

BEFORE THE FEDERAL ELECTION COMMISSION

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MARGARET CHRIST
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v.

MUR No. **7912**

SENATE LEADERSHIP FUND
Treasurer, Caleb Crosby
6218 Georgia Avenue NW, Suite 1 - 595
Washington, DC 20011-5125

SENATE MAJORITY PAC
Treasurer, Rebecca Lambe
700 13th Street NW, Suite 800
Washington, DC 20005

CONGRESSIONAL LEADERSHIP FUND
Treasurer, Caleb Crosby
1747 Pennsylvania Avenue NW, 5th Floor
Washington, DC 20006

LMG PAC/HOLD THEM ACCOUNTABLE
Treasurer, Taryn Vogel
PO Box 2505
Mount Pleasant, SC 29465

FUTURE45
Treasurer, Maria Wojciechowski
PO Box 710993
Herndon, VA 20171

PEACHTREE PAC
Treasurer, Julie Dozier
6350 Lake Oconee Parkway, Suite 110-1027
Greensboro, GA 30642

PLAINS PAC

Treasurer, Kimberly Ford
12641 Antioch Road, Suite 1040
Overland Park, KS 66213

KEEP KENTUCKY GREAT
Treasurer, Caleb Crosby
6844 Bardstown Road #710
Louisville, KY 40291

THE MAINE WAY PAC
Treasurer, Ben Ottenhoff
126 Western Avenue #1008
Augusta, ME 04330

FAITH AND POWER PAC
Treasurer, Ezekiel Patterson
521 Yopp Road, Suite 214, PMB 1008
Jacksonville, NC 28540

AMERICAN CROSSROADS
Treasurer, Caleb Crosby
PO Box 34413
Washington, DC 20043

DEFENDARIZONA
Treasurer, Benjamin Ottenhoff
6635 W. Happy Valley Road, Suite A104, #198
Glendale, AZ 85310

MOUNTAIN FAMILIES PAC
Treasurer, Benjamin Ottenhoff
PO Box 9891
Arlington, VA 22219

SUNFLOWER STATE
Treasurer, Jim Jesse
4000 W. 6th Street, Suite B, PMB #228
Lawrence, KS 66049

CAROLINA BLUE
Treasurer, Doug Heyl
2664 Timber Drive #128
Garner, NC 27529

TEXAS FOREVER
Treasurer, Christopher R. Lippincott

PO Box 66242
Austin, TX 78766

HIGHWAY 31
Treasurer, Edward Still
429 Green Springs Highway, Suite 161-304
Birmingham, AL 35209

RED AND GOLD
Treasurer, Roy Herrera, Jr.
307 East Verde Lane
Phoenix, AZ 85012

ILLINOIS CONSERVATIVES PAC
Treasurer, Kim Ledesma
1440 W. Taylor Street #1097
Chicago, IL 60607

AMERICAN FUTURE FUND POLITICAL ACTION
Treasurer, Chris Marston
45 North Hill Drive, Suite 100
Warrenton, VA 20186

LONE STAR VALUES PAC
Treasurer, Maria Wojciechowski
13520 McLearen Road #711024
Herndon, VA 20171

LIBERTY SC
Treasurer, Lisa Pearson
PO Box 50774
Columbia, SC 29250

TRUTH STILL MATTERS PAC
Treasurer, Devy Enz
301 W. Platt Street #A-140
Tampa, FL 33606

COMPLAINT

1. Between 2017 and 2020, eighteen super PACs poured more than \$200 million into competitive federal elections across the country while illegally concealing a key fact: that

they were affiliated with *other* super PACs, most of which were established national super PACs tied to congressional leadership. The eighteen super PACs falsely presented themselves to voters as independent, often with names that suggested local ties—like “Keep Kentucky Great,” “The Maine Way,” or “Texas Forever”—despite receiving all or nearly all of their funding from established D.C.-based super PACs like Senate Leadership Fund or Senate Majority PAC (“SMP”):

- a) The national Republican super PAC Senate Leadership Fund provided all or nearly all of the funding to Peachtree PAC, Plains PAC, Keep Kentucky Great, The Maine Way PAC, Faith and Power PAC, American Crossroads, DefendArizona, and Mountain Families PAC in the 2018 or 2020 election cycles; those shell super PACs spent millions of dollars in competitive federal elections, including Senate races in Georgia, Kansas, Kentucky, Maine, Colorado, Arizona, and West Virginia, but failed to disclose that they were affiliated with Senate Leadership Fund;
- b) The national Democratic super PAC SMP provided all or the significant majority of the funding for Sunflower State, Carolina Blue, Texas Forever, Highway 31, and Red and Gold in the relevant periods; those super PACs spent millions of dollars in Senate elections in Kansas, Colorado, Texas, Alabama, and Arizona but failed to disclose their affiliation with SMP;
- c) The Republican super PAC Congressional Leadership Fund provided all or nearly all of the funding to Illinois Conservatives PAC, American Future Fund PAC, and Lone Star Values PAC in the 2018 or 2020 election cycles; those super PACs

spent millions of dollars on congressional races in Illinois, California, and Texas but failed to disclose their affiliations with Congressional Leadership Fund; and

- d) The Democratic super PAC LMG PAC and the Republican super PAC Future 45 entirely funded the super PACs Liberty SC and Truth Still Matters PAC, respectively; both super PACs formed less than a month before the 2020 general election and proceeded to make last-minute expenditures in the South Carolina and North Carolina Senate races, but failed to disclose their affiliations with LMG PAC and Future45.
2. In some instances, the shell super PAC suddenly formed in the final weeks of competitive congressional races, poured millions of dollars into those races under seemingly local names, and strategically timed their spending such that the public did not learn the true source of the mystery group's communications until after the election. The failure to disclose these affiliations as required by law deprived voters of important information about who was spending to influence their votes.
 3. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that the 18 shell super PACs and the 5 super PACs that established and financed them have violated the Federal Election Campaign Act ("FECA"), 52 U.S.C. § 30101, *et seq.*, by failing to report committees with which they were or are affiliated.
 4. "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).

5. Campaign Legal Center (“CLC”) is a nonpartisan, nonprofit 501(c)(3) organization whose mission is to protect and strengthen the U.S. democratic process through litigation and other legal advocacy. CLC participates in judicial and administrative matters throughout the nation regarding campaign finance, voting rights, redistricting, and government ethics issues.

SUMMARY OF THE LAW

6. FECA requires that political committees publicly disclose “the name, address, relationship, and type of any connected organization or affiliated committee.” 52 U.S.C. § 30103(b)(2). These disclosures must be included on the statement of organization that a political committee files within 10 days of becoming a political committee. *Id.*; 52 U.S.C. § 30103(a); *see also* 11 C.F.R. § 102.2(b)(1).
7. In practice, committees comply with FECA’s requirement by “list[ing] all affiliated committees” on line 6 of the statement of organization.¹ Then, on their regular reports filed with the Commission, affiliated committees report transactions among one another broken out from other receipts and disbursements—namely, on lines 12 (transfers from affiliated committees) and 22 (transfers to affiliated committees).²
8. Commission regulations define “affiliated committee” to include “[a]ll committees . . . established, financed, maintained or controlled by the same corporation, labor organization, person, or group of persons, including any parent, subsidiary, branch, division, department, or local unit thereof.” 11 C.F.R. § 100.5(g)(2); *see also id.* § 100.5(g)(3).

¹ FEC, Instructions for Statement of Organization (FEC Form 1) at 2-3 (Feb. 2009), <https://www.fec.gov/resources/cms-content/documents/fecfrm1i.pdf>; *see also* 52 U.S.C. § 30103(b)(2).

² *See* FEC, Instructions for FEC Form 3X and Related Schedules at 6, 7-8 (May 2016), <https://www.fec.gov/resources/cms-content/documents/fecfrm3xi.pdf>; 52 U.S.C. §§ 30104(b)(2)(F), 30104(b)(3)(D), 30104(b)(4)(C), 30104(b)(5)(C).

9. In assessing whether committees are affiliated, the Commission considers several “circumstantial factors” described in the regulation, “in the context of the overall relationship between committees,” to determine whether a committee had “been established, financed, maintained or controlled by another committee.” 11 C.F.R. § 100.5(g)(4)(ii).
10. Factors the Commission will consider in determining affiliation include, but are not limited to: whether the sponsoring entity “has the authority or ability to direct or participate in the governance” of the committee, including through “formal or informal practices or procedures,” 11 C.F.R. § 100.5(g)(4)(ii)(B), whether it has hiring authority or decision-making authorities over employee matters, *id.* § 100.5(g)(4)(ii)(C), whether the entities share “common or overlapping officers or employees,” *id.* § 100.5(g)(4)(ii)(E), whether the sponsoring entity “provides funds or goods in a significant amount or on an ongoing basis to another sponsoring organization or committee, such as through direct or indirect payments for administrative, fundraising, or other costs,” *id.* § 100.5(g)(4)(ii)(G), whether the sponsoring entity “causes or arranges for funds in a significant amount or on an ongoing basis to be provided to another sponsoring organization or committee,” *id.* § 100.5(g)(4)(ii)(H),³ whether the sponsoring entity “had an active or significant role in the formation of” the other entity, *id.* § 100.5(g)(4)(ii)(I), and whether the entities “have similar patterns of contributions or contributors which indicates a formal or ongoing relationship between the sponsoring organizations or committees,” *id.* § 100.5(g)(4)(ii)(J).⁴

³ The factors described at 11 C.F.R. § 100.5(g)(4)(G)-(H) additionally clarify that these factors do “not include[e] the transfer to a committee of its allocated share of proceeds jointly raised pursuant to 11 CFR 102.17.” 11 C.F.R. § 100.5(g)(4)(G)-(H).

⁴ *See also* FEC, Guide for Nonconnected Committees at 8 (May 2008), <https://www.fec.gov/resources/cms-content/documents/nongui.pdf> (explaining that “committees are affiliated per se when they are established, financed, maintained or controlled by a single entity or by the same person or group of persons,” and additionally that “[w]hen committees are not per se affiliated, the Commission may nevertheless look to the [100.5(g)] factors to determine whether two or more committees are affiliated”).

