

October 22, 2024

Pennsylvania Department of State
Bureau of Campaign Finance and Civic Engagement
401 North Street, Rm 500
Harrisburg, PA 17120

Re: Complaint Against Star Spangled Media LLC

Americans for Public Trust is a nonprofit, nonpartisan organization dedicated to restoring trust in government by holding politicians and political groups accountable for corrupt and unethical behavior. It is in furtherance of this mission that we respectfully request that the Bureau of Campaign Finance and Civic Engagement (“Bureau”) open an immediate investigation into Star Spangled Media LLC (“SSM”) for its operation of “*The Morning Mirror*.” This website promotes itself as a local newsroom, but is, in fact, nothing more than a thinly veiled political operation that regurgitates and buttresses local Democratic candidates’ campaign talking points and produces all-out attack ads against Republican candidates—all while spending thousands of dollars to bolster their campaign-style political content. SSM is not a legitimate, *bona fide* “news media” organization warranting special treatment under Pennsylvania Election Code. Accordingly, its spending to regurgitate and republish Pennsylvania candidates’ campaign material is not exempted from the state’s registration and reporting requirements for political committees.¹

SSM’s spending in the Commonwealth of Pennsylvania appears to violate several provisions of the 1937 Act 320, which implements the Commonwealth’s campaign finance framework. SSM has failed to register as a political committee and report its contributions and expenditures.² Moreover, SSM’s republication of campaign materials indicates that its activities are not “independent” from the campaign, and therefore do not qualify as “independent expenditures” under the letter of Pennsylvania law.³

Background

The Morning Mirror – operated by SSM – describes itself as an outlet where “reliability meets fresh insight,” and further claims that it delivers “on the matters that impact your life.”⁴ However, recent public reporting has not only highlighted the site’s barebones, blog-like appearance, but also its exclusive promotion of Democratic candidates for the Pennsylvania General Assembly, as well as SSM’s spending on social media digital advertising backing the very same Democratic candidates featured on *The Morning Mirror*.⁵ With the support of unapologetic politico-lawyer, Marc Elias – who has unabashedly declared, “I am a committed Democrat in that I fight every day to help Democrats win elections, and I make no apologies for that” – SSM has been able to thrust tens of thousands of dollars of political advertisement spending into Pennsylvania elections, and has done so virtually undetected.⁶

¹ Pa. Stat. §1624.

² Pa. Stat. §§1621(b), 1621(d); §1624(a).

³ Pa. Stat. §1621(e).

⁴ *The Morning Mirror*, [About Us](#) (Accessed Oct. 22, 2024).

⁵ Max Tani, Top Democratic Lawyer Backs Mysterious News Site, [Semafor](#) (July 7, 2024).

⁶ *Id.*; Reid Wilson, Meet the Democrats’ Last Best Hope of Preserving a House Majority, [The Hill](#) (Dec. 17, 2021).

Recently, Mr. Elias’ firm claimed the operation “...retain[s] [sic] content writers on a freelance and/or permanent basis to write articles, commentaries, and editorials.”⁷ However, a closer, more in-depth inspection of SSM reveals its actual purpose is to launder campaign material, often copied *verbatim*, through a platform that masquerades as a legitimate, journalistic endeavor.

The State of Arizona’s Citizens Clean Elections Commission (“AZCCEC”) recently observed that, “[u]nlike many news sites, including left and right of center websites, *The Morning Mirror* includes no masthead, no bylines, no staff information, no contact information, no information about purchasing advertising or making donations, and no mailing or physical address.”⁸

Interestingly, what can be found on the website, however, has been aptly described by credentialed media as stories on “seemingly random topics,” which have been woven together in an effort to “ensure the odd blog is treated as a journalistic operation, not a political one.”⁹ In fact, the “local” section of the website is not “local” at all. Rather, it is near wholly made up of political candidate content, some of which is not even focused on the Commonwealth of Pennsylvania.¹⁰

Furthermore, this “difficult-to-find,” and “barebones blog[s]” greatest degree of visibility is not its website content, but rather the Facebook ads it serves audiences that feature nearly *verbatim* content from the campaign websites of Democratic candidates running for various offices across the country. These paid advertisements – costing in the tens of thousands of dollars – demonstrate a pipeline of nearly identical content, from the candidates’ websites, to the “articles” on *The Morning Mirror*, to, finally, digital ads paid for by SSM.¹¹

