

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR 7800

DATE COMPLAINT FILED: Sept. 21, 2020

DATE OF NOTIFICATIONS: Sept. 25, 2020

LAST RESPONSE RECEIVED: N

DATE ACTIVATED: Dec. 1, 2020

EXPIRATION OF SOL: Sept. 20, 2025

ELECTION CYCLE: 2020

COMPLAINANT: Anne L. Rooney

RESPONDENT: Kanye 2020 and Stella Denn in her official capacity as treasurer

**RELEVANT STATUTE
AND REGULATION:** 52 U.S.C. § 30104(b)(6)
11 C.F.R. § 104.3(b)(4)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

21 The Complaint alleges that Kanye 2020 and Stella Denn in her official capacity as
22 treasurer¹ (the “Committee”), the principal campaign committee of 2020 presidential candidate
23 Ye,² failed to report at least \$1.6 million in disbursements to Mercury Public Affairs
24 (“Mercury”) for services Mercury provided to the Committee, in violation of the Federal
25 Election Campaign Act of 1971, as amended (the “Act”). The Committee denies the allegation
26 and states that it retained Millennial Strategies, LLC (“Millennial”), to provide a variety of

¹ At the time the facts underlying the allegations at issue in this matter occurred, Andre Bodiford was the registered treasurer for Kanye 2020. Kanye 2020, Statement of Organization at 1 (July 15, 2020), <https://docquery.fec.gov/pdf/691/202007159244649691/202007159244649691.pdf>. Denn was listed as the registered treasurer on March 13, 2024. Kanye 2020, Amended Statement of Organization at 1 (Mar. 13, 2024), <https://docquery.fec.gov/pdf/288/202403139622406288/202403139622406288.pdf>.

² Ye was previously known as Kanye West, but legally changed his name in October 2021. *Kanye West Officially Changes His Name to Ye*, BBC (Oct. 19, 2021), <https://www.bbc.com/news/entertainment-arts-58965500>.

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1 campaign services and that Millennial, in turn, hired Mercury as a subvendor to assist in
2 fulfillment of its contract with the Committee. Accordingly, the Committee asserts that it
3 properly reported its disbursements to Millennial and was not required to report Millennial's
4 payments to Mercury.

5 As explained below, the Committee acknowledges that Mercury provided ballot access
6 services, which according to disclosure reports, comprised a substantial portion (approximately
7 61%) of the Committee's disbursements to Millennial, and publicly available information
8 appears to indicate that the Committee may have contracted with Mercury directly and
9 intentionally obscured that relationship by routing payments to Mercury through Millennial.
10 Given this information and other factors discussed below which raise questions concerning the
11 accuracy of the Committee's reporting, we recommend that the Commission find reason to
12 believe that the Committee violated 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b)(4) by
13 failing to accurately report disbursements.

14 **II. FACTUAL BACKGROUND**

15 Ye was a candidate in the 2020 presidential election, and Kanye 2020 was his principal
16 campaign committee.³ Millennial is a consulting firm that “specializes in the development and
17 implementation of Political Campaigns, Government Relations Programs, and Issue Advocacy
18 efforts,” with services that include lobbying and government relations, political campaigns, issue
19 advocacy, television production and ad purchasing, and web design and digital collateral.⁴

³ Kanye West, Statement of Candidacy (July 16, 2020), <https://docquery.fec.gov/pdf/720/202007169250311720.pdf>; Kanye 2020, Statement of Organization (July 15, 2020), <https://docquery.fec.gov/pdf/691/202007159244649691/202007159244649691.pdf>; Kanye 2020, Amended Statement of Organization (Oct. 15, 2023), <https://docquery.fec.gov/pdf/389/202310159598051389/202310159598051389.pdf>.

⁴ *About Us*, MILLENNIAL STRATEGIES, <https://millennialstrat.com/about/> (last visited July 25, 2024); *Our Services*, MILLENNIAL STRATEGIES, <https://millennialstrat.com/services/> (last visited July 25, 2024).

