

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR: 7879
DATE COMPLAINT FILED: February 17, 2021
DATE SUPPLEMENT FILED: April 8, 2021
DATE OF NOTIFICATION: February 22, 2021
LAST RESPONSE RECEIVED: April 29, 2021
DATE ACTIVATED: October 4, 2021

ELECTION CYCLE: 2020
EXPIRATION OF SOL: August 20, 2025

COMPLAINANTS: Giffords
Campaign Legal Center Action

RESPONDENTS: NRA Victory Fund, Inc., and Christina M. Majors in her official capacity as treasurer

RELEVANT STATUTES AND REGULATIONS:

52 U.S.C. § 30102(i)
52 U.S.C. § 30104(b)(3)(A)
11 C.F.R. § 104.3(a)(4)
11 C.F.R. § 104.7(b)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

32 The Complaint in this matter alleges that NRA Victory Fund, Inc., (“NRA Victory Fund”
33 or the “Committee”) failed to collect or failed to report employer and occupation information for
34 nearly all of the individual contributions it received between its formation in early 2020 and the
35 end of the 2020 election cycle in violation of the Federal Election Campaign Act of 1971, as
36 amended (the “Act”). After receiving the Complaint — as well as a preceding Request for
37 Additional Information (“RFAI”) from the Reports Analysis Division (“RAD”) regarding the
38 same issue — the Committee amended its 2020 Year-End Report to add entries with employer
39 and occupation information for nearly all of its individual contributors. After a Supplemental

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1 Complaint alleging that this amended report was insufficient, the Committee further amended the
2 2020 Year-End Report to add cross-references to the date of each contribution. The Committee
3 contends that its amendments are sufficient to address any concerns raised in the Complaint and
4 Supplemental Complaint, which it further contends fail to establish that the Committee did not
5 use best efforts to collect and report employer and occupation information.

6 Because NRA Victory Fund has amended its 2020 Year-End Report to add employer and
7 occupation information for nearly all of its individual contributors, it has addressed the
8 underlying issue raised in the Complaint such that this matter does not warrant further use of
9 Commission resources. However, the initial failure to provide employer and occupation
10 information for nearly all of the Committee's individual contributors from the 2020 election
11 cycle indicates that the Committee failed to collect or report this information. Though the
12 Committee invokes the best efforts defense, it fails to put forth any information indicating that it
13 satisfied the necessary requirements. We therefore recommend that the Commission dismiss the
14 allegations that NRA Victory Fund violated 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R.
15 § 104.3(a)(4) and send a letter of caution.

16 **II. FACTUAL BACKGROUND**

17 NRA Victory Fund is an independent expenditure-only political committee ("IEOPC")
18 that first registered with the Commission on March 10, 2020; its treasurer is Christina M.
19 Majors.¹ During the 2020 election cycle, NRA Victory Fund raised \$510,500 from 42 individual

¹ NRA Victory Fund, Inc., Statement of Organization (Mar. 10, 2020); NRA Victory Fund, Inc., Amended Statement of Organization (Oct. 20, 2021).

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1 contributors.² In its filings from formation through the end of that cycle, however, it failed to
 2 include employer and occupation information for all but two of these contributors.³

3 On February 2, 2021, RAD sent NRA Victory Fund a RFAI relating to its 2020 Post-
 4 General Report, asking that the Committee provide the missing employer and occupation
 5 information or an explanation of the Committee's best efforts to obtain this information.⁴ Two
 6 weeks later, the Complaint was filed in this matter, alleging that NRA Victory Fund's failure to
 7 provide employer and occupation information for 95% of its contributors indicates that it did not
 8 take necessary steps to collect that information and engaged in "a systematic effort to evade
 9 FECA's disclosure requirements by intentionally not collecting the required information, or by
 10 not reporting it, or both."⁵

11 NRA Victory Fund subsequently filed an Amended 2020 Year-End Report and submitted
 12 a Response to the Complaint contending that the amendment moots the Complaint's allegations
 13 by disclosing employer-occupation information.⁶ The Response asserts that the initial omission
 14 of employer-occupation information does not indicate that it failed to use best efforts to attempt
 15 to collect such information.⁷ And the Committee represents that it has implemented a new

² *FEC Receipts: Filtered Results*, 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 Jan. 31, 2022) (showing NRA Victory Fund Contributions received 2019-2020).

