



1 which mirrored the solicitation on HFA's website, it is unclear whether the Website's creators  
2 collected any contributions. The evidence also shows that the creators of the Website were likely  
3 located in a foreign country; however, we were unable to identify the Website's creators during  
4 the investigation because they used account and user names to hide their identities. Because the  
5 investigation confirmed the existence of a coordinated attempt, likely from outside the United  
6 States, to interfere with American voters, but was not able to determine the identities of the  
7 individuals behind the effort, we recommend that the Commission: (1) take no further action as  
8 to Unknown Respondent; (2) authorize the Office of General Counsel to

9 (3) close the file.

### 10 **III. INVESTIGATION**

11 Our investigation sought to identify the persons who created and were involved with the  
12 Website. The investigation included subpoenas issued to a web domain company, Namecheap,  
13 Inc.; two privacy protection services, WhoIsGuard, Inc., and Privacy Protect LLC; an online chat  
14 platform, Discord, Inc.; and Twitter, Inc. We also informally requested information from the  
15 Complainant and the person who purchased the domain name, and we reviewed public message  
16 boards. Although we were ultimately unable to identify the creators of the Website, we reviewed  
17 detailed discussions regarding the Website's creation and purpose, which yielded information as  
18 to when and why it was created, who purchased the domain name, the likelihood that the  
19 Website's creators were located outside the United States, and the message board aliases of the  
20 Website's creators.

1           **A.       Creation of the Website**

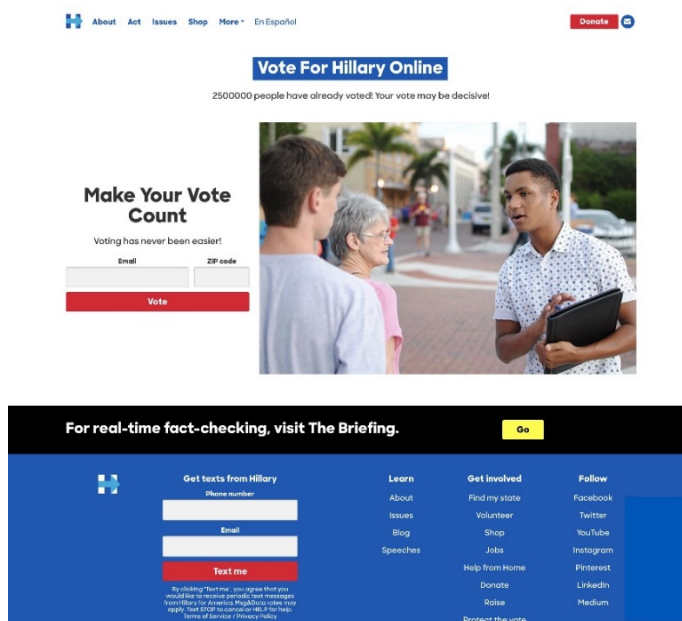
2           On November 1, 2016, seven days before the general election, user a0TEpgUb (“User  
3 #1”<sup>2</sup>), with the username “Jeb Bush,” posted this screenshot of a draft version of the Website on  
4 the 4chan message board /pol/ Politically Incorrect,<sup>3</sup> with the subject  
5 “VOTEHILLARYONLINE – DON’T LET IT SLIDE!”<sup>4</sup>

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<sup>2</sup> Although this report refers to message board posters as distinct “users,” some of the users have the same user names — User #1 and User #3 had the username “Jeb Bush” — and, based on the content of their messages board posts, they appear to be the same individual.

<sup>3</sup> Many of the message board threads and Twitter accounts we cite in this report contain profane and racially offensive language. We have redacted such language from this report.

<sup>4</sup> User a0TEpgUb, <https://archive.4plebs.org/pol/thread/95596041/> (Nov. 1, 2016 19:04:19); *see* <https://4plebs.org/> (last visited Mar. 25, 2020) (stating that it “archives all threads and images from specific image boards on 4chan”). Although the November 1 thread appears to have directly resulted in the launch of the Website, the idea for the Website may have originated from an October 13, 2016, message board thread in which a user with an American flag displayed next to the username shared an image directing Twitter users to vote for Clinton by tweet. *See* User RLajUIHU, <https://archive.4plebs.org/pol/thread/92802943/> (Oct. 13, 2016 18:16:40). Another user displaying an American flag near the username suggested that a website be created. *See id.*, User uHI46/9M (Oct. 13, 2016 18:47:02). A user displaying an Australian flag suggested creating “a little site with the name ‘Votehillaryonline’ or some s--- it will like [sic] more official and it could actually tank the votes of a few people so stupid, they shouldn’t even be allowed to vote” and also posted “That’s why we need ‘votehillaryonline.com.’” *Id.*, User lmgW7nNn (Oct. 13, 2016 18:42:25) (Oct. 13, 2016 18:48:39). A user with the name “idupstv” and displaying an Italian flag responded, “[I] can do design for you matey, we still need to find someone to host the website[.] [S]et up a discord chat for cooping, will ya? I will join in 8-10h.” *Id.*, User NMk8MG84 (Oct. 13, 2016 19:05:42). Both the October 13 and November 1 threads include users displaying flags from various countries, including the United States; as discussed further below, the November 1 thread indicates that the Website’s creators were likely not located in the United States.



