

FEDERAL ELECTION COMMISSION**FIRST GENERAL COUNSEL'S REPORT****MUR 7583**

DATE COMPLAINT FILED: March 11, 2019

DATE OF NOTIFICATIONS: March 25, 2019

DATE OF LAST RESPONSE: May 23, 2019

DATE ACTIVATED: July 2, 2019

EXPIRATION OF SOL: April 4, 2023

ELECTION CYCLE: 2018

COMPLAINANT:Joseph Weinzettle¹**RESPONDENTS:**

Kemp for Governor, Inc.

Brian Kemp

Georgia Republican Party, Inc., and Joseph Brannan

in his official capacity as treasurer

Rinat Akhmetshin

Internet Research Agency

Federal News Agency, LLC

Majority Strategies, Inc.

Medium Buying, LLC

Something Else Strategies, LLC

September Group, LLC

**RELEVANT STATUTES
AND REGULATIONS:**

22 U.S.C. § 611(b)

52 U.S.C. § 30101(8)

52 U.S.C. § 30121

11 C.F.R. § 100.52(d)(1)

11 C.F.R. § 110.20

11 C.F.R. § 114.2(f)

11 C.F.R. § 116.1(c)

INTERNAL REPORTS CHECKED:

Disclosure Reports

AGENCIES CHECKED:

None

1 **I. INTRODUCTION**

2 The Complaint in this matter makes numerous allegations that Brian Kemp and his
3 Georgia state campaign committee, Kemp for Governor, Inc. (the “Kemp Committee”), and the
4 Georgia Republican Party (the “GA GOP”) accepted prohibited contributions or donations from
5 foreign nationals in violation of the Federal Election Campaign Act of 1971, as amended (the
6 “Act”). The Complaint alleges that these contributions or donations were generally in the form
7 of voter suppression activity and artificial social media support.² Specifically, the Complaint
8 alleges that the Kemp Committee and the GA GOP contracted with foreign nationals in Romania
9 and Russia, including the Internet Research Agency (“IRA”) and the Federal News Agency
10 (“FNA”), to provide social media services, masking the payments through disbursements to
11 domestic vendors.³ The Complaint also alleges that Rinat Akhmetshin, a foreign national and
12 lobbyist, acted as an intermediary between the GA GOP and the Kemp Committee in the United
13 States and IRA and FNA in Russia.⁴ According to the Complaint, Akhmetshin did so by
14 funneling payments by the Kemp Committee and the GA GOP meant for IRA and FNA through
15 a number of domestic political consulting firms, including Majority Strategies, Inc., Medium
16 Buying, LLC, Something Else Strategies, LLC, and September Group, LLC, which the
17 Complaint alleges Akhmetshin ultimately controlled.⁵

² Compl. at 3 (Mar. 18, 2019).

³ *Id.* at 2-3.

⁴ *Id.* at 2, 4.

⁵ *Id.*

1 The GA GOP and the Kemp Committee submitted Responses denying all allegations in
2 the Complaint and asserting that all expenditures made to the vendors identified in the Complaint
3 were for legitimate campaign expenditures as itemized on their filings with the Federal Election
4 Commission (the “Commission”).⁶ Both the GA GOP and the Kemp Committee aver that they
5 had no contact with, and accepted no contributions or assistance from, either the IRA or FNA.⁷
6 Akhmetshin also submitted a Response denying any involvement in the circumstances described
7 in the Complaint and submitting information for the record with respect to several facts alleged
8 by the Complainant, including by which parties he had been paid and for what purposes.⁸ The
9 Commission received no response from the IRA, FNA, or any of the alleged “shell corporations”
10 also named in the Complaint.⁹

11 As set forth below, there is not a sufficient factual basis to support these allegations. We
12 therefore recommend that the Commission dismiss the allegations that: (1) Kemp, the GA GOP,
13 and the Kemp Committee violated 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g) by
14 accepting or receiving a contribution or donation from a foreign national in connection with a
15 State election; (2) the IRA and FNA, both foreign entities, violated 52 U.S.C. § 30121(a)(1) and
16 11 C.F.R. § 110.20(c) by making a prohibited contribution or donation to the Kemp Committee
17 or the GA GOP in connection with a State election; and (3) Rinat Akhmetshin, Majority
18 Strategies, Inc., Medium Buying, LLC, Something Else Strategies, LLC, and September Group,

⁶ Kemp Committee Resp. (May 23, 2019); GA GOP Resp. (Apr. 12, 2019).

