

BEFORE THE FEDERAL ELECTION COMMISSION

DEMOCRACY 21  
2000 Massachusetts Avenue NW  
Washington, DC 20036  
(202) 355-9600

CAMPAIGN LEGAL CENTER  
Suite 1400  
1411 K Street NW  
Washington, DC 20002  
(202) 736-2200

RECEIVED  
FEC MAIL CENTER  
2015 MAY 27 PM 2:56

v.

MUR No. \_\_\_\_\_

JOHN ELLIS "JEB" BUSH  
c/o Right to Rise PAC  
P.O. Box 14349  
Tallahassee, FL 32317

RIGHT TO RISE SUPER PAC  
Charles Spies, Treasurer  
Suite 1000  
601 Pennsylvania Avenue NW  
Washington, DC 20004

**COMPLAINT**

1. The Commission should find reason to believe that former Governor Jeb Bush and the individual-candidate Super PAC supporting his campaign, the Right to Rise Super PAC, have violated 52 U.S.C. § 30125(e), which prohibits a candidate, and any "entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of" a candidate, from raising and spending funds that do not comply with federal contribution limits and source prohibitions, *i.e.*, soft money. The Right to Rise Super PAC is an entity that Bush, both directly and indirectly through his agents, has "established" and that is "acting on his behalf" for the

purpose of raising and spending soft money to promote his presidential campaign. Similarly, Bush, both directly and indirectly through his agents, has “financed,” “maintained” and “controlled” the Right to Rise Super PAC, which is “acting on his behalf” for the sole purpose of promoting Bush’s presidential campaign. Accordingly, there is reason to believe that Bush is violating section 30125(e) by raising and spending soft money for and through such an entity, and that the Right to Rise Super PAC is violating section 30125(e) by raising and spending soft money on behalf of Bush.

2. After finding “reason to believe” that Bush and the Right to Rise Super PAC have each violated these provisions of the law, the Commission should conduct an investigation to determine whether a violation has occurred and is continuing to occur, and should take appropriate enforcement action. 52 U.S.C. § 30109(a).

### **I. Statement of Facts**

#### **A. Bush is a “candidate”**

3. Although to date he has publicly claimed otherwise, Jeb Bush is a candidate for the Republican nomination for President in the 2016 election. He has received contributions or made expenditures aggregating \$5,000 or more for purposes of seeking that nomination. 52 U.S.C. §30101(2).

4. The fact of Bush’s candidacy is so apparent, and so overt, that Bush himself has found it hard to maintain what is really the ongoing charade of his purported non-candidacy.

According to one published report:

Jeb Bush finally said what everybody knows – that he’s running for the 2016 Republican presidential nomination. Then he tried to take it back.

“I’m running for president in 2016, and the focus is going to be about how we, if I run, how do you create high sustained economic growth,” Bush said in a video posted by NBC News.

The apparent declaration comes as Bush has been dodging the question of whether he's a real candidate or is pursuing a strategy of running without saying so, to allow him to coordinate with his Right to Rise Super PAC and the dark money Right to Rise Policy Solutions.<sup>1</sup>

5. Bush's proclamations that he is not a candidate is contradicted by the facts and the applicable law. In all pertinent ways, Bush has been engaging in activities as an active candidate at least since January 2015. He has been traveling extensively to early primary states since January 2015, and has been speaking and organizing in those states. For instance, according to one published report:

For months, Bush has been privately wooing top New Hampshire Republicans in a flurry of phone calls, emails, private meetings, and even hand-scribbled thank-you notes. He has met with top state legislators, local mayors, and, in particular, dialed up a long list of Mitt Romney's old hands here."

Bush already has three strategists laying the groundwork in the state: Killion; Rob Varsalone, a former top adviser to Republican Sen. Kelly Ayotte; and Nate Lamb, a field director for Sen. Scott Brown's failed 2014 campaign. In addition, Ryan Williams, a former Romney operative who has worked for the New Hampshire Republican Party, is helping the Bush team through his firm, FP1 Strategies.<sup>2</sup>

6. Bush has also been heavily involved in fundraising for the Right to Rise Super PAC, which is raising funds solely for the purpose of making expenditures to further Bush's presidential campaign. An individual becomes a "candidate" if the individual raises "funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate. . . ." 11 C.F.R. 100.72(b).

