

BEFORE THE FEDERAL ELECTION COMMISSION

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v.

MUR No. _____

DONALD J. TRUMP FOR PRESIDENT
Timothy Jost, Treasurer
725 Fifth Avenue
New York, NY 10022

DONALD J. TRUMP
725 Fifth Avenue
New York, NY 10022

COMPLAINT

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Donald Trump’s presidential campaign committee, Donald J. Trump for President, Inc. (ID: C00580100) has filed false reports with the Commission by falsely attributing millions of dollars in contributions for the 2020 presidential primary election to debt retirement for the 2016 presidential general election; has failed to timely refund or seek written redesignation for certain contributions received after the 2016 election and

designated for the 2016 election but for which the committee had no net outstanding debt; and that candidate Trump has failed to timely register as a candidate for the 2020 election, in violation of the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, *et seq.*

2. A candidate may continue raising funds after the date of an election only to retire net debts outstanding from that election, 11 C.F.R. § 110.1(b)(3)(iii), or for a future election. Therefore, contributions made after the date of the 2016 election that exceeded the Trump campaign’s outstanding net debt must either be refunded to the contributors or attributed to the 2020 primary election (in some cases with the written permission of contributors).¹
3. Yet, despite showing no net debt as of the date of the 2016 election, and showing a surplus of more than \$7 million, Donald J. Trump for President, Inc. attributed the millions of dollars in contributions made after November 8, 2016 to “2016 General Debt Retirement.” This is a serious reporting error that, left uncorrected, could have the effect of allowing a contributor to effectively illegally double her contribution limit for the 2020 Trump reelection campaign by having her post-2016 election contribution improperly designated for the 2016 limit. For example, an individual who gave the maximum \$2,700 contribution after Election Day and had it attributed to “2016 General Debt Retirement” when it was not needed to pay 2016 expenses might then give an additional \$2,700 and have it attributed to the 2020 primary, even though the entirety of both contributions would be used for the 2020 primary.

¹ According to the committee’s Post-General Report, the Trump campaign did not have any outstanding net debt from the 2016 election, because cash-on-hand exceeded outstanding debt; in fact, the campaign reported an approximate \$7 million surplus. *See* Donald J. Trump for America, Inc. 2016 Post-General Report, FEC Form 3P (filed 12/08/16), <http://docquery.fec.gov/pdf/867/201612089040500867/201612089040500867.pdf>. Any unreported 2016 debt that the campaign may have paid after Election Day did not exceed the campaign’s cash surplus as of the date of the election.

4. “If the Commission, upon receiving a complaint ... has reason to believe that a person has committed, or is about to commit, a violation of [the FECA] ... [t]he Commission shall make an investigation of such alleged violation” 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).

FACTS

5. Donald Trump was a candidate for president in the 2016 election, which was held on November 8, 2016. His designated presidential campaign committee is Donald J. Trump for President, Inc., and the official campaign website is DonaldJTrump.com.
6. On November 11, 2016, *NBC News* reported that “Thirty-six hours after Donald Trump won the presidential election, his campaign committee is still asking supporters for money.”²
7. According to archived versions of the Trump campaign’s website, beginning two days after Election Day, on November 10, 2016,³ the “donate” page of Trump’s campaign website stated:

The maximum amount an individual may contribute is \$2,700 per election. Your contribution (up to \$2,700) will be allocated first to 2016 General Election Debt Retirement until such debt is retired. The next \$2,700 will be designated to the 2020 Primary Election.

This statement remained until February 3, 2017,⁴ after which the language was altered to state that all contributions would be “designated for the primary election.”⁵ Other pages

² Leigh Ann Caldwell, *Trump Is in Debt, Already Running for 2020, or Both*, NBC NEWS (Nov. 11, 2016), <http://www.nbcnews.com/politics/2016-election/trump-either-debt-or-already-running-re-election-n682286>.

³ *See* Nov. 10, 2016 snapshot of DonaldJTrump.com “donate” page, Archive.org, <http://web.archive.org/web/20161110025410/https://secure.donaldjtrump.com/donate>; *compare with* Nov. 8, 2016 snapshot (stating “The maximum contribution from an individual is \$2,700 for the general election”), <http://web.archive.org/web/20161108080136/https://secure.donaldjtrump.com/donate>.