⁷ Kemp Committee Resp. at 3; GA GOP Resp at 3.

⁸ Akhmetshin Resp. (Apr. 2, 2019).

⁹ Compl. at 2.

1 LLC, violated 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(h) by substantially assisting in
2 making or accepting a foreign contribution or donation.

3 **II. FACTUAL BACKGROUND**

4 Brian Kemp was the Republican candidate for Governor of Georgia in 2018, and the
5 Kemp Committee was his principal campaign committee.¹⁰ During the 2018 gubernatorial
6 campaign, Kemp and the Kemp Committee maintained an official Twitter account,
7 @BrianKempGA.¹¹ The GA GOP also maintained an official Twitter account,
8 @GARepublicans.¹²

9 The Complaint alleges that IRA and FNA are Russian entities known to have interfered
10 in the 2016 U.S. presidential election.¹³ According to the House of Representatives Permanent
11 Select Committee on Intelligence, the IRA attempted to influence the U.S. political process
12 through a targeted disinformation campaign effected via social media.¹⁴ The U.S. Department of
13 Treasury has stated that the FNA engaged in similar activity since at least 2014, using foreign
14 nationals posing as U.S. persons on social media to sow discord among U.S. voters.¹⁵ Both

¹⁰ Kemp Committee Resp. at 1.

¹¹ See Compl. at 1; see also Brian Kemp (@BrianKempGA), TWITTER, <https://twitter.com/briankempga> (last visited Mar. 2, 2021).

¹² See Comp. at 2; see also GAGOP (@GARepublicans), TWITTER, <https://twitter.com/garepublicans> (last visited Mar. 2, 2021).

¹³ Compl. at 1.

¹⁴ See *Exposing Russia's Effort to Sow Discord Online: The Internet Research Agency and Advertisements*, U.S. HOUSE OF REPRESENTATIVES PERMANENT SELECT COMMITTEE ON INTELLIGENCE, <https://intelligence.house.gov/social-media-content/> (last visited Mar. 2, 2021).

¹⁵ See Press Release, U.S. Dep't of the Treasury, Treasury Targets Russian Operatives over Election Interference, World-Anti-Doping Agency Hacking, and Other Malign Activities (Dec. 19, 2018), <https://home.treasury.gov/news/press-releases/sm577>.

1 entities appear on the Office of Foreign Asset Control's Specially Designated Nationals list,
2 which includes all foreign entities whose assets are blocked in the United States and with which
3 U.S. persons are prohibited from dealing.¹⁶

4 Between April and December 2018, the Kemp Committee and the GA GOP engaged
5 multiple vendors for campaign-related purposes, including media buys, advertising, canvassing,
6 and other services.¹⁷ These vendors included certain vendors identified in the Complaint:
7 Medium Buying LLC, Majority Strategies, September Group LLC,¹⁸ and Something Else
8 Strategies.¹⁹ According to the Kemp Committee's Response, all of these vendors are
9 domestically incorporated political consulting firms based in, respectively, Ohio, Florida,
10 Wyoming, and South Carolina.²⁰

11 The Complaint, however, alleges that the vendors are shell companies actually controlled
12 by Rinat Akhmetshin, a foreign lobbyist and media consultant with dual citizenship in the United
13 States and the Russian Federation.²¹ In June 2016, Akhmetshin attended a meeting at Trump

¹⁶ See Off. Foreign Asset Control, *Sanctions List Search*, OFAC.TREAS.GOV (last visited Mar. 2, 2021), <https://sanctionssearch.ofac.treas.gov/> (under "Name," search "Internet Research Agency" and "Federal News Agency").