11. In advisory opinions, the Commission has repeatedly emphasized that the affiliation test is fact-based and context-dependent, and that the 100.5(g)(4) factors are not exhaustive.⁵ Additionally, in advisory opinions that have determined that previously affiliated committees were no longer affiliated, the Commission has made clear that affiliation may not be a permanent state throughout the entire life of a committee; rather, as factors relevant to the circumstantial test change over time, so may affiliation status.⁶

I. PEACHTREE PAC/SENATE LEADERSHIP FUND

12. Peachtree PAC (ID: C00762377) is an independent expenditure-only political committee (*i.e.*, a “super PAC”) that formed on November 6, 2020.⁷ On its statement of organization, Peachtree PAC told the Commission that it was affiliated with no other committees.⁸
13. Senate Leadership Fund (“SLF”) (ID: C00571703) is a national super PAC that formed in 2015.⁹ Across the 2018 and 2020 election cycles, SLF reported spending \$389 million on independent expenditures in federal races across the country.¹⁰ Its current statement of organization, which the super PAC has not updated since first registering with the Commission, states that it has no affiliated committees.¹¹

⁵ See, e.g., AO 2005-17 (American Crystal Sugar); AO 2002-15 (UROPAC); AO 2004-41 (CUNA).

⁶ See, e.g., AO 2000-28 (ASHA); AO 2003-21 (Lehman Brothers); AO 2017-01 (American Urological Association).

⁷ Peachtree PAC, Statement of Organization, FEC Form 1 at 1, 5 (filed Nov. 6, 2020), <https://docquery.fec.gov/pdf/183/202011069336972183/202011069336972183.pdf>.

⁸ *Id.* at 3 (stating “NONE” on line 6).

⁹ Senate Leadership Fund, Statement of Organization, FEC Form 1 at 1 (filed Jan. 20, 2015), <https://docquery.fec.gov/pdf/437/15031374437/15031374437.pdf>.

¹⁰ Senate Leadership Fund, Independent Expenditures (regularly scheduled reports), Jan. 1, 2017-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00571703&is_notice=false&most_recent=true&min_date=01%2F01%2F2017&max_date=12%2F31%2F2020 (last visited July 1, 2021).

¹¹ Senate Leadership Fund, Statement of Organization, *supra* note 9, at 4.

14. On December 8, 2020, an SLF official told the *Associated Press* that it was operating Peachtree PAC, and that Peachtree PAC would spend \$43 million in the upcoming U.S. Senate run-off elections in Georgia.¹² SLF's president said in a statement that: "The fate of our country hangs in the balance in Georgia. This new activity through Peachtree PAC will articulate the stakes couldn't be higher as the future of freedom is on the ballot."¹³
15. On December 3, 2020, Peachtree PAC filed its first regular report with the Commission, but it disclosed no activity.¹⁴
16. Between December 7, 2020 and December 28, 2020, Peachtree PAC reported to the Commission spending \$37.8 million on independent expenditures opposing the Democratic candidates and supporting the Republican candidates in the Georgia U.S. Senate run-off elections.¹⁵
17. On January 31, 2021, more than three weeks after the run-off election, Peachtree PAC filed its year-end report disclosing that all of the \$38 million it raised came from SLF.¹⁶ Peachtree PAC reported the SLF contributions on line 11(c), contributions from other political

¹² Bryan Slodysko, *Source of Money Behind New GOP Super PAC a Mystery*, ASSOCIATED PRESS (Dec. 8, 2020), <https://apnews.com/article/joe-biden-georgia-political-action-committees-elections-campaigns-f94bd19e3d853919ed4c0053db1bd9f9>.

¹³ *Id.*; see also Fredreka Schouten & David Wright, *A new McConnell-aligned super PAC plans \$43 million ad blitz to sway Georgia runoffs*, CNN (Dec. 8, 2020), <https://www.cnn.com/2020/12/08/politics/new-super-pac-to-spend-43-million-in-georgia-senate-runoffs/index.html>.

¹⁴ Peachtree PAC, 2020 Post-General Report, FEC Form 3X at 2 (filed Dec. 3, 2020), <https://docquery.fec.gov/pdf/107/202012039340441107/202012039340441107.pdf>.

¹⁵ Peachtree PAC, Independent Expenditures (regularly scheduled reports), FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00762377&is_notice=false&most_recent=true (last visited July 1, 2021).

¹⁶ Peachtree PAC, 2020 Year-End Report, FEC Form 3X at 3, 7-8 (filed Dec. 3, 2020), <https://docquery.fec.gov/pdf/795/202101319423775795/202101319423775795.pdf>.

committees.¹⁷ The SLF contributions occurred in five installments beginning December 7, 2020, the same day as Peachtree PAC’s first independent expenditure.¹⁸

18. To date, Peachtree PAC has filed no other regular reports with the Commission, and SLF remains the sole source of Peachtree PAC’s funding.
19. ***This available evidence demonstrates that Peachtree PAC and SLF are affiliated.*** In the 2020 cycle, Peachtree PAC was entirely funded by SLF, SLF’s first contribution to Peachtree PAC occurred the same day that Peachtree PAC made its first independent expenditure, and SLF’s president acknowledged in a statement that SLF was conducting “activity through Peachtree PAC.”¹⁹ By contributing *all* of the \$38 million raised by Peachtree PAC, SLF has “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Peachtree PAC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Peachtree PAC, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). SLF’s public statements that it operated Peachtree PAC and conducted “activity through Peachtree PAC” indicate that SLF “had an active or significant role in the formation of Peachtree PAC,” 11 C.F.R. § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Peachtree PAC, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Peachtree PAC was “established, financed, maintained or controlled by” SLF. 11 C.F.R. § 100.5(g)(4)(ii).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *See supra* ¶¶ 12-18.

20. Therefore, there is reason to believe that Peachtree PAC and Senate Leadership Fund violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SLF's contributions to Peachtree PAC as transfers between affiliated committees.

II. PLAINS PAC/SENATE LEADERSHIP FUND

21. Plains PAC (ID: C00750174) is a super PAC that formed on July 1, 2020.²⁰ On its original and its subsequently amended statements of organization, Plains PAC disclosed no affiliated committees.²¹
22. To date, Plains PAC has reported receiving \$15.1 million in contributions,²² \$14.98 million of which came from SLF.²³ SLF's first contribution to Plains PAC, in the amount of \$1 million, was made the same day Plains PAC was formed.²⁴ Plains PAC has reported \$0 in line 12 transfers from affiliated committees.²⁵
23. Between July 2, 2020 and October 23, 2020, Plains PAC spent \$15.06 million on independent expenditures in the primary and general U.S. Senate elections in Kansas.²⁶
24. After the general election, Plains PAC contributed \$4,000 back to SLF.²⁷

²⁰ Plains PAC, Statement of Organization, FEC Form 1 at 1, 5 (filed July 1, 2020), <https://docquery.fec.gov/pdf/161/202007019244228161/202007019244228161.pdf>.

²¹ *Id.* at 3; Plains PAC, Statement of Organization, FEC Form 1 at 3 (amended Jan. 31, 2021), <https://docquery.fec.gov/pdf/639/202101319423776639/202101319423776639.pdf>.

²² Plains PAC, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00750174/?tab=summary> (last visited July 1, 2021).

²³ Plains PAC, Individual contributions, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C0075017 (last visited July 1, 2021).

²⁴ *See id.*

²⁵ Plains PAC, Financial Summary, *supra* note 22.

²⁶ Plains PAC, Independent expenditures (regularly scheduled reports), FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00750174&is_notice=false&most_recent=true (last visited June 20, 2021).

²⁷ Plains PAC, 2020 Post-General Report, FEC Form 3X at 10 (filed Dec. 3, 2020), <https://docquery.fec.gov/pdf/750/202012039340585750/202012039340585750.pdf>.

25. *This available evidence indicates that Plains PAC and SLF are affiliated.* In the 2020 cycle, Plains PAC was almost entirely funded by SLF, SLF gave Plains PAC \$1 million on the day Plains PAC first formed, and Plains PAC began making independent expenditures the immediately following day.²⁸ By contributing nearly all of the \$15.1 million raised by Plains PAC, SLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Plains PAC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Plains PAC, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with evidence that SLF’s first \$1 million contribution was made on the same day Plains PAC was formed and that Plains PAC returned leftover funds to SLF after the election, also indicate that SLF both “had an active or significant role in the formation of” Plains PAC, 11 C.F.R. § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Peachtree PAC, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Plains PAC was “established, financed, maintained or controlled by” SLF. 11 C.F.R. § 100.5(g)(4)(ii).
26. Therefore, there is reason to believe that Plains PAC and Senate Leadership Fund violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SLF’s contributions to Plains PAC as transfers between affiliated committees.

III. KEEP KENTUCKY GREAT/SENATE LEADERSHIP FUND

²⁸ See *supra* ¶¶ 21-24.

27. Keep Kentucky Great (ID: C00742494) is a super PAC that formed on March 19, 2020.²⁹ On its original and its subsequently amended statements of organization, Keep Kentucky Great disclosed no affiliated committees to the Commission.³⁰
28. Between April 13, 2020 and November 17, 2020, Keep Kentucky Great reported receiving \$13.6 million in contributions, the entire sum of which came from SLF.³¹ Keep Kentucky Great reported no transfers from affiliated committees in the 2020 cycle, nor any other forms of receipts other than the contributions from SLF.³²
29. Between September 3, 2020 and October 27, 2020, Keep Kentucky Great reported spending \$13.04 million on independent expenditures opposing Democratic candidate Amy McGrath in the U.S. Senate race in Kentucky.³³
30. Meanwhile, between December 11, 2019 and September 25, 2020, SLF spent approximately \$202,000 on independent expenditures in the Kentucky U.S. Senate race supporting Republican candidate Mitch McConnell.³⁴

²⁹ Keep Kentucky Great, Statement of Organization, FEC Form 1 at 1, 5 (filed Mar. 19, 2020), <https://docquery.fec.gov/pdf/169/202003199203905169/202003199203905169.pdf>.

³⁰ *Id.* at 3; Keep Kentucky Great, Statement of Organization, FEC Form 1 at 3 (amended Dec. 7, 2020), <https://docquery.fec.gov/pdf/327/202012079366423327/202012079366423327.pdf>.

³¹ Keep Kentucky Great, Individual contributions, 2019-20, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00742494&two_year_transaction_period=2020 (last visited July 1, 2021).

³² Keep Kentucky Great, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00742494/?tab=summary> (last visited July 1, 2021).

³³ Keep Kentucky Great, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00742494&is_notice=false&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021).

³⁴ Senate Leadership Fund, Independent Expenditures in Kentucky (regularly scheduled reports), Jan. 1, 2019-present, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00571703&is_notice=false&most_recent=true&candidate_office_state=KY&min_date=01%2F01%2F2019 (last visited July 1, 2021).

