

OFFICE OF
GENERAL COUNSEL
BEFORE THE
FEDERAL ELECTION COMMISSION
2019 AUG 28 PM 2:19

John C. Zody
Chairman, Indiana Democratic Party
115 W Washington St., Suite 1165
Indianapolis, IN 46204

MUR # 7490

Complainant,

v.

Mike Braun
P.O. Box 159
Zionsville, IN 46077-0159

Mike Braun for Indiana, and Travis Kabrick, Treasurer in his official capacity
P.O. Box 159
Zionsville, IN 46077-0159

Respondent.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Mike Braun, Mike Braun for Indiana, and Travis Kabrick, in his official capacity as Treasurer (collectively, "Respondents"), for violating the Federal Election Campaign Act of 1971, as amended (the "Act"). Respondents appear to have failed to file a 48-Hour Notice after Mike Braun used a personal line of credit to provide \$250,000 to his campaign within the twenty days before the Indiana Senate primary election—a violation of 11 C.F.R. § 104.5(f). By apparently failing to file timely disclosure of this last-minute infusion of Mr. Braun's personal resources to his Senate campaign, Respondents have undermined the Act's transparency requirements and concealed important information from Indiana voters ahead of the Senate primary.

I. FACTS

Mike Braun is the Republican nominee for Senate in Indiana. His principal campaign committee is Mike Braun for Indiana.¹ On April 23, 2018, Braun used a personal line of credit to provide \$250,000 to his campaign committee specifically allocated for the primary election period.² Fifteen days later, on May 8, 2018, Indiana held its primary election for U.S. Senator and Braun secured the Republican Party's nomination.³ Mike Braun for Indiana reported receipt of this \$250,000 on its July 2018 quarterly filing.⁴ According to the Federal Election Commission ("FEC") website, Mike Braun for Indiana did not file a 48-hour Late Contribution Notice for this report.

II. LEGAL ARGUMENT

Upon receiving a contribution or loan of \$1,000 or more during the period less than twenty (20) days but more than forty-eight (48) hours before 12:01 AM on Election Day, the principal campaign committee of a candidate for U.S. Senate must file with the Secretary of the U.S. Senate a 48-Hour Late Contribution Notice.⁵ The principal campaign committee may provide the required notice using FEC Form 6 or via a letter in writing that "include[s] the name of the candidate and office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution."⁶ There are no exceptions to this requirement.

¹ Mike Braun, Fed. Election Comm'n Form 2 (amended Aug. 14, 2017).

² Mike Braun for Indiana, Fed. Election Comm'n Form 3 July Quarterly Report, at 260 (reporting period Apr. 19, 2018 to June 30, 2018), <http://docquery.fec.gov/pdf/985/201807200200623985/201807200200623985.pdf>.

³ See, e.g., Simone Pathé, *Mike Braun Wins Indiana GOP Senate Primary*, Roll Call (May 8, 2018 8:51 PM), <https://www.rollcall.com/news/politics/mike-braun-wins-indiana-gop-senate-primary>.

⁴ Mike Braun for Indiana, Fed. Election Comm'n Form 3 July Quarterly Report, at 260 (reporting period Apr. 19, 2018 to June 30, 2018), <http://docquery.fec.gov/pdf/985/201807200200623985/201807200200623985.pdf>.

⁵ 11 C.F.R. § 104.5(f). Under 11 C.F.R. § 100.52(a), a contribution includes "a gift, subscription, loan, advance or deposit of money or anything of value given to influence a federal election." Although a candidate's guarantee of a personal line of credit is not a "contribution" from the lending institution, it is a contribution from the candidate requiring a 48-Hour Notice. See 11 C.F.R. §§ 100.52, 100.83(b); see also Fed. Election Comm'n, *Instructions for FEC Form 6: 48-Hour Notice of Contributions/Loans Received* ("The [48-hour notice] requirement applies to all contributions of \$1,000 or more, including: . . . [c]ontributions, personal loans, endorsements of bank loans and advances made by the candidate, and candidate draws on personal credit cards . . ."), <https://www.fec.gov/resources/cms-content/documents/fecfrm6i.pdf>.

⁶ Fed. Election Comm'n, *How to Report 48-Hour Notices*, <https://www.fec.gov/help-candidates-and-committees/filing-reports/reporting-48-hour-notices>.

