



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA FIRST CLASS AND ELECTRONIC MAIL

Adam Kokesh

July 28, 2022

Ash Fork, AZ 86320

RE: MUR 7901

Dear Mr. Kokesh:

The Federal Election Commission previously notified your principal campaign committee, the Adam Kokesh American Referendum Project and Angela Thornton in her official capacity as treasurer (the “Committee”), that it had ascertained information in the normal course of carrying out its supervisory responsibilities indicating that the Committee may have violated the Federal Election Campaign Act of 1971, as amended (the “Act”). At that time, we also provided the Committee with a copy of the referral document received by this Office. Attachment 1. The referral stated that the Committee has been referred for the unauthorized use of committee funds in violation of 52 U.S.C. §§ 30102(b), (c), 30104(b). We received the Committee’s response, and the matter is currently under review by the Commission.

The Commission has ascertained additional information in the normal course of carrying out its supervisory responsibilities indicating that you may have violated the Act or Commission regulations by accepting excessive and prohibited foreign national contributions. We have obtained information indicating that during your campaign for U.S. President in 2018, you received a stipend of approximately \$10,000 USD per month in cryptocurrency for an unknown period of time spanning at least December 2017 through March 2018 from Roger Ver, a citizen of St. Kitts and Nevis who renounced his U.S. citizenship in 2014, and at least a portion of these payments were provided for your presidential campaign. You are therefore being provided this notice and an opportunity to respond, if you wish to do so.

Under the Act, the term “contribution” includes any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing a Federal election. *See* 52 U.S.C. § 30101(8)(A); 11 C.F.R. § 100.52.

Adam Kokesh
MUR 7901
Page 2 of 3

The Act sets forth limits to contributions that a person may make. *See* 52 U.S.C. § 30116(a). In 2018, the maximum contribution that an individual could make to a candidate and his authorized committee was \$2,700 per election.

Further, the Act prohibits any person from knowingly accepting or receiving a contribution made by a foreign national in connection with a federal, state, or local election. 52 U.S.C. § 30121(a)(2); 11 C.F.R. § 110.20(g). A “foreign national” is an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence. 52 U.S.C. § 30121(b)(2).

Your alleged receipt of a stipend of approximately \$10,000 USD per month in cryptocurrency, if made for campaign-related purposes, would constitute excessive and prohibited contributions. Based on the available information, it appears that you may have violated the Act by accepting excessive and prohibited foreign national contributions.

The Office of General Counsel is reviewing this information to determine whether we should recommend to the Commission that it find there is reason to believe you violated the Act or Commission regulations. A “reason to believe” finding is not a finding that any person violated the Act; rather, it means only that the Commission believes a violation may have occurred. In the event the Commission finds that there is reason to believe, it may authorize the Office of General Counsel to conduct an investigation to determine whether, in fact, a violation occurred or to assess the scope of the alleged violation. *See* 52 U.S.C. § 30109(a)(2). The Commission may also authorize the Office of General Counsel to enter into negotiations directed toward reaching a conciliation agreement in settlement of a matter at an earlier stage of the enforcement process prior to a Commission finding that there is probable cause believe that a person violated the Act or Commission regulations. *See* 11 C.F.R. § 111.18(d) and the enclosed procedures. Attachment 2.

Before we make a recommendation to the Commission, we offer you the opportunity to provide in writing a response to the allegations in the complaint and the information in this letter. Should you choose to respond, you may also submit any materials — including documents or affidavits from persons with relevant knowledge — that you believe may be relevant or useful to the Commission’s consideration of this matter. The Commission will take into account any additional information you provide in determining whether to find reason to believe that you violated the Act or Commission regulations.

Your response, if you choose to make one, must be submitted in writing within 15 days of this letter’s receipt. You should address any response to the Office of General Counsel, and the response should reference MUR 7901. Any correspondence sent to the Commission, such as a response, must be addressed to one of the following:

Adam Kokesh
MUR 7901
Page 3 of 3

Mail

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, D.C. 20463

OR

Email

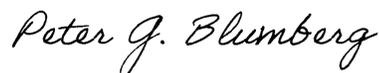
cela@fec.gov

We strongly encourage you to file your response via email. If you submit your response via email, this Office will provide an electronic receipt by email. After 15 days, we will make our recommendations to the Commission. The Commission will then consider the recommendations and take appropriate action.

This matter will remain confidential unless you notify the Commission in writing that you wish the matter to be made public. *See* 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12). If you intend to be represented by counsel in this matter, please complete the enclosed form and return it to the Commission. Attachment 3. Please be advised though that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹ Also, please be advised that you are required to preserve all documents, records, and materials relating to the subject matter in the complaint and discussed in this matter until we notify you that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

If you have any questions, please contact Christal Dennis at (202) 694-1519 or toll free at 1-800-424-9530. Information is also available on the Commission's website at www.fec.gov.

Sincerely,



Peter G. Blumberg
Assistant General Counsel

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).