FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Sam Clovis

Hinton, IA 51024

JUL 18 2019

RE: MUR 7401

Dear Mr. Clovis:

On June 11, 2018, the Federal Election Commission notified you of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 11, 2019, voted to dismiss the allegation against you in connection with prohibited contributions to Donald J. Trump and Donald J. Trump for President and Bradley T. Crate in his official capacity as treasurer in the form of coordinated communications or expenditures. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

You are advised that the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Nicholas Bamman, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lynn Y. Tran
Assistant General Counsel

Enclosure:
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Sam Clovis MUR: 7401

I. FACTUAL BACKGROUND

The Complaint generally alleges that various individuals and organizations coordinated communications with Donald J. Trump and his principal campaign committee, Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer ("Trump Committee"). Based on alleged meetings between Clovis and various individuals and organizations, the substance of which is vague and unsubstantiated by the Complaint's attachments, the Complaint concludes that various individuals and organizations coordinated communications with the Trump Committee.[1]

II. LEGAL ANALYSIS

The Act prohibits corporations from making, and candidates or their committees from knowingly accepting, contributions in connection with any election to political office.[2] Expenditures made by any person "in cooperation, consultation, or concert with, or at the request or suggestion of" a candidate or his authorized committee or agent qualify as an in-kind contribution to the candidate and must be reported as expenditures made by the candidate's authorized committee.[3]

A communication that is coordinated with a candidate or his authorized committee is considered an in-kind contribution and is subject to the limits, prohibitions, and reporting

---

1 *See* Compl. at 1, 3.

2 52 U.S.C. § 30118(a).

3 52 U.S.C. § 30116(a)(7)(B); 11 C.F.R. § 109.20(a), (b).

requirements of the Act.[4] A communication is coordinated with a candidate, his authorized committee, or agent of either, if it meets a three-prong test set forth in the Commission's regulations: (1) it is paid for, in whole or in part, by a person other than the candidate or authorized committee; (2) it satisfies a content standard in 11 C.F.R. § 109.21(c); and (3) it satisfies a conduct standard in 11 C.F.R. § 109.21(d). All three prongs must be satisfied for a communication to be considered coordinated under Commission regulations.[5]

Here, the Complaint does not identify any specific communications with which to conduct a coordination analysis. Nor do the conclusory allegations of meetings between Clovis and various individuals and organizations, indicate, based on the available information in the record, any impermissible coordination under the Act or Commission regulations. Because the allegations fail to indicate that a violation occurred, the Commission dismisses the allegations that various individuals and organizations made, and the Trump Committee accepted, prohibited contributions in the form of coordinated communications or expenditures in violation of 52 U.S.C. §§ 30116 and 30118 and 11 C.F.R. § 109.21.

---

4 52 U.S.C. § 30116; 11 C.F.R. § 109.21(b).

5 11 C.F.R. § 109.21(a); *see also* Explanation and Justification, *Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 453 (Jan. 3, 2003).