

Date: 7/25/2023

Utah Office of the Attorney General

To whom it may concern,

I would like to bring it to your attention that it appears that numerous illegal and criminal acts have been committed by a Political Issues Committee (PIC) named Stronger Together, and its officers, and others. The PIC is located in Orem, Utah.

It appears that criminal violations may be on-going, and these alleged violations also involve candidates for municipal public office who appear complicit in the scheme. This may arise to the level of conspiracy to commit illegal activities.

My office has jurisdiction over municipal elections within Utah County. With the heightened concern of election integrity, and considering the short period of these election cycles, I believe that your investigation and any corrective actions should be brought sooner rather than later. If you determine that there are illegal activities, I encourage your office to cause that these activities are discontinued immediately, to protect the integrity of the campaigning and the election process.

What is a Political Issues Committee

A “Political Issues Committee” (PIC) is created under 20A-11-801 by filing a statement of organization with the Lieutenant Governor's Office.

Each PIC “shall designate two officers that have primary decision-making authority for the political issues committee”. An individual “may not exercise primary decision-making authority for a political issues committee if the individual is not designated as an officer” (See Utah Code 20A-11-801(2)). Section 6 provides that “[A] person is guilty of providing false information in relation to a political issues committee if the person intentionally or knowingly gives false or misleading material information in the statement of organization or the notice of change of primary officer”. The statute also provides that “[A] violation of this Subsection (6) is a third-degree felony” (See Utah Code 20A-11-801(6)(c)).

The statement of organization of a PIC shall include:

- (a) the name and address of the political issues committee;
- (b) the name, address, phone number, occupation, and title of the two primary officers designated under Subsection (2);
- (c) the name, address, occupation, and title of all other officers of the political

issues committee;

(d) the name and address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;

(e) the name and address of all affiliated or connected organizations and their relationships to the political issues committee;

(f) the name, residential address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;

(g) the name, address, and occupation of each member of the supervisory and advisory boards, if any; and

(h) the ballot proposition whose outcome they wish to affect, and whether they support or oppose it.

(See 20A-11-801(3)).

Utah law, with clarity, limits a PIC's contributions and expenditures to the three defined purposes set out in the statute. A PIC may "solicit or receive donations from any other person, group, or entity to assist in"

(i) placing a ballot proposition on the ballot,

(ii) assist in keeping a ballot proposition off the ballot, or

(iii) to advocate that a voter refrain from voting or vote for or vote against any ballot proposition (See Utah Code 20A-11-101(39)). **A PIC is prohibited from all other political activity.**

A ballot proposition, as defined in Utah Code 20A-11-101(3), "includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953".

In *Downs v. Thompson*, 452 P.3d 1101 (UT 2019) the United States District Court sent to the Utah Supreme Court a certified question relating to scope of time of a "ballot proposition". The Utah Supreme Court stated, "We answer the second question by defining a 'ballot proposition' as used in Utah Code section 20A-11-1205(1)(b) to encompass the entirety of the referendum process, including the period of time before sponsors have obtained the requisite number of signatures on the referendum petition".

In essence, a PIC may only participate in a ballot proposition (receive or expend PIC funds) during the period of time that begins with the process of gathering signatures and placing the measure on the ballot and ends upon a vote on the ballot measure. Further, a PIC is permitted during this period of time to "solicit or receive donations" and "to make expenditures" related to the three defined purposes described in Utah Code 20A-11-101(39).

Certain PIC Activities Strictly Prohibited by Law

Although Utah Code 20A-11-101 section 6 and 15 define contributions and expenditures in general, a PIC's contributions and expenditures are narrowly defined in Utah Code

20A-11-101, sections 40 and 41.

For example, Utah Code 20A-11-101(15) generally permits an "Independent expenditure". Utah Code 20A-11-1702(2)(i) defines an independent expenditure as “an expenditure by a person expressly advocating the success or defeat of a clearly identified candidate or ballot proposition if the expenditure is not made in coordination with, or at the request or suggestion of a candidate”. An independent expenditure is not permitted by a PIC (See Utah Code 20A-11-101(41)). A PIC is in violation of 20A-11-1702(2)(i) if it promotes a candidate.

Also excluded from the list of expenditures permitted by a PIC are those expenditures made for “political purposes” (See Utah Code 20A-11-101(41)). A “political purpose” means “an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal or county office at any caucus, political convention, or election”. (See Utah Code 20A-11-101(42)).

