



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**MEMORANDUM**

TO: The Commission

FROM: Lisa J. Stevenson  
Acting General Counsel

BY: Charles Kitcher *CK*  
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for Enforcement

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SUBJECT: MUR 7280 (Unknown Owner of “Trump 2020” Facebook Page)

RE: Circulation of Discovery Documents

On June 4, 2019, the Commission voted to find reason to believe that the unknown respondent in this case violated 52 U.S.C. § 30104(b)(4)(H)(iii) or (c) by failing to report independent expenditures on Facebook to the Commission, as well as 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(a) for not including appropriate disclaimers on these Facebook advertisements.<sup>1</sup> The Commission also authorized compulsory process.<sup>2</sup>

The Complaint in this matter was based on a news article,<sup>3</sup> in which the purported owner of the “Trump 2020” Facebook Page<sup>4</sup> told reporters that he bought advertisements on Facebook to promote his pro-Trump Facebook pages and did not report those purchases to the

<sup>1</sup> Certification, ¶¶ 1-2 (June 4, 2019).

<sup>2</sup> *Id.* ¶ 3.

<sup>3</sup> Alex Thompson and Noah Kulwin, “No one is tracking the illegal political ads in your Facebook feed,” VICE NEWS (Sept. 25, 2017), [https://news.vice.com/en\\_us/article/595k78/facebook-political-ads](https://news.vice.com/en_us/article/595k78/facebook-political-ads).

<sup>4</sup> <https://www.facebook.com/ElectTrump2020/>.

1 Commission. Because the identity of the respondent is unknown, Facebook is likely the only  
2 source that can verify or disprove the allegations in the complaint.  
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4 The attached subpoena first seeks information to determine whether the owner of the  
5 “Trump 2020” Facebook Page paid for Facebook advertisements. If so, the subpoena requests  
6 information regarding the identity of the owner, the content of the paid advertisements, and the  
7 amount paid to Facebook for those advertisements.  
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9 Facebook’s treatment of customer information is governed by the Stored  
10 Communications Act (“SCA”).<sup>5</sup> Under the SCA, Facebook is generally prohibited from  
11 disclosing any information concerning any of its customers to a governmental entity without a  
12 subpoena.<sup>6</sup> The SCA provides a narrow exception for Facebook to disclose voluntarily some  
13 limited information to governmental entities with the consent of the customer — however, as a  
14 matter of policy, it appears that Facebook does not do so.<sup>7</sup> For that reason, we recommend that  
15 the Commission approve the attached subpoena on a 48-hour no-objection basis.  
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<sup>5</sup> 18 U.S.C. § 2701, *et seq.*

<sup>6</sup> 18 U.S.C. § 2702(b)(8), (c). The SCA provides exceptions if an “emergency involving danger of death or serious physical injury to any person requires disclosure without delay” of information related to the emergency. These exceptions are not applicable in this case.

<sup>7</sup> See Facebook, “Information for Law Enforcement Authorities,”  
<https://www.facebook.com/safety/groups/law/guidelines> (last visited June 18, 2019).