---

<sup>1</sup> P. Blumenthal, "Jeb Bush Messes Up Charade Of Not Running For President, *The Huffington Post* (May 13, 2015).

<sup>2</sup> S. Goldmacher, "Jeb Bush looks weak in Iowa. He can't count on Florida. So he must win here," *National Journal* (May 5, 2015).

7. By these standards, Bush is a “candidate.” The fact that he has refrained from formally announcing his candidacy is not dispositive. If Bush is raising and spending money as a candidate, he is a candidate under the law, whether or not he declares himself to be one.

8. Further grounds for concluding that Bush is a “candidate” pursuant to 52 U.S.C. § 30101(2) are set forth in a complaint filed with the Commission by the Campaign Legal Center and Democracy 21 on March 31, 2015. That complaint is incorporated herein by reference.

9. Bush has not yet registered an authorized campaign committee. But in January 2015, he established a PAC that “will serve as a holding area for staff and a policy shop” and that “will also serve as the focal point of Bush’s political efforts, from commissioning polls and producing ads to making hires for his digital team.”<sup>3</sup> This PAC is named the Right to Rise PAC.<sup>4</sup>

10. A almost identically named Super PAC—the Right to Rise Super PAC—has been registered with the Commission.<sup>5</sup> That Super PAC is an individual-candidate Super PAC that has been established and is operating solely to promote Bush’s presidential campaign.

B. Bush “established” and through his agents is directly or indirectly “controlling” the Right to Rise Super PAC

11. According to one published report, “Jeb Bush is putting in motion an ambitious plan to develop a super PAC that would be unprecedented in size and scope. . . .”<sup>6</sup> Another report states, “The organization around Bush, a former Florida governor, has created a super

---

<sup>3</sup> R. Costa, “Jeb Bush and his allies form leadership PAC and super PAC, both dubbed Right to Rise,” *The Washington Post*, (Jan. 6, 2015).

<sup>4</sup> FEC No. C00571380.

<sup>5</sup> FEC No. C00571372.

<sup>6</sup> A. Isenstadt, “Jeb Bush’s \$100M May,” *Politico* (May 8, 2015).

PAC. . . .”<sup>7</sup> According to another report, Bush’s advisers “are currently overseeing the operations of both Bush political committees.”<sup>8</sup>

12. Other published reports indicate that Bush and his aides are actively involved in recruiting high-level staff for the Right to Rise Super PAC. One report notes that “Bush’s team is considering putting Mike Murphy, one of his top advisers, in charge of the super-PAC, according to a Republican source familiar with the planning.”<sup>9</sup> Another report describes Murphy as “Bush’s longtime strategist who has been helping the former Florida governor staff up his political operation and shape his economic opportunity message.”<sup>10</sup> Another report states that Murphy “has played a critical role in getting out Jeb Bush’s message and rolling out his all-but-certain presidential run,” and that Murphy and Bush have “a close relationship.”<sup>11</sup> Another report states that Murphy has “guided Bush through the rocky shallows of early-stage presidential politics and helped manage Bush’s successful push to lock down most of the Republican Party’s top donors for the 2016 race. . . .”<sup>12</sup> Another report states that Murphy “has been deeply involved in Bush’s steps, courting donors, selecting staff and developing strategy.”<sup>13</sup>

---

<sup>7</sup> P. Overby, “5 Years After ‘Citizens United,’ Super PACs Continue to Grow,” *National Public Radio* (Jan. 13, 2015).

<sup>8</sup> P. Rucker and M. Gold, “Top Republican strategists in talks to join Jeb Bush’s super PAC,” *The Washington Post* (March 17, 2015).

<sup>9</sup> M. Bender, “Jeb Bush Promises 2016 Decision in Few Months,” *Bloomberg* (March 18, 2015).