¹⁷ Compl. at 10-16; Kemp Committee Resp. at 2-3; GA GOP Resp., Exh. A.

¹⁸ Though none of the vendor corporations submitted a Response in this matter,

¹⁹ Compl. at 10-16.

²⁰ Kemp Committee Resp. at 2; *accord* Compl. at 2, 3.

²¹ Compl. at 4; see Tr. of Interview of Rinat Akhmetshin Before the Senate Judiciary Committee 13-14 (Nov. 14, 2017), https://www.judiciary.senate.gov/imo/media/doc/Akhmetshin%20Transcript_redacted.pdf.

1 Tower in New York also attended by, among others, Donald Trump Jr. and Paul Manafort.²²
2 According to the Complaint, Akhmetshin used Medium Buying LLC, Majority Strategies,
3 September Group LLC, and Something Else Strategies as conduits through which the GA GOP
4 and the Kemp Committee funneled payments to IRA and FNA in exchange for voter suppression
5 services and artificial social media support.²³

6 As support for the allegations, the Complaint relies on a number of tweets by the GA
7 GOP, the Kemp Committee, an alleged foreign national previously operating under the Twitter
8 handle “@MihaiBasarab,” and the accounts of multiple individuals alleged to be foreign
9 nationals posing as U.S. persons. The @MihaiBasarab twitter handle appeared to indicate that
10 its locations include “Romania” and “America” and features both a Romanian and U.S. flag.²⁴
11 Since the Complaint was filed, the @MihaiBasarab account was suspended, and its tweets are no
12 longer available.²⁵

13 The Complaint alleges that, on July 18, 2018, @MihaiBasarab made an offer of foreign
14 assistance to the Kemp campaign, tweeting at the official Kemp campaign account, “I would not
15 have voted for Hillary if George Soros gave me \$1million.”²⁶ The Complaint states that the

²² See Compl. at 4; see Tr. of Interview of Rinat Akhmetshin Before the Senate Judiciary Committee 13-14 (Nov. 14, 2017), https://www.judiciary.senate.gov/imo/media/doc/Akhmetshin%20Transcript_redacted.pdf; Philip Bump, *The Trump Tower Meeting Gets Another Intriguing Layer*, WASH. POST (Dec. 20, 2018), <https://washingtonpost.com/politics/2018/12/20/trump-tower-meeting-gets-another-intriguing-layer/>.

²³ Compl. at 1-3, 4.

²⁴ *Id.*, Attach. 1. The Complaint also cites to tweets by @MihaiBasarab directed toward the Twitter account for the Florida gubernatorial campaign of Ron DeSantis offering “IT” support.

²⁵ @MihaiBasarab, TWITTER, <https://twitter.com/MihaiBasarab/> (last visited Mar. 2, 2021) (reading only “Account suspended[.] Twitter suspends accounts which violate the Twitter Rules”).

²⁶ Compl. at 2, 9.

1 tweet was a coded request for payment in exchange for voter suppression services to be provided
2 to the Kemp campaign by IRA and FNA.²⁷

3 The Complaint also alleges that the Kemp Committee and the GA GOP knowingly
4 accepted this foreign assistance.²⁸ It bases this allegation on a tweet by the GA GOP eight days
5 after the alleged \$1 million request in which the GA GOP quoted Kemp as stating that “[w]e are
6 stronger than Soros and his millions.”²⁹ The tweet received 49 retweets and 117 likes.³⁰

7 As support for the idea that @MihaiBasarab in fact provided the promised services to the
8 GA GOP, the Complaint cites to a September 19, 2018, tweet by the GA GOP, which stated:
9 “While getting rich on taxpayer money and political non-profits funded by George Soros,
10 Abrams rejected legislation to protect innocent children from sex predators. That is inexcusable.
11 Stacey Abrams is just too extreme for Georgia. #gapol #gafirst #gagop.”³¹ The tweet received
12 48 retweets and 50 likes,³² which the Complaint alleges reflects artificially inflated support
13 provided by fraudulent accounts run by the IRA and FNA.³³ The Complaint further cites to an

²⁷ Compl. at 3.