⁴ *See* Feb. 3, 2017 snapshot of DonaldJTrump.com “donate” page, Archive.org, <http://web.archive.org/web/20170203080059/https://secure.donaldjtrump.com/donate>.

on the Trump website accepting campaign contributions included the same language, and appeared over the same period.⁶

8. Trump’s campaign website also includes a “donate” page for the “Trump Make America Great Again Committee,” a joint fundraising committee composed of Donald J. Trump for President, Inc. and the Republican National Committee. Before the date of the 2016 election⁷ and continuing until November 9, 2016,⁸ the page stated that 80% of each contribution would be allocated to Donald J. Trump for President, Inc. “up to a maximum of \$2,700 for the general election.” Beginning on November 10, two days after the date of the 2016 election, that line was altered to specify that the Trump campaign would accept “up to a maximum of \$2,700 to be designated *toward the 2016 general election*” (emphasis added)—even though the newly-designated 2016 election had already passed.⁹ The post-November 10 language stating that contributions would “be designated toward the 2016 general election” remained on Trump’s campaign website for at least the next

⁵ See DonaldJTrump.com, “donate” page, <https://secure.donaldjtrump.com/donate> (accessed Mar. 1, 2017) (“Your contribution (up to \$2,700) will be designated for the primary election. The next \$2,700 will be designated for the general election.”).

⁶ See snapshots of DonaldJTrump.com “We Made History” page, Nov. 10, 2016, http://web.archive.org/web/20161110080202/https://secure.donaldjtrump.com/we-made-history/?amount=150&utm_campaign=djt_website_donate&utm_source=website&utm_medium=web&utm_content=mid_donate and Feb. 3, 2017, http://web.archive.org/web/20170203080155/https://secure.donaldjtrump.com/we-made-history/?amount=150&utm_campaign=djt_website_donate&utm_source=website&utm_medium=web&utm_content=mid_donate.

⁷ See Nov. 7, 2016 snapshot of DonaldJTrump.com “founding member” page, Archive.org, <http://web.archive.org/web/20161107083701/https://donate.donaldjtrump.com/founding-member>.

⁸ See Nov. 9, 2016 snapshot of DonaldJTrump.com “founding member” page, Archive.org, <http://web.archive.org/web/20161109080202/https://donate.donaldjtrump.com/founding-member>.

⁹ See Nov. 10, 2017 snapshot of DonaldJTrump.com “founding member” page, Archive.org, <http://web.archive.org/web/20161110080054/https://donate.donaldjtrump.com/founding-member>.

three months,¹⁰ after which the language was altered to reflect that the campaign's share of the proceeds would be designated for the 2020 election.¹¹

9. According to the Donald J. Trump for President, Inc.'s 2016 Post-General Report (covering receipts and disbursements over the period 10/20/2016 to 11/28/2016), the Trump campaign did not report any outstanding net debt from the 2016 election; in fact, the campaign reported a surplus of approximately \$7 million.¹² However, the report states, "All contributions received after 11/8 designated for General 2016 were designated for 2016 General Debt Retirement."¹³ The Post-General report reflects an estimated \$931,000 raised after the date of the 2016 election, including at least 42 contributions at the \$2,700 maximum.
10. The Donald J. Trump for President, Inc. year-end report (covering the period 11/29/2016 to 12/31/2016) also did not reflect any outstanding net debt from the 2016 election.¹⁴ As was the case with the Post-General report, the year-end report states, "All contributions received after 11/8 designated for General 2016 were designated for 2016 General Debt

¹⁰ Archive.org only has snapshots of the "founding member" page through January 9, 2017 (*see* http://web.archive.org/web/20170109080119*/https://donate.donaldjtrump.com/founding-member), but the "2016 general election" language remained through that date, *see* <http://web.archive.org/web/20170109080119/https://donate.donaldjtrump.com/founding-member>.

¹¹ DonaldJTrump.com "founding member" page, <https://donate.donaldjtrump.com/founding-member> (accessed Feb. 16, 2017).

