronregunberg.com/>

¹⁹ <https://web.archive.org/web/20230727154209/https://www.aaronregunberg.com/>

²⁰ <https://web.archive.org/web/20230805003614/https://www.aaronregunberg.com/>

²¹ <https://web.archive.org/web/20230727154209/https://www.aaronregunberg.com/>

Appendix B: Comparison of Progress Rhode Island Mail Disseminated 8/8/23 (left) and Publicly Available Photo from Regunberg Campaign Website (right)

The “assets” from candidate Regunberg’s website as of August 10th, 2023 did not include the photo used in the mailer below. An archived version of the assets as of August 10th can be viewed here: <http://archive.today/2023.08.10-200258/https://www.aaronregunberg.com/pictures>. This shows that the campaign did not have the photo used in the mailer available on the publicly available website at the time the Super PAC produced the mailer.

It is also noteworthy that the “assets” from candidate Regunberg’s website as of August 15, 2023 include the photo that appeared in the Super PAC’s mailer. This indicates that the campaign realized it was missing on the publicly available website and added it at a later date.

DEMOCRAT AARON REGUNBERG IS A COMPASSIONATE AND INNOVATIVE LEADER WHO DELIVERS RESULTS

Building stronger communities today is the foundation for a brighter tomorrow . . . That's why Aaron Regunberg has worked for 15 years to improve and strengthen Rhode Island.

- ★ As a state legislator, he passed laws to give working people paid sick days and higher wages.
- ★ As a community organizer, he strengthened our public schools to give *all of us* a voice.
- ★ And as a climate lawyer, he fought to hold Big Oil companies accountable.

He's the only candidate with a record of taking on corporate power – and the only one who can fill David Cicilline's shoes.

Paid for by Progress Rhode Island, 2021 L St NW, Washington, DC 20036 and not authorized by any candidate or candidate's committee.

RHODE ISLAND'S PROVEN PROGRESSIVE CHAMPION