31. On November 9, 2020, less than a week after the general election, Keep Kentucky Great transferred \$440,200 back to SLF.³⁵
32. ***This available evidence indicates that Keep Kentucky Great and SLF are affiliated.*** In the 2020 cycle, Keep Kentucky Great was entirely funded by SLF, and less than a week after the election Keep Kentucky Great transferred remaining excess funds back to SLF.³⁶ By funding the entirety of Keep Kentucky Great’s \$13.6 million in contributions, SLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Keep Kentucky Great, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Keep Kentucky Great, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These patterns of contributions, combined with Keep Kentucky Great’s transfer of its remaining funds back to SLF shortly after the 2020 general election, also indicate that SLF both “had an active or significant role in the formation of” Plains PAC, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Keep Kentucky Great, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Keep Kentucky Great was “established, financed, maintained or controlled by” SLF. *Id.* § 100.5(g)(4)(ii).
33. Therefore, there is reason to believe that Keep Kentucky Great and Senate Leadership Fund violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SLF’s contributions to Keep Kentucky Great as transfers between affiliated committees.

³⁵ Keep Kentucky Great, 2020 Post-General Report, FEC Form 3X at 9 (filed Dec. 3, 2020), <https://docquery.fec.gov/pdf/320/202012039340548320/202012039340548320.pdf>.

³⁶ *See supra* ¶¶ 27-31.

IV. THE MAINE WAY PAC/SENATE LEADERSHIP FUND

34. The Maine Way PAC (ID: C00701821) is a super PAC that formed on April 9, 2019.³⁷ On its statement of organization, the super PAC disclosed no affiliated committees.³⁸
35. The Maine Way received no contributions—and was dormant—until the fall of 2020. On October 27, 2020, the same day as The Maine Way PAC’s first independent expenditure, SLF gave The Maine Way PAC \$3.5 million.³⁹ In total, in the 2020 cycle, The Maine Way PAC received \$3.6 million in contributions, \$3.5 million of which came from SLF.⁴⁰
36. Between October 27 and October 28, 2020, The Maine Way PAC spent \$3.55 million on independent expenditures opposing Democratic candidate Sara Gideon in the Maine U.S. Senate race.⁴¹
37. On November 9, 2020, after the election, The Maine Way PAC transferred \$40,600 back to SLF.⁴²
38. ***This available evidence indicates that The Maine Way PAC and SLF are affiliated.*** In the 2020 cycle, The Maine Way PAC was nearly entirely funded by SLF, SLF’s first and only contribution to The Maine Way PAC occurred the same day The Maine Way PAC began making independent expenditures, and less than a week after the election The Maine Way

³⁷ The Maine Way, Statement of Organization, FEC Form 1 at 1, 5 (filed Apr. 9, 2019), <https://docquery.fec.gov/pdf/983/201904099146056983/201904099146056983.pdf>.

³⁸ *Id.* at 3.

³⁹ The Maine Way PAC, 2020 Post-General Report, FEC Form 3X at 6 (filed Dec. 3, 2020), <https://docquery.fec.gov/pdf/905/202012039340447905/202012039340447905.pdf>. The Maine Way PAC did not disclose this SLF funding until after the general election, when it filed its post-general report on December 3, 2020. *Id.* at 1, 6.

⁴⁰ The Maine Way PAC, Individual contributions, 2019-20, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00701821&two_year_transaction_period=2020 (last visited July 1, 2021).

⁴¹ The Maine Way, Independent Expenditures (regularly scheduled reports), FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00701821&is_notice=false&most_recent=true (last visited July 1, 2021).

⁴² The Maine Way PAC, 2020 Post-General Report, *supra* note 39, at 8.

PAC transferred remaining excess funds back to SLF.⁴³ By almost completely funding The Maine Way PAC, SLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” The Maine Way PAC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to The Maine Way PAC, *id.* § 100.5(g)(4)(ii)(G); this funding indicates “a formal or ongoing relationship” between the committees, *id.* § 100.5(g)(4)(ii)(J). Additionally, the SLF funding, combined with the timing of SLF’s contribution and with The Maine Way PAC’s subsequent transfer of its remaining funds back to SLF after the election, indicates that SLF had the formal or informal “authority or ability to direct or participate in the governance” of The Maine Way PAC, 11 C.F.R. § 100.5(g)(4)(ii)(B), and may also have “had an active or significant role in the formation of” The Maine Way PAC, *id.* § 100.5(g)(4)(ii)(I). Those factors, together in “the context of the overall relationship,” suggest that The Maine Way PAC was “established, financed, maintained or controlled by” SLF. 11 C.F.R. § 100.5(g)(4)(ii).

39. Therefore, there is reason to believe that The Maine Way PAC and Senate Leadership Fund violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SLF’s contributions to The Maine Way PAC as transfers between affiliated committees.

V. FAITH AND POWER PAC/SENATE LEADERSHIP FUND

⁴³ See *supra* ¶¶ 34-37.

40. Faith and Power PAC (ID: C00736751) is a super PAC that formed on January 29, 2020.⁴⁴ On its statement of organization, the super PAC disclosed no affiliated committees to the Commission.⁴⁵
41. Faith and Power PAC reported receiving \$2.95 million in contributions, all of which were made by SLF: \$2.45 million on January 31, 2020, two days after the super PAC's formation and less than a week before it began making independent expenditures, and \$500,000 on February 12, 2020, two days before the super PAC's second and final independent expenditure.⁴⁶
42. Faith and Power PAC did not report receiving any transfers from affiliated committees, and its only other receipts were \$1,643 in operating expenditure offsets.⁴⁷
43. Between February 3 and February 14, 2020, Faith and Power PAC spent \$2.9 million on independent expenditures in the Democratic U.S. Senate primary in North Carolina; the ads opposed Democratic candidate Cal Cunningham and supported Democratic candidate Erica Danette Smith.⁴⁸
44. On February 21, 2020, the day after Faith and Power PAC filed its pre-primary report disclosing the SLF funding, *The Charlotte Observer* reported on the disclosure and featured a statement from SLF president Steven Law, who said: "We stole a page out of (Senate

⁴⁴ Faith and Power PAC, Statement of Organization, FEC Form 1 at 1, 5 (filed Jan. 29, 2020), <https://docquery.fec.gov/pdf/424/202001299182323424/202001299182323424.pdf>.

⁴⁵ *Id.* at 3.

⁴⁶ Faith and Power PAC, Individual contributions, 2019-20, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00736751&two_year_transaction_period=2020 (last visited July 1, 2021).

⁴⁷ Faith and Power PAC, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00736751/?tab=summary> (last visited July 1, 2021).

⁴⁸ Faith and Power PAC, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-present, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00736751&is_notice=false&most_recent=true&min_date=01%2F01%2F2019 (last visited July 1, 2021).

Minority Leader) Chuck Schumer’s playbook, and it’s been more successful than we could have imagined.”⁴⁹

45. ***This available evidence indicates that Faith and Power PAC and SLF are affiliated.*** In the 2020 cycle, Faith and Power PAC was entirely funded by SLF, SLF’s two contributions funding Faith and Power PAC appear to have been timed to align with Faith and Power PAC’s imminent independent expenditures, and SLF’s president publicly took credit for Faith and Power PAC’s strategy, calling it “more successful than we could have imagined.”⁵⁰ By providing all \$2.95 million of the funds raised by Faith and Power PAC, SLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Faith and Power PAC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Faith and Power PAC, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of the contributions and the SLF president’s public statements, also indicate that SLF both “had an active or significant role in the formation of” Faith and Power PAC, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Faith and Power PAC, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Faith and Power PAC was “established, financed, maintained or controlled by” SLF. *Id.* § 100.5(g)(4)(ii).
46. Therefore, there is reason to believe that Faith and Power PAC and Senate Leadership Fund violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees,

⁴⁹ Jim Morrill & Brian Murphy, ‘More successful than we could have imagined.’ *GOP group funds ads for Dem in NC race*, The Charlotte Observer (Feb. 21, 2020), <https://www.charlotteobserver.com/news/politics-government/article240509336.html>.

⁵⁰ See *supra* ¶¶ 40-44.

and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SLF's contributions to Faith and Power PAC as transfers between affiliated committees.

VI. AMERICAN CROSSROADS/SENATE LEADERSHIP FUND

47. American Crossroads (ID: C00487363) is a super PAC that formed in 2010.⁵¹ The super PAC disclosed no affiliated committees to the Commission, on either its original statement of organization or its most recently amended statement of organization.⁵²
48. In the 2019-20 cycle, American Crossroads reported receiving \$79.6 million in contributions, \$76.7 million of which were made by SLF.⁵³ SLF's contributions occurred in seventeen installments from September 2, 2020 to December 21, 2020.⁵⁴
49. American Crossroads did not report receiving any transfers from affiliated committees in the 2019-20 cycle.⁵⁵
50. In the 2019-20 cycle, American Crossroads spent \$79.5 million on independent expenditures in the presidential election and in various U.S. Senate races.⁵⁶

⁵¹ American Crossroads, Statement of Organization, FEC Form 1 at 1, 2 (filed Aug. 10, 2010), <https://docquery.fec.gov/pdf/816/10030403816/10030403816.pdf>; American Crossroads, Statement of Organization, FEC Form 1 at 1 (amended Feb. 10, 2017), <https://docquery.fec.gov/pdf/730/201702109049340730/201702109049340730.pdf> (most recently amended version).

⁵² See sources cited *supra* note 51.

⁵³ American Crossroads, Individual contributions, 2019-20, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00487363&two_year_transaction_period=2020 (last visited July 1, 2021).

⁵⁴ *Id.* Three of the seventeen contributions American Crossroads described as “in-kind – video” contributions. *Id.* As of September 1, 2020, the day before the first 2019-20 cycle contribution from SLF, American Crossroads had less than \$1 million in cash. American Crossroads, 2020 October Monthly, FEC Form 3X at 2 (filed Oct. 20, 2020), <https://docquery.fec.gov/pdf/724/202010209297838724/202010209297838724.pdf>.

⁵⁵ American Crossroads, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00487363/> (last visited July 1, 2021).

⁵⁶ American Crossroads, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00487363&is_notice=false&most_recent=true&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021).