Through these *Morning Mirror* ad buys, SSM has spent up to \$129,000 in digital political advertising aimed at key voting demographics throughout Pennsylvania. Interestingly, the same state-level races are being targeted by the Democratic Legislative Campaign Committee (“DLCC”) – the organization dedicated to securing Democratic victories in state houses all across the country.¹²

Star-Spangled Media Buys and <i>Morning Mirror</i> Articles for Pennsylvania Candidates and Incumbents					
<i>Morning Mirror</i> Article	Ad Flight	Facebook Library ID	Candidate/Incumbent	Spend (Low)	Spend (High)
5/21/24	5/23/24— 7/18/24	1816727682135643	Elizabeth Moro (Candidate for State House)	\$1,500.00	\$2,000.00
5/21/24	7/17/24— 7/23/24	472546465379174	Elizabeth Moro (Candidate for State House)	\$1.00	\$100.00

⁷ Elias Law Group, [Advisory Opinion Request](#) (May 28, 2024).

⁸ State of Arizona, Citizens Clean Elections Commission, [Advisory Opinion 2024-05](#) (June 27, 2024).

⁹ Tani, *supra* note 5.

¹⁰ The Morning Mirror, [Local](#) (Accessed Oct. 22, 2024).

¹¹ Meta, Facebook Ad Library, The Morning Mirror, [Meta](#) (Accessed Oct. 22, 2024); The Morning Mirror, [Local](#) (Accessed Oct. 22, 2024); Sara Agerton for State Representative, Issues, [Sara Agerton](#) (Accessed Oct. 22, 2024); The Morning Mirror, State House Candidate Sara Agerton Says She’ll Protect Abortion Rights in Pennsylvania, [Local](#) (July 5, 2024); The Morning Mirror, State House Candidate Sara Agerton, [Meta Ad Library](#) (Ad Run July 22, 2024–Sept. 25, 2024); Anand Patel for State Representative, Issues, [Anand for PA](#) (Accessed Oct. 22, 2024); The Morning Mirror, State House Candidate Anand Patel Says He Supports A “Woman’s Right to An Abortion,” [Local](#) (July 3, 2024); The Morning Mirror, State House Candidate Anand Patel, [Meta Ad Library](#) (Ad Run July 22, 2024–Sept. 25, 2024); Tani, *supra* note 5.

¹² *Id.*; Democratic Legislative Campaign Committee, About DLCC, [DLCC](#) (Accessed Oct. 22, 2024); Democratic Legislative Campaign Committee, DLCC Announces Top Targets for the 2023-24 Cycles, [Press Release](#) (Mar. 27, 2024); Julia Manchester, Democratic State Campaign Arm Deploys \$2.2M Investment, [The Hill](#) (July 24, 2024); Democratic Legislative Campaign Committee, Path to the Majority: Expanding the Map: The DLCC’s Target States for the 2023-2024 Cycle, [DLCC](#) (Accessed Oct. 22, 2024). *For demographic information on the Pennsylvania voters targeted by SSM’s digital ads, see* Meta, Facebook Ad Library, The Morning Mirror, [Meta](#) (Accessed Oct. 22, 2024).

7/11/24	7/22/24— 9/24/24	398686012676541	Elizabeth Moro (Candidate for State House)	\$1,000.00	\$1,500.00
5/21/24	9/5/24— 9/27/24	525363903279133	Elizabeth Moro (Candidate for State House)	\$1,000.00	\$1,500.00
9/19/24	9/24/24— 10/16/24	963880762164087	Elizabeth Moro (Candidate for State House)	\$600.00	\$699.00
7/11/24	9/26/24— 10/11/24	522539257163323	Elizabeth Moro (Candidate for State House)	\$900.00	\$999.00
9/19/24	10/10/24— Present	3970640873210419	Elizabeth Moro (Candidate for State House)	\$600.00	\$699.00
10/9/24	10/15/24— Present	1664686797763480	Elizabeth Moro (Candidate for State House)	\$100.00	\$199.00
5/20/24	5/23/24— 7/18/24	1520716121841585	Eleanor Breslin (Candidate for State House)	\$1,000.00	\$1,500.00
5/20/24	7/17/24— 7/22/24	1244022986581826	Eleanor Breslin (Candidate for State House)	\$1.00	\$100.00
7/9/24	7/22/24— 9/25/24	1476386679678575	Eleanor Breslin (Candidate for State House)	\$1,000.00	\$1,500.00
5/20/24	9/5/24— 9/27/24	8325273164200995	Eleanor Breslin (Candidate for State House)	\$1,500.00	\$2,000.00
9/19/24	9/24/24— 10/16/24	1298630634453655	Eleanor Breslin (Candidate for State House)	\$500.00	\$599.00
7/9/24	9/26/24— 10/10/24	1505619406823407	Eleanor Breslin (Candidate for State House)	\$1,000.00	\$1,500.00
9/19/24	10/10/24— Present	1200825804371712	Eleanor Breslin (Candidate for State House)	\$900.00	\$999.00
10/9/24	10/15/24— Present	390510507330725	Eleanor Breslin (Candidate for State House)	\$100.00	\$199.00
5/19/24	5/23/24— 7/18/24	2203731193292772	Anna Thomas (Candidate for State House)	\$1,500.00	\$2,000.00
5/19/24	7/17/24— 7/23/24	409823158122926	Anna Thomas (Candidate for State House)	\$100.00	\$199.00
7/7/24	7/22/24— 9/25/24	1055423536153046	Anna Thomas (Candidate for State House)	\$1,000.00	\$1,500.00