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1 Federal political committees have reported a total of \$3,804,101.72 in disbursements to
 2 Millennial since 2013 for, *inter alia*, “direct mail,” “ballot access expenses,” “campaign
 3 consulting,” and “strategic services.”⁵ Mercury is a public strategy firm that performs work for
 4 “the world’s most successful companies, leading advocacy groups, governments, political
 5 parties, NGOs, and prominent public and political figures” with services that include “political
 6 consulting,” “grassroots coalition building” and “public affairs campaign management.”⁶
 7 Federal political committees have reported a total of \$4,825,490.01 in disbursements to Mercury
 8 since 2003 for, *inter alia*, “research consulting,” “political strategy consulting services,”
 9 “campaign management,” and “strategic consulting.”⁷

10 The Complaint cites a *New York Times* article which reported that Mercury was among a
 11 number of consulting firms “aiding [Kanye West’s] candidacy” and that it “played an organizing
 12 role,” providing “substantial professional services.”⁸ The article quotes Michael McKeon, a
 13 partner at Mercury, as stating that Mercury’s “role was limited to helping the campaign get
 14 started up, primarily by helping to recruit a ballot access team and launch that effort.”⁹ McKeon

⁵ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=Millennial+Strategies (last visited July 25, 2024) (showing all reported disbursements to “Millennial Strategies”). Of this amount, \$3,016,918.61 was reported during the 2020 election cycle.

⁶ *About*, MERCURY, <https://www.mercurylc.com/about/> (last visited July 25, 2024); *Capabilities*, MERCURY, <https://www.mercurylc.com/capabilities/> (last visited July 25, 2024).

⁷ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=Mercury+Public+Affairs (last visited July 25, 2024) (showing all reported disbursements to “Mercury Public Affairs”). Of this amount, \$307,440.86 was reported during the 2020 election cycle.

⁸ Compl. at 1 (Sept. 21, 2020); Danny Hakim & Maggie Haberman, *Kanye West’s Perplexing Run as a Potential 2020 Spoiler*, N.Y. TIMES (Sept. 16, 2020), <https://www.nytimes.com/2020/09/16/us/politics/kanye-west-president-2020.html> (cited in and attached to the Complaint as an exhibit). While the dates Mercury worked for the Committee are unknown, Ye filed his Statement of Candidacy on July 16, 2020, and the *New York Times* article reported that the Committee terminated its engagement with Mercury sometime in August 2020.

⁹ Hakim & Haberman, *supra* note 8.

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1 also stated that Mercury “served as a liaison between the campaign and the [ballot access] team
 2 until they established independent relationships.”¹⁰

3 Based on the information contained in the *New York Times* article, the Complaint alleges
 4 that the Committee was required to report its disbursements to Mercury, but that it failed to do
 5 so.¹¹ The Response acknowledges that Mercury performed work for the Committee “to assist in
 6 obtaining ballot access in states throughout the country.”¹² However, the Committee argues that
 7 it was not required to disclose any payments to Mercury “because Mercury was not a direct
 8 vendor to the Committee.”¹³ The Committee asserts that it hired Millennial “to provide a variety
 9 of campaign services, including campaign management consulting, get out the vote (‘GOTV’)
 10 consulting, polling, ballot access services, and campaign website development.”¹⁴ According to
 11 the Committee, Millennial, in turn, subcontracted with Mercury to assist with “fulfillment of its
 12 contract with the Committee” relating to ballot access and that “[Mercury] was paid exclusively
 13 by Millennial.”¹⁵

14 The Committee’s disclosure reports show that during July and August 2020, it paid
 15 Millennial \$2,697,598.89 for, *inter alia*, “campaign management consulting,” “ballot access
 16 services,” “campaign website services,” and “legal fees, notary, printing.”¹⁶ Disbursements to

¹⁰ *Id.*

¹¹ Compl. at 1-2.

¹² Resp. at 1 (Nov. 10, 2020).

¹³ *Id.* at 2-4.

¹⁴ *Id.* at 1.

¹⁵ *Id.*

¹⁶ Other purposes reported by the Committee include “ballot access digital services”; “election law research”; “GOTV consulting”; “legal fees & ballot access filing fee”; “list acquisition”; “polling”; “printing/scanning services”; and “travel expenses.” *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00751701&recipient_name=Millennial (last visited July 25, 2024) (showing all disbursements by the Committee to Millennial). The Committee did not report making any other

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1 Millennial solely for “ballot access services” totaled \$1,660,858.00, which was approximately
 2 61% of the disbursements the Committee made to Millennial.¹⁷ The Committee has not
 3 disclosed any payments to Mercury, but asserts that “it is abundantly clear that Millennial was
 4 not functioning as a conduit for payments to be made to Mercury.”¹⁸

5 Following the submission of the Response, *The Daily Beast* published an article reporting
 6 that the Committee’s relationship with Millennial was “designed in part to mask the extent of
 7 other companies’ work for the West campaign.”¹⁹ Citing “multiple people with knowledge of
 8 the arrangement,” the article states that “higher-ups” at Mercury “were hesitant about affiliating
 9 with” Ye’s campaign, and “arrange[d] it so that the payments to Millennial would actually go to
 10 Mercury.”²⁰ The article states that the Committee wished to use Millennial, an organization the
 11 article says is “known for advising ultra-progressive candidates and causes,” “if not exclusively,
 12 extensively . . . as a conduit” for payments to Mercury, which the article describes as “nominally

payments to Millennial. *Id.*; Kanye 2020, 2020 September Monthly Report, Sched. B-P at 37-46 (Sept. 4, 2020), <https://docquery.fec.gov/pdf/133/202009049267084133/202009049267084133.pdf>.