51. On October 28, 2020, the Cedar Rapids station KCRG reported that SLF and American Crossroads were airing television ads that “appear to use the same people.”⁵⁷ Among other examples, the outlet noted a pair of ads, one aired in Iowa by Senate Leadership Fund and the other aired in Kansas by American Crossroads, that featured the same woman attacking Senate candidates in both states.⁵⁸
52. On November 20, 2020, SLF issued a press release announcing a simultaneous set of broadcast reservations for both SLF and American Crossroads ads in the Georgia U.S. Senate runoffs.⁵⁹ Titled “SLF & American Crossroads Place \$70 Million Reservation for Georgia Runoffs,” the release noted: “Each group reserved \$35 million – SLF for the Perdue seat, and American Crossroads for the Loeffler seat – totaling \$70 million between the two groups.”⁶⁰
53. The current “Contribution” link on Senate Leadership Fund’s homepage⁶¹ takes visitors to a webpage soliciting contributions to Senate Leadership Fund with a disclaimer that features both the Senate Leadership Fund name and the URL to American Crossroads’ homepage.⁶²
54. ***This available evidence indicates that American Crossroads and SLF have been affiliated since at least 2020.*** In the 2019-20 cycle, American Crossroads received over 95% of its \$79.6 million in funding from SLF, and the groups’ websites, press releases, and ads from 2020 appear to display multiple examples of shared content and strategy between the two

⁵⁷ Ethan Stein, *Republican Super PACs appear to use the same people in ads airing across different states*, KCRG (Oct. 28, 2020), <https://www.kcrg.com/2020/10/29/republican-super-pacs-appear-to-use-the-same-people-in-ads-airing-across-different-states/>.

⁵⁸ *Id.*

⁵⁹ Press Release, Senate Leadership Fund, *SLF & American Crossroads Place \$70 Million Reservation for Georgia Runoffs* (Nov. 20, 2020), <https://www.senateleadershipfund.org/slf-american-crossroads-place-70-million-reservation-for-georgia-runoffs/>.

⁶⁰ *Id.*

⁶¹ Senate Leadership Fund, <https://www.senateleadershipfund.org/> (last visited July 1, 2021).

⁶² Senate Leadership Fund contribution page, <https://senate-leadership-fund.rev.v.co/donate> (last visited July 1, 2021).

super PACs.⁶³ By providing close to all of the nearly \$80 million in funds raised by American Crossroads in the 2019-20 cycle, SLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” American Crossroads, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to American Crossroads, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the other evidence of apparent overlap between the two groups, also indicate that SLF has the formal or informal “authority or ability to direct or participate in the governance” of American Crossroads, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that American Crossroads is “established, financed, maintained or controlled by” SLF, *id.* § 100.5(g)(4)(ii), at least with respect to the 2019-20 election cycle.⁶⁴

55. Therefore, there is reason to believe that American Crossroads and Senate Leadership Fund violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SLF’s contributions to American Crossroads as transfers between affiliated committees.

VII. DEFENDARIZONA/SENATE LEADERSHIP FUND

56. DefendArizona (ID: C00668301) is a super PAC that formed on February 1, 2018.⁶⁵ On its statement of organization, the super PAC disclosed no affiliated committees.⁶⁶

⁶³ See *supra* ¶¶ 47-53.

⁶⁴ Affiliation may not be a permanent state throughout the entire life of a committee; rather, as factors relevant to the circumstantial test change over time, so may affiliation status. See, e.g., AO 2000-28 (ASHA); AO 2003-21 (Lehman Brothers); AO 2017-01 (American Urological Association).

⁶⁵ DefendArizona, Statement of Organization, FEC Form 1 at 1, 5 (filed Feb. 1, 2018), <https://docquery.fec.gov/pdf/424/202001299182323424/202001299182323424.pdf>.

⁶⁶ *Id.* at 3.

57. In the 2017-18 cycle, DefendArizona reported \$22.7 million in contributions, \$18.4 million of which came from SLF in eleven installments from August 2018 through October 2018.⁶⁷ In the 2019-20 cycle, DefendArizona reported \$17.36 million in contributions, \$15.96 million of which came from SLF in six installments from August 2020 through December 2020.⁶⁸
58. DefendArizona did not report receiving any transfers from affiliated committees in either the 2017-18 or the 2019-20 cycle.⁶⁹
59. In the 2017-18 cycle, beginning in August 2018, DefendArizona spent \$22 million on independent expenditures in the Arizona U.S. Senate race, and in the 2019-20 cycle, beginning on August 2020, DefendArizona spent \$17 million on independent expenditures in that cycle's Arizona U.S. Senate race.⁷⁰
60. ***This available evidence indicates that DefendArizona and SLF are affiliated.*** Since its 2018 formation, DefendArizona has received over 85% of its funding from SLF, SLF's first contributions in both cycles occurred the same month as DefendArizona's first independent expenditures of that respective cycle, and in the 2020 cycle SLF's first contribution was

⁶⁷ DefendArizona, Individual contributions, 2017-18, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00668301&two_year_transaction_period=2018 (last visited July 1, 2021).

⁶⁸ DefendArizona, Individual contributions, 2019-20, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00668301&two_year_transaction_period=2020 (last visited July 1, 2021).

⁶⁹ DefendArizona, Financial Summary, 2017-18, FEC.GOV, <https://www.fec.gov/data/committee/C00668301/?cycle=2018> (last visited July 1, 2021); DefendArizona, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00668301/?cycle=2020> (last visited July 1, 2021).

⁷⁰ DefendArizona, Independent expenditures (regularly scheduled reports), Jan. 1, 2017-Dec. 31, 2018, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00668301&is_notice=false&most_recent=true&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021); DefendArizona, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00668301&is_notice=false&most_recent=true&min_date=01%2F01%2F2017&max_date=12%2F31%2F2018 (last visited July 1, 2021).

made the day before DefendArizona began making independent expenditures.⁷¹ By providing the significant majority of the funds raised by DefendArizona, SLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” DefendArizona, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to DefendArizona, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of the contributions, also indicate that SLF both “had an active or significant role in the formation of” DefendArizona, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of DefendArizona, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that DefendArizona was “established, financed, maintained or controlled by” SLF. *Id.* § 100.5(g)(4)(ii).

61. Therefore, there is reason to believe that DefendArizona and Senate Leadership Fund violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SLF’s contributions to DefendArizona as transfers between affiliated committees.

VIII. MOUNTAIN FAMILIES PAC/SENATE LEADERSHIP FUND

62. Mountain Families PAC (ID: C00674689) was a super PAC that formed on March 29, 2018.⁷² On its statement of organization, the super PAC disclosed no affiliated committees.⁷³

⁷¹ *See supra* ¶¶ 56-59.

⁷² Mountain Families PAC, Statement of Organization, FEC Form 1 at 1, 5 (filed Mar. 29, 2018), <https://docquery.fec.gov/pdf/424/202001299182323424/202001299182323424.pdf>.

⁷³ *Id.* at 3.

63. In the 2017-18 cycle, Mountain Families reported \$1.4 million in contributions, which were entirely funded by SLF in two installments: \$800,000 on April 12, 2018 and \$600,000 on April 26, 2018.⁷⁴ Mountain Families PAC reported no other contributions,⁷⁵ and it did not report receiving any transfers from affiliated committees.⁷⁶
64. Mountain Families PAC spent \$1.3 million on independent expenditures in the 2018 Republican U.S. Senate primary in West Virginia, with the first independent expenditure made on April 12, 2018, the same day as the first SLF contribution, and the final independent expenditure made on May 4, 2018.⁷⁷
65. On May 17, 2018, nine days after the Republican U.S. Senate primary in West Virginia, Mountain Families PAC transferred \$40,840—the majority of its remaining funds—back to SLF.⁷⁸ On May 20, 2018, twelve days after the primary election and less than two months after it first formed, Mountain Families PAC filed a termination report with the Commission.⁷⁹
66. ***This available evidence indicates that Mountain Families PAC and SLF were affiliated.*** In its two-month existence, Mountain Families PAC was entirely funded by SLF, and SLF’s contributions funding Mountain Families PAC appear to have been timed to align with

⁷⁴ Mountain Families PAC, Individual contributions, 2017-18, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00674689&two_year_transaction_period=2018 (last visited June 14, 2021).

⁷⁵ *Id.*

⁷⁶ Mountain Families PAC, Financial Summary, 2017-18, FEC.GOV, <https://www.fec.gov/data/committee/C00674689/?tab=summary> (last visited July 1, 2021).

⁷⁷ Mountain Families PAC, Independent expenditures (regularly scheduled reports), Jan. 1, 2017-Dec. 31, 2018, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00674689&is_notice=false&most_recent=true&min_date=01%2F01%2F2017&max_date=12%2F31%2F2018 (last visited July 1, 2021).

⁷⁸ Mountain Families PAC, Termination Report, FEC Form 3X at 7 (filed May 20, 2018), <https://docquery.fec.gov/pdf/884/201805209112172884/201805209112172884.pdf>.

⁷⁹ *Id.* at 1.

Mountain Families PAC’s independent expenditures.⁸⁰ By providing all \$1.4 million of the funds raised by Mountain Families PAC, SLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Mountain Families PAC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Mountain Families PAC, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of the contributions, also indicate that SLF both “had an active or significant role in the formation of” Mountain Families PAC, 11 C.F.R. § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Mountain Families PAC, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Mountain Families PAC was “established, financed, maintained or controlled by” SLF. 11 C.F.R. § 100.5(g)(4)(ii).

67. Therefore, there is reason to believe that Mountain Families PAC and Senate Leadership Fund violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SLF’s contributions to Mountain Families PAC as transfers between affiliated committees.

IX. SUNFLOWER STATE/SMP

68. Sunflower State (ID: C00751461) was a super PAC that formed on July 13, 2020.⁸¹ On its statement of organization, the super PAC disclosed no affiliated committees.⁸²

⁸⁰ *See supra* ¶¶ 62-65.

⁸¹ Sunflower State, Statement of Organization, FEC Form 1 at 1, 5 (filed July 13, 2020), <https://docquery.fec.gov/pdf/569/202007139244500569/202007139244500569.pdf>.

⁸² *Id.* at 3.

69. SMP (ID: C00484642) is a national super PAC that first formed under the name Commonsense Ten in 2010.⁸³ In the 2020 election cycle, SMP reported spending \$230 million on independent expenditures in federal races across the country.⁸⁴ On its October 1, 2019 amended statement of organization, which was SMP's most recently amended statement of organization from October 1, 2019 until November 24, 2020, SMP disclosed no affiliated committees.⁸⁵ In the 2018 cycle, SMP reported spending \$112 million on independent expenditures in federal races across the country and similarly disclosed no affiliated committees on the relevant statement of organization.⁸⁶
70. Sunflower State reported \$5.3 million in contributions, \$3.55 million of which came from SMP; the SMP contributions occurred in six installments beginning July 14, 2020 and ending July 29, 2020.⁸⁷

⁸³ Commonsense Ten, Statement of Organization, FEC Form 1 at 1 (filed June 11, 2010), <https://docquery.fec.gov/pdf/921/10030344921/10030344921.pdf>.