5/19/24	9/5/24— 9/26/24	485326504302843	Anna Thomas (Candidate for State House)	\$1,500.00	\$2,000.00
9/19/24	9/24/24— 10/15/24	2217172268638658	Anna Thomas (Candidate for State House)	\$600.00	\$699.00
7/7/24	9/26/24— Present	883627773728032	Anna Thomas (Candidate for State House)	\$1,000.00	\$1,500.00
9/19/24	10/10/24— Present	8451666874950987	Anna Thomas (Candidate for State House)	\$600.00	\$699.00
10/9/24	10/15/24— Present	497893912677982	Anna Thomas (Candidate for State House)	\$100.00	\$199.00
5/18/24	5/23/24— 7/17/24	828913335775812	Sara Agerton (Candidate for State House)	\$1,000.00	\$1,500.00
5/18/24	7/17/24— 7/23/24	1320938315532611	Sara Agerton (Candidate for State House)	\$1.00	\$100.00
7/5/24	7/22/24— 9/25/24	880674743888510	Sara Agerton (Candidate for State House)	\$900.00	\$999.00
5/18/24	9/5/24— 9/26/24	1848791682316806	Sara Agerton (Candidate for State House)	\$1,000.00	\$1,500.00
9/19/24	9/24/24— 10/15/24	2473594022835627	Sara Agerton (Candidate for State House)	\$400.00	\$499.00
7/5/24	9/26/24— 10/10/24	1617676829179792	Sara Agerton (Candidate for State House)	\$900.00	\$999.00
9/19/24	10/10/24— Present	906618610797797	Sara Agerton (Candidate for State House)	\$800.00	\$899.00
10/9/24	10/15/24— Present	542604871859961	Sara Agerton (Candidate for State House)	\$100.00	\$199.00
5/17/24	5/23/24— 7/18/24	1389601565767247	Anand Patel (Candidate for State House)	\$1,000.00	\$1,500.00
5/17/24	7/17/24— 7/23/24	1160087751950649	Anand Patel (Candidate for State House)	\$1.00	\$100.00
7/3/24	7/22/24— 9/25/24	448102811384512	Anand Patel (Candidate for State House)	\$1,000.00	\$1,500.00
5/17/24	9/5/24— 9/26/24	426511363214395	Anand Patel (Candidate for State House)	\$1,500.00	\$2,000.00
9/19/24	9/24/24— 10/16/24	335441482923273	Anand Patel (Candidate for State House)	\$600.00	\$699.00
7/3/24	9/26/24— 10/11/24	1258480558682817	Anand Patel (Candidate for State House)	\$1,000.00	\$1,500.00
9/19/24	10/10/24— Present	850639393887459	Anand Patel (Candidate for State House)	\$1,000.00	\$1,500.00