¹² Donald J. Trump for America, Inc. 2016 Post-General Report, FEC Form 3P (filed 12/08/16), <http://docquery.fec.gov/pdf/867/201612089040500867/201612089040500867.pdf>. The majority of the \$2,086,572 in debt reflected on the campaign's pre-general report was paid before Election Day. *See id.* at 38928-930 (reflecting debt payments made 10/25 to 10/27). Even if those debts had remained unpaid as of Election Day, the campaign would still have no "net debt outstanding" since cash on hand exceeded all obligations. 11 C.F.R. § 110.1(3)(ii).

¹³ 2016 Post-General Report, at 3 ("FEC Miscellaneous Text Related to a Report, Schedule or Itemization"). An amended report, filed February 14, 2017 in response to an RFAI from the Commission, similarly stated "All contributions received after 11/8 designated for General 2016 were designated for 2016 General Debt Retirement."

¹⁴ Donald J. Trump for America, Inc. 2016 Year-End Report, FEC Form 3P (filed 01/31/17), <http://docquery.fec.gov/pdf/360/201701319042333360/201701319042333360.pdf>.

Retirement.”¹⁵ The Year-End report reflects \$9,605,576 in receipts received during the reporting period, in both direct contributions and transfers from the Trump Make America Great Again Committee. Additionally, in this report:

- i. The memo line for contributions to the campaign made after Election Day state “General 2016 Election Debt Retirement.”¹⁶
- ii. The memo line for contributions made after Election Day and transferred from the Trump Make America Great Again Committee states “G2016 DEBT RETIREMENT.”¹⁷

11. Although candidate Trump reported \$47,508,505 in personal loans to his campaign, those loans were reported as forgiven, and neither the Post General Report nor the Year-End Report reflected any disbursements towards repaying Trump’s personal campaign loans.¹⁸
12. Although some disbursements reflected on the Post-General and Year-End reports may have gone towards expenses incurred before November 8 (yet that had not been reported as debt), many were not – and any such obligations did not appear to have exceeded the \$7 million cash-on-hand surplus the campaign reported on both reports.

¹⁵ 2016 Year End Report, FEC Form 3P Report of Receipts and Disbursements at 8, “FEC Miscellaneous Text Related to a Report, Schedule or Itemization.”

¹⁶ 2016 Year End Report at 9 to 1211.

¹⁷ 2016 Year End Report at 1212 to 24577.

¹⁸ A committee may only use contributions received after the date of the election to repay up to \$250,000 of a candidate’s personal loans made during that election. 11 C.F.R. § 116.11(b). Contributions received before the date of the election (described as cash on hand in post-election reports) may be used to repay candidate loans in excess of \$250,000, yet all such repayments must be completed within 20 days of the election. *Id.* § 116.11(c)(1). No such repayments were reported on Donald J. Trump for President, Inc.’s post-general or year-end reports.

13. From December 1-17, 2016, the Trump campaign embarked on a “Trump USA Thank You Tour,” holding large campaign-style rallies in nine states that voted to support him.¹⁹ The costs of these events are reflected in Donald J. Trump for President, Inc.’s year-end report—and all disbursements are attributed to the 2016 election. Facility rental and event planning alone appears to have topped \$483,860 for these events, according to that report;²⁰ additional costs for payroll, travel, lodging, security, and other related expenses are not immediately apparent.
14. On January 20, 2017, Trump filed a statement of candidacy with the Commission for the 2020 election,²¹ and again designated Donald J. Trump for President, Inc. as his campaign committee.²²
15. On February 18, 2017 Trump held an official campaign rally, paid for by Donald J. Trump for President, Inc., in Melbourne, Florida.²³ CNN reported:

Before taking the stage, Trump was asked if it was too early to do another campaign event. His response: "Life is a campaign."

"Making our country great again is a campaign," Trump added. "For me, it's a campaign. To make America great again is absolutely a campaign."²⁴

¹⁹ Ruth Sherlock, *Donald Trump to Embark on ‘Thank You Tour’ to States That Were Loyal in the Election*, TELEGRAPH (Nov. 30, 2016), <http://www.telegraph.co.uk/news/2016/11/30/donald-trump-embark-thank-tour-states-loyal-election/>; Brendan Morrow, *Donald Trump Victory Tour Schedule: Where Will Trump Be Holding Rallies?* HEAVY.COM (Dec. 9, 2016), <http://heavy.com/news/2016/11/donald-trump-victory-thank-you-tour-rally-rallies-new-upcoming-schedule-in-cincinnati-ohio-des-moines-iowa-us-bank-arena/>.

