

1 **FEDERAL ELECTION COMMISSION**
2
3 **FIRST GENERAL COUNSEL'S REPORT**

4
5 **PRE-MUR 635**

6 DATE SUBMITTED: 5/8/20
7 DATE OF NOTIFICATION: 5/13/20
8 LAST RESPONSE RECEIVED: 5/8/20
9 DATE ACTIVATED: 8/14/20

10
11 EXPIRATION OF SOL: 7/2/24
12 ELECTION CYCLE: 2020

13
14 **SOURCE:**

Sua Sponte Submission

15
16 **RESPONDENTS:**

Rahul Manchanda
Sylwia Madej Manchanda

17
18
19 **MUR 7737**

20 DATE COMPLAINT FILED: 5/18/20
21 DATE OF NOTIFICATION: 5/21/20
22 LAST RESPONSE RECEIVED: 6/17/20
23 DATE ACTIVATED: 8/14/20

24
25 EXPIRATION OF SOL: 7/2/24
26 ELECTION CYCLE: 2020

27
28 **COMPLAINANT:**

Rahul Manchanda

29
30 **RESPONDENT:**

Trump Victory and Bradley Crate
in his official capacity as treasurer

31
32
33 **RELEVANT STATUTES AND**
34 **REGULATIONS:**

52 U.S.C. § 30104(b)
52 U.S.C. § 30121
52 U.S.C. § 30122
11 C.F.R. § 110.4(b)
11 C.F.R. § 110.20

35
36
37
38
39
40 **INTERNAL REPORTS CHECKED:**

Disclosure Reports

41
42 **FEDERAL AGENCIES CHECKED:**

None

1 **I. INTRODUCTION**

2 Rahul Manchanda filed a *sua sponte* Submission (“Submission”) in Pre-MUR 635 and a
3 Complaint in MUR 7737 regarding two \$1,000 payments he made to Trump Victory to purchase
4 tickets to a luncheon event for himself and his wife, who is a foreign national. Manchanda
5 claims that, unbeknownst to him, Trump Victory treated the payments for the tickets as
6 campaign contributions of \$1,000 each from him and his wife, which would result in an
7 impermissible foreign national contribution by his wife, Sylwia Madej Manchanda (“Madej”), or
8 possibly a contribution made in the name of another by Manchanda. In response to the
9 Complaint, Trump Victory and Bradley Crate in his official capacity as treasurer (“Trump
10 Victory”) explained that once Manchanda informed them that both payments should be attributed
11 to him and not his spouse, they made the correction and amended their disclosure reports to show
12 two \$1,000 contributions from Manchanda. Trump Victory states that the Commission should
13 dismiss the Complaint and conclude there were no violations of the Federal Election Campaign
14 Act of 1971, as amended (the “Act”).

15 For the reasons set forth below, including the potential amount in violation and the other
16 circumstances of the matter, including the factual ambiguity surrounding whether Madej in fact
17 made a contribution and Trump Victory’s amendment of its report, we recommend that the
18 Commission decline to open a Matter Under Review in Pre-MUR 635 and dismiss the
19 allegations in MUR 7737, and close the files.

20 **II. FACTUAL BACKGROUND**

21 On July 2, 2019, Manchanda made a \$1,000 payment to Trump Victory, a joint-
22 fundraising committee of Donald J. Trump for President, Inc., the Republican National

1 Committee and two state party committees,¹ for a seat at a Trump Victory luncheon event at the
2 Bedminster Golf Resort on July 19, 2019.² Trump Victory disclosed Manchanda's payment as a
3 contribution.³ Eight days later on July 10, 2019, a second \$1,000 payment was made to Trump
4 Victory, which the Committee disclosed as a contribution from Madej, for a seat at the same
5 event.⁴ Manchanda identifies Madej as his wife and as a Polish citizen and not a legal permanent
6 resident of the United States.⁵ Manchanda asserts in the Submission that he made both payments
7 for the tickets with his own personal credit cards.⁶ According to information provided by Trump
8 Victory in response to the Complaint, the two payments were made using different credit cards
9 with different addresses and each under the respective payer's own name.⁷ However, both
10 payments list "info@manchanda-law.com" in the "Customer" field, and for Madej's payment,
11 text in the "Events" fields reads "info@manchanda_law.com was charged \$1,000.00 USD."⁸

12 Although Trump Victory treated the payments for the tickets as campaign contributions,
13 Manchanda says that he was under the impression that they were "lunch tickets" rather than

¹ Trump Victory, Statement of Organization at 2 (Jan. 15, 2020).