<sup>10</sup> P. Rucker and M. Gold, “Top Republican strategists in talks to join Jeb Bush’s super PAC,” *The Washington Post* (March 17, 2015).

<sup>11</sup> M. Haberman, “Bush Adviser May Skip Campaign to Work for ‘Super PAC,’” *The New York Times* (Feb. 18, 2015).

<sup>12</sup> J. Rutenberg, “The Next Era of Campaign-Finance Crazyism Is Already Underway,” *The New York Times* (April 21, 2015).

<sup>13</sup> T. Beaumont, “Bush preparing to delegate many campaign tasks to super PAC,” *Associated Press* (April 21, 2015).

According to another report, “While putting Murphy, a veteran of Republican presidential campaigns, atop the committee would signal a crucial role for the super-PAC, delaying a decision until summer also would give Bush more time to directly strategize with Murphy over fundraising, messaging, and other planning.”<sup>14</sup>

13. One report states that pollster Neil Newhouse is also under consideration to work for the Super PAC. According to this article, “Newhouse has a long association with Bush, serving as his pollster during his Florida gubernatorial campaigns.”<sup>15</sup>

14. The Treasurer of the Right to Rise Super PAC is Charles Spies. Spies is also the lawyer for the Right to Rise Super PAC.<sup>16</sup> He is also a lawyer for the Right to Rise leadership PAC and is described by one published report as a “top Bush strategist.”<sup>17</sup> One published report states that Spies “represents Bush and his Right to Rise Super PAC.”<sup>18</sup> As one published report said, “Bush’s leadership committee and super PAC share the same name, Right to Rise, and were set up by the same GOP election law attorney, Charlie Spies.”<sup>19</sup> According to one report, Spies in February 2015 sent a cease-and-desist letter on behalf of Bush to a Bush supporter who had

---

<sup>14</sup> M. Bender, “Jeb Bush Promises 2016 Decision in Few Months,” *Bloomberg* (March 18, 2015).

<sup>15</sup> P. Rucker and M. Gold, “Top Republican strategists in talks to join Jeb Bush’s super PAC,” *The Washington Post* (March 17, 2015).

<sup>16</sup> P. Blumenthal, “Jeb Bush’s Decision to ‘Actively Explore’ 2016 Run Allows Him to Avoid Super PAC Rules,” *Huffington Post* (Jan. 16, 2015).

<sup>17</sup> E. O’Keefe and M. Gold, “Secret, unlimited donations could boost a Jeb Bush run,” *The Washington Post* (March 31, 2015).

<sup>18</sup> E. Flitter, “Jeb Bush lawyer tries to stop radio ads touting Bust campaign,” *Reuters* (March 18, 2015).

<sup>19</sup> M. Gold, “Why super PACs have moved from sideshow to center stage for presidential hopefuls,” *The Washington Post* (March 12, 2015).

begun airing a television ad in support of the Bush campaign. Another published report describes Spies as “legal counsel in Bush’s political operation.”<sup>20</sup>

15. According to a published report, Mason J. Fink, who formerly served as a fundraiser for Mitt Romney, “has signed on with Jeb Bush’s team and is expected to oversee national fundraising for Bush’s super PAC. . . .”<sup>21</sup> According to the article, Fink is working with the Right to Rise leadership PAC but “is expected to transition to the Right to Rise super PAC. . . .” *Id.* But, the report makes clear that Bush’s agents are involved in the process of staffing the Super PAC. According to the report, “A Bush spokeswoman said no final staffing decisions have been made at the super PAC.” *Id.*

16. According to published reports, Bush is designing the strategy for the Super PAC and is delaying his formal announcement as a candidate in order to maximize his fundraising activities for the Super PAC. One report states, “Bush is even setting the timing of his official campaign announcement . . . around a cross-country fundraising tour [for the Super PAC]. In the final weeks leading up to the launch strategists have been devising a plan to allow both arms of the campaign—the official one and the super PAC—to work seamlessly, even as they will be legally barred from coordinating once he officially becomes a candidate.”<sup>22</sup>

---

<sup>20</sup> T. Beaumont, “Bush preparing to delegate many campaign tasks to super PAC,” *Associated Press* (April 21, 2015).