⁸⁴ SMP, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00484642/?tab=summary&cycle=2020> (last visited July 1, 2021); SMP, Spending, 2019-20, FEC.gov, <https://www.fec.gov/data/committee/C00484642/?tab=spending&cycle=2020> (last visited July 1, 2021)

⁸⁵ SMP, Statement of Organization, FEC Form 1 at 3 (amended Oct. 1, 2019), <https://docquery.fec.gov/pdf/667/201910019163579667/201910019163579667.pdf>. Later, after the November 2020 general election, SMP filed an amended statement of organization that disclosed two affiliated committees. SMP, Statement of Organization, FEC Form 1 at 3, 5 (amended November 24, 2020), <https://docquery.fec.gov/pdf/287/202011249337130287/202011249337130287.pdf>. Those affiliated committees, Georgia Honor and Georgia Way, spent a combined \$35 million on independent expenditures in the January 2021 Georgia U.S. Senate runoff elections and, like many of the SMP-funded super PACs named in this complaint, were entirely funded by SMP. *See generally* Georgia Honor, Financial Summary, 2019-20, FEC.gov, <https://www.fec.gov/data/committee/C00763193/?tab=summary> (last visited July 1, 2021); Georgia Way, Financial Summary, 2019-20, FEC.gov, <https://www.fec.gov/data/committee/C00763185/?cycle=2020> (last visited July 1, 2021).

⁸⁶ SMP, Financial Summary, 2017-18, FEC.GOV, <https://www.fec.gov/data/committee/C00484642/?cycle=2018> (last visited June 14, 2021); SMP, Spending, 2019-20, FEC.gov, <https://www.fec.gov/data/committee/C00484642/?tab=spending&cycle=2018> (last visited July 1, 2021); SMP, Statement of Organization, FEC Form 1 at 3 (amended Nov. 16, 2017), <https://docquery.fec.gov/pdf/356/201711169086695356/201711169086695356.pdf>.

⁸⁷ Sunflower State, Receipts, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00751461 (last visited July 1, 2021). Sunflower State reported all of its contributions as line 11(c) contributions, contributions from other political committees. *Id.* Sunflower State's remaining \$1.75 million in contributions came from Women Vote!, another national Democratic super PAC. *Id.*

71. Sunflower State did not report receiving any transfers from affiliated committees in the 2019-20 cycle.⁸⁸
72. In the 2019-20 cycle, Sunflower State spent \$5.3 million on independent expenditures in the Kansas U.S. Senate race.⁸⁹ The independent expenditures opposed Republican candidates Kris Kobach and Roger Marshall; the first independent expenditure was made on July 14, 2020, and the final was made on July 29, 2020.⁹⁰
73. On August 20, 2020, after the primary election, *POLITICO* reported on this “mystery super PAC that meddled in the Kansas Republican Senate primary” and spoke with “Democrats involved in the effort,” including SMP’s president who commented on Sunflower State’s strategy:

“It was a buffet of riches. You have extraordinarily weak candidates running against each other,” J.B. Poersch, the president of Senate Majority PAC, told *POLITICO* in describing the [Sunflower State] effort. “You had to open the possibility that any of the candidates, either Marshall or Kobach, could come out of that, and you wanted a weakened scenario.”

...

Poersch said that his group got involved after another pop-up super PAC, Plains PAC started spending in the race.

...

Poersch defended the effort as successful for forcing Republicans to spend more heavily in the primary even as they face expensive contests in more competitive states.⁹¹

⁸⁸ Sunflower State, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00751461/?cycle=2020> (last visited July 1, 2021).

⁸⁹ Sunflower State, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00751461&is_notice=false&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021).

⁹⁰ *Id.*

⁹¹ James Arkin, *Top Democrats funded super PAC that meddled in Kansas GOP primary*, *POLITICO* (Aug. 20, 2020), <https://www.politico.com/news/2020/08/20/democrats-super-pac-kansas-gop-primary-399415>.

74. On February 26, 2021, Sunflower State transferred the majority of its remaining excess funds, \$7,291, to SMP, and then filed a termination report with the Commission on March 1, 2021.⁹²
75. ***This available evidence indicates that Sunflower State and SMP are affiliated.*** In the 2019-20 cycle, Sunflower State received over two thirds of its funding from SMP, SMP’s contributions appear to have been timed to align with Sunflower State’s independent expenditures, with the first and last SMP contributions occurring the precise days as Sunflower State’s first and last independent expenditures, and SMP’s president publicly commented on the pop-up super PAC’s strategy.⁹³ By providing the significant majority of the funds raised by Sunflower State, SMP appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Sunflower State, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Sunflower State, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of the contributions that coincided with the start and end of Sunflower State’s independent expenditures and with the SMP president’s public statements, also indicate that SMP both “had an active or significant role in the formation of” Sunflower State, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Sunflower State, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Sunflower State was “established, financed, maintained or controlled by” SLF. *Id.* § 100.5(g)(4)(ii).

⁹² Sunflower State, Termination Report, FEC Form 3X at 1, 6 (filed Mar. 1, 2021), <https://docquery.fec.gov/pdf/069/202103019431296069/202103019431296069.pdf>.

⁹³ *See supra* ¶¶ 68-74.

76. Therefore, there is reason to believe that Sunflower State and SMP violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SMP's contributions to Sunflower State as transfers between affiliated committees.

X. CAROLINA BLUE/SMP

77. Carolina Blue (ID: C00737890) is a super PAC that formed on February 6, 2020.⁹⁴ On its statement of organization, the super PAC disclosed no affiliated committees.⁹⁵
78. Carolina Blue reported \$4.9 million in contributions, all but \$50 of which came from SMP.⁹⁶ The \$4.9 million in SMP contributions were made in three installments on February 7, February 10, and February 18, 2020.⁹⁷ Carolina Blue did not report receiving any transfers from affiliated committees in the 2019-20 cycle.⁹⁸
79. In the 2019-20 cycle, Carolina Blue spent \$4.5 million on independent expenditures in the Democratic primary for the North Carolina U.S. Senate race.⁹⁹ Carolina Blue made all of those independent expenditures in February 2020,¹⁰⁰ in advance of the March 3, 2020 primary.

⁹⁴ Carolina Blue, Statement of Organization, FEC Form 1 at 1, 5 (filed Feb. 6, 2020), <https://docquery.fec.gov/pdf/161/202002069186471161/202002069186471161.pdf>.

⁹⁵ *Id.* at 3.

⁹⁶ Carolina Blue, Receipts, 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00737890 (last visited July 1, 2021). Carolina Blue reported all of its contributions as line 11(c) contributions, contributions from other political committees, *see id.*, apart from \$50 in unitemized contributions, Carolina Blue, Financial Summary, 2019-20, FEC.gov, <https://www.fec.gov/data/committee/C00737890/?tab=summary&cycle=2020> (last visited July 1, 2021).

⁹⁷ Carolina Blue, Receipts, *supra* note 96.

⁹⁸ Carolina Blue, Financial Summary, *supra* note 96.

⁹⁹ Carolina Blue, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00737890&is_notice=false&most_recent=true&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021).

¹⁰⁰ *Id.*

80. On October 26, 2020, Carolina Blue transferred \$350,000—the majority of its remaining cash—back to SMP.¹⁰¹
81. ***This available evidence indicates that Carolina Blue and SMP are affiliated.*** In the 2020 cycle, Carolina Blue was almost entirely funded by SMP, Carolina Blue transferred most of its remaining funds back to SMP after making its independent expenditures, and SMP’s three contributions funding Carolina Blue occurred the same month as Carolina Blue’s only independent expenditures.¹⁰² By providing nearly all \$4.9 million of the funds raised by Carolina Blue, SMP appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Carolina Blue, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Carolina Blue, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of the contributions, also indicate that SMP both “had an active or significant role in the formation of” Carolina Blue, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Carolina Blue, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Carolina Blue was “established, financed, maintained or controlled by” SLF. *Id.* § 100.5(g)(4)(ii).
82. Therefore, there is reason to believe that Carolina Blue and SMP violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SMP’s contributions to Carolina Blue as transfers between affiliated committees.

¹⁰¹ Carolina Blue, 2020 Post-General Report, FEC Form 3X at 2, 7 (filed Dec. 3, 2020), <https://docquery.fec.gov/pdf/814/202012039338871814/202012039338871814.pdf>.

¹⁰² *See supra* ¶¶ 77-80.

XI. TEXAS FOREVER/SMP

83. Texas Forever (ID: C00689919) was a super PAC that formed on October 19, 2018.¹⁰³ On its statement of organization, the super PAC disclosed no affiliated committees.¹⁰⁴
84. Texas Forever reported \$2.36 million in contributions, \$2.35 million of which came from SMP in two installments: \$1.27 million on October 25, 2018, and \$1.08 million on November 2, 2018.¹⁰⁵ Texas Forever did not report receiving any transfers from affiliated committees in the 2017-18 cycle.¹⁰⁶
85. In the 2017-18 cycle, Texas Forever spent \$2.3 million on two independent expenditures in the Texas U.S. Senate race: one opposing Senator Ted Cruz on October 25, 2018, and a second opposing Senator Cruz on November 2, 2018.¹⁰⁷
86. On November 16, 2018, after the general election, Texas Forever transferred \$58,000 to SMP,¹⁰⁸ it transferred another \$868 to SMP on January 9, 2019, which brought its cash balance to zero,¹⁰⁹ and it filed a termination report on January 31, 2019.¹¹⁰
87. ***This available evidence indicates that Texas Forever and SMP were affiliated.*** In its three-month existence, Texas Forever was nearly entirely funded by SMP, SMP's two

¹⁰³ Texas Forever, Statement of Organization, FEC Form 1 at 1, 5 (filed Oct. 19, 2018), <https://docquery.fec.gov/pdf/612/201810199125654612/201810199125654612.pdf>.

¹⁰⁴ *Id.* at 3.

¹⁰⁵ Texas Forever, Receipts, 2017-18, FEC.GOV, https://www.fec.gov/data/receipts/?two_year_transaction_period=2018&committee_id=C00689919&data_type=processed (last visited July 1, 2021).

¹⁰⁶ Texas Forever, Financial Summary, 2017-18, FEC.GOV, <https://www.fec.gov/data/committee/C00689919/?cycle=2018&tab=summary> (last visited July 1, 2021).

¹⁰⁷ Texas Forever, Independent expenditures (regularly scheduled reports), FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00689919&is_notice=false&most_recent=true (last visited July 1, 2021).