10/9/24	10/15/24— Present	576731081375962	Anand Patel (Candidate for State House)	\$100.00	\$199.00
5/20/24	5/23/24— 7/18/24	760370022814803	Rep. Brian Munroe	\$1,000.00	\$1,500.00
5/20/24	7/17/24— 7/23/24	942661430963413	Rep. Brian Munroe	\$1.00	\$100.00
7/10/24	7/22/24— 9/25/24	809293554653154	Rep. Brian Munroe	\$1,000.00	\$1,500.00
5/20/24	9/5/24— 9/27/24	1552803295655432	Rep. Brian Munroe	\$1,500.00	\$2,000.00
9/19/24	9/24/24— 10/15/24	2272226523130450	Rep. Brian Munroe	\$500.00	\$599.00
7/10/24	9/26/24— 10/10/24	1063395612167848	Rep. Brian Munroe	\$1,000.00	\$1,500.00
9/19/24	10/10/24— Present	2670430279829616	Rep. Brian Munroe	\$1,000.00	\$1,500.00
10/9/24	10/15/24— Present	566443952911917	Rep. Brian Munroe	\$100.00	\$199.00
5/19/20	5/23/24— 7/18/24	1518776722011210	Anna Payne (Candidate for State House)	\$1,500.00	\$2,000.00
5/19/20	7/17/24— 7/22/24	3177954289011873	Anna Payne (Candidate for State House)	\$1.00	\$100.00
7/8/24	7/22/24— 9/25/24	3255241407943017	Anna Payne (Candidate for State House)	\$1,000.00	\$1,500.00
5/19/20	9/5/24— 9/27/24	879476087432081	Anna Payne (Candidate for State House)	\$1,000.00	\$1,500.00
9/19/24	9/24/24— 10/16/24	776847091146868	Anna Payne (Candidate for State House)	\$600.00	\$699.00
7/8/24	9/26/24— 10/10/24	2210350082657496	Anna Payne (Candidate for State House)	\$800.00	\$899.00
9/19/24	10/10/24— Present	517448181148330	Anna Payne (Candidate for State House)	\$700.00	\$799.00
10/9/24	10/15/24— Present	472175552523977	Anna Payne (Candidate for State House)	\$100.00	\$199.00
5/19/24	5/23/24— 7/18/24	1142046226832997	Rep. James Haddock	\$1,500.00	\$2,000.00
5/19/24	7/17/24— 7/23/24	329965713508910	Rep. James Haddock	\$100.00	\$199.00
7/6/24	7/22/24— 9/25/24	313012125136010	Rep. James Haddock	\$1,000.00	\$1,500.00
5/19/24	9/5/24— 9/27/24	1185366345851319	Rep. James Haddock	\$1,000.00	\$1,500.00
9/19/24	9/24/24— 10/16/24	1571965170077942	Rep. James Haddock	\$600.00	\$699.00

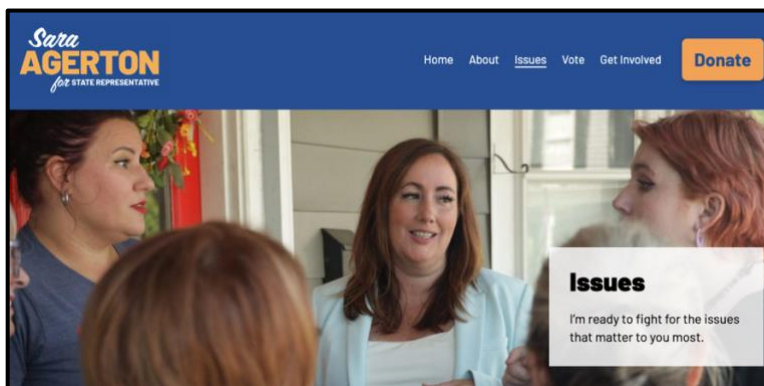
7/6/24	9/26/24— 10/10/24	850081320642777	Rep. James Haddock	\$900.00	\$999.00
9/19/24	10/10/24— Present	426083090505867	Rep. James Haddock	\$800.00	\$899.00
10/9/24	10/15/24— Present	1302147844559515	Rep. James Haddock	\$200.00	\$299.00
5/18/24	5/23/24— 7/18/24	1023361802957522	Hadley Haas (Candidate for State House)	\$1,500.00	\$2,000.00
5/18/24	7/17/24— 7/23/24	1169038084338427	Hadley Haas (Candidate for State House)	\$100.00	\$199.00
7/4/24	7/22/24— 9/24/24	501644222333119	Hadley Haas (Candidate for State House)	\$1,000.00	\$1,500.00
5/18/24	9/5/24— 9/27/24	2092444264458687	Hadley Haas (Candidate for State House)	\$1,000.00	\$1,500.00
9/19/24	9/24/24— 10/16/24	538025075378122	Hadley Haas (Candidate for State House)	\$600.00	\$699.00
7/4/24	9/26/24— 10/11/24	542504508159596	Hadley Haas (Candidate for State House)	\$800.00	\$899.00
9/19/24	10/10/24— Present	1062756115487695	Hadley Haas (Candidate for State House)	\$600.00	\$699.00
10/9/24	10/15/24— Present	1921726595005811	Hadley Haas (Candidate for State House)	\$200.00	\$299.00
5/17/24	5/23/24— 7/18/24	351659341263136	Nicole Ruscitto (Candidate for State Senate)	\$5,000.00	\$6,000.00
5/17/24	7/17/24— 7/23/24	1064447011743716	Nicole Ruscitto (Candidate for State Senate)	\$300.00	\$399.00
7/1/24	7/22/24— 9/25/24	1006830560980586	Nicole Ruscitto (Candidate for State Senate)	\$4,500.00	\$5,000.00
5/17/24	9/5/24— 9/27/24	1064508577849208	Nicole Ruscitto (Candidate for State Senate)	\$5,000.00	\$6,000.00
9/19/24	9/24/24— 10/16/24	2407615869432118	Nicole Ruscitto (Candidate for State Senate)	\$2,000.00	\$2,500.00
7/1/24	9/26/24— 10/11/24	1064440678363711	Nicole Ruscitto (Candidate for State Senate)	\$3,500.00	\$4,000.00
9/19/24	10/10/24— Present	2342198099459855	Nicole Ruscitto (Candidate for State Senate)	\$2,500.00	\$3,000.00
10/9/24	10/15/24— Present	1167272424793046	Nicole Ruscitto (Candidate for State Senate)	\$700.00	\$799.00