³ See NRA Victory Fund, August 2020 Monthly Report (Aug. 20, 2020); NRA Victory Fund, September 2020 Monthly Report (Sep. 18, 2020); NRA Victory Fund, October 2020, Monthly Report (Oct. 20, 2020), NRA Victory Fund, 2020 Pre-General Report (Oct. 22, 2020); NRA Victory Fund, 2020 Post-General Report (Dec. 3, 2020); NRA Victory Fund, 2020 Year-End Report (Jan. 29, 2021). All of the 42 individual contributors contributed in excess of \$200 during the 2020 election cycle. *Supra* note 2.

⁴ NRA Victory Fund, RFAI at 1 (Feb. 2, 2021).

⁵ Compl. at 3-4 (Feb. 17, 2021).

⁶ NRA Victory Fund, Amended 2020 Year-End Report at 6-22 (Mar. 9, 2021); Resp. at 1 (Mar. 22, 2021).

⁷ Resp. at 2.

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1 “internal policy to require each donor to complete a donor form — including complete
2 occupation and employer information — before a contribution is deposited by NRA Victory.”⁸

3 A Supplemental Complaint, received April 7, 2021, contends that NRA Victory Fund’s
4 amended Year-End Report was insufficient to cure the defect raised by the initial Complaint
5 because the amended Year-End Report provides employer-occupation information for prior
6 contributors but does not provide the date and amount of their contributions in the same report —
7 for example, a contribution disclosed in NRA Victory Fund’s 2020 October Monthly Report
8 includes the name and address of the contributor along with the date and amount of his
9 contribution, but the employer and occupation fields remain blank; a separate entry on the
10 amended Year-End Report, meanwhile, provides that contributor’s employer and occupation but
11 not the date and amount of his contribution.⁹ The Supplemental Complaint argues that this
12 “defeats any voter’s efforts to quantify contributions from a particular individual or a particular
13 employer.”¹⁰

14 After the Supplemental Complaint, NRA Victory Fund submitted a Second Amended
15 2020 Year-End Report, which adds a memo line with the date of the original contribution to each
16 entry listing employer and occupation information.¹¹ It also submitted a Supplemental Response
17 contending that the Second Amended 2020 Year-End Report “provide[s] cross-references to the
18 original donations, providing Complainant with all the information it could possibly need.”¹²

⁸ *Id.*

⁹ Supp. Compl. at 1-2 (Apr. 8, 2021).

¹⁰ *Id.* at 3.

¹¹ NRA Victory Fund, Amended 2020 Year-End Report (Apr. 23, 2021).

¹² Supp. Resp. at 1 (Apr. 29, 2021).

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1 **III. LEGAL ANALYSIS**

2 The treasurer of an unauthorized political committee is responsible for disclosing the
 3 occupation and name of the employer of each individual whose contributions exceed \$200 per
 4 calendar year.¹³ When a treasurer of a political committee shows that the committee used “best
 5 efforts” to obtain, maintain, and submit the information required by the Act, the committee’s
 6 reports will be considered in compliance with the Act.¹⁴ Best efforts require, among other
 7 things, that all written solicitations contain a clear request for the necessary information and that,
 8 within 30 days after the receipt of the contribution, the treasurer make at least one effort to obtain
 9 the missing information, in either a written request or a documented oral request.¹⁵ If the
 10 treasurer receives missing contributor information after submitting a report, the treasurer either
 11 files an amendment to the report originally disclosing the contribution to provide the missing
 12 contributor information or includes the missing contributor information on an amended memo
 13 Schedule A with the next regularly-scheduled report.¹⁶ The best efforts standard is an
 14 affirmative defense; the burden rests with the political committee and its treasurer to present
 15 evidence sufficient to demonstrate that best efforts were exercised to obtain, maintain, and
 16 submit the required information.¹⁷

17 The available information here indicates that NRA Victory Fund failed to provide
 18 contributor employer and occupation information for 40 of its 42 individual contributors during

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

¹⁴ 52 U.S.C. § 30102(i); 11 C.F.R. § 104.7(a).