¹⁰⁸ Texas Forever, 2018 Post-General Report, FEC Form 3X at 7-8 (filed Dec. 6, 2018), <https://docquery.fec.gov/pdf/610/201812069134728610/201812069134728610.pdf>.

¹⁰⁹ Texas Forever, Termination Report, FEC Form 3X at 1 (filed Jan. 31, 2019), <https://docquery.fec.gov/pdf/860/201901319144479860/201901319144479860.pdf>.

¹¹⁰ *Id.* at 1.

contributions funding Texas Forever occurred on the same two days as Texas Forever’s only two independent expenditures in that or any election, Texas Forever transferred leftover funds back to SMP after that election, and Texas Forever proceeded to terminate itself shortly thereafter.¹¹¹ By providing \$2.35 million of the \$2.36 million in funds raised by Texas Forever, SMP appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Texas Forever, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Texas Forever, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of SMP’s contributions, which coincided precisely with Texas Forever’s two independent expenditures, also indicate that SMP both “had an active or significant role in the formation of” Texas Forever, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Texas Forever, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Texas Forever was “established, financed, maintained or controlled by” SMP. *Id.* § 100.5(g)(4)(ii).

88. Therefore, there is reason to believe that SMP and Texas Forever violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SMP’s contributions to Texas Forever as transfers between affiliated committees.

XII. HIGHWAY 31/SMP

¹¹¹ See *supra* ¶¶ 83-86.

89. Highway 31 (ID: C00659896) was a super PAC that formed on November 6, 2017.¹¹² On its statement of organization, the super PAC disclosed no affiliated committees.¹¹³
90. Between November 24, 2017 and January 4, 2018, Highway 31 raised \$4.4 million from eleven contributions.¹¹⁴ Six of those contributions, totaling \$3.2 million and also beginning on November 24, 2017, were made by SMP.¹¹⁵
91. Between November 8, 2017 and December 20, 2017, Highway 31 spent \$4.2 million on independent expenditures in Alabama's 2017 special election for U.S. Senate.¹¹⁶
92. On December 27, 2017, after the election, the *Associated Press* reported on this "mysterious super PAC that spent millions of dollars backing Democrat Doug Jones in Alabama's Senate race," and featured a quote from the president of SMP emphasizing that Highway 31 was "predominantly funded by SMP":

Chris Hayden, spokesman for the Senate Majority PAC, said Tuesday that the group was the primary backer of the PAC called Highway 31, which spent more than \$4 million on hard-hitting advertising and mailings to help defeat Republican Roy Moore. Because of reporting and payment schedules, Highway 31 didn't disclose its donors during the campaign despite its heavy spending.

"Yes, SMP was the contributor to Highway 31. There were a few small donations when Highway 31 became public, but it was predominantly funded by SMP," Hayden wrote in an email.¹¹⁷

¹¹² Highway 31, Statement of Organization, FEC Form 1 at 1, 5 (filed Nov. 6, 2017), <https://docquery.fec.gov/pdf/522/201711069086611522/201711069086611522.pdf>.

¹¹³ *Id.* at 3.

¹¹⁴ Highway 31, Individual contributions, 2017-18, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00659896&two_year_transaction_period=2018 (last visited July 1, 2021).

¹¹⁵ *Id.* Highway 31 also reported receiving \$910,000 from Priorities USA Action, another national Democratic super PAC. *Id.*

¹¹⁶ Highway 31, Independent expenditures (regularly scheduled reports), FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00659896&is_notice=false&most_recent=true&min_date=01%2F01%2F2017&max_date=12%2F31%2F2018 (last visited July 1, 2021).

¹¹⁷ Associated Press, *Mysterious Democratic-funded 'Highway 31' super PAC spent \$4M to defeat Moore in Alabama*, ASSOCIATED PRESS (Dec. 27, 2017), <https://www.nbcnews.com/politics/elections/mysterious-democratic-funded-highway-31-super-pac-spent-4m-defeat-n832871>.

93. On January 19, 2018, the same day it filed a year-end report disclosing its contributors for the first time, less than a month after the special election in which it spent, and less than three months after it formed, Highway 31 filed a termination report with the Commission.¹¹⁸
94. This available evidence indicates that Highway 31 and SMP were affiliated. During its ten-week existence in late 2017 and early 2018, Highway 31 received more than 70% of its funding from SMP, and SMP’s spokesman publicly took credit for those contributions, emphasizing that Highway 31 was “predominantly funded by SMP,” and suggesting that SMP was involved before “Highway 31 became public.”¹¹⁹ By providing the significant majority of the funds raised by Highway 31, SMP appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Highway 31, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Highway 31, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of SMP’s contributions and SMP’s public statements, also indicate that SMP “had an active or significant role in the formation of” Highway 31, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Highway 31, *id.* § 100.5(g)(4)(ii)(B).¹²⁰ Those factors, together in “the

¹¹⁸ Highway 31, Termination Report, FEC Form 3X at 1 (filed Jan. 19, 2018), <https://docquery.fec.gov/pdf/955/201801199090466955/201801199090466955.pdf>.

¹¹⁹ *See supra* ¶¶ 89-93.

¹²⁰ As complainants’ previously filed complaint with the Commission described, Highway 31’s independent expenditures, to major Democratic media vendors that have also contracted with SMP, were initially claimed to have been funded on credit, and those first independent expenditures pre-dated the first reported contributions to the super PAC on November 24, 2017. *See* CLC Complaint to FEC Against Highway 31 (Mar. 5, 2018), <https://campaignlegal.org/document/complaint-against-highway-31-federal-election-commission>.

context of the overall relationship,” suggest that Highway 31 was “established, financed, maintained or controlled by” SMP. 11 C.F.R. § 100.5(g)(4)(ii).

95. Therefore, there is reason to believe that SMP and Highway 31 violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SMP’s contributions to Highway 31 as transfers between affiliated committees.

XIII. RED AND GOLD/SMP

96. Red and Gold (ID: C00684209) was a super PAC that formed on August 1, 2018.¹²¹ On its statement of organization, the super PAC disclosed no affiliated committees.¹²²
97. On August 1, 2018, the day of its formation, Red and Gold received a \$900,000 contribution from SMP.¹²³
98. On August 2, 2018, Red and Gold made its first of three independent expenditures in the 2017-18 cycle: \$815,379 opposing Martha McSally in the August 28 Republican primary for the Arizona U.S. Senate seat.¹²⁴
99. On August 3, 2018, Red and Gold made its second of three independent expenditures: \$48,951.52 opposing McSally.¹²⁵
100. On August 9, 2018, Red and Gold received a \$815,379 contribution from SMP.¹²⁶

¹²¹ Red and Gold, Statement of Organization, FEC Form 1 at 1, 5 (filed Aug. 1, 2018), <https://docquery.fec.gov/pdf/067/201808019119339067/201808019119339067.pdf>.

¹²² *Id.* at 3.

¹²³ Red and Gold, Receipts from SMP, 2017-18, FEC.GOV, https://www.fec.gov/data/receipts/?cycle=2018&data_type=processed&committee_id=C00684209&contributor_name=C00484642&two_year_transaction_period=2018 (last visited July 1, 2021).

¹²⁴ Red and Gold, Independent expenditures (regularly scheduled reports), FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00684209&is_notice=false&most_recent=true (last visited July 1, 2021)

¹²⁵ *Id.*

¹²⁶ Red and Gold, Receipts from SMP, *supra* note 123.

101. On August 9, 2018, Red and Gold made its third and final independent expenditure: \$815,379 opposing McSally.¹²⁷ In total, Red and Gold reported \$1.7 million in independent expenditures, all of which opposed McSally in the Arizona U.S. Senate race.¹²⁸
102. Red and Gold did not report receiving any transfers from affiliated committees.¹²⁹
103. On January 31, 2019, after transferring nearly all of its remaining cash balance back to SMP, Red and Gold filed a termination report.¹³⁰
104. ***This available evidence indicates that Red and Gold and SMP are affiliated.*** In the 2017-18 election cycle, SMP entirely funded Red and Gold’s independent expenditures: after receiving its first \$900,000 infusion of funds from SMP the day of its formation, Red and Gold proceeded to make just under \$900,000 in independent expenditures within days; then, a week later, Red and Gold received another \$815,379 in funds from SMP and the next day made its final independent expenditure of exactly that amount.¹³¹ By funding Red and Gold’s independent expenditures, SMP appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Red and Gold, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Red and Gold, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship”

¹²⁷ Red and Gold, Independent expenditures (regularly scheduled reports), *supra* note 124. After this final independent expenditure, between August 14 and September 17, four individuals also made a total of \$1.25 million in contributions to Red and Gold. *See* Red and Gold, Receipts, 2017-18, FEC.GOV, https://www.fec.gov/data/receipts/?cycle=2018&data_type=processed&committee_id=C00684209&two_year_transaction_period=2018 (last visited July 1, 2021). On October 2, 2018, Red and Gold transferred approximately the same amount (\$1.245 million) back to SMP. Red and Gold, Disbursements to SMP, 2017-18, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00684209&recipient_name=smp&two_year_transaction_period=2018 (last visited July 1, 2021).

¹²⁸ *Id.*

¹²⁹ Red and Gold, Financial Summary, 2017-18, FEC.GOV, <https://www.fec.gov/data/committee/C00684209/?cycle=2018> (last visited July 1, 2021).

¹³⁰ Red and Gold, Termination Report, FEC Form 3X at 1, 7 (filed Jan. 31, 2019), <https://docquery.fec.gov/pdf/739/201901319144478739/201901319144478739.pdf>.

¹³¹ *See supra* ¶¶ 96-101.

between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of SMP’s contributions, including the first contribution, which SMP made the day of Red and Gold’s formation, also indicate that SMP both “had an active or significant role in the formation of” Red and Gold, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Red and Gold, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Red and Gold was “established, financed, maintained or controlled by” SMP. 11 C.F.R. § 100.5(g)(4)(ii).

105. Therefore, there is reason to believe that SMP and Red and Gold violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report SMP’s contributions to Red and Gold as transfers between affiliated committees.

XIV. ILLINOIS CONSERVATIVES PAC/CONGRESSIONAL LEADERSHIP FUND

106. Illinois Conservatives PAC is a super PAC that formed on March 2, 2020, approximately two weeks before the 2020 congressional primary elections in Illinois.¹³² On its statement of organization, the super PAC disclosed no affiliated committees.¹³³
107. Congressional Leadership Fund (ID: C00504530) is a national super PAC that formed in 2011.¹³⁴ Across the 2018 and 2020 election cycles, CLF reported spending \$281 million on independent expenditures in federal races throughout the country.¹³⁵ Its current statement of

¹³² Illinois Conservatives PAC, Statement of Organization, FEC Form 1 at 1, 5 (filed Mar. 2, 2020), <https://docquery.fec.gov/pdf/424/202001299182323424/202001299182323424.pdf>.