²⁸ *Id.*

²⁹ *Id.*, GAGOP (@GARepublicans), TWITTER (July 26, 2018, 7:50 PM), <https://twitter.com/GaRepublicans/status/1022630168203018241>.

³⁰ Compl. at 17; GAGOP (@GARepublicans), TWITTER (July 26, 2018, 7:50 PM), <https://twitter.com/GaRepublicans/status/1022630168203018241>. The number of retweets and likes has changed since the screenshot attached to the Complaint was taken; the tweet has 35 retweets and 77 likes as of March 2, 2021.

³¹ Compl. at 3, 17; GAGOP (@GARepublicans), TWITTER (Sept. 19, 2018, 12:46 PM), <https://twitter.com/GaRepublicans/status/1042454896581246978>.

³² Compl. at 27; GAGOP (@GARepublicans), TWITTER (Sept. 19, 2018, 12:46 PM), <https://twitter.com/GaRepublicans/status/1042454896581246978>. The number of retweets and likes has changed since the screenshot attached to the Complaint was taken; the tweet has 24 retweets and 32 likes as of March 2, 2021.

³³ Compl. at 23

1 October 15, 2018, retweet by @MihaiBasarab of a tweet from the handle @moveoverlaw that
2 read, “Abrams Supports Terrorist” followed by an American flag emoji.³⁴ @MihaiBasarab
3 commented on the retweet, “Terrorist Loving @staceyabrams Would Destroy Georgia The [sic]
4 sane vote is @BrianKempGA.”³⁵ The Complaint alleges that this content “may have been
5 produced in Russia by [the FNA].”³⁶

6 Finally, the Complaint also cites to a number of tweets from October and November 2018
7 from a number of Twitter handles, including several with avatars depicting black individuals,
8 about Abrams.³⁷ Some of these tweets included the hashtag “#walkaway,” and discussed
9 Abram’s alleged anti-Semitism and other campaign issues.³⁸ The Complaint alleges that these
10 tweets were made by fraudulent accounts maintained by the IRA and FNA, and cites a report on
11 the “Tactics & Tropes” of the IRA, which the Complaint states determined that the IRA
12 specifically targeted African American communities and engages in voter turnout depression
13 efforts similar to the “#walkaway” tweets by some of the Twitter handles cited in the
14 Complaint.³⁹

³⁴ *Id.* at 3, 9.

³⁵ *Id.*

³⁶ *Id.* at 3.

³⁷ *Id.* at 3, 18-22.

³⁸ *Id.*

³⁹ *Id.* at 3-4, 23-24.

1 **III. LEGAL ANALYSIS**

2 **A. Legal Standard**

3 The Act and Commission regulations prohibit any “foreign national” from directly or
4 indirectly making a contribution or donation of money or other thing of value, or an expenditure,
5 independent expenditure, or disbursement, in connection with a federal, state, or local election.⁴⁰
6 The Act’s definition of “foreign national” includes an individual who is not a citizen or national
7 of the United States and who is not lawfully admitted for permanent residence, as well as a
8 “foreign principal” as defined at 22 U.S.C. § 611(b), which, in turn, includes a “partnership,
9 association, corporation, organization, or other combination of persons organized under the laws
10 of or having its principal place of business in a foreign country.”⁴¹

11 The Act also prohibits persons from soliciting, accepting, or receiving a contribution or
12 donation from a foreign national.⁴² To solicit means “to ask, request, or recommend, explicitly
13 or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise
14 provide anything of value.”⁴³ The regulations also provide that no person shall “knowingly
15 provide substantial assistance” in the solicitation, making, acceptance, or receipt of a prohibited
16 foreign national contribution or donation, or the making of a prohibited foreign national