Stronger Together is endorsing and promoting candidates on its social media page.

Stronger Together

Stronger Together is a PIC created under the laws of the State of Utah on May 9, 2022 (See attached ST PIC Formation). The stated purpose of the PIC, as required by Utah code, was to oppose the Orem “single city school district”. The officers listed in the PIC are Aerwyn Whitlock and Cecillia (Cissy) Rasmussen. The CFO is Keith Wilson, the husband of Alpine School District Board Member, Ada Wilson.

The picture below appeared on the Stronger Together FB page on November 8, 2022, with the caption:

Tears of joy at the kitchen table tonight. Missing Cissy, who is prepping for an interview, and also Dani, Sara, and Jana. But we're breathing easier tonight. Thank you to all of our beloved Stronger Together members- we LOVE this community!! We are grateful for your heroic efforts, the countless hours you've spent advocating for what you believe in, your passion, and best of all, your kindness. THIS is the Orem we love! #StrongerTogether



I am also aware of an audio recording of Ms. Wilson admitting to founding and organizing Stronger Together that I can supply if requested.

There is credible evidence that Ada Wilson has exercised “primary decision-making authority for a political issues committee” during a period of time that she was “not designated as an officer”.

Stronger Together, after the November 2022 election, appears to have committed numerous violations of Utah law. One needs only to look no further than the Stronger Together Facebook page to see the numerous violations. Keep in mind, it is not permitted under Utah law for a PIC to promote a candidate or be involved in “political purposes”.

Stronger Together has endorsed and promoted candidates who are seeking office for the Orem City Council. The PIC is expending resources to promote these candidates and a new PAC, Stronger Orem (created on March 10, 2023). By repurposing the PIC to

involve itself with municipal issues, the PIC has exceeded its legal purpose and it now appears that it is illegally promoting specific candidates in the City of Orem City Council race. Three candidates, Jenn Gale, Chris Killpack and Jeff Lambson, each seem to be complicit in these alleged criminal violations. Each has attended functions organized and advertised by the PIC, and each candidate has their picture prominently displayed on the Stronger Together Facebook page encourages a vote for these candidates.

The PIC is also involved in distributing campaign signs for Jenn Gale, Chris Killpack and Jeff Lambson. A recent post on July 18, 2023, on the Stronger Together’s Facebook (FB) page, states: “Time to get some new yard signs out. If you want to show support for these candidates, click below. More details in shared post”.



A PIC’s endorsement or promotion of a candidate is strictly prohibited by Utah law.

Here are other seemingly illegal activities:

- On July 5, 2023, Stronger Together posted a Facebook post that encouraged people to “[A]pply to be on a neighborhood commission”.
- On June 19, 2023, Stronger Together was promoting “Stronger Orem”, a PAC “made up of people who helped defeat Prop 2 last year. Now they are working together to support candidates who who [sic] value integrity, vision, and community. Get ready to vote this year for people who are committed to working together for a better Orem. Please consider following Stronger Orem on Facebook and Instagram”.
- On June 21, 2023, Stronger Together announced that it had sent out a newsletter. <https://mailchi.mp/strongertogether/welcome-to-stronger-together-9577346>. This newsletter endorses or otherwise promotes three candidates for Orem City Council. This appears to be a violation of Utah law. The candidates appear to be complicit in allowing a PIC to make an unlawful endorsement.
- On June 2, 2023, Stronger Together encouraged people visit with their preferred candidates:

Stronger Orem
*Visit our booth at Oremfest's
Rev Road Rally*

**Monday, June 5
6-8pm at Scera Park**

JENN GALE **CHRIS KILLPACK** **JEFF LAMBSON**

- See 100+ amazing vehicles
- Activities for kids
- FREE hot dog dinner for first 2000 people (sponsored by Oremfest)
- Learn about the 2023 city council candidates we are supporting

Follow us on Facebook and Instagram | strongerorem.org

- On May 24, 2023, Stronger Together encouraged people to “vote” for specific candidates:



Stronger Together may argue that this was really a promotion for the new PAC, Stronger Orem. Promoting a PAC by a PIC is not permitted under Utah law. This argument is undermined by the post that appeared prior to Stronger Orem being organized (3/10/2023). These posts appear to fall outside of the narrow legal confines permitted by a PIC.

