



FEDERAL ELECTION COMMISSION
Washington, DC

February 14, 2025

VIA ELECTRONIC MAIL
belinskik@ballardspahr.com

Kate Belinski, Legal Counsel
Ballard Spahr, LLP
1909 K St., NW
12th Fl.
Washington, DC 20006-1157

RE: MUR 8097

Dear Ms. Belinski:

On January 18, 2023, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and your response on behalf of John and Judy Donovan, the Commission, on January 8, 2025, voted to dismiss the allegation against your clients, effective February 14, 2025. Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Factual and Legal Analysis or Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Rocelyn Halili, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Ana J. Peña-Wallace

Ana J. Peña-Wallace
Assistant General Counsel

Enclosure

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Gopal Aggarwal MUR 8097
 Om Bachu
 John Donovan
 Judy Donovan
 Thomas Dyal
 HansPeter Gerber
 Bill Gorman
 Dave House
 Mohan Kalkunte
 Devyany Kamdar
 Narsimha Koppula
 Rishub Kumar
 Rishi Kumar
 Padma Mohan
 Bachu Om
 Chandar Pattabhiram
 Dhanshree Bhagwatrao Pawar
 David Rossi
 Jayant Somani
 Sumita Somani
 Anjali Sridhar
 Murli Thirumale
 Vandana Thirumale
 Jay Vadrevu
 Anjali Yadav
 Rishi Raj Yadav

I. INTRODUCTION

This matter arises from a Complaint alleging that contributors to Kumar for Congress (the “Committee”) violated the Federal Election Campaign Act of 1971, as amended (the “Act”), during the 2022 election cycle by making excessive contributions.

For the reasons explained below, the Commission dismisses the allegations that the named contributor Respondents violated 52 U.S.C. § 30116(a)(1) because the apparent excessive contributions were the result of the Committee’s errors: through the duplication of contribution amounts as to eight contributors, the Committee’s failure to report refunds that were timely made

as to ten contributors, and the Committee's misattribution to the wrong individuals or an incorrect election as to seven contributors.¹

II. FACTUAL BACKGROUND

Rishi Kumar was a candidate for election to the U.S. House of Representatives for California's 16th Congressional District during the 2022 election cycle; Kumar for Congress is his principal campaign committee.²

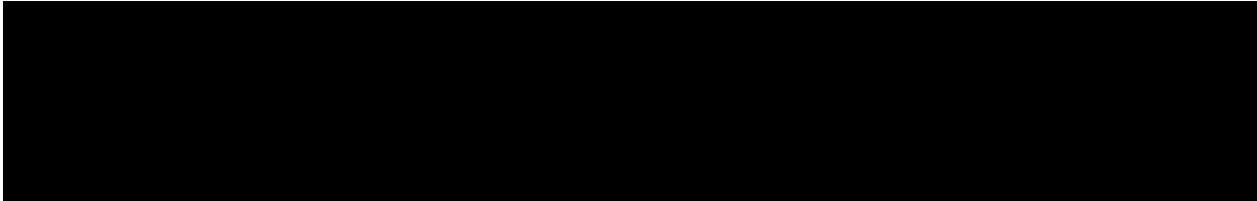
The Complaint alleges that 24 individual contributors made excessive contributions totaling \$91,300 for the 2022 primary and general elections.³ The Committee states that it experienced a technical failure with its software, causing the duplication of eight of the alleged contributions and resulting in the appearance of excessive contributions totaling \$41,100. In addition, the Committee acknowledges that it made timely refunds for ten excessive contributions totaling \$28,200, but says those refunds were not reflected on its reports due to the software error. The Committee eventually filed amendments reflecting the refunds to the ten

