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Jeff S. Jordan
Assistant General Counsel
Complaints Examination and Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: MUR 7582

Dear Mr. Jordan:

We write as counsel to Senator Kamala Harris, Kamala Harris for Senate and Stephen J. Kaufman in his official capacity as treasurer (together, “Respondents”), in response to the complaint filed by The Patriots Foundation on March 18, 2019 (the “Complaint”).

The Complaint falsely alleges that Kamala Harris for Senate (the “Committee”) impermissibly accepted and failed to disclose contributions from a corporate entity and a foreign national in violation of federal law and Federal Election Commission (the “Commission”) regulations. There is no factual basis for these allegations. The Complaint appears to base its unfounded allegations on general statements of support for Senator Harris made available on the alleged contributor’s website.¹ But, to our knowledge, Respondents have never accepted or received a contribution from either of the alleged prohibited sources named in the Complaint.

The Commission may find “reason to believe” only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Federal Election Campaign Act of 1971, as amended (“the Act”) or Commission regulations.² Moreover, unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation.³ The Complaint does not state any facts sufficient to show that the alleged impermissible contributions were ever actually made by the purported contributors or accepted or received by Respondents. In addition, the actual facts as understood by Respondents, contradict the allegations made in the Complaint: the alleged contributions were never in fact accepted or received by Kamala Harris for Senate. The Commission should therefore

¹ Comp. at 2 (Mar. 18, 2019).

² 52 U.S.C. § 30109(a)(2); 11 C.F.R. § 111.4(a), (d); MUR 4960, Statement of Reasons of Commissioners Mason, Sandstrom, Smith and Thomas (Dec. 21, 2001).

³ *Id.*

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LEGAL COUNSEL

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find no reason to believe that Respondents violated the Act and should dismiss this matter immediately.

I. FACTUAL BACKGROUND

Senator Kamala Harris is the junior incumbent United States Senator from California. Senator Harris last ran for election to the U.S. Senate in 2016.⁴ Her principal campaign committee for U.S. Senate is Kamala Harris for Senate.⁵ Stephen J. Kaufman is the Committee's treasurer.⁶

The Complaint's principal allegations are as follows: (1) Candide Group, LLC ("Candide Group") is a limited liability corporation that is taxed as a corporation and is therefore prohibited from making contributions to federal candidates; (2) Aner Ben-Ami, the founding partner of Candide Group, was a foreign national until August 2018; and (3) Candide Group has made contributions to candidates since it was founded in 2015, and it allegedly made unlawful corporate contributions to Kamala Harris for Senate during the 2018 election cycle. In the alternative, the Complaint alleges that Kamala Harris for Senate received an unlawful contribution from a foreign national because Candide Group is allegedly controlled by Mr. Ben-Ami. The Complaint does not allege any specific facts about the alleged impermissible contributions; for example, there are no allegations in the Complaint regarding the amount of the contributions or the date on which they were made.

II. LEGAL ANALYSIS

As an initial matter, the Complaint does not allege facts sufficient to show that either of the alleged prohibited sources (Candide Group or Mr. Ben-Ami) have, in fact, made a contribution to the Committee. Instead, the sole basis for the Complaint appears to be a page on the Candide Group's website making reference to political contributions and claiming that the Candide Group "supports" Senator Harris.⁷ While the purpose of this webpage is unclear, the fact remains that no such contribution was actually made to the Committee from either of the alleged contributors, and the webpage alone does not constitute a contribution.⁸

Respondents recognize that federal law clearly prohibits candidate committees such as Kamala Harris for Senate from accepting or receiving contributions from foreign nationals or limited liability companies that are taxed as corporations.⁹ As part of the Committee's internal compliance

⁴ Kamala D. Harris, FEC Form 2, Statement of Candidacy (amended November 14, 2016), <http://docquery.fec.gov/pdf/280/201611170200667280/201611170200667280.pdf>.

⁵ Kamala Harris for Senate, FEC Form 1, Statement of Organization (amended August 29, 2016), <http://docquery.fec.gov/pdf/589/201609060200372589/201609060200372589.pdf>.

⁶ *Id.*

⁷ Candide Group, <https://candidegroup.com/political-donations> (last visited Apr. 10, 2019).

⁸ 11 C.F.R. § 100.52.

⁹ 52 U.S.C. § 30121; 11 C.F.R. § 110.20.

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process, it conducts extensive due diligence to confirm that all contributions accepted by the Committee are legally permissible and not from prohibited sources such as corporations or foreign nationals. Respondents also take the necessary steps to ensure that all contributions received by the Committee are accurately recorded and reported.


Upon receiving this Complaint, the Committee reviewed its records and found no record of the Committee accepting or receiving a contribution from either of the alleged contributors — Mr. Ben-Ami or Candide Group — at any time. Respondents did not report any such contributions because they were never accepted or received by the Committee. The implication in the Complaint that Respondents tried to hide the Committee's receipt of the alleged contributions is patently absurd.

The facts alleged in the Complaint do not demonstrate any evidence that the purported contributions were accepted or received by the Committee, and they are insufficient to warrant an investigation in this matter. Because the Complaint is merely speculative and fails to provide any facts showing that Respondents accepted an impermissible contribution, the Complaint fails as a matter of law, and the Commission should dismiss it.

III. CONCLUSION

The allegations in the Complaint are purely speculative and do not include facts that would provide a sufficient basis for the Commission to find "reason to believe" that the Act or Commission regulations have been violated. Accordingly, the Commission should reject the Complaint's request for an investigation, find no reason to believe that a violation of the Act or Commission regulations has occurred, and immediately dismiss this matter.

Very truly yours,



Marc E. Elias
Ezra W. Reese
Aria C. Branch
Counsel to Respondents