² Pre-MUR 635 *Sua Sponte* Submission (Submission) at 1 (May 8, 2020); MUR 7737 Compl. at 1 (May 18, 2020); Trump Victory Resp. ("Resp.") Ex. 1 at 3-6 (June 17, 2020).

³ Resp. at 2; Trump Victory 2019 October Quarterly Report at 634 (Oct. 15, 2019).

⁴ *See* Resp. Ex. 2 at 7-10; *see also* Trump Victory 2019 October Quarterly Report at 634.

⁵ Submission at 1.

⁶ *Id.*

⁷ Resp. Ex. 1 at 3-6, Ex.2 at 7-10. Trump Victory provided donor information in their response for Manchanda's contribution that lists the address of his Wall Street law office that appears at the top of the Complaint. The address for Madej's contribution appears to be their home address as Manchanda requests Trump Victory remove his home address from the July 10 contribution in a May 7, 2020 email attached to the Response as Exhibit 3.

⁸ *Id.*

1 political contributions and that he was taking his wife as his guest.⁹ Manchanda and Madej
2 attended the Trump Victory luncheon on July 19, 2019, and, according to Manchanda, “[t]hese
3 people knew my wife was a Polish national/citizen because we told them and also she showed
4 them her Polish passport when we got there, especially to the Secret Service *et al.*, as well as to
5 the luncheon organizers.”¹⁰

6 Subsequently, Manchanda says he noticed, “on or about May 8, 2020,” that Madej was
7 listed as making a \$1,000 contribution to Trump Victory on the Commission website.¹¹ On
8 May 7 and May 8, 2020, Manchanda sent emails to Trump Victory staff members indicating that
9 his wife was a foreign national and that both \$1,000 payments were made with his personal
10 funds.¹² On May 7, 2020, Trump Victory amended its disclosure report, changing the
11 contributor of the second \$1,000 contribution from Madej to Manchanda.¹³

12 III. LEGAL ANALYSIS

13 A “contribution” includes any gift, subscription, loan, advance, or deposit of money or
14 “anything of value” made for the purpose of influencing any election for federal office.¹⁴ The
15 entire amount paid to attend a fundraiser or other political event is a contribution.¹⁵ The Act
16 prohibits persons from soliciting, accepting, or receiving a contribution or donation from a

⁹ Submission at 1.

¹⁰ Submission at 1-2.

¹¹ *Id.* at 2. The contribution attributed to Sylwia Madej Manchanda was disclosed on the original 2019 October Quarterly Report filed on October 15, 2019 with the Commission. *See* Trump Victory 2019 October Quarterly Report at 634.

¹² Resp. at 1.

¹³ Resp. at 1; Trump Victory Amended 2019 October Quarterly Report at 634 (May 7, 2020).

¹⁴ 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

¹⁵ 11 C.F.R. § 100.53

1 foreign national.¹⁶ Commission regulations state that persons may not knowingly solicit, accept,
2 or receive such a contribution or donation.¹⁷ The Act's definition of "foreign national" includes
3 an individual who is not a citizen or national of the United States and who is not lawfully
4 admitted for permanent residence.¹⁸ Commission regulations define "knowingly" as (i) having
5 actual knowledge that funds originated from a foreign national, (ii) being aware of facts that
6 would lead a reasonable person to conclude that there is a substantial probability that the source
7 of the funds is a foreign national, or (iii) being aware of facts that would lead a reasonable person
8 to inquire whether the source of the funds is a foreign national but failed to conduct a reasonable
9 inquiry.¹⁹ Provided that a foreign national does not make a contribution of personal funds to
10 attend a fundraising event, the Act does not prohibit a foreign national from attending such an
11 event.²⁰ The Act also prohibits making a contribution in the name of another, knowingly
12 permitting one's name to be used to effect such a contribution, and knowingly accepting a
13 contribution made in the name of another.²¹ Finally, the Act requires committee treasurers to
14 accurately report the identification of each person who makes an aggregate contribution in

¹⁶ 52 U.S.C. § 30121(a)(2).