¹ See Bachu Resp. (Feb. 6, 2023); Dyal Resp. (Jan. 25, 2023); House Resp. (Feb. 7, 2023); Kamdar Resp. (Feb. 7, 2023); Rishub Kumar Resp. (Feb. 1, 2023); Sumita Somani Resp. (Feb. 6, 2023); Murli Thirumale Resp. (Feb. 6, 2023); Anjali Yadav Resp. (Feb. 3, 2023); Rishi Yadav Resp. (Feb. 6, 2023); *see also* Judy Donovan Resp. (Mar. 1, 2023); Sridhar Resp. (Feb. 3, 2023); Jayant Somani Resp. (Feb. 6, 2023); Vandana Thirumale Resp. (Feb. 6, 2023); Aggarwal Resp. (Jan. 29, 2023); Pawar Resp. (Jan. 25, 2023); Gerber Resp. (Jan. 31, 2023); Vadrevu Resp. (Feb. 4, 2023); Kalkunte Resp. (Feb. 1, 2023); Rishub Kumar Resp. (Feb. 1, 2023); Srinivas Resp. (Feb. 1, 2023); Pattabhiram Resp. (Feb. 6, 2023); Rossi Resp. (Jan. 25, 2023); Koppula Resp. (Jan. 31, 2023). The Complaint identified 23 contributor respondents, but the record reflects 24 actual contributors who responded to the Complaint, with the inclusion of John and Judy Donovan, in lieu of Leasa Donovan. In addition, the records indicate that a contributor, Rishub Kumar, had contributions that fell between two categories: some contributions were timely refunded and some were misattributed and unremedied within the permissible timeframe.

² Rishi Kumar, Amended Statement of Candidacy (Nov. 14, 2020); Rishi Kumar, Amended Statement of Candidacy (Sept. 28, 2023). Kumar lost the primary election during the 2024 election cycle. SHIRLEY N. WEBER, CAL. SEC'Y OF STATE, MARCH 5, 2024, PRESIDENTIAL PRIMARY ELECTION, UNITED STATES REPRESENTATIVE at 83 (2024), <https://elections.cdn.sos.ca.gov/sov/2024-primary/sov/79-us-rep-congress.pdf>.

³ Compl. at 2-12 (Jan. 11, 2024) (detailing alleged excessive contributions from the named contributors ranging from \$500 to \$14,300).

1 contributors.⁴ 

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5 All of the contributor respondents submitted Responses to the Complaint, confirming the

6 actual amounts they had contributed and, if applicable, the refund they had received.⁶ Based on

7 these Responses, it appears the Committee explained to contributors that the apparent excessive

8 contributions resulted from software and manual errors.⁷

9 **III. LEGAL ANALYSIS**

10 **A. Relevant Law**

11 The Act requires committee treasurers to file reports of receipts and disbursements in

12 accordance with the provisions of 52 U.S.C. § 30104.⁸ The Commission's regulations further

⁴ See Kumar for Congress, Amended 2022 April Quarterly Report at 41 (Jan. 30, 2023) (reflecting a \$2,900 reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report at 46-52 (Feb. 1, 2023) (reflecting a \$2,900 refund to Thomas Dyal, Dave House, Devyani Kamdar, Rishi Kumar, Sumita Somani, Murli Thirumale, Anjali Yadav, Rishi Yadav, respectively, and \$2,100 to Bill Gorman, on October 17, 2022).

⁶ See Bachu Resp.; Dyal Resp.; House Resp.; Kamdar Resp.; Rishub Kumar Resp.; Sumita Somani Resp.; Murli Thirumale Resp.; Anjali Yadav Resp.; Rishi Yadav Resp.

⁷ See Judy Donovan Resp.; Sridhar Resp.; Jayant Somani Resp.; Vandana Thirumale Resp.; Aggarwal Resp.; Pawar Resp.; Gerber Resp.; Vadrevu Resp.; Kalkunte Resp.; Rishub Kumar Resp.; Srinivas Resp.; Pattabhiram Resp.; Rossi Resp.; Koppula Resp.

⁸ 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

mandate that committees accurately report the name, mailing address, occupation, and name of a contributor's employer as part of the committee's disclosure.⁹

During the 2022 election cycle, individuals were limited to making \$2,900 in contributions to each candidate per election.¹⁰ The Act provides that no political committee shall knowingly accept any contribution that exceeds contribution limits.¹¹ A primary election and a general election are each considered a separate "election," and the individual contribution limits are applied separately with respect to each election.¹²

Contributions which either exceed the contribution limit on their face or in the aggregate may be deposited or returned to the contributor.¹³ If the excessive contribution is deposited, the treasurer may request redesignation or reattribution of the contribution.¹⁴ A contribution shall be considered to be redesignated for another election if the treasurer of the recipient committee requests and receives a signed, written redesignation of the contribution from the contributor and informs the contributor that the contribution can be refunded as an alternative to a redesignation within 60 days.¹⁵ The Commission's regulations allow a committee to presumptively redesignate an excessive portion of a contribution to the general election provided the contribution is made before the general election, is not designated to another person, and does not result in the

⁹ 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. §100.12.