<sup>21</sup> P. Rucker, “Bush lands Romney finance director to lead super PAC fundraising,” *The Washington Post* (March 18, 2015).

<sup>22</sup> A. Isenstadt, “Jeb Bush’s \$100M May,” *Politico* (May 8, 2015).

17. According to published reports, Bush is planning to “delegat[e] many of the nuts-and-bolts tasks of seeking the White House” to the Right to Rise Super PAC.<sup>23</sup> According to this report:

The concept, in development for months as the former Florida governor has raised tens of millions of dollars for his Right to Rise super PAC, would endow that organization not just with advertising on Bush’s behalf, but with many of the duties typically conducted by a campaign. . . .

[A]t its center is the idea of placing Right to Rise in charge of the brunt of the biggest expense of electing Bush: television advertising and direct mail.

Right to Rise could also break into new areas for a candidate-specific super PAC, such as data gathering, highly individualized online advertising and running phone banks. Also on the table is tasking the super PAC with crucial endgame strategies: the operation to get out the vote and efforts to maximize absentee and early voting on Bush’s behalf.<sup>24</sup>

18. According to one report, “One adviser to the super PAC said a division of labor [with the Bush campaign] had been established. While the official campaign arm would take the lead on dictating messaging, the super PAC would take on the role of a follower and be an echo chamber. ‘There’s an understanding that Miami is in charge,’ the adviser said.”<sup>25</sup>

19. As another report states, “One reason Bush aides are comfortable with the strategy is because Mike Murphy, Bush’s longtime political confidant, would probably run the super PAC once Bush enters the race.”<sup>26</sup>

---

<sup>23</sup> T. Beaumont, “Bush preparing to delegate many campaign tasks to super PAC,” *Associated Press* (April 21, 2015).

<sup>24</sup> *Id.*

<sup>25</sup> A. Isenstadt, “Jeb Bush’s \$100M May,” *Politico* (May 8, 2015).

<sup>26</sup> T. Beaumont, “Bush preparing to delegate many campaign tasks to super PAC,” *Associated Press* (April 21, 2015).



C. Bush is “financing” the Right to Rise Super PAC

20. Bush has personally participated in events held by the Right to Rise Super PAC. According to one published report, Bush was the “Special Guest” at the “Right to Rise National Team Meeting” held in Miami at the end of April 2015.<sup>27</sup> The invitation established four tiers of supporters for the Super PAC, with the highest level, the national executive committee, reserved for those who contributed or raised \$500,000 by April 17. An invitation to the event stated, “We hope you can join us for policy, political and finance briefings with the Governor and our team.” *Id.* According to a published report about the event, “Mr. Bush described his fund-raising prowess over the weekend to hundreds of donors who attended a retreat in Miami, saying he had raised more money than any Republican presidential operation in modern history. Mr. Bush is raising unlimited super PAC dollars. . . .”<sup>28</sup> Another report stated, “Former Florida governor Jeb Bush has raised tens of millions of dollars for his allied super PAC, collecting a historic amount, he told donors Sunday night.”<sup>29</sup>

21. According to one report about the April fundraising event, “The weekend confab was described by organizers as an opportunity to thank his biggest backers—and give them a chance to meet with Bush and the people who will be running his super PAC.”<sup>30</sup>

22. The April Right to Rise Super PAC “donor confab” was “led by Bush’s top three aides: David Kochel and Sally Bradshaw, who are expected to lead his campaign, and Mike

---

<sup>27</sup> “Lines are Blurred in Donor Event for Jeb Bush ‘Super PAC,’” *The New York Times*.

<sup>28</sup> M. Haberman, “Hillary Clinton to Jump Start Fund-raising Efforts,” *The New York Times* (April 29, 2015).

<sup>29</sup> M. Gold and E. O’Keefe, “Never before have so many people with so much money run for president,” *The Washington Post* (April 27, 2015).