⁴⁰ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b), (c), (e), (f). Courts have consistently upheld the provisions of the Act prohibiting foreign national contributions on the grounds that the government has a clear, compelling interest in limiting the influence of foreigners over the activities and processes that are integral to democratic self-government, which include making political contributions and express-advocacy expenditures. *See Bluman v. FEC*, 800 F. Supp. 2d 281, 288-89 (D.D.C. 2011), *aff’d* 565 U.S. 1104 (2012); *United States v. Singh*, 924 F.3d 1030, 1040-44 (9th Cir. 2019).

⁴¹ 52 U.S.C. § 30121(b); 22 U.S.C. § 611(b)(3); *see also* 11 C.F.R. § 110.20(a)(3).

⁴² 52 U.S.C. § 30121(a)(2).

⁴³ 11 C.F.R. § 110.20(a)(6) (citing 11 C.F.R. § 300.2(m)).

1 expenditure, independent expenditure, or disbursement.⁴⁴ The Commission has recognized the
 2 “broad scope” of the foreign national prohibition and found that even where the value of a good
 3 or service “may be nominal or difficult to ascertain,” such contributions are nevertheless
 4 banned.⁴⁵

5 Commission regulations implementing the Act’s foreign national prohibition provide:

6 A foreign national shall not direct, dictate, control, or directly or
 7 indirectly participate in the decision-making process of any person,
 8 such as a . . . political committee, or political organization with
 9 regard to such person’s Federal or non-Federal election-related
 10 activities, such as decisions concerning the making of
 11 contributions, donations, expenditures, or disbursements . . . or
 12 decisions concerning the administration of a political committee.⁴⁶

13 The Commission has explained that this provision also bars foreign nationals from “involvement
 14 in the management of a political committee.”⁴⁷

⁴⁴ *Id.* § 110.20(h). The Commission has explained that substantial assistance “means active involvement in the solicitation, making, receipt or acceptance of a foreign national contribution or donation with an intent to facilitate successful completion of the transaction.” Contribution Limitations and Prohibitions, 67 Fed. Reg. 69,928, 69,945 (Nov. 19, 2002). Moreover, substantial assistance “covers, but is not limited to, those persons who act as conduits or intermediaries for foreign national contributions or donations.” *Id.* at 66,945.

⁴⁵ Advisory Op. 2007-22 (Hurysz) at 6 (“AO 2007-22”) (citing Contribution Limitations and Prohibitions, 67 Fed. Reg. at 69,940 (“As indicated by the title of section 303 of BCRA, ‘Strengthening Foreign Money Ban,’ Congress amended [52 U.S.C. § 30121] to further delineate and *expand* the ban on contributions, donations, and other things of value by foreign nationals.” (emphasis added)); *see also* Factual & Legal Analysis at 7-10, MUR 7271 (DNC) (open matter) (finding reason to believe that respondent’s agent solicited and/or received opposition research from the Ukrainian Embassy).

⁴⁶ 11 C.F.R. § 110.20(i).

⁴⁷ Contribution Limitations and Prohibitions, 67 Fed. Reg. at 69,946; *see also* Advisory Op. 2004-26 at 2-3 (Weller) (noting that foreign national prohibition at section 110.20(i) is broad and concluding that, while a foreign national fiancée of the candidate could participate in committees’ activities as a volunteer without making a prohibited contribution, she “must not participate in [the candidate’s] decisions regarding his campaign activities” and “must refrain from managing or participating in the decisions of the Committees”);