¹³³ *Id.* at 3.

¹³⁴ Congressional Leadership Fund, Statement of Organization, FEC Form 1 at 1, 2 (filed Oct. 24, 2011), <https://docquery.fec.gov/pdf/996/11030681996/11030681996.pdf>.

¹³⁵ See Congressional Leadership Fund, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00504530/> (last visited July 1, 2021); Congressional Leadership Fund,

organization and all other statements of organizations since 2017 disclose no affiliated committees.¹³⁶

108. Illinois Conservatives PAC reported \$911,00 in contributions, the entirety of which were made by Congressional Leadership Fund: \$710,000 on March 4, 2020, \$1,000 on March 6, 2020, and \$200,000 on March 13, 2020.¹³⁷
109. Illinois Conservatives PAC did not report receiving any transfers from affiliated committees.¹³⁸
110. Illinois Conservatives PAC spent \$910,100 on three independent expenditures on March 5, March 6, and March 13, 2020 opposing a candidate in the Republican primary for Illinois's 14th Congressional District.¹³⁹
111. On May 7, 2020, approximately nine weeks after its formation, Illinois Conservatives PAC filed a termination report with the Commission.¹⁴⁰
112. ***This available evidence indicates that Illinois Conservatives PAC and CLF were affiliated.*** Illinois Conservatives PAC formed two weeks prior to the 2020 Illinois primary, it received an infusion of funds from CLF two days after forming, it was ultimately entirely funded by

Financial Summary, 2017-18, FEC.GOV, <https://www.fec.gov/data/committee/C00504530/?cycle=2018> (last visited July 1, 2021).

¹³⁶ *Id.* at 4; Congressional Leadership Fund, Statement of Organization, FEC Form 1 at 1 (amended May 17, 2017), <https://docquery.fec.gov/pdf/682/201705179053954682/201705179053954682.pdf>; Congressional Leadership Fund, Statement of Organization, FEC Form 1 at 1 (amended Dec. 18 2017), <https://docquery.fec.gov/pdf/010/202012189393370010/202012189393370010.pdf>.

¹³⁷ Illinois Conservatives PAC, Receipts, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00740662 (last visited July 1, 2021).

¹³⁸ Illinois Conservatives PAC, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00740662/?tab=summary> (last visited July 1, 2021).

¹³⁹ Illinois Conservatives PAC, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.gov, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00740662&is_notice=false&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021).

¹⁴⁰ Illinois Conservatives PAC, Termination Report, FEC Form 3X at 1 (filed May 7, 2020), <https://docquery.fec.gov/pdf/104/202005079232498104/202005079232498104.pdf>.

CLF, CLF's contributions appear to have been timed to align with Illinois Conservative PAC's independent expenditures, and Illinois Conservatives PAC terminated after the primary election and only nine weeks after it had formed.¹⁴¹ By providing all \$911,000 of the funds raised by Illinois Conservatives PAC, CLF appears to have "cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to" Illinois Conservatives PAC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided "funds . . . in a significant amount" to Illinois Conservatives PAC, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a "formal or ongoing relationship" between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of the contributions, also indicate that CLF both "had an active or significant role in the formation of" Illinois Conservatives PAC, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal "authority or ability to direct or participate in the governance" of Illinois Conservatives PAC, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in "the context of the overall relationship," suggest that Illinois Conservatives PAC was "established, financed, maintained or controlled by" CLF. 11 C.F.R. § 100.5(g)(4)(ii).

113. Therefore, there is reason to believe that Illinois Conservatives PAC and CLF violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report CLF's contributions to Illinois Conservatives PAC as transfers between affiliated committees.

XV. AMERICAN FUTURE FUND POLITICAL ACTION/CONGRESSIONAL LEADERSHIP FUND

114. American Future Fund Political Action (ID: C00449926) is a hybrid committee with a non-contribution account that first formed as a PAC on May 7, 2008.¹⁴² On its most recently

¹⁴¹ See *supra* ¶¶ 106-11.

¹⁴² American Future Fund Political Action, Statement of Organization, FEC Form 1 at 1 (filed May 7, 2008), <https://docquery.fec.gov/pdf/381/28039722381/28039722381.pdf> (original statement of organization); American

amended statement of organization, filed in 2014, American Future Fund Political Action disclosed no affiliated committees.¹⁴³

115. As of May 1, 2018, American Future Fund Political Action had \$2,935 in cash, had made no independent expenditures in the 2017-18 cycle, and had reported \$0 in receipts in the cycle.¹⁴⁴ On May 22, 2018 and June 4, 2018, American Future Fund Political Action received a total of \$1.362 million in contributions from Congressional Leadership Fund.¹⁴⁵
116. American Future Fund Political Action reported these transactions on line 17 as other federal receipts, and it did not report receiving any transfers from affiliated committees in the 2017-18 cycle.¹⁴⁶ In total in the 2017-18 cycle, American Future Fund Political Action reported \$1.791 million in receipts.¹⁴⁷
117. In the 2017-18 cycle, American Future Fund Political Action spent \$1.3 million on independent expenditures in various U.S. congressional races.¹⁴⁸ Those independent expenditures began on May 22, 2018.¹⁴⁹

Future Fund Political Action, Statement of Organization, FEC Form 1 at 1, 5 (amended Mar. 12, 2014), <https://docquery.fec.gov/pdf/448/14940554448/14940554448.pdf> (most recently amended statement of organization).

¹⁴³ American Future Fund Political Action, Statement of Organization, FEC Form 1 at 3 (amended Mar. 12, 2014), <https://docquery.fec.gov/pdf/448/14940554448/14940554448.pdf>.

¹⁴⁴ American Future Fund Political Action, 2018 June Monthly, FEC Form 3X at 2, 4 (filed June 20, 2018), <https://docquery.fec.gov/pdf/998/201806209113787998/201806209113787998.pdf>.

¹⁴⁵ American Future Fund Political Action, Receipts from Congressional Leadership Fund, 2017-18, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00449926&contributor_name=C00504530&two_year_transaction_period=2018 (last visited July 1, 2021).

¹⁴⁶ *See id.*; American Future Fund Political Action, Financial Summary, 2017-18, FEC.GOV, <https://www.fec.gov/data/committee/C00449926/?cycle=2018> (last visited July 1, 2021). In prior and subsequent election cycles, American Future Fund Political Action reported a greater diversity of sources of funding. *See, e.g.*, American Future Fund Political Action, Receipts, 2015-16, 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00449926&two_year_transaction_period=2016&two_year_transaction_period=2020 (last visited July 1, 2021).

¹⁴⁷ American Future Fund Political Action, Financial Summary, 2017-18, *supra* note 146.

¹⁴⁸ American Future Fund Political Action, Independent expenditures (regularly scheduled reports), Jan. 1, 2017-Dec. 31, 2018, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00449926&is_notice=false&most_recent=true&min_date=01%2F01%2F2017&max_date=12%2F31%2F2018 (last visited July 1, 2021).

¹⁴⁹ *Id.*

118. On June 5, 2018, *POLITICO* reported that Congressional Leadership Fund was “funnel[ing]” funds to American Future Fund because Congressional Leadership Fund “was concerned that if their meddling was known [in three Republican primaries in California] it could have unintended consequences by inviting blowback from conservative activists.”¹⁵⁰ *POLITICO* further reported:

The strategy was borne [sic] in April, when Congressional Leadership Fund conducted surveys in the districts left vacant by the upcoming retirements of GOP Reps. Ed Royce and Darrell Issa. The polls, the CLF official said, found that Republicans were at risk of being locked out of the November general election in both races, a potentially disastrous scenario for the party, which is struggling to hold onto their 23-seat House majority.¹⁵¹

119. ***This available evidence indicates that American Future Fund Political Action and CLF are affiliated.*** In the 2020 cycle, American Future Fund Political Action received over 75% of its funding from CLF, CLF’s first contribution was made the same day that American Future Fund Political Action began making independent expenditures in the 2017-18 cycle, and *POLITICO* reported that, according to a CLF official, this was a deliberate strategy to avoid public disclosure of CLF’s association with the ads in question.¹⁵² By providing the significant majority of the funds raised by American Future Fund Political Action in the 2017-18 cycle, CLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” American Future Fund Political Action, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to American Future Fund Political Action, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a

¹⁵⁰ Alex Isenstadt & Elena Schneider, *Republican super PAC secretly promoted candidates in California*, *POLITICO* (June 5, 2018), <https://www.politico.com/story/2018/06/05/house-republican-super-pac-california-candidates-625907>.

¹⁵¹ *Id.*

¹⁵² *See supra* ¶¶ 114-18.

“formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). Those factors, together in “the context of the overall relationship,” including the timing of the contributions and the CLF official’s statements to *POLITICO*, suggest that American Future Fund Political Action was “established, financed, maintained or controlled by” CLF. 11 C.F.R. § 100.5(g)(4)(ii).

120. Therefore, there is reason to believe that American Future Fund Political Action and CLF violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report CLF’s contributions to American Future Fund Political Action as transfers between affiliated committees.

XVI. LONE STAR VALUES PAC/CONGRESSIONAL LEADERSHIP FUND

121. Lone Star Values PAC (ID: C00669325) is a super PAC that formed on February 9, 2018.¹⁵³ On its statement of organization, the super PAC disclosed no affiliated committees.¹⁵⁴
122. In the 2019-20 cycle, Lone Star Values PAC reported a single contribution: \$75,000 from Congressional Leadership Fund on February 24, 2020.¹⁵⁵ Lone Star Values PAC did not report receiving any transfers from affiliated committees.¹⁵⁶

¹⁵³ Lone Star Values PAC, Statement of Organization, FEC Form 1 at 1, 5 (filed Feb. 1, 2018), <https://docquery.fec.gov/pdf/708/201802099094273708/201802099094273708.pdf>.

¹⁵⁴ *Id.* at 3.

¹⁵⁵ Lone Star Values PAC, Receipts, 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00669325&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021). In the first election cycle in which it existed, the 2017-18 cycle, Lone Star Values reported \$40,550 in contributions from four individuals and corporations. Lone Star Values PAC, Receipts, 2017-18, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00669325&min_date=01%2F01%2F2017&max_date=12%2F31%2F2018 (last visited July 1, 2021). It entered the 2019-20 cycle with only \$15.50 in cash. Lone Star Values PAC, 2019 Mid-Year Report, FEC Form 3X at 2 (filed July 25, 2019), <https://docquery.fec.gov/pdf/477/201907259151670477/201907259151670477.pdf>.