¹⁵ 11 C.F.R. § 104.7(b).

¹⁶ *Id.* § 104.7(b)(4)(i).

¹⁷ *E.g.*, Factual & Legal Analysis (“F&LA”) at 7, MUR 7616 (Oakland County Democratic Party) (citing Statement of Policy Regarding Treasurers’ Best Efforts to Obtain, Maintain, and Submit Information as Required by the Federal Election Campaign Act, 72 Fed. Reg. 31,438, 31,440 (June 7, 2007)).

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1 the 2020 election cycle on its initial 2020 Year-End disclosure report and failed to establish that
 2 it used best efforts in collecting and reporting contributor information for that report.¹⁸ A review
 3 of the Committee's reports from August through the end of 2020 shows that it did not timely file
 4 occupation and employer information, and RAD sent the Committee an RFAI referencing the
 5 2020 Year-End Report seeking that information.¹⁹ NRA Victory Fund asserts that the Complaint
 6 is insufficient because it lacks "specific evidentiary support" for the allegation that the
 7 Committee failed to satisfy the best efforts regulation.²⁰ However, the best efforts regulation is
 8 an affirmative defense,²¹ and NRA Victory Fund provides no support for its contention that it
 9 satisfied the requirements needed to invoke that defense: It neither explains what efforts it
 10 undertook to collect employer and occupation information when soliciting contributions nor
 11 represents that it lacked such information when initially filing its reports. Instead, it represents
 12 that it implemented an internal policy to obtain employer and occupation information *after* it
 13 received the Complaint, indicating that no such policy existed previously.²² Moreover, while the
 14 Committee itself was recently created, its current and past treasurers and its affiliated
 15 organizations are experienced in the reporting of political contributions. A related committee,
 16 National Rifle Association of America Political Victory Fund — which has shared a treasurer

¹⁸ See *supra* notes 2-3; *see also* F&LA at 3, MUR 5957 (Committee to Elect Sekhon for Congress) (finding reason to believe committee violated what is now 52 U.S.C. § 30104(b) when it "failed to provide contributors' name, employer and/or occupation information for 219 of 245 entries or approximately 89% of contributions from individuals, and failed to establish that it used best efforts to obtain that information"). The Commission ultimately split on whether to accept a conciliation agreement with the Committee in MUR 5957 and closed the file. Certification, MUR 5957 (Oct. 23, 2008).

¹⁹ *Supra* notes 3-4.

²⁰ Resp. at 2.

²¹ *Supra* note 17.

²² Resp. at 2.

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1 with NRA Victory Fund, Inc., since the latter's formation²³ — was a respondent in another
 2 matter where the Complaint alleged that it failed to collect or report contributor information.²⁴
 3 In that matter, however, the committee provided affirmative information demonstrating that it
 4 used best efforts to collect and report contributor information.²⁵ This further indicates that NRA
 5 Victory Fund should have been aware of its obligations both to collect and report this
 6 information.

7 However, NRA Victory Fund amended its 2020 Year-End Report to provide occupation
 8 and employer information for nearly all of the individual contributors for that election cycle.
 9 These amendments ultimately made employer and occupation information available to the
 10 public.²⁶ The Supplemental Complaint contends that the Committee's manner of amending its
 11 report prevents the public from determining the total amount of contributions made by

²³ Compare NRA Victory Fund, Original Statement of Organization (Mar. 10, 2020) (listing Robert Owens as treasurer); NRA Victory Fund, Amended Statement of Organization (Oct. 20, 2021) (listing Christina M. Majors as treasurer); *with* National Rifle Association of America Political Victory Fund, Amended Statement of Organization (Jan. 31, 2020) (listing Robert Owens as treasurer); National Rifle Association of America Political Victory Fund, Amended Statement of Organization (Oct. 20, 2021) (listing Christina M. Majors as treasurer).

²⁴ F&LA, MUR 6941 (National Rifle Association of America Political Victory Fund, *et al.*).

²⁵ *Id.* at 10-11. The Commission found no reason to believe that National Rifle Association of America Political Victory Fund failed to collect or report contributor information. *Id.* at 11.