¹⁷ 11 C.F.R. § 110.20(g).

¹⁸ 52 U.S.C. § 30121(b).

¹⁹ *Id.* § 110.20(a)(4); *see also* Contribution Limitations and Prohibitions, 67 Fed. Reg. 69928, 69941 (Nov. 19, 2002) ("The formal rules at 11 C.F.R. § 110.20(a)(4) . . . contain three standards of knowledge [which] focus on the source of the funds at issue.").

²⁰ *See* 52 U.S.C. § 30121 (a)(1)(B); Advisory Op. 2004-26 (Weller) (finding that a foreign national may "attend fundraising and campaign events . . . provided she does not make a contribution of her personal funds in order to attend.").

²¹ *See* 52 U.S.C. § 30122; *see also* 11 C.F.R. § 110.4(b).

1 excess of \$200 within a calendar year (or election cycle, in the case of an authorized committee)
2 along with the date and amount of any such contribution.²²

3 The two \$1,000 payments made for lunch tickets to attend the Trump Victory fundraiser
4 are contributions under the Act.²³ According to the Submission and Complaint, Madej is a
5 Polish national, and not a citizen or legal permanent resident of the United States.²⁴ She is
6 therefore a foreign national and is prohibited from making contributions.²⁵ However, it is unclear
7 whether Madej or Manchanda made the July 10, 2019 contribution. Manchanda says he made
8 both the July 2 and the July 10 contributions with his personal credit cards.²⁶ However, the
9 Trump Victory donor information clearly lists the second contribution under Madej's name.²⁷
10 Manchanda himself seems to think the contribution might be an impermissible foreign national
11 contribution when he wrote in a May 7, 2020 email to Trump Victory staff that "at the time me
12 and my wife had no idea that green card holders or immigrants could not contribute,"²⁸
13 suggesting that Madej may have been the contributor. As for Trump Victory, Manchanda alleges
14 that the committee had knowledge at the time of the event that Madej was a foreign national,

²² See 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4)(i).

²³ See 11 C.F.R. § 100.53. See also 52 U.S.C. § 30101(8)(A)(i). The Commission's contributor database shows that Manchanda has made more than a dozen contributions to federal candidates and committees prior and subsequent to the contributions at issue in this case. See https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=manchanda%2C+rahul+D (last visited Nov. 13, 2020).

²⁴ Submission at 1.

²⁵ See 52 U.S.C. § 30121(b).

²⁶ If Manchanda funded both contributions, then the contribution attributed to Madej could be seen as a contribution in the name of another. See 52 U.S.C. § 30122; see also 11 C.F.R. § 110.4(b).

²⁷ Resp. Ex. 2 at 7-10.

²⁸ See Resp. Exhibit 3 at 12.

1 because Madej showed her Polish passport to event organizers.²⁹ Madej's attendance at the
2 event by itself is not problematic; the Commission has clearly stated that foreign nationals may
3 attend political fundraisers and events as long as they do not make a contribution of their
4 personal funds to attend.³⁰ If in fact Madej made the contribution at issue, her identification at
5 the event as a foreign national, coupled with conversations Manchanda alleges to have occurred
6 between himself and Trump Victory staff after the event took place,³¹ could have raised the
7 possibility Trump Victory was aware of facts comprising knowledge of a possible foreign
8 national contribution.³² However, it is unclear whether Madej or Manchanda made the July 10,
9 2019 contribution.

10 Trump Victory explains that it received an email from Manchanda on May 7, 2020,
11 stating that his spouse was ineligible to contribute and that both of these July 2019 contributions
12 actually had been made from Manchanda's personal funds.³³ Trump Victory amended its
13 disclosure report that same day to show both contributions from Manchanda, and states that

²⁹ Submission at 1.

³⁰ See Factual & Legal Analysis at 4, MUR 6946 (Democratic National Committee) (finding no reason to believe the Respondent accepted a prohibited foreign national contribution when the foreign national attended a fundraiser event as the invited guest of her U.S. citizen husband and she did not use her own funds or reimburse her husband for the cost of the tickets to attend the event); see also Advisory Op. 2004-26 (Weller) at 3 (stating that a foreign national may attend fundraising and campaign events of political committees, provided she does not make a contribution of her personal funds in order to attend).