1  
 2 Alongside the screenshot, User #1 asked for help with the development of the Website.<sup>5</sup>  
 3 Near the username is an image of the Italian flag, indicating that User #1 appeared to be located  
 4 in Italy.<sup>6</sup> On November 1, User #1 communicated with several users who offered help with the  
 5 message board, and User #1 invited them to join a Discord chat.<sup>7</sup> User #1 also stated that a  
 6 domain name would be needed, suggested “votehillaryonline.com” or “potusononline.com” as  
 7 potential names, and asked for help procuring one.<sup>8</sup> On November 7, 2016, the day before the  
 8 election, user OFXhCko3 (“User #2”) with the user name “techpol” and displaying an Australian  
 9 flag, posted a new thread titled “#VOTEHILLARYONLINE,” in which he states that “a couple  
 10 of us pol anons have been working on this: theabfa.com[.] However we can’t get a domain

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *See e.g., id.*, User a0TEpgUb (Nov. 1, 2016 19:30:09) (Nov. 1, 2016 19:37:35) (Nov. 1, 2016 19:55:25). This report focuses on the major developments and users involved in the creation of the Website as they appear on the archived 4chan message boards. Most of the cited posts were commented on by a number of additional users in a number of countries, including the United States.

<sup>8</sup> *Id.* (Nov. 1, 2016 20:07:53).

1 anonymously, if one of you could point a decent domain (e[.]g. voteclintononline.com) or  
 2 something similar our way[,] we can start spreading this, will dump all the data we collect in the  
 3 days following.”<sup>9</sup>

4 Also on November 7, 2016, user sL0aZ3AX (“User #3”), with the username “Jeb Bush,”  
 5 posted a new thread with the subject “#VOTEHILLARYONLINE – Buy us a f----- domain  
 6 name edition,” which states:

7 Last thread was great and we have managed to finish the website – theabfa.com  
 8 Thanks everyone who helped!  
 9 Almost everything is ready to launch, there is only one problem – we still lack the  
 10 domain. Unfortunately *no one of our team comes from US* and has no means to  
 11 buy a domain anonymously [sic] (aka get a prepaid visa debit card and pay from  
 12 it)  
 13 The domain name we would like is votehillaryonline.com . . .  
 14 MAKE IT HAPPEN, MAKE TOMORROW A LANDSLIDE!  
 15 P.S[.] We will dump all the data here for lulz . . . .<sup>10</sup>

16 Next to the post was an image that said, *inter alia*, “MAGA,” an acronym for Donald J. Trump’s  
 17 2016 presidential campaign slogan “Make America Great Again.”<sup>11</sup> Near the username was the  
 18 Italian flag, showing that the user appeared to be located in Italy.<sup>12</sup>

19 User jiZ9/ssG (“User #4”) displayed a Russian flag next to the username, and responded  
 20 in Russian, “Does it mean the site would be fake? Meaning, kind of like it would f--- with the

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<sup>9</sup> User OFXhCko3, <https://archive.4plebs.org/pol/thread/96611534/> (Nov. 7, 2016 04:08:49). As noted in the First General Counsel’s Report, the draft version of the Website appears to have been located at [www.theabfa.com](http://www.theabfa.com). The Commission issued a subpoena to Privacy Protect LLC, and it reported that the domain name was active from February 27, 2015 through April 10, 2018. *See* Email from Jenessa Smith, Endurance International Group, Inc., to Anne Robinson, Attorney, FEC (Aug. 1, 2019). Privacy Protect stated that the registrant’s name was Nate Gate with contact information including a phone number, email, and a street address in Chandler, Arizona. *See* Letter from Jenessa Smith, Endurance International Group, Inc., to Anne Robinson, Attorney, FEC (Mar. 25, 2019). Our research indicates that the address and phone number are invalid. We were also unable to verify the email address.

<sup>10</sup> User sL0aZ3AX, <https://archive.4plebs.org/pol/thread/96619157/> (Nov. 7, 2016 05:31:44) (emphasis added).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

1 democrats, making them believe that they would be able to vote online? . . .” and User #3  
 2 answered in Russian, “Yes.”<sup>13</sup> In response to a query related to timing, User #3 stated “a couple  
 3 of minutes, just need to buy the debit card, we will invite you to the discord and explain you  
 4 everything [sic].”<sup>14</sup> Later, User #3 wrote in Russian “I am using a VPN,” likely indicating that  
 5 he was using a Virtual Private Network (“VPN”) to mask his actual location.<sup>15</sup>  
 6 During the message board discussion, User #3 changed his username to “KEK’S  
 7 PROPHET” and stated that he “need[s] the domain” to “change the world forever.”<sup>16</sup> User  
 8 KHyvbf6 (“User #7”), displaying a Singaporean flag next to his username, offered “Owner of  
 9 multiple domains here. I could get it but how will you get me to trust you?”<sup>17</sup> User #3 replied  
 10 “votehillaryonline.com costs like 10\$.”<sup>18</sup> User #7 responded “8.88 usd here,” sharing a

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<sup>13</sup> *Id.*, User jiZ9/ssG (Nov. 7, 2016 06:11:51); *id.*, User sL0aZ3AX (Nov. 7, 2016 06:14:56). User #4 then asked in Russian, “Why can’t we purchase a domain using a credit card that is not registered in America? Or are you s----- yourselves [scared] that it would expose personal information?” *Id.*, User jiZ9/ssG (Nov. 7, 2016 06:17:50).