¹⁷ FEC Disbursements: Filtered Results, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00751701&recipient_name=Millennial (last visited July 25, 2024) (showing all disbursements by the Committee to Millennial); Kanye 2020, 2020 September Monthly Report, Sched. B-P at 37, 42-44 (Sept. 4, 2020), <https://docquery.fec.gov/pdf/133/202009049267084133/202009049267084133.pdf>. This excludes a \$55,000 disbursement dated July 20, 2020, for “legal fees & ballot access filing fee,” as it is unclear what proportion of the disbursement would have been for ballot access services as opposed to legal fees. Kanye 2020, 2020 September Monthly Report, Sched. B-P at 40 (Sept. 4, 2020).

¹⁸ Resp. at 3 (“Millennial, in providing a host of *bona fide* campaign-related services to the Committee . . . entered into an entirely conventional and entirely legitimate sub-contract with Mercury to assist with ballot access activities.”).

¹⁹ William Bredderman & Roger Sollenberger, *The Big Red Flag Under Kanye West’s Democratic Fig Leaf*, DAILY BEAST (Jan. 4, 2022), <https://www.thedailybeast.com/the-big-red-flag-under-the-kanye-west-campaigns-democratic-fig-leaf>; see also Roger Sollenberger & William Bredderman, *Kanye West’s “Independent” Campaign Was Secretly Run by GOP Elites*, DAILY BEAST (Dec. 17, 2021), <https://www.thedailybeast.com/kanye-wests-independent-campaign-was-secretly-run-by-gop-elites> (reporting broadly on discrepancies in the Committee’s reporting and its ties to Republican consulting firms and vendors).

²⁰ Bredderman & Sollenberger, *supra* note 19 (explaining that the unnamed sources “spoke on the condition of anonymity, because of what they described as nondisclosure agreements”).

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1 bipartisan but [with] far stronger Republican connections.”²¹ While “one source told *The Daily*
2 *Beast* that Millennial was a hub between the campaign and its various Republican consultants”
3 — consistent with the Committee’s Response stating that Millennial was a primary vendor that
4 contracted with subvendors — the article reports that “multiple sources contradicted that claim,
5 claiming the main connection between Millennial and [the Committee] was [Mercury’s Senior
6 Vice President, Ted] Anastasiou and Mercury.”²² The article states that Anastasiou “tap[ped]
7 personal connections to Millennial co-founders Alex Voetsch and Jeff Guillot,” to establish the
8 payment arrangement for services that Mercury provided to the Committee, including ballot
9 access efforts, social media services, and “other online tasks.”²³ The article goes on to state that
10 “[t]he wall between Millennial and Mercury was apparently so thin that multiple campaign
11 sources told *The Daily Beast* they did not realize Millennial was an independent firm at all; they
12 believed it was a shell company created by Mercury specifically for disguising the payments.”²⁴

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 III. LEGAL ANALYSIS

17 The Act and Commission regulations require authorized political committees to report
18 the name and address of each person to whom they make disbursements aggregating more than

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

[REDACTED]

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1 \$200 per election cycle, as well as the date, amount, and purpose of such payments.²⁶ The
 2 reporting requirements are intended to ensure public disclosure of “where political campaign
 3 money comes from and how it is spent.”²⁷

4 The Act and Commission regulations “are silent with respect to any definition or
 5 description of the person to whom an expenditure is made. Moreover, they do not address the
 6 concepts of ultimate payees, vendors, agents, contractors, or subcontractors in this context.”²⁸
 7 Ordinarily, the Commission has found it sufficient for a committee to report payments to its
 8 primary vendors and not those made to subvendors where the subvendor’s services were used “in
 9 performance of” the primary vendor’s contract with the committee.²⁹ However, the Commission
 10 has determined that reporting the immediate recipient of a disbursement will not satisfy the Act’s
 11 reporting requirements when the facts indicate that the recipient is “merely a conduit for the
 12 intended recipient of the funds.”³⁰ For instance, in MUR 4872 (Jenkins for Senate), a committee
 13 “did not want . . . to be associated” with a vendor it had hired to perform phone banking services
 14 and arranged to pay the vendor through a third party, which it reported on its disclosure reports
 15 in place of the true vendor.³¹ The Commission found reason to believe that the committee

²⁶ 52 U.S.C. § 30104(b)(6); 11 C.F.R. § 104.3(b)(4).