¹⁰ 52 U.S.C. § 30116(a)(1), (f); 11 C.F.R. §§ 110.1(b)(1), 110.9; Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 86 Fed. Reg. 7867, 7869 (Feb. 2, 2021).

¹¹ 52 U.S.C. § 30116(f); *see also* 11 C.F.R. § 110.9 ("No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of 11 CFR part 110.").

¹² 52 U.S.C. §§ 30101(l)(A), 30116(a)(6); 11 C.F.R. §§ 100.2(b)-(c), 110.1(j).

¹³ 11 C.F.R. § 103.3(b)(3).

¹⁴ *Id.*

¹⁵ 11 C.F.R. § 110.1(b)(5)(ii)(1), (2).

contributor exceeding the contribution limit.¹⁶ If a redesignation or reattribution is not obtained, the treasurer must refund the contribution to the contributor within 60 days of receipt.¹⁷

B. The Commission Dismisses the Allegations Pertaining to Excessive Contributions by Individual Contributor Respondents

The available information indicates that the alleged excessive contributions by the individual Respondents were the result of the Committee's errors: through the duplication of contribution amounts as to eight contributors, the Committee's failure to report refunds that were timely made as to ten contributors, and the Committee's misattribution to the wrong individuals or an incorrect election as to seven contributors.

According to the Committee, its software created duplicate records of proper contributions for eight of the 24 contributors. These eight contributors have confirmed the amounts they had actually contributed, explaining that the Committee attributed the duplicative reporting to a software error.¹⁸ The Committee also acknowledges that it received \$28,200 in

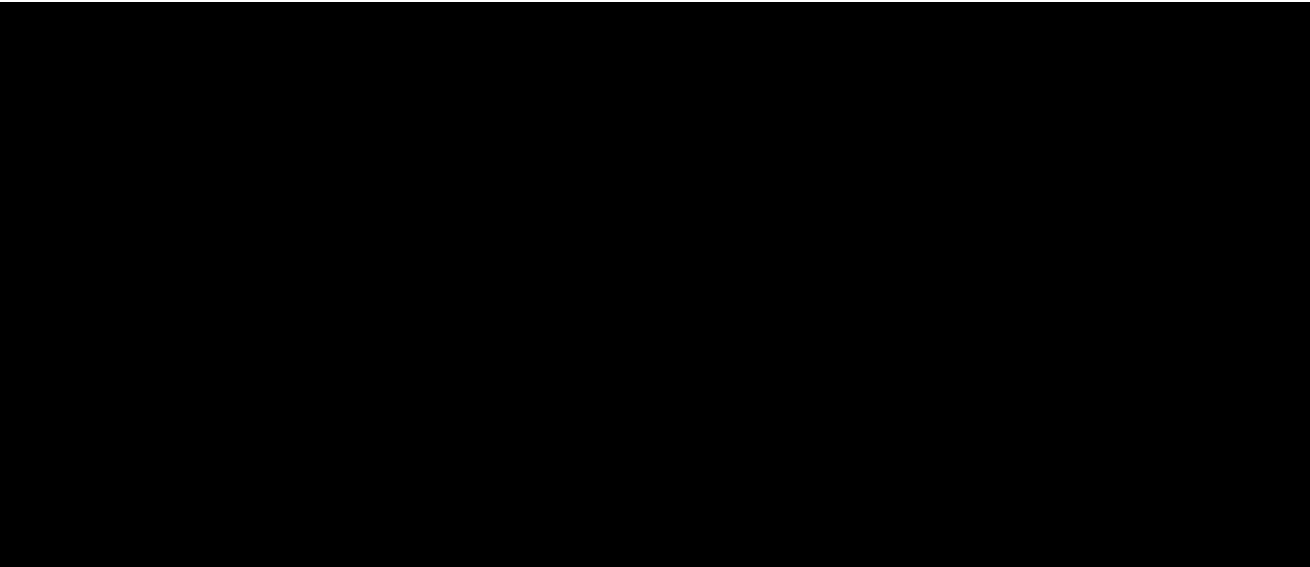
¹⁶ 11 C.F.R. § 110.1(b)(5)(ii)(B)(1)-(4). For joint contributions, the contributor can reattribute a contribution by instructing a committee in writing to attribute an excessive portion of a joint contribution to another individual, or the committee can make a presumptive reattribution of an excessive contribution in the name of the other individual listed on the check provided this does not cause the individual to exceed the contribution limits. 11 C.F.R. § 110.1(k)(3)(i), (ii)(B)(1).