<sup>30</sup> A. Isenstadt, “Jeb Bush’s \$100M May,” *Politico* (May 8, 2015).

Murphy, who is poised to lead the Super PAC. The briefings included discussions of economic and foreign policy and details on how the super PAC, Right to Rise, plans to reach out to ‘non-traditional GOP communities.’<sup>31</sup>

23. Bush has been involved in directing contributions to the Right to Rise Super PAC. According to one published report, “Bush has consistently appeared at events for his super-PAC, which can raise unlimited amounts of money.”<sup>32</sup> Another report states that Bush “is headlining \$100,000-a-head fundraisers for a super PAC already ballooning with tens of millions of dollars in donations.”<sup>33</sup> Another report states that “Bush has been aggressively recruiting donors for the group, which legally can raise unlimited funds and is poised to have hundreds of millions of dollars to spend on television advertisements and other activities.”<sup>34</sup> Another report stated, “The former Florida governor has held multiple high-donor fundraisers on Wall Street and across the country, sometimes with minimum contributions of \$100,000 or even more.”<sup>35</sup> In February Bush drew headlines for an “eye-popping \$100,000 per-ticket Park Avenue event hosted by private equity mogul Henry Kravis and his wife. The price of admission to the event, which [raised] funds for Bush’s ‘Right to Rise’ super PAC, surprised even Wall Street veterans used to high-dollar fundraisers.”<sup>36</sup> According to other reports, Bush has engaged in “a nonstop fundraising

---

<sup>31</sup> M. Gold and E. O’Keefe, “Never before have so many people with so much money run for president,” *The Washington Post* (April 27, 2015).

<sup>32</sup> M. Bender, “Jeb Bush Promises 2016 Decision in Few Months,” *Bloomberg* (March 18, 2015).

<sup>33</sup> M. Gold, “Why super PACs have moved from sideshow to center stage for presidential hopefuls,” *The Washington Post* (March 12, 2015).

<sup>34</sup> P. Rucker and M. Gold, “Top Republican strategists in talks to join Jeb Bush’s super PAC,” *The Washington Post* (March 17, 2015).

<sup>35</sup> B. White, “Jeb Bush’s \$100 million problem,” *Politico* March 16, 2015).

<sup>36</sup> B. White, “Jeb Bush’s eye-popping event: \$100K per ticket,” *Politico*, (Feb. 10, 2015).

tour raking in millions” for the Right to Rise Super PAC.<sup>37</sup> Bush headlined a \$25,000-per-couple fundraising event on March 30 in Newport Beach, CA and a March 31 fundraising event in Bel Air, CA, with a requested minimum donation of \$25,000 per couple, and with those attendees who wished to attend the reception and dinner being asked to contribute \$100,000 per couple to Right to Rise Super PAC.<sup>38</sup>

24. According to published reports, advisers working for Bush are involved in the fundraising plans and activities of the Super PAC. In response to a report that the Super PAC “could raise as much as \$100 million in the first quarter of the year—and maybe \$500 million by June, if not more,” the report said that “Bush advisers are scrambling to drive these lofty expectations way down.”<sup>39</sup> The report quoted “Bush spokesman Tim Miller” as stating that “The PAC’s goals are far more modest.” *Id.*

25. By March 2015, as Bush was “headlining a series of high-dollar events” for Right to Rise Super PAC, his team sent out an “unusual request ... to wealthy donors writing large checks to support former Florida governor Jeb Bush: Please don’t give more than \$1 million right away.” Bush advisers were reportedly concerned that “accepting massive sums from a handful of uber-rich supporters could fuel a perception that the former governor is in their debt.”<sup>40</sup> But according to another report published in early May 2015, “Bush has been rushing to fill the Right to Rise bank account.... Over the coming days, ... Bush will try to accelerate the

---

<sup>37</sup> M. Gold, “Jeb Bush super PAC juggernaut heads to California next week,” *The Washington Post* (March 23, 2015).