<sup>14</sup> *Id.*, User sL0aZ3AX (Nov. 7, 2016 06:26:03). The “discord” referenced here, according to Discord itself, “is a messaging platform where millions of users from around the world connect with each other through chat, voice, and video.” Discord Resp. to Commission Subpoena, Discord Law Enforcement Guide at 1 (May 15, 2019). In the midst of this discussion, user hE91Bg/u (“User #5”), also using the user name “Jeb Bush,” begins a new thread with the subject “FAKE VOTING HILLARY WEBSITE – LANDSLIDE EDITION,” in which he asks for assistance in obtaining the domain name votehillaryonline.com and shares that the website is currently located at theabfa.com. User hE91Bg/u, <https://archive.4plebs.org/pol/thread/96624393/> (Nov. 7, 2016 06:21:27). User #5 stated that the goal of the Website is “to fool dem [African-Americans] into thinking that they can vote at home. Like that leading them into not voting with a paper ballot -> Trump landslide.” *Id.* User #5 further states that “*no one of our team comes from US* and has no means to buy a domain anonymously [sic] (aka get a prepaid visa debit card and pay from it).” *Id.* (emphasis added). There were no responses to this post. In addition, user 0BXNVwyT (“User #6”), using the name “KEK’S PROPHET” started an additional thread that also requested someone to purchase the domain name and shared the same message that the Website targeted African-American voters. User 0BXNVwyT, <https://archive.4plebs.org/pol/thread/96625952/> (Nov. 7, 2016 06:34:40).

<sup>15</sup> User sL0aZ3AX, <https://archive.4plebs.org/pol/thread/96619157/> (Nov. 7, 2016 06:29:50).

<sup>16</sup> *Id.*, User sL0aZ3AX (Nov. 7, 2016 06:35:29).

<sup>17</sup> *Id.*, User KHyvbf6 (Nov. 7, 2016 06:35:52).

<sup>18</sup> *Id.*, User sL0aZ3AX (Nov. 7, 2016 06:36:08) (replying directly to User 96uVa5o0’s question “How much is the domain name and which one do you have in mind”).

1 screenshot of his order for the domain name purchase.<sup>19</sup> User #4 then said “DO IT,” and User #3  
 2 responded “Buy it, and get in here <https://discord.gg/67xAX>,” providing a link to a Discord chat  
 3 room.<sup>20</sup> User #3 asked User #7 “Are you inside the discord?,” to which User #7 replied,  
 4 “Yes.”<sup>21</sup> Minutes later, User #3 wrote that he was “discussing with the singapore guy s--- in  
 5 discord [sic].”<sup>22</sup> In response to a post by User #4 that states in part, “hackers under vpn are  
 6 hacking american election . . . they will blame russians because ukrainians speak russian . . . 400  
 7 lbs hacker Mykola gonna shut down internets and start ww3 . . . im [sic] ready,” User #3 states in  
 8 Russian “That’s how it will happen, Ivan[.] Hehehe I will dye Kremlin yellow-blue color.”<sup>23</sup>  
 9 A short time later, user mQukcCJh (“User #8”), displaying an American flag near its  
 10 “Anonymous” username, posted a new thread with the subject “VOTEHILLARY  
 11 ONLINE.COM,” which stated that the goal was to trick African-Americans “into thinking that  
 12 they can vote at home,” hopefully resulting in a “Trump landslide.”<sup>24</sup> Discussion included

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<sup>19</sup> *Id.*, User KHyvbr6 (Nov. 7, 2016 06:36:46).

<sup>20</sup> *Id.*, User jiZ9/ssG (Nov. 7, 2016 06:37:26); *id.*, User sL0aZ3AX (Nov. 7, 2016 06:37:40) (with a message replying to User #4 one second later in Russian: “Son of a b----, brother, you’re helping”). In response to the Commission subpoena to Discord relating to the chat room link used by the creators of the website to provide information to User #7, counsel for Discord confirmed that the chat room link was created on October 31, 2016 and deleted on May 29, 2017. *See* Letter to Anne B. Robinson, Attorney, FEC, from Ryan T. Mrazik, Counsel to Discord, Perkins Coie LLP at 1 (Apr. 8, 2019). However, Discord stated that it did not have other information regarding the screen names, persons, accounts or websites associated with the link. *See id.*

<sup>21</sup> User sL0aZ3AX, <https://archive.4plebs.org/pol/thread/96619157/> (Nov. 7, 2016 06:43:07). User #3 then posts that he will create a separate message board thread to “spread” the Website once it is live. *Id.*, User sL0aZ3AX (Nov. 7, 2016 06:45:43).

<sup>22</sup> *Id.*, User sL0aZ3AX (Nov. 7, 2016 06:49:43).

<sup>23</sup> *Id.*, User jiZ9/ssG (Nov. 7, 2016 06:42:33); *id.*, User sL0aZ3AX (Nov. 7, 2016 06:50:46).

<sup>24</sup> User mQukcCJh, <https://archive.4plebs.org/pol/thread/96632413/> (Nov. 7, 2016 07:32:19) (with offensive language).