1 In light of these provisions, Commission regulations permit any person or company —
2 foreign or domestic — to provide goods or services to a political committee, without making a
3 contribution, if that person or company does so as a “commercial vendor,” *i.e.*, in the ordinary
4 course of business, and at the usual and normal charge, as long as foreign nationals do not
5 directly or indirectly participate in any committee’s management or decision-making process in
6 connection with its election-related activities.⁴⁸ For example, in MUR 5998, the Commission
7 found that the foreign national owners of a venue did not make or facilitate a contribution to a
8 political committee by allowing the committee to rent the venue for a fundraising event.⁴⁹ The
9 venue at issue was rented out for events in the ordinary course of business, and the owners
10 charged the committee the usual and normal amount for the service.⁵⁰ The Commission noted
11 that there was no available information to suggest — and the foreign nationals and political
12 committee expressly denied — that any foreign nationals had any “decision-making role in the
13 event.”⁵¹

⁴⁸ 11 C.F.R. § 114.2(f)(1); *see* 11 C.F.R. § 116.1(c) (defining “commercial vendor” as “any persons providing goods or services to a candidate or political committee whose usual and normal business involves the sale, rental, lease or provision of those goods or services). The Act defines a contribution to include “anything of value,” which in turn includes all “in-kind contributions,” such as “the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services.” 11 C.F.R. § 100.52(d)(1); *see* 52 U.S.C. § 30101(8). Goods or services provided at the usual and normal charge do not constitute a contribution under the Act. However, soliciting, accepting, or receiving information in connection with an election from a foreign national, as opposed to purchasing the information at the usual and normal charge or hiring a foreign national in a bona fide commercial transaction to perform services for a federal campaign, could potentially result in the receipt of a prohibited in-kind contribution.

⁴⁹ Factual & Legal Analysis at 4-6, MUR 5998 (Lord Jacob Rothschild).

⁵⁰ *Id.*

⁵¹ *Id.* at 5.

1 The Commission has found that not all participation by foreign nationals in the election-
2 related activities of others will violate the Act. In MUR 6959, for example, the Commission
3 found no reason to believe that a foreign national violated 52 U.S.C. § 30121 by performing
4 clerical duties, online research, and translations during a one month-long internship with a party
5 committee.⁵² Similarly, in MURs 5987, 5995, and 6015, the Commission found no reason to
6 believe that a foreign national violated 52 U.S.C. § 30121 by volunteering his services to
7 perform at a campaign fundraiser and agreeing to let the political committee use his name and
8 likeness in its emails promoting the concert and soliciting support, where the record did not
9 indicate that the foreign national had been involved in the committee's decision-making process
10 in connection with the making of contributions, donations, expenditures, or disbursements.⁵³ By
11 contrast, the Commission has consistently found a violation of the foreign national prohibition
12 where foreign national officers or directors of a U.S. company participated in the company's
13 decisions to make contributions or in the management of its separate segregated fund.⁵⁴

⁵² Factual & Legal Analysis at 4-5, MUR 6959 (Cindy Nava) (noting that the available information, which was based on two press reports that did not detail the foreign national's activities, did not indicate that the foreign national participated in any political committee's decision-making process). The Commission also found that a \$3,000 stipend that the foreign national received from third parties resulted in an in-kind contribution from the third parties to the committee, but the value of the foreign national volunteer's services to the committee was not a contribution. *Id.* at 4-5 (citing 52 U.S.C. § 30101(8)(A)(ii); 11 C.F.R. § 100.54; Advisory Op. 1982-04 (Apodaca)).

⁵³ Factual & Legal Analysis at 6-9, MUR 5987, 5995, and 6015 (Sir Elton John); *see also* Factual & Legal Analysis at 5, MUR 5998 (Lord Jacob Rothschild); Advisory Op. 2004-26 (Weller).