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

<sup>39</sup> B. White, “Jeb Bush’s \$100 million problem,” *Politico* March 16, 2015).

<sup>40</sup> M. Gold, “Awash in cash, Bush asks donors not to give more than \$1 million – for now,” *The Washington Post* (March 4, 2015).

cash flow.... Hoping to avoid the public perception that he'd been indebted to a few extremely wealthy benefactors, the former governor initially imposed a \$1 million cap on donations to the super PAC. But now, the source said, that restriction is being lifted. The move is partly out of concern that, without other Republican candidates raising large sums, more cash could be needed."<sup>41</sup>

26. Bush's family members are also raising money for the Right to Rise Super PAC. According to published reports, Bush's son, Texas Land Commissioner George P. Bush, was scheduled to appear at a Super PAC fundraising event in Austin, Texas.<sup>42</sup> According to another report, "Former president George W. Bush and Laura Bush will headline a fundraiser for the Right to Rise PAC, the super PAC launched by Jeb Bush in anticipation of his own presidential bid."<sup>43</sup> And Bush's mother, Barbara Bush, has also raised money for the Super PAC.<sup>44</sup>

## II. Applicable Law

27. A cornerstone of the federal campaign finance laws is the limit on contributions to federal candidates that was enacted to prevent corruption. Since *Buckley v. Valeo*, 424 U.S. 1, 26-27 (1976), the Supreme Court has recognized that without contribution limits, "the integrity of our representative democracy is undermined." The Court also stated in *Buckley* that "Congress was surely entitled to conclude" that "contribution ceilings were a necessary

---

<sup>41</sup> A. Isenstadt, "Jeb Bush's \$100M May," *Politico* (May 8, 2015).

<sup>42</sup> P. Svitek, "George P. Bush to help raise cash for dad's super PAC," *The Texas Tribune* (March 9, 2015).

<sup>43</sup> M. Gold and E. O'Keefe, "George W. and Laura Bush to appear at fundraiser for Jeb Bush," *The Washington Post* (March 23, 2015).

<sup>44</sup> E. O'Keefe, "In fundraising E-mail, Barbara Bush says Jeb Bush 'Is Our Best Chance of Taking Back the White House in 2016,'" *The Washington Post* (March 18, 2015).

legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions.” *Id.* at 28 (emphasis added).

28. Individual-candidate Super PACs, such as the Right to Rise Super PAC, provide a means for donors to evade and circumvent the candidate contributions limits. The Federal Election Campaign Act limits to \$2,700 the size of a contribution that a presidential candidate or his authorized campaign committee can accept from an individual donor. 52 U.S.C. § 30116(a)(1). FECA also prohibits a corporation or labor union from making a contribution to a presidential candidate. 52 U.S.C. § 30118(a). Individual candidate Super PACs serve as a ready vehicle for eviscerating the candidate contribution limits that were enacted to prevent corruption.

29. The campaign finance laws contain provisions to prevent the circumvention of the basic \$2,700 candidate contribution limits, and of the prohibition on corporate and union contributions to federal candidates. By providing a vehicle for wealthy donors to make contributions on behalf of candidates that directly benefit the candidates and that do not comply with the Federal contribution limits, individual candidate Super PACs such as the Right to Rise Super PAC operate in violation of the contribution limits and the anti-circumvention protections of the law.

30. Section 30125(e)(1) states:

A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not —

(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;...

52 U.S.C. § 30125(e)(1) (emphasis added).

31. This prohibition is broadly drafted. It applies to any candidate for Federal office or Federal officeholder or to any “agent” of a candidate or of an officeholder, as well as to any “entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of” a candidate or officeholder. *Id.* Such candidates, officeholders, agents and entities cannot “solicit, receive, direct, transfer or spend funds in connection with an election for Federal office” unless those funds comply with the contribution limits and prohibitions, and reporting requirements, of Federal law. *Id.*

32. Thus, section 30125(e) makes clear that candidates cannot do indirectly what they cannot do directly. Candidates and their campaign committee are prohibited from directly raising or spending soft money. And candidates and their campaign committees are also prohibited from indirectly raising and spending such soft money funds—by doing so through a related entity “acting on behalf of” the candidate or through an entity that they have “established” or “financed” or “maintain” or “control.” And any such related entity is covered by the same soft money prohibition as the candidate, whether such entity was “directly” established by a candidate or campaign committee, or “indirectly” established by them for their benefit.

