

BEFORE THE FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION COMMISSION

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OFFICE OF GENERAL COUNSEL

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CAMPAIGN LEGAL CENTER ACTION
1101 14th Street NW, Suite 400
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v.

MUR No. **7879**

NRA VICTORY FUND, INC.
Robert Owens, Treasurer
11250 Waples Mill Road
Fairfax, VA 22030

COMPLAINT

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that the super PAC NRA Victory Fund, Inc. (ID: C00741710) has violated the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, *et seq.*, by systematically failing to report required disclosure information.
2. In the 2020 election cycle, the NRA Victory Fund raised \$510,500 from individual contributors but failed to report legally required information for 98% of the funds. This suggests a systematic effort by the NRA Victory Fund to evade FECA’s disclosure requirements: it is not plausible that nearly every NRA Victory Fund contributor independently chose to omit the required information when they made their contributions, and also independently chose to ignore the committee’s mandatory follow-up requests for such information.

3. “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [FECA] . . . [t]he Commission *shall* make an investigation of such alleged violation” 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).
4. Giffords is a nonpartisan, nonprofit 501(c)(4) organization headquartered in Washington, D.C.¹ Founded by former Congresswoman Gabrielle Giffords, Giffords researches, writes, and proposes policies designed to reduce gun violence and mobilizes voters and lawmakers in support of safer gun laws. Giffords educates political candidates about issues and policies related to gun violence, and endorses candidates for local, state, and federal office, including in the 2020 election cycle, who support strong gun-violence-prevention laws.
5. Campaign Legal Center Action (“CLCA”) is a nonpartisan, nonprofit 501(c)(4) organization whose mission is to protect and strengthen the U.S. democratic process through litigation and other legal advocacy. CLCA relies on the accurate and complete reporting of campaign finance information to carry out activities central to its mission, including research, analysis, and reporting about campaign spending and the true sources and scope of candidates’ financial support. CLCA participates in judicial and administrative matters throughout the nation regarding campaign finance, voting rights, redistricting, and government ethics issues.

FACTS

6. The NRA Victory Fund is an independent expenditure-only political action committee (*i.e.*, a “super PAC”).²

¹ Giffords was founded in 2013 under the name Americans for Responsible Solutions, and was renamed Giffords in October 2017.

² NRA Victory Fund, Inc., Statement of Organization, FEC Form 1 at 5 (filed Mar. 10, 2020), <https://docquery.fec.gov/pdf/433/202003109203798433/202003109203798433.pdf>.

7. In the 2020 election cycle, the NRA Victory Fund received 46 itemized contributions from 42 individual contributors, who together gave \$510,500 between July 2020 and December 2020.³
8. Employer and occupation information was disclosed for just two out of those 42 individual contributors: a “self-employed” attorney who gave \$5,000 on September 16, 2020,⁴ and a “self-employed” veterinarian who gave \$5,000 on October 20, 2020.⁵

CAUSE OF ACTION

COUNT I:

THE NRA VICTORY FUND VIOLATED FECA’S DISCLOSURE REQUIREMENTS

9. Political committees must disclose the identification of all individuals who contribute over \$200 in a calendar year. 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4)(i). Such identification must include the contributor’s name, mailing address, occupation, and name of employer. 52 U.S.C. § 30101(13); 11 C.F.R. § 100.12.
10. A committee must make best efforts to obtain, maintain, and submit the information required by FECA, including occupation and employer information. 52 U.S.C. § 30102(i).

Commission regulations at 11 C.F.R. § 104.7 specify the actions that a political committee must take to satisfy the best efforts requirement.

³ NRA Victory Fund, Inc., Receipts, Contributions from individuals (line 11ai), 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00741710&two_year_transaction_period=2020&line_number=F3X-11AI (last visited Feb. 10, 2021) (showing 46 line 11(a)(i) contributions totaling \$510,500 and four individuals contributing twice); *see also* NRA Victory Fund, Inc., 2020 Year-End Report, FEC Form 3X at 3 (filed Jan. 29, 2021), <https://docquery.fec.gov/pdf/059/202101299418047059/202101299418047059.pdf> (reporting, on line 11(a)(i), column B, \$510,500 in itemized individual contributions in 2020).

⁴ NRA Victory Fund, Inc., 2020 October Monthly Report, FEC Form 3X at 6 (filed Oct. 20, 2020), <https://docquery.fec.gov/cgi-bin/fecimg/?202010209297689095>.

⁵ NRA Victory Fund, Inc., 2020 Post-General Report, FEC Form 3X at 10 (filed Dec. 3, 2020), <https://docquery.fec.gov/cgi-bin/fecimg/?202012039339782890>.

11. First, a committee's original solicitation for funds must include a clear and conspicuous request for occupation and employer information and must inform the contributor of the requirements of federal law for the reporting of such information. 11 C.F.R. § 104.7(b)(1).
12. Second, if the occupation and employer information was not provided with the contribution, a committee must follow up to obtain the information within 30 days after receiving the contribution, either via a written request or via an oral request documented in writing. 11 C.F.R. § 104.7(b)(2). Such a follow up request must clearly ask for the missing information, inform the contributor of federal law's requirements for reporting such information, and if the request is written, include a pre-addressed return postcard or envelope. *Id.*
13. If occupation and employer information is later received, the committee shall amend its reports with that information. 11 C.F.R. § 104.7(b)(4).
14. In the 2020 election cycle, the NRA Victory Fund raised \$510,500 from 42 itemized individual contributors but disclosed occupation and employer information for just two contributors who gave \$5,000 each. Several months after first filing incomplete reports with the Commission, the committee has yet to amend any of its reports to disclose any contributors' occupation or employer.⁶
15. It is not plausible that 95% of NRA Victory Fund contributors ignored the committee's request for occupation and employer information at the time of solicitation, as required by 11 C.F.R. § 104.7(b)(1), and then additionally ignored a subsequent follow-up request for that information, as required by 11 C.F.R. § 104.7(b)(2). The NRA Victory Fund's consistent

⁶ The Commission sent a Request for Additional Information ("RAI") regarding the committee's failure to disclose occupation and employer information on its post-general report, Request for Additional Information from FEC to NRA Victory Fund, Inc. at 1-2 (Feb. 2, 2021), <https://docquery.fec.gov/pdf/979/202102020300103979/202102020300103979.pdf>, but has not similarly questioned the omission of that information on the committee's August monthly, September monthly, October monthly, pre-general, or year-end reports.


failure to disclose legally required occupation and employer information for 95% of its individual contributors suggests a systematic effort to evade FECA's disclosure requirements by intentionally not collecting the required information, or by not reporting it, or both.

16. Therefore, there is reason to believe that the NRA Victory Fund failed to make best efforts to obtain, maintain, and submit the contributor occupation and employer information required by FECA, 52 U.S.C. § 30102(i), and by failing to disclose such occupation and employer information, there is reason to believe that the NRA Victory Fund violated FECA's reporting requirements at 52 U.S.C. § 30104(b)(3)(A).

PRAYER FOR RELIEF

17. Wherefore, the Commission should find reason to believe that the NRA Victory Fund, Inc. violated 52 U.S.C. § 30101, *et seq.*, and should conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
18. The Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Respectfully submitted,



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February 12, 2021

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Giffords

Alison Damaskos

Alison Damaskos

Sworn to and subscribed before me this 11 day of February 2021.

[Signature]

Notary Public



For Complainant Campaign Legal Center Action

B F

Brendan Fischer

Sworn to and subscribed before me this 12th day of February 2021.

[Signature]

Notary Public