1 references to the illegality of the Website.<sup>25</sup> Similarly, user UaZahBDJ (“User #9”), displaying a  
2 Russian flag next to the username, began a new thread that directed people to the Website and  
3 wrote “look, Benjamin, 400 lbs ukrainian hacker is gonna steal hillary votes tomorrow and there  
4 is nothing you can do about it, deleting threads doesnt [sic] help,” “#votehillaryonline,” and “its  
5 [sic] northern italian 200 kg hacker luigi, [I] just spam the s---, he doesnt [sic] even have social  
6 media. [M]ade the site now its ur [sic] turn to spread. [U]se something like #votehillaryonline.”<sup>26</sup>  
7 Later that day, another user named HcPkWhcu posted a link to the Website on a different  
8 message board thread and encouraged others to “spread it.”<sup>27</sup> Yet another user, z821kgbN,  
9 posted in a different thread “get to work, spread around twitter . . . main target [sic] are  
10 millennials and blacks/latinos . . . .”<sup>28</sup> On Election Day, November 8, 2016, user YfzguI5p  
11 posted a new thread, asking “What happened guys what’d I miss why is our site down?  
12 <http://votehillaryonline.com/> But this is still up? <http://theabfa.com/> Can we salvage this? Now  
13 would be the time for action!!!!”<sup>29</sup>

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<sup>25</sup> See e.g., *id.*, User Tkwg6lrh (Nov. 7, 2016 07:41:27); *id.*, User AkpiLaBy (Nov. 7, 2016 07:45:30) (stating that the user reported the Website to the Federal Bureau of Investigation); *id.*, User HM/5f/he (Nov. 7, 2016 07:46:09) (stating that “its [sic] ukrainian hackers running the site”).

<sup>26</sup> User UaZahBDJ, <https://archive.4plebs.org/pol/thread/96632519/> (Nov. 7, 2016 07:33:11) (Nov. 7, 2016 07:49:38) (Nov. 7, 2016 08:20:42). A user displaying a Polish flag next to his username suggested edits to the Website that would make it less “amateurish.” User RQtdPbqs, <https://archive.4plebs.org/pol/thread/96632519/> (Nov. 7, 2016 09:11:20) (Nov. 7, 2016 09:15:10). It appears that at least one of his suggested edits was incorporated into the Website, namely, the revision of a link that directed visitors to theabfa.com.

<sup>27</sup> User HcPkWhcu, <https://archive.4plebs.org/pol/thread/96695869/> (Nov. 7, 2016 14:28:48).

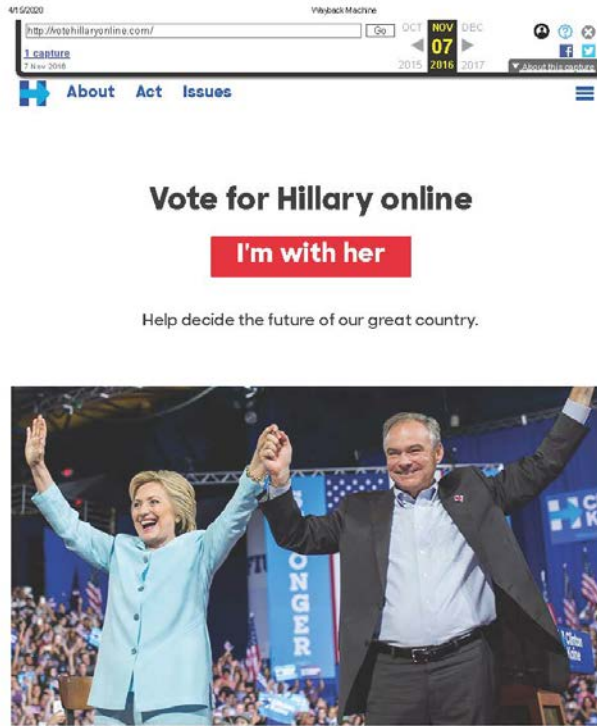
<sup>28</sup> User z821kgbN, <https://archive.4plebs.org/pol/thread/96697540/> (Nov. 7, 2016 15:02:54) (displaying a Switzerland flag).

<sup>29</sup> User YfzguI5p, <https://archive.4plebs.org/pol/thread/96818478/> (Nov. 8, 2016 00:12:41).



1           **B.       The Vote Hillary Online Website**

2           The Website as it appeared on November 7, 2016,<sup>30</sup> contained a home page featuring an  
 3           “I’m with her” button:



4

5           Clicking the “I’m with her” button redirected the reader to the “voting” webpage:

<sup>30</sup> The Website was archived that day. See <https://web.archive.org/web/20161107213932/http://votehillaryonline.com/>. When we questioned Complainant David Lazarus, he recalled that the archived version of the Website corresponded to his recollection of the live website. A draft version of the Website also was archived on November 7, 2016 at theabfa.com. See <https://web.archive.org/web/20161107213933/http://theabfa.com/>.

4/15/2020

Wayback Machine

 [About](#) [Act](#) [Issues](#)



## Vote! -and help stop Donald Trump!

NB: Submitting this form will place your vote for the Hillary Clinton - Tim Kaine ticket. Please check your details carefully as incorrect details will not create a warning and your vote will not be counted, the votes collected here are passed directly to the state for verification and counting.

[Terms of Service / Privacy Policy](#)

\*Not Required

**First Name**

**Last Name**

**State**

**Address**

**State ID or Driver ID Reference Number:**

**Email\***

<https://web.archive.org/web/20181072133328/http://votehillaryonline.com/>

1/2

1

4/15/2020

Wayback Machine

## Place vote for Hillary Clinton

NB: Submitting this form will place your vote for the Hillary Clinton - Tim Kaine ticket. Please check your details carefully as incorrect details will not create a warning and your vote will not be counted, the votes collected here are passed directly to the state for verification and counting.