²⁰ See Appendix.

²¹ Donald J. Trump, Statement of Candidacy, FEC Form 99 (Jan. 20, 2017), <http://docquery.fec.gov/pdf/569/201701209041436569/201701209041436569.pdf>.

²² Donald J. Trump for President, Inc., Statement of Organization, FEC Form 1 (Jan. 20, 2017), <http://docquery.fec.gov/pdf/839/201701209041435839/201701209041435839.pdf>.

²³ Julie Hirschfield Davis, *Campaign Over, President Trump Will Hold a (What Else?) Campaign Rally*, N.Y. TIMES (Feb. 16, 2017), https://www.nytimes.com/2017/02/16/us/politics/campaign-over-president-trump-will-hold-a-what-else-campaign-rally.html?_r=0.

²⁴ Dan Merica, *Trump Gets What he Wanted: Campaign-Level Adulation*, CNN (Feb. 18, 2017), <http://www.cnn.com/2017/02/18/politics/donald-trump-florida-campaign-rally/>.

SUMMARY OF THE LAW

16. Federal law limits to \$2,700 the amount of a contribution that a presidential candidate or her authorized campaign committee may accept from an individual donor “with respect to any election.” 52 U.S.C § 30116(a)(1). A committee’s treasurer is responsible for ensuring that all contributions are lawful and do not exceed a contributor’s limits for that election. 11 C.F.R. § 103.3(b). The knowing acceptance of excessive contributions is prohibited. 52 U.S.C § 30116(f); 11 C.F.R. § 110.9.
17. Commission regulations provide for the designation of a contribution for “a particular election.” *See* 11 C.F.R. §§ 110.1(b)(2),(3), and (4). Contributions designated for an election that has already occurred may be accepted only if a committee has net outstanding debt from that election, 11 C.F.R. § 110.1(b)(3)(iii)(B), and if the contributor has not already met the contribution limit for that election, *id.* § 110.1(b)(3)(iii)(C). Net debt outstanding is calculated by subtracting unpaid debts and obligations from cash on hand “as of the date of the election.” *Id.* § 110.1(3)(ii). As the Commission has explained, “Absent such debts, contributions to past elections would, in reality, influence future elections.”²⁵ Outstanding debts and obligations must be continuously reported until extinguished. 52 U.S.C § 30104(b)(8).
18. Contributions made after the date of an election that exceed the committee’s net outstanding debt and not designated for a particular election must be attributed to the next election for that office, *id.* § 110.1(b)(2)(ii), and charged against the contribution limits of the contributor with respect to that next election, *see* Advisory Opinions 1977-24, 1980-30.²⁶

²⁵ Explanation and Justification of 11 CFR 110.1(b)(3)(ii), (iii), 52 Fed. Reg. 761 (January 9, 1987).
²⁶ Contribution limits apply separately with respect to each election. 11 C.F.R. § 110.1(j)(1).

19. Contributions made after the date of an election that exceed the committee's net outstanding debt and designated for that election must, within sixty days of deposit, be refunded to contributors, *id.* § 110.1(b)(3)(i)(A), or the treasurer must obtain a written redesignation from the contributor that the contribution is for the next election, *id.* § 110.1(b)(3)(i)(B).²⁷
20. Federal law requires candidates to report and disclose all contributions received. 52 U.S.C. § 30104(b), 11 C.F.R. § 104.3(a).²⁸ Commission regulations require that campaign committees employ acceptable accounting methods to distinguish between contributions received for different elections, such as establishing separate accounts for each election or separate books and records for each election. 11 C.F.R. § 102.9(e)(1).
21. A person becomes a "candidate" for an election when she has received contributions aggregating \$5,000 or more for purposes of seeking that nomination. 52 U.S.C. § 30101(2), 11 C.F.R. § 100.3(a)(1-2). Within fifteen days of becoming a candidate, the candidate must designate a campaign committee, 52 U.S.C. § 30102(e)(1), 11 C.F.R. § 101.1(a), and the campaign committee must file a statement of organization with the Commission no later than 10 days after such designation, 52 U.S.C. § 30103(a), 11 C.F.R. § 102.1(a).

