

BEFORE THE FEDERAL ELECTION COMMISSION OF THE UNITED STATES OF
AMERICA

In the Matter of:

Last Best Place PAC

David M. Lewis, Treasurer

MUR No. _____

COMPLAINT

1. Complainant brings this complaint before the Federal Election Commission (“FEC” or “Commission”) seeking an immediate investigation and enforcement action against Last Best Place PAC and David M. Lewis as Treasurer (“Committee”) for violations of the Federal Election Campaign Act (“FECA” or “Act”).
2. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information providing reason to believe that:
3. Respondents have made independent expenditures aggregating \$10,000 or more in a calendar year and have failed to file 48-hour reports to the Commission in violation of 52 U.S.C. § 30104(g)(2) and 11 C.F.R. § 104.4(b)(2).

STATEMENT OF THE LAW

4. 11 C.F.R. § 100.16 defines an independent expenditure as an expenditure for a communication which expressly advocates for the election or defeat of a clearly identified candidate that is not made in cooperation with a candidate’s authorized committee.
5. Express advocacy is defined as the use of specific words or phrases which clearly advocate for the election or defeat of a clearly identified candidate. Express advocacy can also be present if a reasonable person, considering the totality of the circumstances, could only conclude that the communication is advocating for the election or defeat of a clearly identified candidate.¹
6. 52 U.S.C. § 30104(g)(2) and 11 C.F.R. § 104.4(b)(2) require independent expenditure committees to file 48-hour reports to the FEC whenever independent expenditures made by the committee aggregate to \$10,000 or more in a calendar year.

STATEMENT OF FACTS

7. Last Best Place PAC is an independent expenditure committee and filed its Statement of Organization in September 2023.²
8. Public reporting indicates that, since its inception, Last Best Place PAC has aired “millions of dollars worth” of attack ads that expressly advocate against the election of Montana U.S.

¹ 11 C.F.R. § 100.22.

² Last Best Place PAC, [Statement of Organization](#) (Filed on Sep. 05, 2023).

Senate candidate Tim Sheehy. Spending on these ads has reportedly totaled more than \$5 million.³

9. One such ad, entitled “Shady Sheehy,” began airing on television in September 2023.⁴ It identified Sheehy as a “shady” millionaire who “got rich off government contracts,” “walked away from his loan,” and is spending millions to “buy our [Montana’s] Senate seat.”⁵
10. Yet another television ad, entitled “Millionaire Politician,” clearly identifies Tim Sheehy in front of his U.S. Senate campaign logo and attacks him for making millions off government contracts. The ad also claims Sheehy took a \$770,000 government loan, but laments that he “never paid a penny back.” The spot closes by again identifying him as “Shady Sheehy,” a “millionaire politician” who “says one thing and does another.”⁶
11. Despite its heavy spending against an identified candidate, Last Best Place PAC has not filed a single 48-hour independent expenditure report.⁷

CAUSE OF ACTION

AGAINST RESPONDENTS LAST BEST PLACE PAC AND DAVID M. LEWIS AS TREASURER

Failure to File 48-Hour Independent Expenditure Reports in Violation of 52 U.S.C. § 30104(g)(2) and 11 C.F.R. § 104.4(b)(2)

12. Last Best Place PAC has engaged in significant spending without filing a single 48-hour independent expenditure report as required by the Act.⁸ Important information, including the date, amount, and purpose of the expenditure – as well as the identified candidate that the independent expenditure is supporting or opposing – is being unlawfully shielded from the public.⁹ Without this reporting, Last Best Place PAC is in violation of the Act, and is failing to meet the legal requirements and basic standards of transparency to which every other independent expenditure committee is required to adhere.

PRAYER FOR RELIEF

13. Wherefore, the Commission should find reason to believe that Last Best Place PAC and David M. Lewis as Treasurer have violated fundamental compliance and transparency rules by failing to file 48-hour independent expenditure reports with the Commission pursuant to 52 U.S.C. § 30104(g)(2) and 11 C.F.R. § 104.4(b)(2). The Commission should conduct an immediate investigation under 52 U.S.C. § 30109(a)(2) and determine and impose appropriate sanctions for any and all violations. Further, the Commission should enjoin respondent from any future violations, and impose any necessary and appropriate remedies to ensure respondent future compliance with FECA.

³ Matt Holt, “How a Mysterious Super PAC is Exploiting FEC Rules,” *The Messenger* (Jan. 24, 2024); Michael C. Bender, “G.O.P. Infighting and Democratic Mischief Animate Montana Senate Race,” *New York Times* (Jan. 25, 2024).

⁴ Greg Giroux, “Where Club for Growth’s Sidelining Itself: Ballots & Boundaries,” *Bloomberg Government* (Sep. 15, 2023).

⁵ AdImpact, ADMO Creative Alert, Election Advertisements, Last Best Place PAC, “[Shady Sheehy](#)” (Accessed Jan. 26, 2024).

⁶ AdImpact, ADMO Creative Alert, Election Advertisements, Last Best Place PAC, “[Millionaire Politician](#)” (Accessed Jan. 26, 2024).

⁷ Holt, *supra* note 3; Bender *supra* note 3; See Last Best Place PAC, [Filings](#), 24- and 48-Hour Reports.

⁸ Holt, *supra* note 3; Bender *supra* note 3; See Last Best Place PAC, [Filings](#), 24- and 48-Hour Reports; 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2).

⁹ 11 C.F.R. § 104.3(b)(3)(vii).

February 5, 2024

Respectfully Submitted,

Caitlin Sutherland, Executive Director
Americans for Public Trust
107 South West Street, Suite 442
Alexandria, VA 22314

VERIFICATION

14. The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

For Complainant "Americans for Public Trust"

Caitlin Sutherland

City of Alexandria
Commonwealth of Virginia

The foregoing instrument was subscribed and sworn to before me this 5th day of February 2024 by Caitlin Sutherland.

Notary Public

Notary registration number: _____

My commission expires: _____