²⁷ Factual & Legal Analysis (“F&LA”) at 8, MUR 6724 (Bachmann for President, *et al.*) (quoting *Buckley v. Valeo*, 424 U.S. 1, 66 (1976)).

²⁸ Advisory Opinion (“AO”) 1983-25 at 2 (Mondale). The Commission has also addressed the issue of reporting ultimate payees of political committee disbursements in situations not applicable to the facts of the instant matter, relating to reimbursements for out-of-pocket expenses, payments to credit card companies, and unreimbursed disbursements by candidates. *See Reporting Ultimate Payees of Political Committee Disbursements*, 78 Fed. Reg. 40,625, 40,626-27 (July 8, 2013).

²⁹ AO 1983-25 at 2; *see also* F&LA at 12, MUR 6510 (Kirk for Senate, *et al.*) (holding that “a committee need not separately report its consultant’s payments to other persons — such as those payments for services or goods used in the performance of the consultant’s contract with the committee”).

³⁰ F&LA at 9, MUR 6724 (Bachmann for President, *et al.*).

³¹ Conciliation Agreement ¶ IV.6, MUR 4872 (Jenkins for Senate).

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1 knowingly and willfully filed false disclosure reports in that matter.³² Similarly, in MUR 6724
 2 (Bachmann for President, *et al.*), the Commission found reason to believe that a committee had
 3 violated the Act's reporting obligations by routing payments to an individual for his personal
 4 services to the committee through a vendor that exercised no control over that person and did not
 5 itself contract with him for any services.³³ And more recently, in MUR 7923 (Friends of David
 6 Schweikert, *et al.*), the Commission found reason to believe that a committee had violated the
 7 Act where it had purposely funneled payments for certain services through a consulting firm in
 8 order "both to obscure that [its campaign manager] was making large outlays on behalf of the
 9 campaign and to obscure 'the true nature, date, and underlying recipient of the
 10 disbursements.'"³⁴

11 Here, the Complaint alleges that the Committee failed to disclose payments to Mercury
 12 despite the fact that Mercury performed services on behalf of the Committee and thus was
 13 presumably paid by the Committee.³⁵ In Response, the Committee acknowledges that Mercury
 14 performed services on behalf of the Committee, but asserts that Mercury was a subvendor hired
 15 by Millennial and that the Committee was only required to report its payment to Millennial and
 16 not Millennial's payments to Mercury.³⁶ However, the available information raises questions as

³² *Id.* ¶¶ V-VI.

³³ F&LA at 3-4, 10-11, MUR 6724 (Bachmann for President, *et al.*); *see also* *United States v. Benton*, 890 F.3d 697, 709 (8th Cir. 2018), *cert. denied*, 2019 WL 1231756, 2019 WL 1231758, 2019 WL 1231759 (Mar. 18, 2019) (finding that defendants violated the Act by reporting a false purpose of a committee's disbursement to conceal a payment routed through the purported vendor made to secure an individual's endorsement, and noting that the situation was unlike the facts presented in AO 1983-25 and MUR 6510, where "the vendors and subvendors had provided the services described by the campaign").

³⁴ F&LA at 15, MUR 7923 (Friends of David Schweikert) (quoting INVESTIGATIVE SUBCOMM., U.S. HOUSE OF REPRESENTATIVES, COMM. ON ETHICS, IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE DAVID SCHWEIKERT at 40 (June 20, 2020), <https://ethics.house.gov/sites/ethics.house.gov/files/documents/ISC%20Report%20-%20Schweikert%20-%20final.pdf>).

³⁵ Compl. at 1.

³⁶ Resp. at 1-4.