²⁷ A committee may also seek reattribution to another contributor, *id.* § 110.1(b)(3)(i)(C) which alone is insufficient because neither contributor could legally make post-election contributions; the Commission has explained that this only provision is only applicable if the contribution is reattributed to another contributor and then redesignated to another election. 52 Fed. Reg. 761.

²⁸ The Commission has advised that campaign committees must report itemized contributions raised for debt retirement by checking the "other" box on Schedule A and noting the specific election for which the committee is retiring debt. *See* FEC, "Reporting Contributions for Debt Retirement" (accessed Feb. 15, 2017), http://www.fec.gov/info/guidance/debt_retirement.shtml.

CAUSES OF ACTION

I. Trump Filed False Reports With the Commission By Falsely Attributing Contributions for the 2020 Primary to 2016 Debt Retirement

22. Based on Donald J. Trump for President, Inc.’s reports filed with the Commission, complainants have reason to believe that Donald J. Trump for President, Inc. violated FECA and its implementing regulations by knowingly and willfully filing reports with the Commission that falsely attributed contributions for the 2020 primary election to the Committee’s debt retirement for the 2016 election.
23. Days after the November 8, 2016 election, Donald J. Trump for America, Inc. continued to actively fundraise, and multiple “donate” pages on its website told contributors, “Your contribution (up to \$2,700) will be allocated first to 2016 General Election Debt Retirement until such debt is retired. The next \$2,700 will be designated to the 2020 Primary Election.” *See supra* ¶7. Therefore, contributions made in response to such solicitations, or that were otherwise not specifically designated for the 2016 election, may only be allocated to 2016 to the extent that the campaign had net outstanding debt—that is, debts and obligations incurred for the 2016 election that exceeded the campaign’s cash surplus as of the date of the election²⁹—otherwise, the contributions must be designated to the 2020 primary.³⁰ According to its Post-General and Year-End reports filed with the Commission, Donald J. Trump for President, Inc. reported ending the 2016 election with no net debts outstanding as of the date of the election. And, any disbursements made after

²⁹ 11 C.F.R. § 110.1(b)(3)(ii).

³⁰ It is not known whether all direct contributions to the Trump campaign in the post-election period were made via the Trump campaign website or otherwise included a similar designation as described in ¶7. However, any post-election contributions that were not designated in writing for a particular election must also be attributed to the 2020 election, 11 C.F.R. § 110.1(b)(2)(ii), to the extent the contributions exceeded the campaign’s 2016 general election net outstanding debt, *id.* § 110.1(b)(3)(iii)(B).

Election Day for 2016 expenses that had not been reported as debt do not appear to have exceeded the \$7 million cash-on-hand surplus as of the date of the election.

24. Therefore, contributions made after November 8, 2016 that were not designated for the 2016 election that exceeded net debts outstanding must be attributed to the 2020 primary election, and counted against each contributor's contribution limits for that election. *See* 11 C.F.R. § 110.1(b)(3)(iii), § 110.1(j)(1). However, on both its Post-General Report and Year-End Report (and its amended Post-General Report, filed February 14), the Trump campaign unlawfully attributed all direct contributions made after November 8 to "2016 General Debt Retirement."
25. In order to effect these false reports, Donald J. Trump for President, Inc. appears to have treated millions in expenses voluntarily incurred *after* the date of the 2016 election as 2016 "debts or obligations," and paid for those expenses with funds raised after the date of the election. For example, one month after Election Day, Donald J. Trump for President, Inc. reported spending more than \$483,860 on facility rental and event costs (and an unknown amount on travel, lodging, security and personnel) for a "Trump USA Thank You Tour" involving large campaign-style rallies in nine states that voted to support him; all of those disbursements were attributed to 2016.³¹ The committee's Year-End report also attributes millions in other post-election disbursements to the 2016 election, including \$696,078 for private air travel throughout December; \$510,641 for digital consulting/online advertising paid to Giles-Parscale in December; \$312,500 for data management paid to Cambridge Analytica on December 12; and \$183,756 in rent,

³¹ See Appendix.