<https://web.archive.org/web/20181072133328/http://votehillaryonline.com/>

2/2

2

1 Notably, the “Donate” link at the top of the home page appears to have delivered visitors  
 2 to a page that solicited contributions, purportedly for HFA, although it does not appear to have  
 3 directed visitors to HFA’s actual donation webpage:<sup>31</sup>

4150200 Wayback Machine

**It's Election Day! Chip in to stand with Hillary before polls close**

SECURE

Select an Amount

\$5	\$10	\$25
\$50	\$100	\$200
\$250	Other Amount	

**NEXT →**

By clicking "Donate", I certify that:

1. I am a U.S. citizen or lawfully admitted permanent resident of the U.S.
2. I am making this contribution on a personal card with my own personal funds, not those of another person or entity.
3. I am not a federal contractor.
4. I am at least 18 years old.

**Contributions or gifts to Hillary for America are not tax deductible.**

An individual may contribute up to \$2,700 per election (the primary and general are separate elections). By submitting your contribution, you agree that the first \$2,700 of a contribution will be designated for the 2016 primary election, and any additional amount up to \$2,700 will be designated for the 2016 general election. By providing your phone number, you are consenting to receive calls, including automated calls to that number from Hillary for America.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in an election cycle.

**Mail:** To contribute by mail, please send a personal check made payable to "Hillary for America" to:

Hillary for America  
 P.O. Box 1700  
 Merrifield, VA 22116-9559

<https://web.archive.org/web/20161017133242/http://hilleforamerica.com/>

1/2

4150200

Wayback Machine

Please include your full name, address, phone number, email address, occupation and employer in the envelope.

**Americans Abroad:** [Click here to contribute.](#)

Paid for by Hillary for America, a grassroots campaign of over 2 million donors committed to electing Hillary Clinton (and keeping Donald Trump out of the White House).

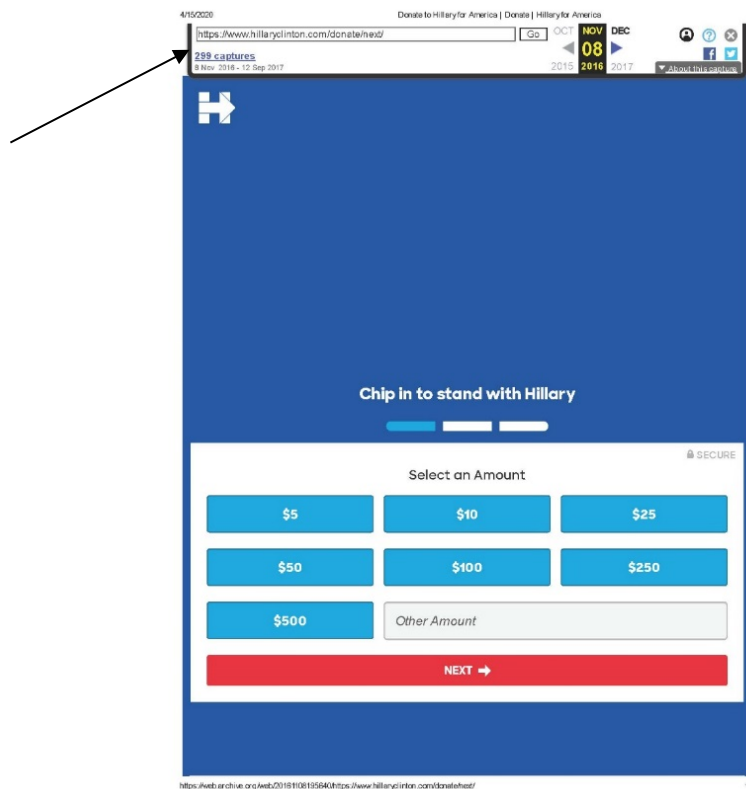
<https://web.archive.org/web/20161017133242/http://hilleforamerica.com/>

2/2

5

<sup>31</sup> The “Donate” link at the bottom of the home page appears to direct visitors to a blank webpage.

- 1           The Website included a mailing address for checks that appears to be the campaign's  
 2 actual mailing address. Similarly, the link for "Americans Abroad" to donate appears to redirect  
 3 visitors to the campaign's actual donation webpage:



- 4  
 5           **C. Purchase of the Website Domain Name**  
 6           In response to a Commission subpoena, Namecheap, the domain name company used to  
 7 purchase the Website domain name, identified the purchaser as Jing Hao Lim, with a street  
 8 address in Singapore and an email address of orphamiel@yahoo.com.<sup>32</sup> Records indicate that  
 9 Lim already had a Namecheap account in November 2016, when he purchased the domain name  
 10 for the Website.<sup>33</sup> Lim logged into his Namecheap account four times on November 7, 2016,

<sup>32</sup> Namecheap Resp. to Subpoena (Aug. 31, 2019).