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1 to whether the Committee hired Mercury to provide campaign services including ballot access
 2 and social media activity and disguised this relationship by routing its payments to Mercury
 3 through Millennial, which it reported only as disbursements to Millennial. The descriptions of
 4 the arrangement as detailed in the *Daily Beast* article, based on information obtained from
 5 sources associated with the campaign, suggest that the Committee used Millennial “merely [as] a
 6 conduit for the intended recipient of the funds,” Mercury.³⁷ Although the Committee represents
 7 that Millennial, not the Committee, was responsible for hiring and contracting with Mercury, and
 8 as such, payments to Mercury did not have to be disclosed as a primary vendor,³⁸ the available
 9 information contradicts that claim and indicates that Mercury was actually performing
 10 substantial services directly for the Committee rather than as a subvendor assisting in the
 11 fulfillment of Millennial’s services to the Committee. Indeed, campaign sources apparently
 12 stated that the “wall between Millennial and Mercury was apparently so thin . . . they did not
 13 realize Millennial was an independent firm at all,” and that “they believed it was a shell company
 14 created by Mercury specifically for disguising the payments.”³⁹ Further, the Committee
 15 acknowledges in its Response that Mercury was tasked with providing ballot access services,
 16 which according to its disclosure reports comprised a large portion of the Committee’s expenses
 17 for that time period.⁴⁰

18 The suggestion that payments to Mercury were obscured by routing them through
 19 Millennial is premised in part on unnamed sources who reportedly spoke to *The Daily Beast* on
 20 the condition of anonymity due to non-disclosure agreements; those sources are described as

³⁷ F&LA at 9, MUR 6724.

³⁸ Resp. at 4.

³⁹ Bredderman & Sollenberger, *supra* note 19.

⁴⁰ Resp. at 1-4.

1 “multiple people with knowledge of the arrangement” and “campaign sources.”⁴¹ Although we
 2 cannot identify these individuals, the descriptions suggest they were in positions to observe the
 3 relationship between the Committee, Millennial, and Mercury, and therefore their description of
 4 the arrangement between them appears generally credible. In prior matters the Commission has
 5 relied on anonymous sources, especially where the sources were identified as having proximity
 6 to the events in question, there was other corroborating information, there were multiple
 7 unnamed sources, or the allegations were sufficiently specific and otherwise not contradicted.⁴²
 8 By contrast, the Commission has not relied on anonymous sources where the allegations were
 9 too vague, sworn statements directly contradicted the anonymous sources, or the source’s
 10 proximity to the events in question was more remote or undefined.⁴³ Here, we believe that the
 11 anonymous sources falls in the former category, given the apparent proximity of the sources to
 12 the events in question and the specificity of information supporting the allegations.

13 According to these sources, Mercury Senior Vice President Anastasiou “had a personal
 14 contact with the West team and initiated the relationship between Mercury” and the Committee,

⁴¹ Bredderman & Sollenberger, *supra* note 19.

⁴² *See, e.g.*, F&LA at 3, MUR 7271 (Democratic Nat'l Comm.) (finding reason to believe based on press article citing statements by both “an operative familiar with the situation” and an “unnamed DNC staffer” reported to have personal knowledge of the events at issue (internal quotation marks omitted)); F&LA at 15, MURs 7165, 7196 (Great Am. PAC) (finding reason to believe where the complaint was premised on an article reporting on an extensive investigation by unnamed undercover journalists); *see also* F&LA at 8 n.5, MUR 6276 (Ronald Weiser, *et al.*) (“The fact that the complaint relies partly on a press article quoting an anonymous source does not in and of itself render the complaint insufficient on its face.”).

⁴³ *See, e.g.*, F&LA at 4, 13, MUR 6916 (Democratic Nat'l Comm., *et al.*) (finding no reason to believe where complaint relied on a book that made assertions about a vendor’s political motivations but did not “attribute [those allegations] to any source” to be “speculative and unsupported by the available facts” where respondents had provided sworn affidavits and contracts contradicting the assertions); F&LA at 1, 2, 5 (finding no reason to believe where complaint was based on news article citing to an “unnamed source familiar with [the] conference call” where respondent had submitted a sworn affidavit to the contrary, noting that “[t]he allegations in this newspaper article — when viewed alongside the sworn denial of Congressman Guinta — simply do not provide an adequate foundation for a finding that there is reason to believe . . .” (internal quotation marks omitted)).