catering, and lodging payments paid to Trump properties throughout December.³² If a campaign committee has surplus funds after an election, using those funds for a “victory tour” or related expenses may be permissible, since leftover campaign funds may be used for “any other lawful purpose.” 52 U.S.C. § 30114(a)(6). However, the analysis is different when it comes to contributions made after the date of an election but attributed to that election: such contributions may *not* be used for “any lawful purpose” incurred after the date of that election, but instead may be used only for the specific purpose of retiring debts and obligations from that election.³³ 11 C.F.R. § 110.1(b)(3)(iii)(B). If a campaign committee chooses to incur millions of dollars in new obligations after the date of an election to pay for campaign rallies or other activities, these voluntary post-election expenses cannot be considered 2016 “debts or obligations” that are factored into the net debts outstanding calculation and paid with contributions made after the date of that election; instead, such expenses are incurred with respect to the 2020 election and must be paid for with contributions attributed to that election.³⁴

³² The \$183,756 calculation includes \$130,888 in rent to Trump Tower Commercial LLC on December 21; \$29,791 in facility rental to Trump National Golf Club-Bedminster on December 21; \$7,776 in lodging costs to Trump International Golf Club-Bedminster on December 9; \$11,634 for catering services to Trump Restaurants LLC on December 15 and an additional \$3,647 on December 20.

³³ Although the Commission has recognized that a committee may incur a “debt or obligation” after an election has passed for the narrow purpose of financing the legal costs of complying with FEC requirements, Advisory Opinion 1990-17, the Act and Commission regulations do not permit a committee to voluntarily incur millions of dollars of new expenses after the date of an election and call them “debts and obligations” from that election. Commission regulations also anticipate that a “candidate [who] will not be a candidate for the next election” will have post-election winding-down costs that can be part of the net debts outstanding calculation, 11 C.F.R. § 110.1(b)(3)(ii), but Trump is a declared candidate for the 2020 election.

³⁴ An “expenditure” is a purchase or payment made “for the purpose of influencing” an election. 52 U.S.C. § 30101(9)(A). Purchases or payments made for a post-election “victory tour” or other activities cannot have been made for the purpose of influencing an election that had already passed—such expenditures were clearly made to influence the 2020 election, and must be attributed to 2020 and paid for with 2020 contributions.

26. As a result, there is reason to believe Donald J. Trump for President, Inc. filed false reports with the Commission by attributing contributions made for the 2020 primary election to 2016 general election debt retirement, and did so knowingly and willfully by repeating the false reporting in its 2016 Post-General Report, 2016 Year-End Report, and amended 2016 Post-General Report.
27. Additionally, by falsely attributing contributions for the 2020 primary election to 2016 debt retirement, Donald J. Trump for President, Inc. and its Treasurer Timothy Jost may have violated their responsibility to employ acceptable accounting methods to distinguish between contributions received for different elections. 11 C.F.R. § 102.9(e)(1).

II. Trump Illegally Accepted Contributions Made After Election Day by Failing To Refund or Seek Written Redesignation for Contributions Designated for the 2016 Election

28. The Trump campaign continued to fundraise after the date of the 2016 general election for the “Trump Make America Great Again Committee” joint fundraising committee through, among other means, its website and email list. Two days after Election Day, the “donate” page on the Trump campaign website was altered to state that the proportion of contributions to the joint fundraising committee allocated for Donald J. Trump for America, Inc. would be “designated toward the 2016 general election”³⁵ (replacing the pre-Election Day language stating contributions would be designated simply “for the general election”).³⁶

³⁵ Unlike the “donate” page for contributions made directly to Donald J. Trump for America, Inc., the “donate” page for the Trump Make America Great Again Committee did not state that any part of the contribution would be designated for the 2020 primary.

³⁶ If the pre-Election Day language had still been on the campaign website in the post-Election Day period, those contributions would have been considered undesignated and should automatically have been attributed to the 2020 election. 11 C.F.R. § 110.1(b)(2)(ii).