²⁶ The Commission has in prior matters dismissed similar allegations where the respondent cured missing employer and occupation information by amending reports. *See* F&LA at 1, MUR 7814 (Salazar for Congress, *et al.*) (dismissing allegations that committee accepted excessive contributions where it refunded contributions after receiving the complaint and an RFAI); F&LA at 6, MUR 7799 (Stephanie for New Jersey, *et al.*) (dismissing reporting violations where committee had taken corrective actions, though prior to receiving the complaint and RFAI in the matter); F&LA at 1, MUR 7400 (Jim Francis for Congress, *et al.*) (dismissing under Enforcement Priority System allegations that committee failed to report disbursements on its disclosure reports when committee filed amended reports to correct the error after receiving the complaint). By comparison, in MUR 5957 (Committee to Elect Sekhon for Congress), the Commission found reason to believe a committee failed to provide required contributor information when it did not amend its reports to add this information or demonstrated that it had used best efforts to attempt to collect this information despite repeated requests from RAD. F&LA at 2-3, MUR 5957 (Committee to Elect Sekhon for Congress). To date in the 2022 election cycle, the Committee has reported only one contribution from an individual over \$200 and disclosed that contributor's employer and occupation at that time. NRA Victory Fund, 2021 October Monthly Report at 6 (Oct. 20, 2021).

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1 employees of a particular employer,²⁷ but the amended entries that do not show the amount of
2 the original contribution nevertheless include the aggregate contribution amount for that
3 individual for the cycle and, in the second amended report, disclose as a memo entry the date of
4 the original contribution. This vindicates the Commission's interest in ensuring that required
5 information regarding contributors is available to the public. Moreover, the allegations in the
6 Complaint substantially mirror the issues raised by RAD in its RFAI to the Committee,²⁸

7

8 Given that the Committee's amended 2020 Year-End Report addresses the core reporting
9 failures raised by the Complaint, and the Committee has represented that it has implemented new
10 internal controls to ensure it requests employer and occupation information in the future, we
11 recommend that the Commission dismiss the allegations in the Complaint as a matter of
12 prosecutorial discretion.³⁰ However, given that the Committee failed to report nearly any
13 employer and occupation information during the 2020 election cycle — despite receiving over
14 \$500,000 in contributions from those individuals — and failed to provide any support for its

²⁷ Supp. Compl at 3.

²⁸ *Supra* note 4.

³⁰ See *Heckler v. Chaney*, 470 U.S. 821 (1985); *see also supra* note 266.

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1 assertion that the best efforts defense applies, we recommend that the Commission send a letter
 2 of caution.³¹

3 **IV. RECOMMENDATIONS**

4 1. Dismiss as a matter of prosecutorial discretion the allegations that NRA Victory
 5 Fund, Inc., and Christina M. Majors in her official capacity as treasurer violated
 6 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 104.3(a)(4) by failing to report
 7 employer and occupation information for individual contributors and send a letter
 8 of caution to the Committee;

9 2. Approve the attached Factual and Legal Analysis;

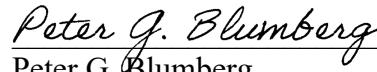
10 3. Approve the appropriate letters; and

11 4. Close the file.

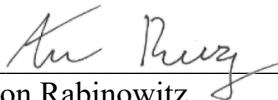
12 Lisa J. Stevenson
 13 Acting General Counsel

14
 15 Charles Kitcher
 16 Associate General Counsel
 17 for Enforcement

18
 19 Date: February 1, 2022

20 
 21 Peter G. Blumberg
 22 Acting Deputy Associate General
 23 Counsel for Enforcement

24
 25 
 26 Mark Allen
 27 Assistant General Counsel

28
 29 
 30 Aaron Rabinowitz
 31 Attorney

32
 33 ³¹ See MUR 7643 (America Progress Now, *et al.*) (dismissing but sending reminder letter for respondent's
 apparent disclaimer and disclosure violations where amount at issue was low); MUR 6497 (McCaskill for Missouri,
et al.) (dismissing but sending cautionary letter for reporting violations outside statute of limitations).

