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BEFORE THE FEDERAL ELECTION COMMISSION

~~2018 AUG 35 AM 10:43~~

JOANNA SACCONI

MUR # 7493

New York, NY 10011

Complainant,

v.

Suraj Patel
34 3rd Avenue
Box 229
New York, NY 10003

Committee to Elect Suraj Patel
34 3rd Avenue
Box 229
New York, NY 10003

Nayna Patel, Treasurer
Committee to Elect Suraj Patel
34 3rd Avenue
Box 229
New York, NY 10003

Respondents.

COMPLAINT

Federal law imposes clear limits on the amounts that Federal candidates can raise from any individual to finance their campaigns, and there are separate limits for primary and general elections. These limits are simple and straight-forward, and are the essential cornerstone of our campaign finance system. They exist to prevent corruption. If a primary candidate raises funds under a separate contribution limit to prepare for the general election, he or she is prohibited from using these general election funds to support the campaign in the primary. Otherwise, it would be akin to raising

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contributions equal to twice the legal limit. However, based on publicly available Federal Election Commission ("FEC") reports, it appears that this is exactly the activity engaged in by Mr. Suraj Patel, former candidate for U.S. House of Representatives from New York's 12th Congressional District to the tune of approximately \$160,000. It is plainly evident that Mr. Patel circumvented federal law by using general election contributions for the primary election.¹

Accordingly, Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Mr. Suraj Patel, former candidate for the U.S. House of Representatives from New York's 12th Congressional District; the Committee to Elect Suraj Patel (FEC ID# C00657965), Mr. Patel's principal campaign committee; and Nayna Patel, in her official capacity of treasurer for the Committee to Elect Suraj Patel (collectively, "Respondents") for violating the Federal Election Campaign Act of 1971, as amended (the "Act"), 52 U.S.C. § 30101, *et seq.* and Federal Election Commission ("FEC" or the "Commission") regulations.

These actions should be investigated immediately to determine the extent of the violations and to fine the Respondents as appropriate.

I. FACTS

Mr. Suraj Patel is a former candidate for the U.S. House of Representatives from New York's 12th Congressional District for the 2018 Democratic Primary Election.² Mr. Patel's principal campaign committee is the Committee to Elect Suraj Patel (FEC ID#: C00657965) (the "Committee"). On June 14, 2018, the Committee filed its FEC Pre-Primary Report, as required by federal law.³ In this Report, the Committee reported only \$40,526.70 cash on hand at the end of the Reporting Period.⁴ However, up to that point in the cycle, the Committee had raised over \$200,000 in

¹ 11 C.F.R. § 102.9(e)(2).

² See SURAJ PATEL, <https://www.surajpatel.nyc/>.

³ 11 C.F.R. § 104.5(a)(2)(i); see The Committee to Elect Suraj Patel, Pre-Primary Report (June 14, 2018), <http://docquery.fec.gov/cgi-bin/forms/C00657965/1238070/#SUMMARY> ("The Committee Pre-Primary Report").

⁴ The Committee Pre-Primary Report.

contributions designated for the general election.⁵ Moreover, a review of the Committee's spending indicates that almost all the spending was made for the purposes of influencing the 2018 New York Primary Election.⁶

II. LEGAL ARGUMENT

The Act regulates how money is raised and spent by federal campaigns to prevent corruption in federal elections. Under federal law, "an authorized committee's records must demonstrate that, prior to the primary election, recorded cash on hand was at all times equal to or in excess of the sum of general election contributions received less the sum of general election disbursements made."⁷

While a federal committee may use contributions designated for the general election contributions prior to the primary election in very limited circumstances, those expenses must be exclusively for the purpose of influencing the prospective general election.⁸ "These regulations are designed to ensure that candidates . . . do not use general election contributions *for the primary election*."⁹

While general election contributions may be redesignated for the primary election,¹⁰ federal regulations are clear: at no time may the recorded cash on hand be less than the sum of all general election contributions received less the sum of all general election disbursements made.¹¹ Moreover, a redesignation of a general election contribution from the primary is not allowed when the contributor has already contributed the maximum contribution allowed for the primary.¹²

⁵ See *Raising*, The Committee to Elect Suraj Patel, <https://www.fec.gov/data/committee/C00657965/?tab=raising>; see also Carl Campanile, *Maloney Challenger May Have Violated Election Law*, N.Y. POST (June 19, 2018), <https://nypost.com/2018/06/19/maloney-challenger-may-have-violated-election-law/>.

⁶ See *Spending*, The Committee to Elect Suraj Patel, <https://www.fec.gov/data/committee/C00657965/?tab=spending>.

⁷ 11 C.F.R. § 102.9(e)(2).

⁸ See FEC Adv. Op. 2015-16 (Innis for Congress), 3 (Feb. 25, 2016), <https://www.fec.gov/files/legal/aos/2015-16/2015-16.pdf>.

⁹ See FEC Adv. Op. 1992-15 (Russo for Congress), 2 (June 5, 1992), <https://www.fec.gov/files/legal/aos/1992-15/996193.pdf> (emphasis added).

¹⁰ 11 C.F.R. § 110.1(b).

¹¹ *Id.* § 102.9(e)(2).

¹² *Id.* § 110.1(b)(1).

Here, it is plain: The Respondents violated federal law by using contributions designated for the general election for what appear to be primary election purposes. This is clear not only by the fact the Committee had raised over \$200,000 for the general election, and only reported \$40,526.70 cash on hand at the end of the Pre-Primary Reporting Period, but also since the Committee's expenditures do not demonstrate that the missing general election contributions were spent for the exclusive purpose of influencing the prospective general election.

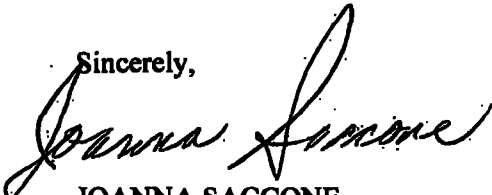
Furthermore, while a federal campaign may redesignate general election contributions for primary election, the Committee still violated federal law by failing to keep the recorded cash on hand at least equal to all general election contributions received minus the sum of all general election disbursements made. And, even if the Committee was able to redesignate some of the funds, the Committee could not redesignate those funds where the contributor had already contributed the maximum contribution, as is evident for many of the Committee's contributors.¹³

¹³ See *Raising*, The Committee to Elect Suraj Patel, <https://www.fec.gov/data/committee/C00657965/?tab=raising>.

III. REQUESTED ACTION

From Respondents FEC reports themselves, it appears clear that they have violated provisions of the Act and FEC regulations. Complainant respectfully requests that the Commission promptly investigate these violations and fine the Respondents as appropriate.

Sincerely,


JOANNA SACCONI

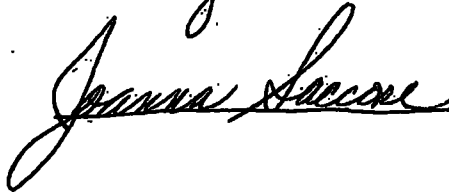
STATE OF NEW YORK)

SS:

COUNTY OF NEW YORK)

Subscribed and sworn to before me on this 31 day of August, 2018


Notary Public



SYLVIA E DI PIETRO
Notary Public, State of New York
No. 01D14507963
Qualified in New York County
Commission Expires 8/31/2021