³¹ Manchanda alleges in the Complaint that he was informed by Trump Victory staff prior to the August 9, 2019, "Bridgehampton Event" that his wife was ineligible to contribute due to her foreign national status. Compl. at 4. The "Bridgehampton Event" refers to a Trump Victory fundraiser that was held in New York on August 9, 2019. See Jennifer Gould, *Trump to fundraise at parties in \$40M Hamptons mansion*, NEW YORK POST (Aug. 7, 2019), <https://nypost.com/2019/08/07/trump-to-fundraise-at-parties-in-40m-hamptons-mansion/>. This would have made Trump Victory aware of a possible foreign national contribution sometime between July 19, 2019 and August 9, 2019. However, we only have Manchanda's representations regarding this conversation; and the only written information in the record is that Manchanda formally informed Trump Victory on May 7, 2020, via email.

³² See 11 C.F.R. § 110.20(a)(4) (factors comprising the knowing receipt of a foreign national contribution).

³³ See Resp. at 2; see also; 11 C.F.R. § 110.20.

1 “[a]ny inadvertently inaccurate reporting thus has been corrected, no excessive or apparently
 2 prohibited contribution occurred.”³⁴

3 Since Trump Victory’s response appears to be credible, it corrected the issue the same
 4 day it was notified, and because the potential amount in violation in this matter is \$1,000, we
 5 believe this matter does not warrant using Commission resources for an investigation to
 6 determine the circumstances of the contribution attributed to Madej, including whether Trump
 7 Victory knowingly accepted a foreign national contribution and whether Manchanda made, and
 8 Trump Victory accepted, a contribution in the name of another. Instead, under these
 9 circumstances, we recommend that the Commission dismiss the matter as an exercise of
 10 prosecutorial discretion.³⁵

11 Accordingly, we recommend that the Commission decline to open a Matter Under
 12 Review in Pre-MUR 635 and dismiss the allegations in MUR 7737 as to Trump Victory and
 13 Bradley Crate in his official capacity as treasurer, and close the files.³⁶

14 **IV. RECOMMENDATIONS**

- 15 1. Decline to open a Matter Under Review in Pre-MUR 635;
- 16 2. Dismiss the allegation that Trump Victory and Bradley Crate in his official capacity as
 17 treasurer violated 52 U.S.C. § 30121 and 11 C.F.R. § 110.20(g) by accepting a prohibited
 18 foreign national contribution in MUR 7737;
- 19

³⁴ Trump Victory Amended 2019 October Quarterly Report at 634. Attributing both \$1,000 contributions to Manchanda still leaves him well within the applicable contribution limit, which for Trump Victory is the combined contribution limit of the participating committees. *See* 11 C.F.R. § 102.17(c)(5). *See, e.g.*, 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1)(i); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 84 Fed. Reg. 2504, 2506 (Feb. 7, 2019) (setting a \$2,800 per-election limit on individual contributions to candidate committees during the 2020 election cycle).

³⁵ Even if an investigation showed that the contribution attributed to Madej was a foreign national contribution, . *See* MUR 7122 (American Pacific International Capital, Inc.); *see also* MUR 6129 (ARDA-ROC PAC).

³⁶ *See Heckler v. Chaney*, 470 U.S. 821 (1985).

- 1
- 2 3. Approve the attached Factual and Legal Analysis;
- 3
- 4 4. Close the files; and
- 5
- 6 5. Approve the appropriate letters.

7
8 Lisa J. Stevenson
9 Acting General Counsel

10
11 Charles Kitcher
12 Acting Associate General Counsel
13 for Enforcement

14
15
16 Nov. 16, 2020

17 Date

Peter G. Blumberg

18 Peter G. Blumberg
19 Acting Deputy Associate General Counsel
20 for Enforcement

21
22 *Mark Allen*

23 Mark Allen
24 Assistant General Counsel

25
26
27 *Richard L. Weiss*

28 Richard L. Weiss
29 Attorney

30
31 Attachment:
32 Factual and Legal Analysis

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Trump Victory and Bradley Crate MUR 7737
in his official capacity as treasurer