¹⁵⁶ Lone Star Values PAC, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00669325/?tab=summary&cycle=2020> (last visited July 1, 2021).

123. In the 2019-20 cycle, Lone Star Values PAC spent \$74,100 on independent expenditures, all of them supporting a candidate in the Republican primary for Texas’s 21st Congressional District.¹⁵⁷ Those independent expenditures were made on February 24, 2020 and February 25, 2020.¹⁵⁸
124. ***This available evidence indicates that Lone Star Values PAC and CLF are affiliated.*** In the 2019-20 cycle, Lone Star Values PAC was entirely funded by CLF, which provided Lone Star Values PAC with its sole contribution of the cycle, and CLF made that contribution the same day that Lone Star Values PAC began making independent expenditures.¹⁵⁹ By providing all \$75,000 of the funds raised by Lone Star Values PAC, CLF appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Lone Star Values PAC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Lone Star Values PAC, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). This sole funding, combined with the timing of CLF’s contribution, also indicates that CLF both “had an active or significant role in the formation of” Lone Star Values PAC, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Lone Star Values PAC, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Lone Star Values PAC was “established, financed, maintained or controlled by” CLF. 11 C.F.R. § 100.5(g)(4)(ii).

¹⁵⁷ Lone Star Values PAC, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00669325&is_notice=false&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021).

¹⁵⁸ *Id.*

¹⁵⁹ *See supra* ¶¶ 121-23.

125. Therefore, there is reason to believe that Lone Star Values PAC and CLF violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report CLF's contributions to Lone Star Values PAC as transfers between affiliated committees.

XVII. LIBERTY SC/LMG PAC

126. Liberty SC (ID: C00761494) was a super PAC that formed on October 19, 2020, approximately two weeks before the 2020 general election.¹⁶⁰ On its statement of organization, the super PAC told the Commission that it had no affiliated committees.¹⁶¹
127. LMG PAC (ID: C00690263), now named Hold Them Accountable, is a super PAC that formed in 2018 and supported U.S. Senate candidate Jamie Harrison in the 2020 U.S. Senate election in South Carolina, spending \$1.4 million on independent expenditures supporting Harrison or attacking his opponent.¹⁶² On its statement of organization amended on May 20, 2020, and not superseded by another amendment until 2021, LMG PAC asserted that it had no affiliated committees.¹⁶³
128. Liberty SC reported \$1.135 million in contributions, the entirety of which LMG PAC made in five installments from October 20, 2020 through November 3, 2020.¹⁶⁴ Liberty SC did not report receiving any transfers from affiliated committees.¹⁶⁵

¹⁶⁰ Liberty SC, Statement of Organization, FEC Form 1 at 1, 5 (filed Oct. 19, 2020), <https://docquery.fec.gov/pdf/891/202010199297282891/202010199297282891.pdf>.

¹⁶¹ *Id.* at 3.

¹⁶² LMG PAC, Statement of Organization, FEC Form 1 at 1, 5 (filed Oct. 24, 2018), <https://docquery.fec.gov/pdf/437/15031374437/15031374437.pdf>; LMG PAC, Spending, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00690263/?tab=spending&cycle=2020> (last visited July 1, 2021).

¹⁶³ LMG PAC, Statement of Organization, FEC Form 1 at 1, 3 (amended May 20, 2020), <https://docquery.fec.gov/pdf/366/202005209232873366/202005209232873366.pdf>.

¹⁶⁴ Liberty SC, Receipts, FEC.gov, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00761494 (last visited July 1, 2021).

¹⁶⁵ Liberty SC, Financial Summary, 2019-20, FEC.gov, <https://www.fec.gov/data/committee/C00736751/?tab=summary> (last visited July 1, 2021).

129. Liberty SC spent \$1.13 million on independent expenditures in the South Carolina U.S. Senate race.¹⁶⁶ Those independent expenditures began on October 21, 2020, and the final one was made on November 3, 2020.¹⁶⁷
130. On March 8, 2021, Liberty SC transferred the majority of its remaining funds, \$191, back to LMG PAC, and filed a termination report with the Commission.¹⁶⁸
131. ***This available evidence indicates that Liberty SC and LMG PAC were affiliated.*** Liberty SC formed just two weeks before the 2020 general election, it received the entirety of its funding from LMG PAC, LMG PAC’s contributions funding Liberty SC appear to have been timed to align with Liberty SC’s independent expenditures, and Liberty SC filed a termination report shortly after the election in which it made its LMG PAC-funded independent expenditures.¹⁶⁹ By providing all of the funds raised by Liberty SC, LMG PAC appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Liberty SC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Liberty SC, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of the contributions and the timing of Liberty SC’s formation and termination, also indicate that LMG PAC both “had an active or significant role in the formation of” Liberty SC, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of

¹⁶⁶ Liberty SC, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00761494&is_notice=false&most_recent=true&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021).

¹⁶⁷ *Id.*

¹⁶⁸ Liberty SC, Termination Report, FEC Form 3X at 1, 6 (filed Mar. 8, 2021), <https://docquery.fec.gov/pdf/077/202103089440304077/202103089440304077.pdf>.

¹⁶⁹ *See supra* ¶¶ 126-30.

Liberty SC, *id.* § 100.5(g)(4)(ii)(B). Those factors, together in “the context of the overall relationship,” suggest that Liberty SC was “established, financed, maintained or controlled by” LMG PAC. *Id.* § 100.5(g)(4)(ii).

132. Therefore, there is reason to believe that Liberty SC and LMG PAC violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report LMG PAC’s contributions to Liberty SC as transfers between affiliated committees.

XVIII. TRUTH STILL MATTERS PAC/FUTURE45

133. Truth Still Matters PAC (ID: C00761452) was a super PAC that formed on October 19, 2020, approximately two weeks before the 2020 general election.¹⁷⁰ On its statement of organization, the super PAC disclosed no affiliated committees.¹⁷¹
134. Future45 (ID: C00574533) is a national super PAC that formed in 2015.¹⁷² Its statement of organization, last updated in September 2015, asserts that it has no affiliated committees.¹⁷³
135. During its existence, Truth Still Matters PAC reported a single contribution: \$125,000 from Future45 on October 20, 2020.¹⁷⁴ Truth Still Matters PAC did not report receiving any transfers from affiliated committees.¹⁷⁵

¹⁷⁰ Truth Still Matters PAC, Statement of Organization, FEC Form 1 at 1, 5 (filed Oct. 19, 2020), <https://docquery.fec.gov/pdf/472/202010199297193472/202010199297193472.pdf>.

¹⁷¹ *Id.* at 3.

¹⁷² Future45, Statement of Organization, FEC Form 1 at 1, 5 (filed Mar. 20, 2015), <https://docquery.fec.gov/pdf/414/15970309414/15970309414.pdf>.

¹⁷³ Future45, Statement of Organization, FEC Form 1 at 1, 5 (amended Sept. 25, 2015), <https://docquery.fec.gov/pdf/741/201509259002778741/201509259002778741.pdf>.

¹⁷⁴ Truth Still Matters PAC, Receipts, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00761452 (last visited July 1, 2021).

¹⁷⁵ Truth Still Matters PAC, Financial Summary, 2019-20, FEC.GOV, <https://www.fec.gov/data/committee/C00736751/?tab=summary> (last visited July 1, 2021).

136. Beginning on October 20, 2020 and through October 27, 2020, Truth Still Matters PAC spent \$116,000 on independent expenditures opposing candidate Cal Cunningham in the North Carolina U.S. Senate race.¹⁷⁶
137. On February 19, 2021, Truth Still Matters PAC filed a termination report.¹⁷⁷
138. ***This available evidence indicates that Truth Still Matters PAC and Future45 were affiliated.*** In the 2020 cycle and across its entire four-month existence, Truth Still Matters PAC was solely funded by Future45, and Future45’s contribution that funded Truth Still Matters PAC appears to have been timed to align with Truth Still Matters PAC’s independent expenditures that began the same day as the Future45 contribution.¹⁷⁸ By providing all \$125,000 of the funds raised by Truth Still Matters PAC, Future45 appears to have “cause[d] or arrange[d] for funds in a significant amount or on an ongoing basis to be provided to” Truth Still Matters PAC, 11 C.F.R. § 100.5(g)(4)(ii)(H), and provided “funds . . . in a significant amount” to Truth Still Matters PAC, *id.* § 100.5(g)(4)(ii)(G); these patterns of contributions indicate a “formal or ongoing relationship” between the two committees, *id.* § 100.5(g)(4)(ii)(J). These contribution patterns, combined with the timing of the contributions, also indicate that Future45 “had an active or significant role in the formation of” Truth Still Matters PAC, *id.* § 100.5(g)(4)(ii)(I), and the formal or informal “authority or ability to direct or participate in the governance” of Truth Still Matters PAC, *id.* § 100.5(g)(4)(ii)(B). Those

¹⁷⁶ Truth Still Matters PAC, Independent expenditures (regularly scheduled reports), Jan. 1, 2019-Dec. 31, 2020, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&committee_id=C00761452&is_notice=false&min_date=01%2F01%2F2019&max_date=12%2F31%2F2020 (last visited July 1, 2021).

¹⁷⁷ Truth Still Matters PAC, Termination Report, FEC Form 3X at 1 (filed Feb. 19, 2021), <https://docquery.fec.gov/pdf/376/202102199428658376/202102199428658376.pdf>.

¹⁷⁸ See *supra* ¶¶ 133-37.

factors, together in “the context of the overall relationship,” suggest that Truth Still Matters PAC was “established, financed, maintained or controlled by” Future45. *Id.* § 100.5(g)(4)(ii).

139. Therefore, there is reason to believe that Truth Still Matters PAC and Future45 violated 52 U.S.C. § 30103(b)(2) by failing to report one another as affiliated committees, and additionally violated 52 U.S.C. §§ 30104(b), *et seq.*, by failing to report Future45’s contributions to Truth Still Matters PAC as transfers between affiliated committees.

PRAYER FOR RELIEF

140. Wherefore, the Commission should find reason to believe that the 23 super PACs named above violated 52 U.S.C. § 30101, *et seq.*, and should conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
141. 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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July 2, 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 Margaret Christ

Margaret Christ

Margaret Christ

Sworn to and subscribed before me this 2nd day of July 2021.

[Signature]

Notary Public

For Complainant Campaign Legal Center

Adav Noti

Adav Noti

Sworn to and subscribed before me this 8th day of July 2021.

[Signature]

Notary Public