⁵⁴ *See, e.g.*, Conciliation Agreement, MUR 6093 (Transurban Grp.) (involving U.S. subsidiary that violated the Act by making contributions after its foreign parent company's board of directors directly participated in determining whether to continue political contributions policy of its U.S. subsidiaries); Conciliation Agreement, MUR 6184 (Skyway Concession Company, LLC) (regarding U.S. company that violated Act by making contributions after its foreign national CEO participated in company's election-related activities by vetting campaign solicitations or deciding which nonfederal committees would receive company contributions, authorizing release of company funds to make contributions, and signing contribution checks); Conciliation Agreement, MUR 7122 (American Pacific International Capital, Inc. ("APIC")) (involving U.S. corporation owned by a foreign company that violated the Act by making a contribution after its board of directors, which included foreign national, approved a proposal by its U.S. citizen corporate officer to contribute)

1 **B. The Commission Should Dismiss the Allegations that Kemp, the Kemp**
2 **Committee, or GA GOP Solicited, Accepted, or Received Donations from**
3 **Foreign Nationals**

4 The Complaint appears to allege that Kemp, the Kemp Committee, and GA GOP
5 solicited and accepted foreign nationals' social media services in exchange for payments that
6 were masked as payments to domestic commercial vendors.⁵⁵ The Complaint does not allege
7 that any foreign national made donations to the Kemp Committee or GA GOP by providing
8 services outside their ordinary course of business or "at a charge that is less than the usual and
9 normal charge,"⁵⁶ and the available information does not support such a finding. Moreover, the
10 Complaint does not credibly allege that any foreign national directly or indirectly participated in
11 the Kemp Committee's or GA GOP's decision-making process in connection with its election-
12 related spending. Therefore, as further explained below, the available information is insufficient
13 to support a reasonable inference that Kemp, the Kemp Committee, or GA GOP violated
14 52 U.S.C. § 30121.

15 First, there is no indication beyond speculation regarding the timing of the GA GOP's
16 and the Kemp Committee's expenditures that the payments made to Medium Buying, LLC,
17 Majority Strategies, September Group, LLC, and Something Else Strategies were directed to
18 foreign nationals. Though both the Kemp Committee and the GA GOP made a number of large

⁵⁵ Any alleged misreporting by the gubernatorial committee with Georgia election authorities is outside the Commission's jurisdiction and not addressed in this report.

⁵⁶ 11 C.F.R. § 100.52(d)(1).

1 payments to these vendors between April and December 2018, there is no evidence in the record
2 that these payments were for anything other than their reported purposes, *e.g.*, media buys,
3 digital advertising, email marketing, strategy consulting, and slate mailers,⁵⁷ nor that these
4 payments were in fact diverted to other payees. Further, each of the alleged conduit entities
5 appears to be incorporated domestically, with no evidence of ties to any foreign national entities
6 other than those alleged by the Complaint, nor is there any indication that Rinat Akhmetshin is in
7 any way connected to any of the named vendors.⁵⁸

8 To the extent the Complaint alleges that Kemp for Governor or GA GOP solicited
9 donations from foreign nationals via tweeted “signals” to engage in paid or unpaid social media
10 campaigns to benefit Kemp, the Complaint provides insufficient information to support that
11 allegation, and we have not otherwise uncovered such information. The allegation appears to
12 rest on a handful of tweets from alleged foreign nationals discussing subjects relevant to the
13 Kemp campaign. But without more information indicating that there was actually a connection
14 between the Kemp campaign or the GA GOP and foreign nationals, this allegation that
15 Respondents used social media to solicit foreign nationals to provide services at less than the
16 usual or normal cost or to participate directly or indirectly in the decision-making process in
17 connection with election-related spending is speculative. By the same token, the meager social

⁵⁷ See GA GOP Resp. at 3 (“The GAGOP’s expenditures were for legitimate services, which are accurately described in the GAGOP’s disclosure reports. There is absolutely no evidence or reasonable basis to suspect that any of the vendors paid by the GAGOP were foreign nationals.”); Kemp Committee Resp. at 3 (“The expenditures referenced were made by [the Kemp Committee] for legitimate campaign purposes during the 2018 Georgia state elections and were accurately disclosed in the committee’s [state election filings].”).