I. INTRODUCTION

Rahul Manchanda filed a Complaint in MUR 7737 regarding two \$1,000 payments he made to Trump Victory to purchase tickets to a luncheon event for himself and his wife, who is a foreign national. Manchanda claims that, unbeknownst to him, Trump Victory treated the payments for the tickets as campaign contributions of \$1,000 each from him and his wife, which would result in an impermissible foreign national contribution by his wife, Sylwia Madej Manchanda (“Madej”), or possibly a contribution made in the name of another by Manchanda. In response to the Complaint, Trump Victory and Bradley Crate in his official capacity as treasurer (“Trump Victory”) explained that once Manchanda informed them that both payments should be attributed to him and not his spouse, they made the correction and amended their disclosure reports to show two \$1,000 contributions from Manchanda. Trump Victory states that the Commission should dismiss the Complaint and conclude there were no violations of the Federal Election Campaign Act of 1971, as amended (the “Act”).

For the reasons set forth below, including the potential amount in violation and the other circumstances of the matter, including the factual ambiguity surrounding whether Madej in fact made a contribution and Trump Victory’s amendment of its report, the Commission dismisses the allegations and closes the file.

II. FACTUAL BACKGROUND

On July 2, 2019, Manchanda made a \$1,000 payment to Trump Victory, a joint-fundraising committee of Donald J. Trump for President, Inc., the Republican National

1 Committee and two state party committees,¹ for a seat at a Trump Victory luncheon event at the
2 Bedminster Golf Resort on July 19, 2019.² Trump Victory disclosed Manchanda's payment as a
3 contribution.³ Eight days later on July 10, 2019, a second \$1,000 payment was made to Trump
4 Victory, which the Committee disclosed as a contribution from Madej, for a seat at the same
5 event.⁴ Manchanda identifies Madej as his wife and as a Polish citizen and not a legal permanent
6 resident of the United States.⁵ Manchanda asserts that he made both payments for the tickets
7 with his own personal credit cards.⁶ According to information provided by Trump Victory in
8 response to the Complaint, the two payments were made using different credit cards with
9 different addresses and each under the respective payer's own name.⁷ However, both payments
10 list "info@manchanda-law.com" in the "Customer" field, and for Madej's payment, text in the
11 "Events" fields reads "info@manchanda_law.com was charged \$1,000.00 USD."⁸

12 Although Trump Victory treated the payments for the tickets as campaign contributions,
13 Manchanda says that he was under the impression that they were "lunch tickets" rather than

¹ Trump Victory, Statement of Organization at 2 (Jan. 15, 2020).

² MUR 7737 Compl. at 1 (May 18, 2020); Trump Victory Resp. ("Resp.") Ex. 1 at 3-6 (June 17, 2020).

³ Resp. at 2; Trump Victory 2019 October Quarterly Report at 634 (Oct. 15, 2019).

⁴ See Resp. Ex. 2 at 7-10; see also Trump Victory 2019 October Quarterly Report at 634.

⁵ Compl. at 15.

⁶ *Id.* at 1.

⁷ Resp. Ex. 1 at 3-6, Ex.2 at 7-10. Trump Victory provided donor information in their response for Manchanda's contribution that lists the address of his Wall Street law office that appears at the top of the Complaint. The address for Madej's contribution appears to be their home address as Manchanda requests Trump Victory remove his home address from the July 10 contribution in a May 7, 2020 email attached to the Response as Exhibit 3.

⁸ *Id.*

1 political contributions and that he was taking his wife as his guest.⁹ Manchanda and Madej
2 attended the Trump Victory luncheon on July 19, 2019, and, according to Manchanda, “[t]hese
3 people knew my wife was a Polish national/citizen because we told them and also she showed
4 them her Polish passport when we got there, especially to the Secret Service *et al*, as well as to
5 the luncheon organizers.”¹⁰

6 Subsequently, Manchanda says he noticed, “on or about May 8, 2020,” that Madej was
7 listed as making a \$1,000 contribution to Trump Victory on the Commission website.¹¹ On
8 May 7 and May 8, 2020, Manchanda sent emails to Trump Victory staff members indicating that
9 his wife was a foreign national and that both \$1,000 payments were made with his personal
10 funds.¹² On May 7, 2020, Trump Victory amended its disclosure report, changing the
11 contributor of the second \$1,000 contribution from Madej to Manchanda.¹³

12 **III. LEGAL ANALYSIS**

13 A “contribution” includes any gift, subscription, loan, advance, or deposit of money or
14 “anything of value” made for the purpose of influencing any election for federal office.¹⁴ The
15 entire amount paid to attend a fundraiser or other political event is a contribution.¹⁵ The Act
16 prohibits persons from soliciting, accepting, or receiving a contribution or donation from a

⁹ Compl.at 15.