5/18/24	5/23/24— 7/18/24	419288630992084	Jim Wertz (Candidate for State Senate)	\$6,000.00	\$7,000.00
5/18/24	7/17/24— 7/23/24	1005105481272934	Jim Wertz (Candidate for State Senate)	\$300.00	\$399.00
7/2/24	7/22/24— 9/25/24	1153505582542860	Jim Wertz (Candidate for State Senate)	\$5,000.00	\$6,000.00
5/18/24	9/5/24— 9/27/24	1955378414900645	Jim Wertz (Candidate for State Senate)	\$4,500.00	\$5,000.00
9/19/24	9/24/24— 10/16/24	1263689801478972	Jim Wertz (Candidate for State Senate)	\$2,500.00	\$3,000.00
7/2/24	9/26/24— 10/11/24	1191375382143640	Jim Wertz (Candidate for State Senate)	\$3,000.00	\$3,500.00
9/19/24	10/10/24— Present	502140749362742	Jim Wertz (Candidate for State Senate)	\$2,500.00	\$3,000.00
10/9/24	10/15/24— Present	1250914742890798	Jim Wertz (Candidate for State Senate)	\$700.00	\$799.00
TOTALS:				\$101,106.00	\$129,462.00


(Meta, Facebook Ad Library, The Morning Mirror, [Meta](#) (Accessed Oct. 22, 2024) and The Morning Mirror, [Local](#) (Accessed Oct. 22, 2024))

SSM’s social media ads supporting candidate for Pennsylvania State House Sara Agerton, for example, unequivocally show this overtly political ad pipeline in action as SSM just regurgitates campaign literature. Ms. Agerton listed on her campaign website that she believes “abortion should be safe, legal, and accessible.” An article detailing Ms. Agerton’s stance on abortion also appears in a *Morning Mirror* “article,” along with *verbatim* passages from her campaign website. And finally, an SSM digital ad campaign highlights her position on this issue, once again featuring word-for-word text from her campaign website and *The Morning Mirror*.¹³

Screen Capture: 1 The "Issues" Section of Candidate Sara Agerton’s Campaign Website



¹³ Sara Agerton for State Representative, Issues, [Sara Agerton](#) (Accessed Oct. 22, 2024); The Morning Mirror, State House Candidate Sara Agerton Says She’ll Protect Abortion Rights in Pennsylvania, [Local](#) (July 5, 2024); The Morning Mirror, State House Candidate Sara Agerton, [Meta Ad Library](#) (Ad Run July 22, 2024-Sept. 25, 2024).



Protecting Reproductive Rights

I believe that abortion should be safe, legal, and accessible. Highly personal decisions like getting an abortion, or pregnancy through IVF, are between people and their doctors. I will work in the State House to make sure that decisions like these are yours, and no one else's.