⁵⁸ See Akhmetshin Resp. at 2. Though Akhmetshin does not explicitly disclaim any connection to the referenced political vendors, he does state, regarding the claim that he was paid through concealed payments to the listed entities: “This claim is patently false, and the Complaint alleges no facts that would suggest otherwise.” *Id.*

1 media support of the Kemp Committee's and the GA GOP's tweets during the relevant
2 timeframe does not support an inference that their "likes" and "retweets" were in any way
3 artificially inflated, and there are no facts to indicate that any services were in fact provided by
4 the IRA or FNA to Kemp, the Kemp Committee, or the GA GOP.

5 Similarly, the information we have does not appear to support the allegation that the IRA
6 or FNA received any funds from any of the alleged shell corporations. As a result, the
7 Complaint's allegation that the named vendors were used as conduits for foreign payments is
8 speculative and not credible.

9 Further, notwithstanding the lack of factual support for the allegations that the Kemp
10 Committee and the GA GOP accepted foreign contributions or donations, the Complaint alleges
11 that the Kemp Committee and the GA GOP *paid* for the services that IRA and FNA allegedly
12 rendered. It is therefore unclear how the Kemp Committee and the GA GOP would have also
13 accepted in-kind contributions or donations. The Complaint does not state that the alleged
14 payments were "at a charge that is less than the usual and normal charge"⁵⁹ for the services IRA
15 and FNA allegedly provided. Moreover, the Complaint does not allege facts suggesting that any
16 foreign national participated in Kemp's, the Kemp Committee's, or the GA GOP's decision-
17 making.⁶⁰

18 Finally, the timeline presented in the Complaint does not support the inference that
19 @MihaiBasarab established contact between Kemp, the Kemp Committee, and the GA GOP in

⁵⁹ 11 C.F.R. § 100.52(d)(1).

⁶⁰ A committee must disclose any payments to vendors, foreign or domestic, in accordance with its reporting obligations with the FEC. While neither the GA GOP nor the Kemp Committee have disclosed any payments to the IRA or FNA, which would be a reporting violation if the payments did occur, we make no recommendations with respect to this potential violation due to the speculative nature of the allegations in the Complaint.

1 the United States and IRA and FNA in Russia. The Complaint alleges that the Kemp
2 Committee's payment to Medium Buying LLC on April 4, 2018, "likely secured the services of"
3 the IRA and FNA, but simultaneously alleges that @MihaiBasarab's tweet of July 18, 2018,
4 more than three months after this payment occurred, was "likely a request to fund voter
5 suppression efforts by" the IRA.⁶¹ The Complaint appears to allege that IRA and FNA were paid
6 for their services before any services were allegedly requested. As a result, the timeline posited
7 by the Complaint does not logically support the allegations of a conspiracy between the
8 Respondents regarding contributions or donations by foreign nationals.

9 * * *

10 For these reasons, the available information is insufficient to indicate that Kemp, the
11 Kemp Committee, or GA GOP violated 52 U.S.C. § 30121(a)(2) or 11 C.F.R. § 110.20(g) by
12 accepting a donation from a foreign national; that the IRA or FNA violated 52 U.S.C.
13 § 30121(a)(1) or 11 C.F.R. § 110.20(c) by making a prohibited donation; or that Akhmetshin,
14 Majority Strategies, Inc., Medium Buying, LLC, Something Else Strategies, LLC, and
15 September Group, LLC, violated 52 U.S.C. § 30121(a) or 11 C.F.R. § 110.20(h) by substantially
16 assisting in the making of a prohibited foreign donation. Accordingly, we recommend the
17 Commission dismiss these allegations.

18 **IV. RECOMMENDATIONS**

19 1. Dismiss the allegation that Kemp for Governor, Inc., Brian Kemp, and the
20 Georgia Republican Party, Inc., and Joseph Brannan in his official capacity as
21 treasurer violated 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g) by
22 accepting or receiving a foreign national contribution or donation;

⁶¹ Compl. at 2.