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1
2 Attachment:
3 Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: NRA Victory Fund, Inc., and Christina M. Majors MUR 7879
in her official capacity as treasurer

I. INTRODUCTION

10 This matter was generated by a complaint filed with the Federal Election Commission
11 (the “Commission”), which alleges violations of the Federal Election Campaign Act of 1971, as
12 amended (the “Act”). The Complaint in this matter alleges that NRA Victory Fund, Inc., (“NRA
13 Victory Fund” or the “Committee”) failed to collect or failed to report employer and occupation
14 information for nearly all of the individual contributions it received between its formation in
15 early 2020 and the end of the 2020 election cycle in violation of the Federal Election Campaign
16 Act of 1971, as amended (the “Act”). After receiving the Complaint — as well as a preceding
17 Request for Additional Information (“RFAI”) from the Reports Analysis Division (“RAD”)
18 regarding the same issue — the Committee amended its 2020 Year-End Report to add entries
19 with employer and occupation information for nearly all of its individual contributors. After a
20 Supplemental Complaint alleging that this amended report was insufficient, the Committee
21 further amended the 2020 Year-End Report to add cross-references to the date of each
22 contribution. The Committee contends that its amendments are sufficient to address any
23 concerns raised in the Complaint and Supplemental Complaint, which it further contends fail to
24 establish that the Committee did not use best efforts to collect and report employer and
25 occupation information.

26 Because NRA Victory Fund has amended its 2020 Year-End Report to add employer and
27 occupation information for nearly all of its individual contributors, it has addressed the

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1 underlying issue raised in the Complaint such that this matter does not warrant further use of
 2 Commission resources. However, the initial failure to provide employer and occupation
 3 information for nearly all of the Committee's individual contributors from the 2020 election
 4 cycle indicates that the Committee failed to collect or report this information. Though the
 5 Committee invokes the best efforts defense, it fails to put forth any information indicating that it
 6 satisfied the necessary requirements. We therefore dismiss the allegations that NRA Victory
 7 Fund violated 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 104.3(a)(4).

8 **II. FACTUAL BACKGROUND**

9 NRA Victory Fund is an independent expenditure-only political committee ("IEOPC")
 10 that first registered with the Commission on March 10, 2020; its treasurer is Christina M.
 11 Majors.¹ During the 2020 election cycle, NRA Victory Fund raised \$510,500 from 42 individual
 12 contributors.² In its filings from formation through the end of that cycle, however, it failed to
 13 include employer and occupation information for all but two of these contributors.³

14 On February 2, 2021, RAD sent NRA Victory Fund a RFAI relating to its 2020 Post-
 15 General Report, asking that the Committee provide the missing employer and occupation

¹ NRA Victory Fund, Inc., Statement of Organization (Mar. 10, 2020); NRA Victory Fund, Inc., Amended Statement of Organization (Oct. 20, 2021).

² *FEC Receipts: Filtered Results*, 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 Jan. 31, 2022) (showing NRA Victory Fund Contributions received 2019-2020).

³ See NRA Victory Fund, August 2020 Monthly Report (Aug. 20, 2020); NRA Victory Fund, September 2020 Monthly Report (Sep. 18, 2020); NRA Victory Fund, October 2020, Monthly Report (Oct. 20, 2020), NRA Victory Fund, 2020 Pre-General Report (Oct. 22, 2020); NRA Victory Fund, 2020 Post-General Report (Dec. 3, 2020); NRA Victory Fund, 2020 Year-End Report (Jan. 29, 2021). All of the 42 individual contributors contributed in excess of \$200 during the 2020 election cycle. *Supra* note 2.