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1 but senior leadership at Mercury were hesitant to publicly affiliate with West.⁴⁴ These
 2 individuals reportedly “devised a solution” — payments from the campaign to Mercury would
 3 flow through Millennial, which was, “if not exclusively, extensively . . . a conduit” for payments
 4 to Mercury.⁴⁵ As noted above, multiple campaign sources told the reporters that they were
 5 unaware that Millennial was an independent entity, and believed it to be a fictitious company
 6 created specifically to disguise payments.⁴⁶ Though one source reportedly told *The Daily Beast*
 7 that Millennial served as a “hub between the campaign and its various Republican consultants,”
 8 which could indicate that Millennial was contracting with a variety of subvendors to fulfill its
 9 contract with the Committee, the article also states that it is “not clear . . . how much work
 10 Millennial itself did” for the Committee, because it was reportedly paid for services that
 11 Millennial does not appear to have provided for other clients.⁴⁷

12 Information provided by the Committee bolsters the allegation that Millennial was a
 13 conduit for payments directed from the Committee to Mercury. First, there are general questions
 14 about the accuracy of the Committee’s reporting of its payments to Millennial: For instance, the
 15 Committee paid Millennial for services not offered on Millennial’s website, namely legal

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* *The Daily Beast* notes that, “[f]or instance, the [Committee] paid [Millennial] \$145,000 for legal work, even though Millennial Strategies does not advertise legal services on its website and has never been paid legal fees by any other federal political committee” *Id.*; see also *Our Services*, MILLENNIAL STRATEGIES, <https://millennialstrat.com/services/> (last visited July 25, 2024). The purposes for which other political committees disbursed funds to Millennial include, for example, “consulting fees,” “direct mail,” “design services,” and “ballot petition.” *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=Millennial+Strategies (last visited July 25, 2024) (showing all reported disbursements to “Millennial Strategies”). The Committee disclosed \$259,288 in payments for the purpose of legal fees to nine other vendors, including Bowles Rice LLP, Pardalis & Nohavicka LLP, and Hinman Straub PC, on the same September Monthly Report as it reported all its disbursements to Millennial. Kanye 2020, 2020 September Monthly Report, Sched. B-P (Sept. 4, 2020), <https://docquery.fec.gov/pdf/133/202009049267084133/202009049267084133.pdf>.

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1 services, and for which other federal political committees have not reported paying Millennial.⁴⁸
 2 Indeed, the Response does not include “legal services” among the list of campaign services
 3 provided by Millennial.⁴⁹ This calls into question whether any of the services for which the
 4 Committee reported disbursements to Millennial were actually performed by Millennial.
 5 Second, the amount that the Committee reported paying to Millennial for ballot access services
 6 (\$1,660,858), which were the services that the Response itself states Mercury provided to the
 7 Committee, represents over 61% of the approximately \$2.7 million total the Committee
 8 disbursed to Millennial.⁵⁰ Although this factor taken in isolation might not suggest a vendor
 9 acted as a conduit, this accords with what *The Daily Beast* reported: “[M]uch of the money that
 10 went to Millennial Strategies was in fact for work helmed by Mercury.”⁵¹

11 In conclusion, there is information to suggest that the Committee arranged for Mercury to
 12 provide services directly to the Committee with Millennial acting as a conduit through which
 13 payments were routed to Mercury to obscure that Mercury was the true vendor. Accordingly, the
 14 Committee should have reported its payments as being made to Mercury, the true vendor, rather
 15 than to Millennial, the conduit. Therefore, we recommend that the Commission find reason to
 16 believe that the Committee violated 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b)(4) by
 17 failing to accurately report disbursements.

⁴⁸ Services, MILLENNIAL STRATEGIES, <https://millennialstrat.com/services/> (last visited July 25, 2024); FEC Disbursements: Filtered Results, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=Millennial+Strategies (last visited July 25, 2024) (showing all reported disbursements to “Millennial Strategies,” none of which are for legal services other than those by the Committee); *see supra* note 47.

⁴⁹ *See, e.g.*, Resp. at 1 (stating that the Committee retained Millennial “to provide a variety of campaign services, including campaign management consulting, get out the vote (‘GOTV’) consulting, polling, ballot access services, and campaign website development”).

⁵⁰ *See supra* notes 16-17 and accompanying text.

⁵¹ Bredderman & Sollenberger, *supra* note 19.

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20 **V. RECOMMENDATIONS**

21 1. Find reason to believe that Kanye 2020 and Stella Denn in her official capacity as
22 treasurer violated 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b)(4) by failing
23 to accurately report disbursements;

24 2. Approve the attached Factual and Legal Analysis;

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3. Authorize an investigation; and
4. Approve the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for
Enforcement

Claudio J. Pavia
Deputy Associate General Counsel
for Enforcement

Ana J. Peña-Wallace
Ana J. Peña-Wallace
Assistant General Counsel

Justine A. di Giovanni
Justine A. di Giovanni
Attorney

10. *What is the primary purpose of the following statement?*