<sup>33</sup> *Id.*

1 once on November 9, and once on November 11.<sup>34</sup> He paid \$9.06 on November 7 to register the  
2 Website.<sup>35</sup>

3 In response to our request for information, Lim stated that he is a Singaporean citizen  
4 who joined a message board on 4chan's "/pol/ (Politically Incorrect) board," and he explained  
5 that the "4plebs" website that contains public message board posts regarding the Website is an  
6 archive of 4chan message boards.<sup>36</sup> Lim stated that he noticed other users asking for "assistance  
7 in setting up a domain for their server" for the Website.<sup>37</sup> He said he was "inducted into their  
8 discord where [he] was provided the IP address of the webpage they had set up. [Lim] agreed to  
9 help them and thus bought the domain (www.votehillaryonline.com) and set the A Records to the  
10 IP address."<sup>38</sup> Lim purchased the domain name for one year and "used [his] own funds (either  
11 through paypal or debit card) to purchase the domain and did not receive any reimbursements."<sup>39</sup>  
12 Lim received an email from Namecheap on November 8, 2016, stating that it had "suspend[ed]

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<sup>34</sup> *Id.*

<sup>35</sup> *Id.*; see also Email from Jing Hao Lim to Anne Robinson, Attorney, FEC (Nov. 7, 2018 12:11 AM) (Namecheap Order Summary). The price of the domain name was \$8.88 but the total paid was \$9.06. *Id.*; see Email from Jing Hao Lim to Anne Robinson, Attorney, FEC (Nov. 7, 2018 12:11 AM) (Namecheap Order Summary).

<sup>36</sup> Email from Jing Hao Lim to Anne Robinson, Attorney, FEC (Nov. 7, 2018 12:08:33 AM).

<sup>37</sup> Email from Jing Hao Lim to Anne Robinson, Attorney, FEC (Nov. 7, 2018 12:08:33 AM).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

1 the domain due to violation of Namecheap's Universal Terms of Service Agreement."<sup>40</sup> The  
2 Website remained suspended until the domain registration period ended in November 2017.<sup>41</sup>

### 3 **D. Dissemination of the Website on Twitter**

4 Based on the archived message board posts, we searched Twitter for tweets that  
5 referenced "votehillaryonline." We found several Twitter accounts that posted either a link to  
6 the Website or "#votehillaryonline." For example, the account @Lemarkaos, which appears to  
7 be a fake profile of an African-American man and which tweeted only on November 7, 2016,  
8 issued five tweets with the link to the Website.<sup>42</sup> Similarly, the Twitter account @latishnum1,  
9 which appears to be a fake account portraying an African-American woman, was created and  
10 began tweeting on Election Day (November 8, 2016), and tweeted the link to the Website three  
11 times that day.<sup>43</sup> Both @Lemarkaos and @latishnum1 stopped tweeting shortly after the  
12 election. According to Twitter, @Lemarkaos and @latishnum1 were created on the same day  
13 and at the same IP address in British Columbia, Canada.<sup>44</sup>

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<sup>40</sup> *Id.* Namecheap requested that Lim provide "proof of authorization to represent Hillary Clinton on [the] website and collect campaign contributions in order to get the domain unsuspended" and forwarded Lim correspondence from Complainant and a copy of what appears to be the Complaint filed in this matter. *See* Email from Jing Hao Lim to Anne Robinson, Attorney, FEC (Nov. 7, 2016 12:14:01 AM).

<sup>41</sup> Email from Jing Hao Lim to Anne Robinson, Attorney, FEC (Nov. 7, 2016 12:15:43 AM) (Namecheap domain name expiration notice).

<sup>42</sup> *See* Lemarkus Washington (@Lemarkaos), TWITTER (Nov. 7, 2016), <https://twitter.com/lemarkaos>. Twitter's records indicate that this account was created at 12:29 AM on November 8, 2016, but the initial tweets are logged on November 7, 2016. This discrepancy may be due to time zone variations. A Google image search of the profile photo for @Lemarkaos indicates that the image was taken from one of a number of websites advertising a costume wig called the "Gangsta Braids Wig." *See, e.g.*, [http://www.7thavenuecostumes.com/costume\\_70598.html](http://www.7thavenuecostumes.com/costume_70598.html); <https://www.amazon.ca/California-Costumes-Gangsta-Braids-Size/dp/B0031C6MQI>; <https://www.wondercostumes.com/gangsta-braids-wig-adult-ptcynjl.html>.

<sup>43</sup> Latisha Johnson (@latishnum1), TWITTER (Nov. 8, 2016), <https://twitter.com/latishnum1/>. A Google image search of @latishnum1's profile picture indicates that the photo likely came from a 2012 article posted on Essence.com. *See* Nathan Hale Williams, *Girl's Best Friend: You Make You*, ESSENCE (Aug. 24, 2012), available at <https://www.essence.com/news/girls-best-friend-you-make-you-2/>.

<sup>44</sup> *See* Twitter Resp. to Subpoena (Dec. 11, 2019). The Electronic Communications Privacy Act and Stored Communications Act limited the information provided in response to these subpoenas to basic subscriber

1 **IV. ANALYSIS**

2 The Act provides that no person shall fraudulently misrepresent themselves as speaking,  
3 writing, or otherwise acting for, or on behalf of, any candidate or agent thereof for the purpose of  
4 soliciting contributions or donations.<sup>45</sup> Further the Act provides that no person shall willfully  
5 and knowingly participate in or conspire to participate in any plan or scheme to engage in such  
6 behavior.<sup>46</sup> Although the Act requires that the violator have the intent to deceive, it does not  
7 require proof of the common law fraud elements of justifiable reliance and damages.<sup>47</sup>  
8 Even absent an express misrepresentation, a representation is fraudulent if it was reasonably  
9 calculated to deceive persons of ordinary prudence and comprehension.<sup>48</sup>

