

2180 North Loop West
Suite 255
Houston, TX 77018
www.najvarlaw.com



Jerad Wayne Najvar
O: 281.404.4696
F: 281.582.4138
jerad@najvarlaw.com

May 1, 2020

Federal Election Commission
Office of Complaints Examination and Legal Admin.
Attn: Kathryn Ross, Paralegal
Via email: cela@fec.gov

RE: MUR 7709

Dear Ms. Ross:

I write on behalf of Trever Nehls and “Supporters of Trever Nehls,” identified as respondents to MUR 7709.

Troy Nehls and Trever Nehls are twin brothers. Trever is currently serving as an elected constable in Fort Bend County, Texas, and is running for Sheriff.

As an initial matter, it is helpful to describe certain aspects of Texas law regarding the campaign finance reporting rules for state and local candidates, to clarify some confusion apparent from the Complaint. Nonfederal candidates in Texas are required by Texas law to appoint a campaign treasurer and file reports of campaign activity *under their own name*, as a candidate (or officeholder, as applicable). Tex. Elec. Code §§ 252.001, 254.063, 254.064. Nonfederal candidates in Texas must file these reports under their own name regardless of whether they establish any separate political committees. See Tex. Ethics Com’n, *Campaign Finance Guide for Candidates and Officeholders Who File With Local Filing Authorities* (rev. Jan. 1, 2020) at 3 (“Often a candidate or officeholder chooses to establish a specific-purpose political committee. A political committee is subject to *separate* filing requirements. Establishing a specific-purpose political committee does not relieve a candidate or officeholder of the obligation to file as an individual.”).¹ Accordingly, Trever Nehls reports his campaign activity on the required “Candidate/Officeholder Campaign Finance Report” form, as reflected on the first page of Complainant’s Exhibit A. The form reflects that Trever Nehls reports as the candidate under his individual name.

While reports are filed under the candidate’s own name, it is common for state and local candidates in Texas to refer to their campaigns or campaign accounts as “Friends of” or “Supporters of” the candidate. This is a means of indicating that an advertisement is made by, or a contribution is made to, a campaign fund. Trever Nehls

¹ https://www.ethics.state.tx.us/data/resources/guides/coh_local_guide.pdf (last visited Apr. 17, 2020).

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follows this convention, and frequently refers to his campaign as “Supporters of Trever Nehls.” The FEC has identified “Friends of Trever Nehls” as an additional respondent. This appears to be based on the reference to same in ¶ 7 of the Complainant’s second submission. This appears to be a typo on Complainant’s behalf; in context, it seems as if Complainant meant to refer to “Friends of Troy Nehls,” following on the immediately preceding sentence in the complaint.

Regarding Count 2. In August 2019, a \$2,700 contribution was made from Trever Nehls’ state campaign account to Troy Nehls’ congressional exploratory effort. Trever Nehls was deployed abroad in service to the U.S. military from July 5, 2019 to March 15 2020. A long-time campaign consultant for his campaign, Mandi Bronsell, has general authority to operate the campaign account in his absence and is a signatory on the account. After receiving the complaint, Trever Nehls requested, and has now received, a refund from Nehls for Congress of the entire \$2,700 contribution, which has been deposited back into his state campaign account.

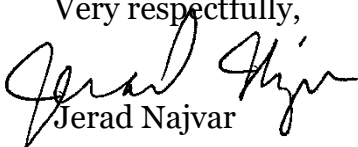
However, even if the \$2,700 contribution had been made and not refunded, Supporters of Trever Nehls did not become a “political committee” for FECA purposes. In *Buckley v. Valeo*, 424 U.S. 1 (1976) (per curiam), the Supreme Court held that the term “political committee” as used in FECA “need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate.” *Id.* at 79. As used in FECA and in *Buckley*, “candidate” means only candidates for federal office. Supporters of Trever Nehls is not, and never has been, controlled by any federal candidate or had the major purpose of nominating or electing a federal candidate. Supporters of Trever Nehls is a campaign account organized and used for the purpose of Trever Nehls’ campaigns for nonfederal office.

In Count 3, the complaint correctly notes that the referenced four-page mailpiece distributed by Nehls for Congress contained a page advocating Trever’s election as Sheriff, which was an in-kind contribution to Trever’s campaign. The Complainant, however, overlooked the fact that Nehls for Congress properly reported it as an in-kind contribution, as explained and identified in the response letter filed April 17 by Troy Nehls and Chad Norvell. The Complaint is therefore wrong, and sloppy, where it asserts that “[o]n information and belief, no FEC filing from the Nehls for Congress campaign reveals such a coordinated communication.” Compl. ¶ 35.

The Complainant also in Count 3 correctly notes that Troy Nehls made a \$10,000 contribution from his state campaign account to Trever Nehls’ state campaign account. Complaint ¶¶ 7, 33. This contribution was reported on both Troy’s and Trever’s campaign finance reports filed pursuant to Texas law. This contribution was and is fully compliant with Texas law and raises no issues under federal law.

Please let me know if I can be of further assistance.

Very respectfully,


Jerad Najvar



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

AR/MUR/RR/P-MUR# 7709

Name of Counsel: Jerard Nayar + Austin Whatley

Firm: Nayar Law Firm PLLC

Address: 2180 North Loop West Ste. 255

Houston TX 77018

Office#: 281.404.4696 Fax#: 281.582.4138

Mobile#: _____

E-mail: jerard@nayarlaw.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/27/20
Date

[Signature]
(Signature - Respondent/Agent/Treasurer)

Constable
Title

NEHLS, TREVER, J
(Name - Please Print)

RESPONDENT: Trever Nehls, Supporters of Trever Nehls
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: Same as above
(Please Print)

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: _____

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2018