29. Contributions made after the date of an election and designated for that election may only be accepted if a committee has net outstanding debt from that election, 11 C.F.R. § 110.1(b)(3)(iii), and Donald J. Trump for President, Inc. reported ending the 2016 election with no net outstanding debt, and any disbursements made after Election Day for 2016 expenses that had not been reported as debt do not appear to have exceeded the \$7 million cash-on-hand surplus as of the date of the election. Therefore, contributions made to the Trump campaign after November 8, 2016 and designated for the 2016 election that exceeded net debts outstanding must, within sixty days of deposit, be refunded to contributors, *id.* § 110.1(b)(3)(i)(A), or the treasurer must obtain a written redesignation from the contributor for another election (such as the 2020 primary), *id.* § 110.1(b)(3)(i)(B).³⁷
30. On both the Post-General Report and Year-End Report, Donald J. Trump for President, Inc. attributed all contributions made after November 8 (including contributions transferred from the Trump Make America Great Again Committee and designated for 2016) as “2016 General Debt Retirement,” and in its Year-End report specifically described contributions transferred to it from the Trump Make America Great Again joint fundraising committee as “G2016 DEBT RETIREMENT.” However, neither report reflects any refunds to those contributors whose contributions were designated for the 2016 election, nor do the reports indicate that any of those contributions were redesignated for the 2020 election.
31. By failing to refund or seek written redesignation for contributions designated for the 2016 election, but made after the date of that election and which exceeded the

³⁷ Committees may seek written redesignation through their website. *See* Electronic Contributor Redesignations, 76 FR 16233 (Mar. 23, 2011).

campaign's net outstanding debt, there is reason to believe Donald J. Trump for President, Inc. accepted illegal contributions in violation of 11 C.F.R. § 110.1(b)(3)(i).

III. Trump and the Trump Campaign Failed to Timely Report 2020 Candidacy

32. A person becomes a "candidate" for an election when she has received contributions aggregating \$5,000 or more for purposes of seeking that nomination. 52 U.S.C. § 30101(2)(A), 11 C.F.R. § 100.3(a)(1). Within fifteen days of becoming a candidate, the candidate must designate a campaign committee, 52 U.S.C. § 30102(e)(1), 11 C.F.R. § 101.1(a), and the campaign committee must file a statement of organization with the Commission no later than 10 days after such designation, 52 U.S.C. § 30103(a), 11 C.F.R. § 102.1(a).
33. Trump became a candidate for the 2020 election as a matter of law as early as November 2016 because his campaign committee expressly raised more than \$5,000 for the 2020 primary election shortly after the 2016 general election.³⁸
34. However, Trump failed to designate a campaign committee within fifteen days of becoming a candidate for the 2020 election. Instead, Trump waited more than two months, until Inauguration Day January 20, to file a statement of candidacy with the

³⁸ As noted above, contributions raised after Election Day that exceeded net debts outstanding were attributed to 2020. Additionally, Trump was not "testing the waters" because the funds were expressly raised for the 2020 election and specifically designated for the "2020 Primary Election." *See supra* ¶7. Neither candidate Trump nor his campaign committee suggested he was testing the waters. And, the Commission has previously advised that a committee raising funds for testing the waters activities "must not refer to the individual as a candidate," and the committee raising funds here is called "Donald J. Trump for President." *See* FEC, CAMPAIGN GUIDE: CONGRESSIONAL CANDIDATES AND COMMITTEES at 3 (June 2014), <http://fec.gov/pdf/candgui.pdf>; *see also* AO 1981-32. Additionally, Trump appears to have raised tens of millions in the days and weeks after Election Day, and Commission regulations specify that a candidate is no longer "testing the waters" when she raises funds in excess of what could reasonably be expected to be used for exploratory activities. 11 C.F.R. § 100.72(b)(2).

Commission for the 2020 election³⁹ and for Donald J. Trump for President, Inc. to amend its Statement of Organization to designate the 2016 committee as Trump's 2020 reelection campaign committee.⁴⁰ Indeed, by citing 52 U.S.C. 30102(e)(1) and 11 C.F.R. 100.3(a)(1), Trump's statement of candidacy for the 2020 election acknowledges that one becomes a candidate after raising \$5,000 for an election; yet the filing does not attempt to explain why Trump did not file months earlier, after his campaign committee began raising money in earnest for 2020.

35. Therefore, complainants have reason to believe that candidate Trump violated 52 U.S.C. § 30102(e)(1) by failing to timely file a statement with the Commission within 15 days of becoming a 2020 candidate, and Donald J. Trump for President, Inc. additionally violated 52 U.S.C. § 30103(a) by failing to timely file a statement of organization with the Commission.