33. The Commission has promulgated regulations to implement this provision. 11 C.F.R. §§ 300.60, 300.61. The regulations apply to “Federal candidates” and to “Entities that are directly or indirectly established, financed, maintained or controlled by, or acting on behalf of, one or more Federal candidates or individuals holding Federal office.” *Id.* § 300.60(a), (d). Such candidates and entities shall not “solicit, receive, direct, transfer, spend or disburse funds in connection with an election for Federal office” unless such funds “consist of Federal funds that are subject to the limitations, prohibitions and reporting requirements of the Act.” *Id.* § 300.61.

34. The statute and regulations make clear that the prohibition that applies to a Federal candidate raising or spending soft money fully applies also to any entity “directly or indirectly established, financed, maintained or controlled” by a Federal candidate as well as to any person or entity “acting on behalf of” a Federal candidate.

35. The Commission has promulgated a regulation to define the phrase “Directly or indirectly establish, finance, maintain, or control.” 11 C.F.R. § 300.2(c). That phrase applies, *inter alia*, to entities established, financed, maintained or controlled, whether directly or indirectly, by Federal candidates or their agents (referred to in the regulation as “sponsors”). *Id.* § 300.2(c)(1). The regulation lists a series of ten factors to determine the application of the standard, but it makes clear that these factors are not exclusive, *i.e.*, that the relevant determination is based on factors that “include, but are not limited to” the ten factors listed in the regulation. *Id.* § 300.2(c)(2). Further, the regulation makes clear that the factors “must be examined in the context of the overall relationship between sponsor and the entity” to determine if the sponsor “directly or indirectly established, finances, maintains, or controls the entity.” *Id.* Thus, in determining whether an entity is directly or indirectly established, financed, maintained or controlled by a sponsor, the Commission applies a functional facts-and-circumstances test that reviews the “overall relationship” between the sponsor and the entity.

36. The factors listed in the regulation include whether the “sponsor” (*i.e.*, the Federal candidate) and the entity have shared employees or officers, whether the “sponsor” directly or through an agent “provides” funds in a significant amount to the entity, or “causes or arranges for funds” in a significant amount to be provided to the entity, and whether the sponsor “directly or through its agent” had an “active or significant” role in “the formation of the entity.” *Id.* § 300.2(c)(2)(vi)-(ix).

**III. Violation of Law**  
(Section 30125(e)(1))

37. Section 30125(e) prohibits any entity that is “directly or indirectly established, financed, maintained or controlled by or acting on behalf of” a Federal candidate from soliciting, receiving, directing or spending contributions that do not comply with the Federal contribution limits and source prohibitions.

38. Jeb Bush is a “candidate” within the meaning of FECA notwithstanding the fact that he has not yet made a formal announcement of his candidacy and notwithstanding his claims that he is not a candidate.

39. The Right to Rise Super PAC has been “directly or indirectly” “established” by Jeb Bush. The Super PAC has been established by agents and associates of Jeb Bush and is organized for the sole purpose of promoting Bush’s presidential campaign.

40. The Right to Rise Super PAC has been “directly or indirectly” “financed” by Jeb Bush. Bush has attended multiple fundraisers for the Super PAC and has solicited funds for the Super PAC.

41. The Right to Rise Super PAC has been “directly or indirectly” “maintained or controlled” by Jeb Bush. Bush and his agents are directly involved in making decisions about the staffing of the Super PAC and about allocation of tasks to the Super PAC and as between the Super PAC and the official Bush campaign. Bush’s close associates, former staff and political operatives are working with or for the Super PAC, and in discussions with the Super PAC and with Bush about whether to assume formal leadership roles for the Super PAC.