(Sara Agerton for State Representative, Issues, [Sara Agerton](#) (Accessed Oct. 22, 2024))

Screen Capture: 2 "Morning Mirror" Article Featuring Text from Agerton's Campaign Website



The Democratic candidate for House District 88, Sara Agerton, says she "is in the fight" to protect reproductive rights in Pennsylvania. Agerton has been endorsed by Planned Parenthood Pennsylvania PAC, the state affiliate of the nation's leading abortion advocacy group. These endorsements are normally only granted to candidates who support pro-choice policies.

On her campaign website, Agerton says one of her top priorities is "protecting reproductive rights." According to Agerton, "I believe that abortion should be safe, legal, and accessible. Highly personal decisions like getting an abortion, or pregnancy through IVF, are between people and their doctors. I will work in the State House to make sure that decisions like these are yours, and no one else's."

(The Morning Mirror, State House Candidate Sara Agerton Says She'll Protect Abortion Rights in Pennsylvania, [Local](#) (July 5, 2024))

Screen Capture: 3 Sara Agerton "Morning Mirror" Facebook Ad, Paid for by SSM



The Morning Mirror
Sponsored · Paid for by Star Spangled Media LLC

State House candidate Sara Agerton says one of her top priorities is protecting reproductive rights.

Agerton's issues page says "I believe that abortion should be safe, legal, and accessible. Highly personal decisions like getting an abortion, or pregnancy through IVF, are between people and their doctors."

Sara Agerton says abortion should be safe, legal, and accessible.

LEARN MORE →

PAID FOR BY STAR SPANGLED MEDIA LLC

THEMORNINGMIRROR.COM
Sara Agerton's pro-choice campaign — The Morning Mirror
Pennsylvania Local News

Learn more

(The Morning Mirror, State House Candidate Sara Agerton, [Meta Ad Library](#) (Ad Run July 22, 2024-Sept. 25, 2024))

This campaign website-to-ad pipeline is also readily apparent in yet another example, which features candidate Anand Patel, who is also running for the Pennsylvania State House. On his campaign website, Mr. Patel states that he will "fight any politician trying to restrict our freedoms or endanger women's health." This identical message is then echoed in a *Morning Mirror* article regarding Mr. Patel's priority to safeguard abortion access.

And finally, an SSM advertisement bolsters the campaign’s original message repeating Mr. Patel’s willingness to “fight any politician trying to restrict our freedoms or endanger women’s health.”¹⁴

Screen Capture: 1 The "Issues" Section of Anand Patel's Campaign Website



02

Empowering Women

Anand will always stand up for a woman’s right to an abortion so she can make her own health care decisions. He will fight any politician trying to restrict our freedoms or endanger women's health.

(Anand Patel for State Representative, Issues, [Anand for PA](#) (Accessed Oct. 22, 2024))

¹⁴ Anand Patel for State Representative, Issues, [Anand for PA](#) (Accessed Oct. 22, 2024); The Morning Mirror, State House Candidate Anand Patel Says He Supports A “Woman’s Right to An Abortion,” [Local](#) (July 3, 2024); The Morning Mirror, State House Candidate Anand Patel, [Meta Ad Library](#) (Ad Run July 22, 2024-Sept. 25, 2024).

Screen Capture: 2 "Morning Mirror" Article Featuring Text from Patel's Campaign Website



(The Morning Mirror, State House Candidate Anand Patel Says He Supports A "Woman's Right to An Abortion," [Local](#) (July 3, 2024))

Screen Capture: 3 Anand Patel "Morning Mirror" Facebook Ad, Paid for by SSM

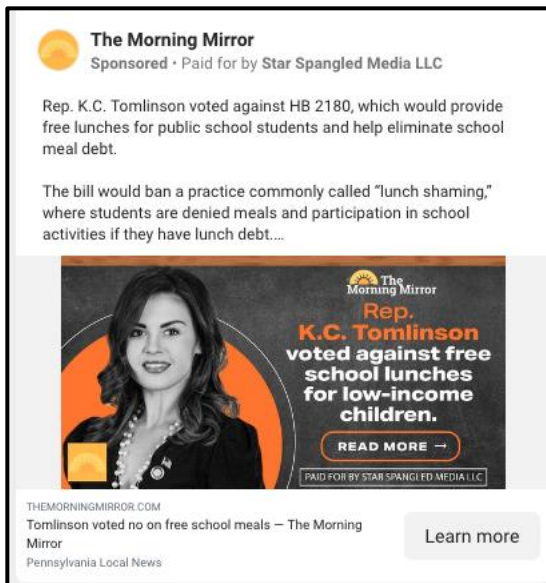


(The Morning Mirror, State House Candidate Anand Patel, [Meta Ad Library](#) (Ad Run July 22, 2024-Sept. 25, 2024))

