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FEDERAL ELECTION COMMISSION  
NOVEMBER 1, 2022 8:00 AM  
OFFICE OF GENERAL COUNSEL

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

Joann Wright

**MUR 8086**

North Las Vegas, NV 89086

Complainant,

v.

Committee to Elect Sam Peters and Thomas Datwyler, treasurer  
PO Box 752555  
Las Vegas, NV 89136

Respondents.

**COMPLAINT**

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Committee to Elect Sam Peters and Thomas Datwyler in his official capacity as treasurer for violating the Federal Election Campaign Act of 1971, as amended (the “Act”), and Federal Election Commission (the “FEC” or “Commission”) regulations. After the 2022 primary election in Nevada, Sam Peters’ campaign raised over \$20,000 in contributions for the 2022 primary election, but the campaign only incurred \$5,000 in debt for the 2022 primary election. Under federal law, a campaign may accept donations designated for an election “to the extent that the contribution[s] do[] not exceed *net debts outstanding from such election.*”<sup>1</sup>

If the Commission “upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of the Act . . . the Commission *shall* make an investigation of such alleged violation.”<sup>2</sup> The Commission should act immediately to investigate

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<sup>1</sup> 11 C.F.R. § 110.1(b)(3)(i) (emphasis added).

<sup>2</sup> 52 U.S.C. § 30109(a)(2); *see also* 11 C.F.R. § 111.4(a).

whether Respondents are violating the law by accepting excessive contributions and seek the appropriate financial penalties.

#### FACTS

Sam Peters advanced from the 2022 primary election held on June 14, 2022,<sup>3</sup> becoming the Republican Party's nominee for Congress in Nevada's 4th Congressional District.<sup>4</sup> His principal campaign committee is the Committee to Elect Sam Peters and Thomas Datwyler serves in his official capacity as treasurer (the "Committee").<sup>5</sup>

On the Committee's 2022 October Quarterly Report, which covered the period of July 1, 2022 to September 30, 2022, it reported debts and loans totaling \$101,037.32.<sup>6</sup> Of this amount, only \$5,000 was incurred during the 2022 primary election, which was in the form of a personal loan Peters made to his campaign on May 18, 2022.<sup>7</sup> The below chart reflects the Committee's debts and outstanding balances.

Source	Date Incurred	Amount	Amount Paid to Date
Sam Peters	3/19/2019	\$5,000	\$0
Sam Peters	5/1/2019	\$3,853.36	\$0
Sam Peters	9/29/2019	\$50,000	\$0
Sam Peters	9/30/2019	\$10,583.96	\$0
Sam Peters	3/30/2020	\$2,500	\$0
Sam Peters	3/31/2020	\$12,500	\$0

<sup>3</sup> Nevada Secretary of State, Primary Election Results 2022, <https://silverstateelection.nv.gov/USCongress/> (last visited Oct. 26, 2022); Nevada Secretary of State, 2022 Nevada Election Calendar, <https://www.nvsos.gov/sos/home/showpublisheddocument/10318/637860672889600000> (last visited Oct. 26, 2022).

<sup>4</sup> See Samuel Peters, Statement of Candidacy, <https://docquery.fec.gov/cgi-bin/forms/H0NV04023/1634050/> (October 5, 2022); Committee to Elect Sam Peters, Statement of Organization (October 5, 2022), <https://docquery.fec.gov/cgi-bin/forms/C00700898/1634049/>.

<sup>5</sup> *Id.*

<sup>6</sup> See Committee to Elect Sam Peters, 2022 October Quarterly Report at 2, (Oct. 15, 2022), <https://docquery.fec.gov/pdf/940/202210159532807940/202210159532807940.pdf>.

<sup>7</sup> See *id.*, Committee to Elect Sam Peters, 2022 October Quarterly Report, Schedule C, <https://docquery.fec.gov/cgi-bin/forms/C00700898/1641411/sc/ALL>.



Sam Peters	3/31/2020-12/31/2020	\$9,100 <sup>8</sup>	\$0
Sam Peters	5/18/2022	\$5,000	\$0
Sam Peters	6/30/2022	\$2,500	\$0
	<b>Totals</b>	<b>\$101,037</b>	<b>\$0</b>

Despite only incurring \$5,000 during the 2022 primary election cycle, the Committee's 2022 October Quarterly Report shows that it raised funds for the primary election in excess of its \$5,000 in debts for that election. As illustrated below, the Committee received \$20,800 in contributions for the 2022 primary election that it designated as "primary debt retirement."