10 The Commission previously found reason to believe that an Unknown Respondent,  
11 through the Website, fraudulently misrepresented itself as acting for, or on behalf of, Clinton and  
12 her campaign while soliciting contributions.<sup>49</sup> The Website indicates that it did in fact solicit  
13 contributions and may have received some. The evidence reveals, however, that the primary

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information. *See* 18 U.S.C. § 2510 *et seq.* (Electronic Communications Privacy Act); 18 U.S.C. § 2701 *et seq.* (Stored Communications Act); *see also* Letter to Anne Robinson, Attorney, FEC, from Robert Lenhard, Counsel to Twitter, Covington & Burling LLP (Nov. 13, 2019); Letter to Robert Lenhard, Counsel to Twitter, Covington & Burling LLP from Anne B. Robinson, Attorney, FEC (Nov. 21, 2019); Letter to Anne B. Robinson, Attorney, FEC, from Ryan T. Mrazik, Counsel to Discord, Perkins Coie LLP (Apr. 8, 2019).

<sup>45</sup> 52 U.S.C. § 30124(b)(1); *see also* 11 C.F.R. § 110.16(b)(1).

<sup>46</sup> 52 U.S.C. § 30124(b)(2); *see also* 11 C.F.R. § 110.16(b)(2).

<sup>47</sup> *See FEC v. Novacek*, 739 F. Supp. 2d 957, 961 (N.D. Tex. 2010) (finding that defendants knowingly and willfully violated 2 U.S.C. § 441h(b) (now 52 U.S.C. § 30124(b)); Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,969 (Dec. 13, 2002) (“Explanation and Justification”) (citing *Neder v. United States*, 527 U.S. 1, 24-25 (1999)) (distinguishing fraud in federal campaign finance abuses from common law tort action on the basis of Congress intending to penalize schemes as well as actions taken to defraud and the damaging effect of misrepresentation); Factual & Legal Analysis at 4, MUR 5472 (Jody Novacek).

<sup>48</sup> *Novacek*, 739 F. Supp. 2d at 961.

<sup>49</sup> Factual & Legal Analysis at 5, MUR 7194 (Unknown Respondent).

1 purpose of the Website was not to solicit contributions but to deceive minority voters into  
2 believing that they could vote online for Clinton. The goal of the Website was to suppress actual  
3 votes for Clinton, thereby increasing Trump's chances of winning the 2016 Presidential election.

4 As to fundraising, the Complaint alleged that the Website made it "unclear where  
5 contributions made through this website [would] be routed," and stated that HFA did not  
6 "authorize[] the sponsor(s) of [www.votehillaryonline.com](http://www.votehillaryonline.com) to raise funds on its behalf, contract[]  
7 with the website to perform any type of service, or receive[] funds raised through [the] portal."<sup>50</sup>  
8 During the investigation, Lim said that he was "not aware of any donations" obtained through the  
9 Website nor did he "receive[] any."<sup>51</sup> He also recalled that when he raised the issue of collecting  
10 donations, the other participants in the Discord chat "reacted in shock and suggested that they  
11 were not receiving any and suggested that they were being set up."<sup>52</sup> Lim's recollection is  
12 consistent with our review of the 4chan/4plebs message boards as no participants stated that they  
13 intended to collect contributions through the Website. In addition, the "draft" version of the  
14 Website included a "Donate" link that directed visitors to Clinton's actual campaign donation  
15 webpage.<sup>53</sup> Further, the November 7 version of the Website appears to have included HFA's  
16 correct mailing address for checks, and it redirected "Americans Abroad" to HFA's actual  
17 contribution webpage. Thus, while the investigation confirmed that the November 7 version of  
18 the Website solicited contributions, it did not reveal that the creators of the Website actually  
19 collected any funds.

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<sup>50</sup> Compl. at 2 (Nov. 7, 2016).

<sup>51</sup> Email from Jing Hao Lim to Anne Robinson, Attorney, FEC (Nov. 7, 2018 12:08:33 AM).

<sup>52</sup> *Id.*

<sup>53</sup> <https://web.archive.org/web/20161107213933/http://theabfa.com/> (linking through "Donate" at top of webpage to <https://web.archive.org/web/20161108195611/https://www.hillaryclinton.com/donate/?ref=nav>).



1           The evidence developed during the investigation also reveals that several of the Twitter  
2 user profiles described above share characteristics with the Internet Research Agency's  
3 ("IRA's") active measures social media campaign, *i.e.*, targeting voters with fake social media  
4 accounts.<sup>54</sup> In particular, the accounts @Lemarkaos and @latishnum1 appear to impersonate  
5 African-Americans in an attempt to influence and deceive African-American voters. This  
6 conclusion is supported by the 4chan/4plebs message board posts that use racially offensive  
7 language and state that they were targeting African-American voters.<sup>55</sup> In addition, the user "Jeb  
8 Bush"/User #3, who appears to have participated in the creation of the Website and whose  
9 account displayed an Italian flag near the username, converses in Russian more than once.<sup>56</sup>

10           As such, we reviewed the Special Counsel's Report and reports facilitated and issued by  
11 the Senate Select Committee on Intelligence ("SSCI"), but these reports do not explicitly connect  
12 the Website or [www.theabfa.com](http://www.theabfa.com) to the IRA or Russia.<sup>57</sup> Further, Twitter confirmed that the

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<sup>54</sup> See *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, U.S. Dep't of Justice, Vol. 1 at 14-35 (March 2019) ("Special Counsel's Report").