In addition to these website-to-ad pipeline examples, incredibly, in recent weeks, SSM has been creating and promoting openly overt attack ads targeting specific Republican candidates, while in the same instance, supporting their Democratic challengers. In late September 2024, *The Morning Mirror* launched an inflammatory ad accusing Republican State Representative K.C. Tomlinson of voting “against free school lunches for low-income children.” As this ad launched, *The Morning Mirror* also featured a post directly attacking Representative Tomlinson and backing her Democratic opponent, Anand Patel.¹⁵

¹⁵ The Morning Mirror, Rep. K.C. Tomlinson, [Meta Ad Library](#) (Ad Run Sept. 24, 2024-Oct. 16, 2024); The Morning Mirror, Rep. K.C. Tomlinson Voted Against Free School Lunches, [Education](#) (Sept. 19, 2024).

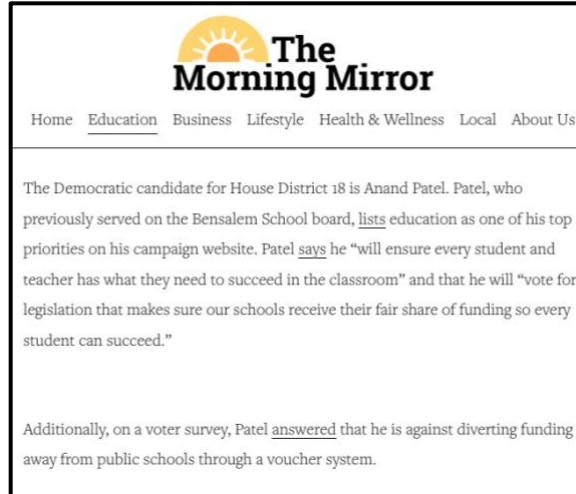
Screen Capture: 1 Rep. K.C. Tomlinson "Morning Mirror" Facebook Ad, Paid for by SSM



(The Morning Mirror, Rep. K.C. Tomlinson, [Meta Ad Library](#) (Ad Run Sept. 24, 2024–Oct. 16, 2024))

Screen Capture: 2 "Morning Mirror" Article Attacking Rep. K.C. Tomlinson and Promoting Her Opponent, Anand Patel





(The Morning Mirror, Rep. K.C. Tomlinson Voted Against Free School Lunches, [Education](#) (Sept. 19, 2024))

Yet another example of *The Morning Mirror*'s new, open attack ads features Pennsylvania State Representative Joe Emrick, claiming he “voted to take \$140 million away from PA public schools.” Once more, the accompanying “article” on *The Morning Mirror*'s website openly attacks Representative Emrick, but then lauds his Democratic challenger, Anna Thomas.¹⁶

Screen Capture: 1 Rep. Joe Emrick "Morning Mirror" Facebook Ad, Paid for by SSM



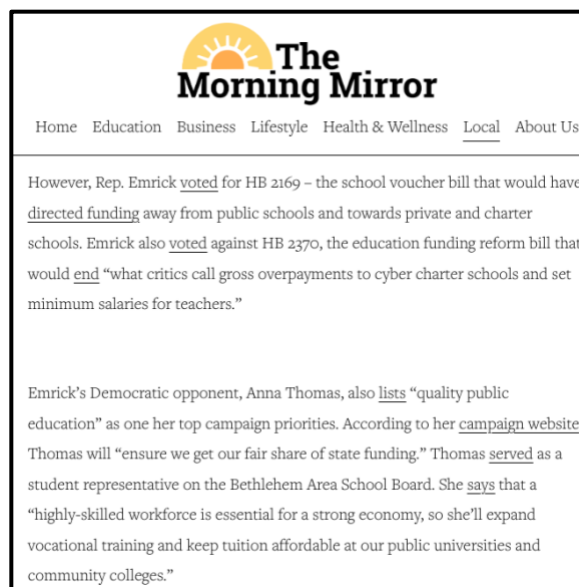
(The Morning Mirror, Rep. Joe Emrick, [Meta Ad Library](#) (Ad Run Sept. 24, 2024-Oct. 15, 2024))

¹⁶ The Morning Mirror, Rep. Joe Emrick, [Meta Ad Library](#) (Ad Run Sept. 24, 2024-Oct. 15, 2024); The Morning Mirror, Exploring Rep. Joe Emrick's Record Supporting School Vouchers, Voting Against Public School Funding, [Local](#) (Sept. 19, 2024).