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1 information or an explanation of the Committee's best efforts to obtain this information.⁴ Two
2 weeks later, the Complaint was filed in this matter, alleging that NRA Victory Fund's failure to
3 provide employer and occupation information for 95% of its contributors indicates that it did not
4 take necessary steps to collect that information and engaged in "a systematic effort to evade
5 FECA's disclosure requirements by intentionally not collecting the required information, or by
6 not reporting it, or both."⁵

7 NRA Victory Fund subsequently filed an Amended 2020 Year-End Report and submitted
8 a Response to the Complaint contending that the amendment moots the Complaint's allegations
9 by disclosing employer-occupation information.⁶ The Response asserts that the initial omission
10 of employer-occupation information does not indicate that it failed to use best efforts to attempt
11 to collect such information.⁷ And the Committee represents that it has implemented a new
12 "internal policy to require each donor to complete a donor form — including complete
13 occupation and employer information — before a contribution is deposited by NRA Victory."⁸

14 A Supplemental Complaint, received April 7, 2021, contends that NRA Victory Fund's
15 amended Year-End Report was insufficient to cure the defect raised by the initial Complaint
16 because the amended Year-End Report provides employer-occupation information for prior
17 contributors but does not provide the date and amount of their contributions in the same report —

⁴ NRA Victory Fund, RFAI at 1 (Feb. 2, 2021).

⁵ Compl. at 3-4 (Feb. 17, 2021).

⁶ NRA Victory Fund, Amended 2020 Year-End Report at 6-22 (Mar. 9, 2021); Resp. at 1 (Mar. 22, 2021).

⁷ Resp. at 2.

⁸ *Id.*

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1 for example, a contribution disclosed in NRA Victory Fund’s 2020 October Monthly Report
2 includes the name and address of the contributor along with the date and amount of his
3 contribution, but the employer and occupation fields remain blank; a separate entry on the
4 amended Year-End Report, meanwhile, provides that contributor’s employer and occupation but
5 not the date and amount of his contribution.⁹ The Supplemental Complaint argues that this
6 “defeats any voter’s efforts to quantify contributions from a particular individual or a particular
7 employer.”¹⁰

8 After the Supplemental Complaint, NRA Victory Fund submitted a Second Amended
9 Year-End Report, which adds a memo line with the date of the original contribution to each entry
10 listing employer and occupation information.¹¹ It also submitted a Supplemental Response
11 contending that the Second Amended Year-End Report “provide[s] cross-references to the
12 original donations, providing Complainant with all the information it could possibly need.”¹²

13 III. LEGAL ANALYSIS

14 The treasurer of an unauthorized political committee is responsible for disclosing the
15 occupation and name of the employer of each individual whose contributions exceed \$200 per
16 calendar year.¹³ When a treasurer of a political committee shows that the committee used “best
17 efforts” to obtain, maintain, and submit the information required by the Act, the committee’s

⁹ Supp. Compl. at 1-2 (Apr. 8, 2021).

¹⁰ *Id.* at 3.

¹¹ NRA Victory Fund, Amended 2020 Year-End Report (Apr. 23, 2021).

¹² Supp. Resp. at 1 (Apr. 29, 2021).

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

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1 reports will be considered in compliance with the Act.¹⁴ Best efforts require, among other
2 things, that all written solicitations contain a clear request for the necessary information and that,
3 within 30 days after the receipt of the contribution, the treasurer make at least one effort to obtain
4 the missing information, in either a written request or a documented oral request.¹⁵ If the
5 treasurer receives missing contributor information after submitting a report, the treasurer either
6 files an amendment to the report originally disclosing the contribution to provide the missing
7 contributor information or includes the missing contributor information on an amended memo
8 Schedule A with the next regularly-scheduled report.¹⁶ The best efforts standard is an
9 affirmative defense; the burden rests with the political committee and its treasurer to present
10 evidence sufficient to demonstrate that best efforts were exercised to obtain, maintain, and
11 submit the required information.¹⁷

12 The available information here indicates that NRA Victory Fund failed to provide
13 contributor employer and occupation information for 40 of its 42 individual contributors during
14 the 2020 election cycle on its initial 2020 Year-End disclosure report and failed to establish that
15 it used best efforts in collecting and reporting contributor information for that report.¹⁸ A review

¹⁴ 52 U.S.C. § 30102(i); 11 C.F.R. § 104.7(a).

¹⁵ 11 C.F.R. § 104.7(b).

¹⁶ *Id.* § 104.7(b)(4)(i).

¹⁷ *E.g.*, Factual & Legal Analysis (“F&LA”) at 7, MUR 7616 (Oakland County Democratic Party) (citing Statement of Policy Regarding Treasurers’ Best Efforts to Obtain, Maintain, and Submit Information as Required by the Federal Election Campaign Act, 72 Fed. Reg. 31,438, 31,440 (June 7, 2007)).