PRAYER FOR RELIEF

36. Wherefore, the Commission should find reason to believe that Donald J. Trump for President, Inc. and Donald J. Trump have violated 52 U.S.C. § 30101, *et seq.* and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2). Further, the Commission should seek appropriate remedies and sanctions for any and all violations, including requiring respondents to file true and accurate reports reflecting all contributions, refund or disgorgement of excessive and prohibited contributions, appropriate civil penalties and such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

³⁹ Donald J. Trump, Statement of Candidacy, FEC Form 99 (Jan. 20, 2017), <http://docquery.fec.gov/pdf/569/201701209041436569/201701209041436569.pdf>.

⁴⁰ Donald J. Trump for President, Inc., Statement of Organization (amended), FEC Form 1 (Jan. 20, 2017), <http://docquery.fec.gov/pdf/839/201701209041435839/201701209041435839.pdf>.

March 2, 2017

Respectfully submitted,



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APPENDIX

Based on a review of Donald J. Trump for President, Inc.'s Year-End report, complainants can identify at least \$483,860 in facility rental and event costs that can be directly attributed to the large campaign-style "Trump USA Thank You Tour" rallies held in nine states throughout December. The total costs are certainly much higher, but it was impossible to identify the travel, lodging, security, and personnel expenses associated with each event from reviewing the committee's reports.

December 1, 2016 rally in Cincinnati OH:

11/29 \$45,000 to Arena Management Holdings, "facility rental"
12/13 \$41,700 to Loud and Clear Inc., "audio visual services"
12/14 \$43,332 to Arena Management Holdings, "facility rental"

December 6, 2016 rally in Fayetteville NC:

12/02 \$35,000 to Cumberland County Crown Center, "facility rental"

December 8, 2016 rally in Des Moines IA:

12/13 \$14,294 to Tana Goertz (West Des Moines) "event consulting"
12/14 \$19,893 to Iowa Events Center, "facility rental"
12/14 \$834 to Iowa State Fair, "event staging expense"
12/15 \$519 to Event Decorators of Iowa, "event consulting"

December 9, 2016 rally in Baton Rouge LA

No expenses identified.

December 9, 2016 rally in Grand Rapids MI

12/15 \$16,757 to Delta Plex Arena, "facility rental"

December 13, 2016 rally in West Allis WI

12/13 \$23,497 to Clearwing Productions, "video production"
12/15 \$23,311 to Clearwing Productions, "video production"

December 15, 2016 rally in Hershey PA

12/08 \$77,147 to RAM as Agent for Giant Center, "facility rental"
12/16 \$6,948 to RAM as Agent for Giant Center, "facility rental"
12/21 \$810 to Hughie's Event Production Services, "audio visual services"

December 16, 2016 rally in Orlando FL

12/09 \$13,995 to Central Florida Fair (Orlando), "facility rental"
12/19 \$59,223 to American Audio Visual (Orlando), "audio visual services"

December 17, 2016 rally in Mobile AL

12/15 \$59,100 to Dorsett Productions Unlimited LLC, "event staging"
12/30 \$2,500 to Cliff Sims, "field consulting"

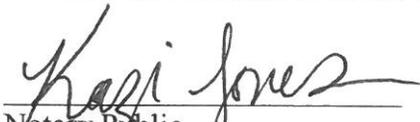
VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.
Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Campaign Legal Center


Lawrence M. Noble

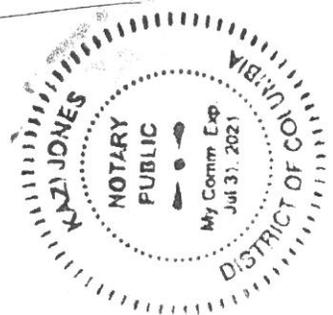
Sworn to and subscribed before me this 2 day of March 2017.


Notary Public

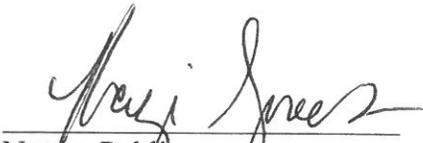


For Complainant Common Cause


Paul S. Ryan



Sworn to and subscribed before me this 2 day of March 2017.


Notary Public

For Complainant Catherine Hinckley Kelley


Catherine Hinckley Kelley

Sworn to and subscribed before me this 2 day of March 2017.


Notary Public