<sup>55</sup> See, *e.g.*, User hE91Bg/u, <https://archive.4plebs.org/pol/thread/96624393/> (Nov. 7, 2016 06:21:27).

<sup>56</sup> See User sL0aZ3AX, <https://archive.4plebs.org/pol/thread/96619157/> (Nov. 7, 2016 05:31:44).

<sup>57</sup> Reports issued or facilitated by the SSCI reference voter suppression efforts, including "text-to-vote content" on Twitter, but "Vote Hillary Online," [www.votehillaryonline.com](http://www.votehillaryonline.com), and #votehillaryonline are not mentioned in any of the reports we have reviewed, nor are schemes to vote via a particular website. See *Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 2: Russia's Use of Social Media with Additional Views*, Senate Select Comm. on Intelligence, 116th Cong. 35, available at [https://www.intelligence.senate.gov/sites/default/files/documents/Report\\_Volume2.pdf](https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume2.pdf) (citing comments by Renee DiResta, New Knowledge); Renee DiResta, Dr. Kris Shaffer, Becky Ruppel, David Sullivan, Robert Matney, Ryan Fox, Dr. Jonathan Albright, and Ben Johnson, *The Tactics and Tropes of the Internet Research Agency*, New Knowledge 8, available at [https://cdn2.hubspot.net/hubfs/4326998/ira-report-rebrand\\_FinalJ14.pdf](https://cdn2.hubspot.net/hubfs/4326998/ira-report-rebrand_FinalJ14.pdf) (providing examples of the IRA's voter suppression efforts including "[m]alicious misdirection" such as "Twitter-based text-to-vote scams [and] tweets designed to create confusion about voting rules"); Philip N. Howard, Bharath Ganesh, Dimitra Liotsiou, John Kelly, and Camille Francois, *The IRA, Social Media and Political Polarization in the United States, 2012-2018*, University of Oxford and Graphika 5, available at <https://comprop.oii.ox.ac.uk/wp-content/uploads/sites/93/2018/12/The-IRA-Social-Media-and-Political-Polarization.pdf> (stating that "Russia's IRA activities were designed to polarize the US public and interfere in elections by campaigning for African American voters to boycott elections or follow the wrong voting procedures in 2016").

1 accounts identified in the Commission's Subpoena were not accounts Twitter determined were  
2 related to "state-backed information operations occurring on Twitter's service," which included  
3 the IRA, Russia, and other countries.<sup>58</sup> On the other hand, the Special Counsel's Report states  
4 that "The [Special Counsel's] Office is aware of reports that other Russian entities engaged in  
5 similar active measures operations targeting the United States. Some evidence collected by the  
6 Office corroborates those reports, and the Office has shared that evidence with other offices in  
7 the Department of Justice and FBI."<sup>59</sup> Thus, it appears that the Website and efforts to promote  
8 the Website on Twitter may bear similarities to IRA activity, but may not be directly related to  
9 the IRA.

10 In sum, while we collected substantial evidence about the Website's creation, purpose,  
11 and deployment, we were unable to identify the creators of the Website, who appear to be  
12 located in a foreign country and used account and user names to conceal their identities. Further,  
13 the evidence gathered indicates that the primary purpose of the Website was not to fraudulently  
14 misrepresent itself as acting for, or on behalf of, Clinton for the purpose of soliciting  
15 contributions. Accordingly, we recommend that the Commission take no further action as to  
16 Unknown Respondent. For similar reasons, we do not recommend that the Commission pursue

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<sup>58</sup> See Twitter Supp. Response, Decl. of Yoel Roth (Dec. 17, 2019). Twitter has released certain datasets to the public that include tweets and usernames that Twitter believes are connected to the IRA and Russia, in addition to other countries. See Vijaya Gadde and Yoel Roth, *Enabling Further Research of Information Operations on Twitter*, Twitter, Inc. (Oct. 17, 2018), available at [https://blog.twitter.com/en\\_us/topics/company/2018/enabling-further-research-of-information-operations-on-twitter.html](https://blog.twitter.com/en_us/topics/company/2018/enabling-further-research-of-information-operations-on-twitter.html); *Elections Integrity Data Archive*, Twitter, Inc., available at [https://about.twitter.com/en\\_us/values/elections-integrity.html#data](https://about.twitter.com/en_us/values/elections-integrity.html#data) (submission of email address required to view data archive).

<sup>59</sup> Special Counsel's Report at 14, n.2.

1 Lim, even though he purchased the domain name.<sup>60</sup> Nevertheless, the evidence developed shows  
2 that the creators of the website, who appear to be located outside the United States, tried to  
3 deceive American voters into believing that they could vote for Clinton via the Website rather  
4 than at a polling location. Accordingly, we recommend that the Commission authorize the  
5 Office of General Counsel to provide it with the evidence  
6 developed during the investigation.<sup>61</sup>

7 **V. RECOMMENDATIONS**

- 8 1. Take no further action as to Unknown Respondent;  
9 2.  
10  
11 3. Close the file; and

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<sup>60</sup> In paying for the [www.votehillaryonline.com](http://www.votehillaryonline.com) domain name and thus enabling the Website to go live, Lim may have knowingly and willfully participated in a scheme or design to fraudulently misrepresent the unknown person(s) as soliciting contributions on behalf of Clinton. *See* 52 U.S.C. § 30124(b)(1), (2).

<sup>61</sup> The Complaint was addressed to both the Commission and DOJ's Public Integrity Section. *See* Compl. at 1.