¹⁸ *See supra* notes 2-3; *see also* F&LA at 3, MUR 5957 (Committee to Elect Sekhon for Congress) (finding reason to believe committee violated what is now 52 U.S.C. § 30104(b) when it “failed to provide contributors’ name, employer and/or occupation information for 219 of 245 entries or approximately 89% of contributions from individuals, and failed to establish that it used best efforts to obtain that information”). The Commission ultimately

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1 of the Committee's reports from August through the end of 2020 shows that it did not timely file
2 occupation and employer information, and RAD issued an RFAI seeking that information as to
3 the 2020 Year-End Report.¹⁹ NRA Victory Fund asserts that the Complaint is insufficient
4 because it lacks "specific evidentiary support" for the allegation that the Committee failed to
5 satisfy the best efforts regulation.²⁰ However, the best efforts regulation is an affirmative
6 defense,²¹ and NRA Victory Fund provides no support for its contention that it satisfied the
7 requirements needed to invoke that defense: It neither explains what efforts it undertook to
8 collect employer and occupation information when soliciting contributions nor represents that it
9 lacked such information when initially filing its reports. Instead, it represents that it
10 implemented an internal policy to obtain employer and occupation information *after* it received
11 the Complaint, indicating that no such policy existed previously.²²

12 However, NRA Victory Fund amended its 2020 Year-End Report to provide occupation
13 and employer information for nearly all of the individual contributors for that election cycle.
14 These amendments ultimately made employer and occupation information available to the
15 public.²³ The Supplemental Complaint contends that the Committee's manner of amending its

split on whether to accept a conciliation agreement with the Committee in MUR 5957 and closed the file. Certification, MUR 5957 (Oct. 23, 2008).

¹⁹ *Supra* notes 3-4.

²⁰ Resp. at 2.

²¹ *Supra* note 17.

²² Resp. at 2.

²³ The Commission has in prior matters dismissed similar allegations where the respondent cured missing employer and occupation information by amending reports. *See* F&LA at 1, MUR 7814 (Salazar for Congress, *et al.*) (dismissing allegations that committee accepted excessive contributions where it refunded contributions after receiving the complaint and an RFAI); F&LA at 6, MUR 7799 (Stephanie for New Jersey, *et al.*) (dismissing

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1 report prevents the public from determining the total amount of contributions made by
2 employees of a particular employer,²⁴ but the amended entries that do not show the amount of
3 the original contribution nevertheless include the aggregate contribution amount for that
4 individual for the cycle and, in the second amended report, disclose as a memo entry the date of
5 the original contribution. This vindicates the Commission's interest in ensuring that required
6 information regarding contributors is available to the public.

7 Given that the Committee's amended 2020 Year-End Report addresses the core reporting
8 failures raised by the Complaint, and the Committee has represented that it has implemented new
9 internal controls to ensure it requests employer and occupation information in the future, the
10 Commission will dismiss the allegations in the Complaint as a matter of prosecutorial
11 discretion.²⁵

reporting violations where committee had taken corrective actions, though prior to receiving the complaint and RFAI in the matter); F&LA at 1, MUR 7400 (Jim Francis for Congress, *et al.*) (dismissing under Enforcement Priority System allegations that committee failed to report disbursements on its disclosure reports when committee filed amended reports to correct the error after receiving the complaint). By comparison, in MUR 5957 (Committee to Elect Sekhon for Congress), the Commission found reason to believe a committee failed to provide required contributor information when it did not amend its reports to add this information or demonstrated that it had used best efforts to attempt to collect this information despite repeated requests from RAD. F&LA at 2-3, MUR 5957 (Committee to Elect Sekhon for Congress). To date in the 2022 election cycle, the Committee has reported only one contribution from an individual over \$200 and disclosed that contributor's employer and occupation at that time. NRA Victory Fund, 2021 October Monthly Report at 6 (Oct. 20, 2021).

²⁴ Supp. Compl at 3.

²⁵ See *Heckler v. Chaney*, 470 U.S. 821 (1985); *see also supra* note 236.