¹⁰ *Id.* at 15-16.

¹¹ *Id.* at 2. The contribution attributed to Sylwia Madej Manchanda was disclosed on the original 2019 October Quarterly Report filed on October 15, 2019 with the Commission. *See* Trump Victory 2019 October Quarterly Report at 634.

¹² Resp. at 1.

¹³ *Id.*; Trump Victory Amended 2019 October Quarterly Report at 634 (May 7, 2020).

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¹⁵ 11 C.F.R. § 100.53

1 foreign national.¹⁶ Commission regulations state that persons may not knowingly solicit, accept,
2 or receive such a contribution or donation.¹⁷ The Act’s definition of “foreign national” includes
3 an individual who is not a citizen or national of the United States and who is not lawfully
4 admitted for permanent residence.¹⁸ Commission regulations define “knowingly” as (i) having
5 actual knowledge that funds originated from a foreign national, (ii) being aware of facts that
6 would lead a reasonable person to conclude that there is a substantial probability that the source
7 of the funds is a foreign national, or (iii) being aware of facts that would lead a reasonable person
8 to inquire whether the source of the funds is a foreign national but failed to conduct a reasonable
9 inquiry.¹⁹ Provided that a foreign national does not make a contribution of personal funds to
10 attend a fundraising event, the Act does not prohibit a foreign national from attending such an
11 event.²⁰ The Act also prohibits making a contribution in the name of another, knowingly
12 permitting one’s name to be used to effect such a contribution, and knowingly accepting a
13 contribution made in the name of another.²¹ Finally, the Act requires committee treasurers to
14 accurately report the identification of each person who makes an aggregate contribution in

¹⁶ 52 U.S.C. § 30121(a)(2).

¹⁷ 11 C.F.R. § 110.20(g).

¹⁸ 52 U.S.C. § 30121(b).

¹⁹ *Id.* § 110.20(a)(4); *see also* Contribution Limitations and Prohibitions, 67 Fed. Reg. 69928, 69941 (Nov. 19, 2002) (“The formal rules at 11 C.F.R. § 110.20(a)(4) . . . contain three standards of knowledge [which] focus on the source of the funds at issue.”).

²⁰ *See* 52 U.S.C. § 30121(a)(1)(B); Advisory Op. 2004-26 (Weller) (finding that a foreign national may “attend fundraising and campaign events . . . provided she does not make a contribution of her personal funds in order to attend.”).

²¹ *See* 52 U.S.C. § 30122; *see also* 11 C.F.R. § 110.4(b).

1 excess of \$200 within a calendar year (or election cycle, in the case of an authorized committee)
2 along with the date and amount of any such contribution.²²

3 The two \$1,000 payments made for lunch tickets to attend the Trump Victory fundraiser
4 are contributions under the Act.²³ According to the Complaint, Madej is a Polish national, and
5 not a citizen or legal permanent resident of the United States.²⁴ She is therefore a foreign
6 national and is prohibited from making contributions.²⁵ However, it is unclear whether Madej or
7 Manchanda made the July 10, 2019 contribution. Manchanda says he made both the July 2 and
8 the July 10 contributions with his personal credit cards.²⁶ However, the Trump Victory donor
9 information clearly lists the second contribution under Madej's name.²⁷ Manchanda himself
10 seems to think the contribution might be an impermissible foreign national contribution when he
11 wrote in a May 7, 2020 email to Trump Victory staff that "at the time me and my wife had no
12 idea that green card holders or immigrants could not contribute,"²⁸ suggesting that Madej may
13 have been the contributor. As for Trump Victory, Manchanda alleges that the committee had
14 knowledge at the time of the event that Madej was a foreign national, because Madej showed her

²² See 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4)(i).