42. The applicable regulation makes clear that the determination of whether an individual candidate Super PAC is “directly or indirectly” established, financed, maintained, or controlled by the candidate it is supporting must be determined “in the context of the overall



relationship between” the candidate and the Super PAC. 11 C.F.R. § 300.2(c)(2). The “overall context” of the relationship between the Right to Rise Super PAC and Jeb Bush shows that Bush and his agents established the Super PAC and have been actively involved in the planning, staffing, financing and operations of the Super PAC, and thus that the Super PAC is “directly or indirectly established, financed, maintained or controlled” by Bush.

43. The Right to Rise Super PAC is also “directly or indirectly” “acting on behalf of” Jeb Bush. The sole purpose of the Super PAC is to promote the election of Bush as president. The Super PAC is being operated as an arm of the Bush political operation and is acting in concert with Bush and his agents for the common objective of promoting Bush’s candidacy.

44. Accordingly, the Right to Rise Super PAC is an entity “directly or indirectly established, financed, maintained or controlled or acting on behalf of” Jeb Bush and his campaign within the meaning of section 30125(e). Thus, the Right to Rise Super PAC has violated section 30125(e) by soliciting, receiving, directing and spending contributions that do not comply with the Federal contribution limits and source prohibitions.

#### **Prayer for Relief**

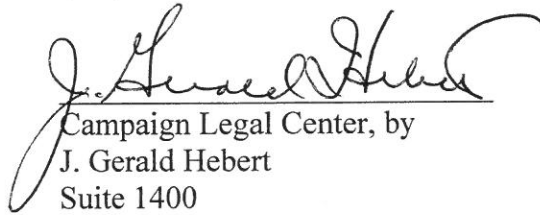
WHEREFORE, the Commission should undertake an investigation under 52 U.S.C. § 30109 of respondents Bush and the Right to Rise Super PAC to determine whether respondents have violated the law by accepting contributions or making expenditures with funds raised in excess of the applicable limits under 52 U.S.C. §§ 30116(a)(1) and 11 C.F.R. § 110.3. In the case of any violations that have occurred, furthermore, the Commission should impose appropriate sanctions for such violations, should enjoin each respondent from all such violations in the future, and should impose such additional remedies as are necessary and appropriate to

deter and prevent any other person from engaging in such violations in order to ensure compliance with FECA and BCRA.

Respectfully submitted,



Democracy 21, by  
Fred Wertheimer  
2000 Massachusetts Avenue, NW  
Washington, DC 20036  
(202) 355-9600



Campaign Legal Center, by  
J. Gerald Hebert  
Suite 1400  
1411 K Street NW  
Washington, DC 20005  
(202) 736-2200

Donald J. Simon  
Sonosky, Chambers, Sachse  
Endreson & Perry LLP  
1425 K Street, NW—Suite 600  
Washington, DC 20005  
Counsel to Democracy 21

Paul S. Ryan  
The Campaign Legal Center  
Suite 1400  
1411 K Street NW  
Washington, DC 20005  
Counsel to the Campaign Legal Center

Verification

The complainant listed below hereby verifies that the statements made in the attached Complaint, upon information and belief, are true.

Sworn to pursuant to 18 U.S.C. § 1001.

**For Complainant Democracy 21**



\_\_\_\_\_  
Fred Wertheimer

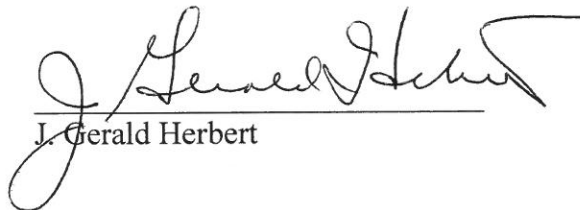
Sworn to and subscribed before me this 27 th day of May, 2015.



\_\_\_\_\_  
Notary Public



**For Complainant Campaign Legal Center**



\_\_\_\_\_  
J. Gerald Herbert

Sworn to and subscribed before me this 27 th day of May, 2015.



\_\_\_\_\_  
Notary Public