- On February 24, 2023, there was a post regarding school district boundaries.
- On February 27, 2023, there was an “📢 ASAP Call to Action TODAY! 📢” to “oppose” SB0292.
- On January 31, 2023, a post was made relating to the Orem Public Library.

- On February 14, 2023, Stronger Together posted a newspaper article regarding the Mayor of Orem current litigation. Ms. Rasmussen may have committed a misdemeanor when she commented, “We need elected officials who are ethical, who take responsibility for their actions, who listen to people and have the humility to know their own limit.”
- On March 20, 2023, Ms. Rasmussen wrote “Mayor Dave Young shared his March message today, and it’s filled with accusations and misinformation. So much of this misunderstanding could have been prevented by resuming joint meetings with our school district and school board members, the people who know the details about our schools and how to fund them”.
- On February 1, 2023, Ms. Rasmussen posted:
Please be sure to read and share this important blogpost about Orem Library. @everyone Something to keep in mind: This issue is not just about Pride Month displays and books that have LGBTQ characters, as important as that is. However you feel about that piece, the bigger issue is that the city council is intruding on the public library to dictate the removal of ALL displays honoring heritage or diversity.
- January 19 & 20, 2023, Stronger Together opposed HB 215.
URGENT: Utah PTA has taken an official position on the Utah Fits All Scholarship (voucher). If you have a moment, please write a quick email to the Education Committee ASAP and tell them you oppose the Utah Fits All scholarship (voucher). Additionally, put OPPOSE HB215 in the subject heading because they often just tally the yes and no emails. Email addresses and more details are below. This committee meets Thursday 1/19 (we just found out Wednesday afternoon) and they will...
- On December 14, 2022, Stronger Together admitted that their newfound mission was as follows:
Our mission statement is:
Stronger Together is committed to building our community and helping Orem citizens make informed decisions.
Our areas of focus will be:
Share information about major city issues.
Share information about major school issues.
Create connections between our schools and neighborhoods.

This mission is prohibited by Utah law.

I could supply even more examples of what appears to be criminal conduct by these individuals and this PIC, but I expect that your investigation will provide a much more comprehensive approach to gathering evidence from as far back as mid-November 2022.

Conclusion

As I stated in the opening section of this complaint, election integrity has become a very important issue across the country, and I am submitting this complaint in order to maintain a sense of integrity of the election and campaigning process in the State of Utah and in Utah County. I do not want to be the county clerk that sat by and let these alleged violations occur and have voters ask afterwards why I did nothing. Each act described herein, and the other acts set out on the Stronger Together social media sites, appear to constitute separate crimes. It appears that several dozen violations have been committed. These acts were done knowingly and openly, and it appears for the purpose of interfering with the municipal election in the City of Orem.

As the Utah County Clerk, I have jurisdiction over municipal elections. Our office, as well as many other locations throughout our country, have a heightened concern over election interference. To that end, our Office respectfully makes two requests.

First, immediate action should be taken by the Utah Attorney General to put a stop to any illegal conduct that may result from a PIC illegally injecting itself and its ideology into the election process of a municipality.

If appropriate, I would request the Utah Attorney General consider filing criminal charges against the registered officers or agents of the PIC who have violated Utah law, as well as those candidates who have taken donations, in-kind or otherwise, through advertisements, or who have otherwise directly benefited from the action of the PIC Stronger Together. Reading the statute, it appears that all of these individuals involved, fall within the broad language of Utah Code Section 20A-1-609 that provides, “A person who violates any provision of this title is guilty of a class B misdemeanor” (See Utah Code Section 20A-1-609 (Omnibus penalties).

Second, there appears to be substantial evidence that Ms. Ada Wilson controls the PIC or at one time controlled the PIC. A person “may not exercise primary decision-making authority for a political issues committee if the individual is not designated as an officer”. Ms. Wilson was never designated as an officer. There are many statements made by Ms. Wilson that suggest that she is controlling the PIC or has done so in the past. The violation of this section is a third-degree felony. We would ask that this matter be investigated.

Utah law provides that a person in violation of this law “may be prosecuted in the county

where the expenditure or contribution was made, or where the services were provided, or in any county where the money was paid or distributed”. (See 20A-1-701).

Finally, I will reach out to the Mayor and City Council of Orem to disclose the presumable illegal acts that have been committed so that they may consider measures to protect the integrity of their municipal elections.

Please call on me if I can provide additional information and I would kindly ask that you keep me apprised of any developments.