²³ See 11 C.F.R. § 100.53. See also 52 U.S.C. § 30101(8)(A)(i). The Commission's contributor database shows that Manchanda has made more than a dozen contributions to federal candidates and committees prior and subsequent to the contributions at issue in this case. See https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=manchanda%2C+rahul+D (last visited Nov. 13, 2020).

²⁴ Compl. at 15.

²⁵ See 52 U.S.C. § 30121(b).

²⁶ If Manchanda funded both contributions, then the contribution attributed to Madej could be seen as a contribution in the name of another. See 52 U.S.C. § 30122; see also 11 C.F.R. § 110.4(b).

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1 Polish passport to event organizers.²⁹ Madej’s attendance at the event by itself is not
2 problematic; the Commission has clearly stated that foreign nationals may attend political
3 fundraisers and events as long as they do not make a contribution of their personal funds to
4 attend.³⁰ If in fact Madej made the contribution at issue, her identification at the event as a
5 foreign national, coupled with conversations Manchanda alleges to have occurred between
6 himself and Trump Victory staff after the event took place,³¹ could have raised the possibility
7 Trump Victory was aware of facts comprising knowledge of a possible foreign national
8 contribution.³² However, it is unclear whether Madej or Manchanda made the July 10, 2019
9 contribution.

10 Trump Victory explains that it received an email from Manchanda on May 7, 2020,
11 stating that his spouse was ineligible to contribute and that both of these July 2019 contributions
12 actually had been made from Manchanda’s personal funds.³³ Trump Victory amended its
13 disclosure report that same day to show both contributions from Manchanda, and states that

²⁹ Compl. at 15.

³⁰ See Factual & Legal Analysis at 4, MUR 6946 (Democratic National Committee) (finding no reason to believe the Respondent accepted a prohibited foreign national contribution when the foreign national attended a fundraiser event as the invited guest of her U.S. citizen husband and she did not use her own funds or reimburse her husband for the cost of the tickets to attend the event); see also Advisory Op. 2004-26 (Weller) at 3 (stating that a foreign national may attend fundraising and campaign events of political committees, provided she does not make a contribution of her personal funds in order to attend).

³¹ Manchanda alleges in the Complaint that he was informed by Trump Victory staff prior to the August 9, 2019, “Bridgehampton Event” that his wife was ineligible to contribute due to her foreign national status. Compl. at 4. The “Bridgehampton Event” refers to a Trump Victory fundraiser that was held in New York on August 9, 2019. See Jennifer Gould, *Trump to fundraise at parties in \$40M Hamptons mansion*, NEW YORK POST (Aug. 7, 2019), <https://nypost.com/2019/08/07/trump-to-fundraise-at-parties-in-40m-hamptons-mansion/>. This would have made Trump Victory aware of a possible foreign national contribution sometime between July 19, 2019 and August 9, 2019. However, we only have Manchanda’s representations regarding this conversation; and the only written information in the record is that Manchanda formally informed Trump Victory on May 7, 2020, via email.

³² See 11 C.F.R. § 110.20(a)(4) (factors comprising the knowing receipt of a foreign national contribution).

³³ See Resp. at 2; see also 11 C.F.R. § 110.20.

1 “[a]ny inadvertently inaccurate reporting thus has been corrected, no excessive or apparently
2 prohibited contribution occurred.”³⁴

3 Since Trump Victory’s response appears to be credible, it corrected the issue the same
4 day it was notified, and because the potential amount in violation in this matter is \$1,000, this
5 matter does not warrant using Commission resources for an investigation to determine the
6 circumstances of the contribution attributed to Madej, including whether Trump Victory
7 knowingly accepted a foreign national contribution and whether Manchanda made, and Trump
8 Victory accepted, a contribution in the name of another. Accordingly, the Commission dismisses
9 the allegations and closes the file.³⁵

³⁴ Trump Victory Amended 2019 October Quarterly Report at 634. Attributing both \$1,000 contributions to Manchanda still leaves him well within the applicable contribution limit, which for Trump Victory is the combined contribution limit of the participating committees. *See* 11 C.F.R. § 102.17(c)(5). *See, e.g.*, 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1)(i); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 84 Fed. Reg. 2504, 2506 (Feb. 7, 2019) (setting a \$2,800 per-election limit on individual contributions to candidate committees during the 2020 election cycle).

³⁵ *See Heckler v. Chaney*, 470 U.S. 821 (1985).