DATE	CONTRIBUTOR	AMOUNT
8/25/2022	CLAIRE M. MACDONALD	\$1,300
8/25/2022	RICHARD C. MACDONALD	\$2,900
8/26/2022	CONGRESSIONAL LEADERHIP FUND	\$5,000
9/9/2022	ANDREA M. MARNELL	\$2,900
9/9/2022	ANTHONY A. MARNELL, III	\$2,900
9/9/2022	ANTHONY A. MARNELL, II	\$2,900
9/9/2022	LYNDY MARNELL	\$2,900
	<b>TOTAL</b>	<b>\$20,800</b>

#### LEGAL DISCUSSION

Under the Act, a candidate may only accept \$2,900 per election from individual contributors in the 2021-2022 cycle.<sup>9</sup> These contributions may be designated for "a particular election."<sup>10</sup> Commission regulations specify that a contribution designated in writing for a particular election, but made after that election, "shall be made only to the extent that the contribution does not exceed net debts outstanding from such election."<sup>11</sup> In general, net debts

<sup>8</sup> See Committee to Elect Sam Peters, 2021 Year-End Report at 105, (Jan. 31, 2022), <https://docquery.fec.gov/pdf/127/202204159499769127/202204159499769127.pdf>.

<sup>9</sup> 52 U.S.C. § 30116(a)(1); 11 C.F.R. § 110.1(b); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 86 Fed. Reg. 7,867, 7869 (Feb. 2, 2021).

<sup>10</sup> 11 C.F.R. § 110.1(b)(2), (3), (4).

<sup>11</sup> *Id.* § 110.1(b)(3)(i).

outstanding is defined as the total amount of unpaid debts and obligations incurred with respect to an election minus total cash on hand available to pay those debts and obligations.<sup>12</sup>

If a campaign committee has debts outstanding after an election is over, the campaign may raise contributions to retire the debt, provided that: “[t]he contribution was designated for that election (e.g., ‘2020 primary debt’); the contribution does not cause the contributor to exceed the contributor’s limit for the designated election; and the campaign has debts outstanding for the designated election on the day that it receives the contributions.”<sup>13</sup> If a contribution exceeds net debts outstanding, the campaign must refund the contribution or seek redesignation of the contribution or reattribution to another contributor.<sup>14</sup>

Here, the Committee incurred only \$5,000 in debt and obligations during the entire 2022 primary election cycle.<sup>15</sup> Yet, it raised \$20,800 in contributions designated for the 2022 primary election and disclosed that the contributions were being used for “primary debt retirement.” Not only has the Committee failed to use any of the \$20,800 for “primary debt retirement,” this amount far exceeds the \$5,000 that the Committee incurred in debts and obligations for the 2022 primary election. It does not appear that the Committee has attempted to refund, redesignate, or reattribute any of the \$20,800 in primary contributions. As a result, it appears that the Committee has received excessive and impermissible 2022 primary election contributions. Moreover, a review of the Committee’s disclosure reports reveals that it has not paid any of the nearly \$100,000 in outstanding debt it has carried over the course of three years, raising questions on whether the Committee is carrying debt from past elections as a pretext to raise additional funds beyond the legal limits for use in upcoming elections. For these reasons, the Commission should

<sup>12</sup> *Id.* § 110.1(b)(3)(ii).

<sup>13</sup> *See* Contributions to Retire Debts, <https://www.fec.gov/updates/tip2020-contributions-retire-debts/> (last visited Oct. 26, 2022).

<sup>14</sup> 11 C.F.R. § 110.1(b)(3)(i).

<sup>15</sup> *See id.*, Committee to Elect Sam Peters, Schedule C, <https://docquery.fec.gov/cgi-bin/forms/C00700898/1641411/sc/ALL>.



fully investigate the Committee's questionable fundraising activities to ensure that it is not accepting excessive and impermissible contributions.

**REQUESTED ACTION**

As demonstrated above, the available information provides reason to believe that Respondents may have violated the Act and the Commission regulations by raising 2022 primary election contributions that exceed the amount of the Committee's debts from the 2022 primary election cycle, in violation of federal law. We respectfully request that the Commission immediately investigate Respondents' conduct, fine Respondents the maximum amount permitted by law, and enjoin Respondents from further violations of the law.

Sincerely,

*Joann Wright*  
Joann Wright

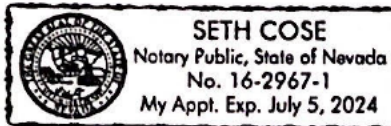
North Las Vegas, NV 89086

State of Nevada  
County of Clark

SUBSCRIBED AND SWORN to before me this 31st day of October 2022.  
by Joann Wright.

Seth Coase

Seth Coase  
Notary Public



My Commission Expires: July 5, 2024