Screen Capture: 2 "Morning Mirror" Article Attacking Rep. Joe Emrick and Promoting His Opponent, Anna Thomas



(The Morning Mirror, Exploring Rep. Joe Emrick's Record Supporting School Vouchers, Voting Against Public School Funding, [Local](#) (Sept. 19, 2024))



(The Morning Mirror, Exploring Rep. Joe Emrick's Record Supporting School Vouchers, Voting Against Public School Funding, [Local](#) (Sept. 19, 2024))

Request for Action

In its administration of *The Morning Mirror*, SSM appears to generate no revenue via methods used by legitimate newsrooms, and instead, only receives its money from dark money special interests. The AZCCEC noted that the only revenue SSM mentioned actually receiving was from nonprofit grants. Specifically, SSM described its revenue as "grants from nonprofit organizations that are interested in funding the type of news

coverage that Star Spangled Media undertakes and building an audience for the news coverage via targeted advertising.”¹⁷

In Pennsylvania, “contribution” broadly includes any “payment...for any valuable thing” made *to* a candidate or committee for the purpose of influencing the election.¹⁸ A political expenditure similarly includes any “payment...for any valuable thing” made *by* a candidate or committee for the purpose of influencing an election.¹⁹ Making either political contributions or expenditures – or in SSM’s case, both – triggers political committee registration and reporting requirements under Pennsylvania law.²⁰ As detailed in the excerpts and clips above, SSM’s spending on online advertisements and content is clearly for the purpose of influencing Pennsylvania elections, and is captured by the campaign finance reporting framework.

Traditional news outlets have long understood that they would not be subject to these requirements. For example, an endorsement of a candidate published by the editorial board of *The Philadelphia Inquirer* would not be subject to campaign finance laws. However, SSM does not qualify as such a traditional news media outlet – rather, it has no discernible revenue model, and it appears to exist almost solely for the purpose of republishing campaign material. While it presents itself to the Pennsylvania public as a legitimate news source, SSM is in reality a political operation that evades state registration and reporting requirements, all while republishing campaign materials in coordination with political candidates.²¹

SSM does not satisfy the general understanding of the “media exemption” found in federal and most state campaign finance laws. In *Readers Digest Ass’n. v. Fed. Election Comm’n*, the Southern District of New York held that the federal statute’s news media exemption only applied to “the press entity’s legitimate press function” and excludes purported press whose “facilities [are] owned or controlled by any political party, political committee or candidate.”²² Republishing campaign material in the form of paid online advertising, and, worse yet, launching full-on campaign attack ads against targeted candidates, indisputably falls outside of any legitimate press function, and, as such, the content of these publications would fall squarely within the state’s definitions of political contributions and expenditures. Furthermore, SSM replicates and amplifies campaign material into advertisements without incorporating journalistic news elements, additional commentary, or any editorialization of the content. SSM is not a *bona fide* news outlet and does not generate content that would be exempted from Pennsylvania’s campaign finance framework. In fact, Pennsylvania law regulates the campaign materials and political communications that comprise the bulk of the content SSM distributes.

A final concern with the continued allowance of SSM’s blatant campaign spending is an influx of copycat behavior, creating ultimately a greenlight to circumvent Pennsylvania’s campaign finance reporting requirements writ large.

It is with this in mind that we respectfully request that the Pennsylvania Bureau of Campaign Finance and Civic Engagement consider the applicability of Pennsylvania’s campaign finance laws to Star Spangled Media LLC’s political activity within the State.

Sincerely,



Caitlin Sutherland
Executive Director
Americans for Public Trust

¹⁷ *Supra* note 7.

¹⁸ Pa. Stat. §1621(b).

¹⁹ Pa. Stat. §1621(d).

²⁰ Pa. Stat. §§1624; 1626.

²¹ *Supra* note 2.

²² *Readers Digest Ass’n. v. Fed. Election Comm’n*, 509 F. Supp. 1210, 1214-15 (S.D.N.Y. 1981).