¹⁷ 11 C.F.R. § 110.1(b)(5)(ii)(B)(1)-(4).

¹⁸ See Judy Donovan Resp.; Sridhar Resp.; Jayant Somani Resp.; Vandana Thirumale Resp.; Aggarwal Resp.; Pawar Resp.; Gerber Resp.

The Committee filed the following amendments to correct the duplications: Kumar for Congress, Amended 2022 12-Day Pre-General Report at 45-46, 49-50 (Feb. 1, 2022) (reflecting \$2,900 refunds to John and Judy Donovan, Jayant Somani, Vandana Thirumale respectively, on October 17, 2022); Kumar for Congress, Amended 2021 April Quarterly Report at 8-9 (Jan. 27, 2023) (amending the 2021 April Quarterly Amendment 1, referenced in the Complaint, and showing one contribution of \$2,800 for Anjali Sridhar for the primary election and reflecting one contribution by Hans Peter Gerber of \$2,000 made on March 23, 2021 for the primary election.); Kumar for Congress, 2021 Year-End Report at 5 (Jan. 31, 2022) (showing a \$2,900 contribution for the primary election from Amita Aggarwal on December 30, 2021, and a \$2,900 contribution by Gopal Aggarwal for the primary election on December 30, 2021); Kumar for Congress, Amended 2021 July Quarterly Report at 5 (Oct. 27, 2022) (showing a \$2,900 contribution for the general election and a \$2,900 contribution for the primary election by Gopal Aggarwal); *compare with* Kumar for Congress, Amended 2022 July Quarterly Report at 5 (Jan. 30, 2023) (reflecting a \$5,800 total contribution by Gopal Aggarwal, i.e. \$2,900 for the primary and general election by June 15, 2022; and a \$5,800 total contribution by Amita Aggarwal, i.e. \$2,900 for the primary and general election by

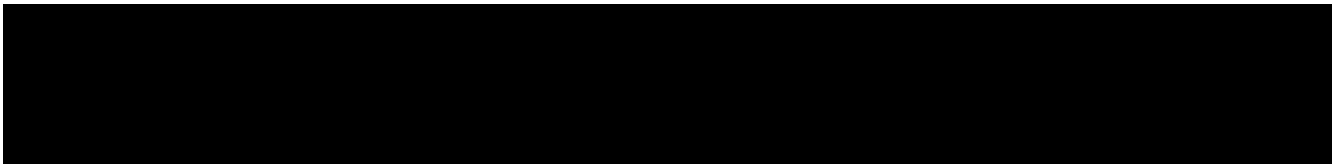
1 excessive contributions, which it timely refunded within 60 days of its alleged receipt. The
2 Committee states that the refunds were not shown in its prior filings because of software errors
3 but that it would file amendments to correct the omissions. By February 1, 2023, the Committee
4 had amended its reports that reflect its timely refunds.¹⁹ In their Responses to the Complaint,
5 several of these individual contributors stated that their apparent excessive contributions were
6 timely refunded, confirming the Committee's explanations pertaining to their specific
7 contributions.²⁰



June 15, 2022); Kumar for Congress, Amended 2022 October Quarterly, Report at 20 (Jan. 31, 2023) (reflecting a correction on Dhanashree Pawar's contribution by attributing \$2,900 of the joint contribution to Ritesh Bansal).

¹⁹ See generally, Kumar for Congress, Amended 2022 April Quarterly Report (Jan. 30, 2023) (showing a reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report (reflecting \$2,900 refunds to Dyal, House, Kamdar, Rishub Kumar, Sumita Somani, Murli Thirumale, Anjali Yadav, and Rishi Yadav on October 17, 2022, and a \$2,100 refund to Gorman on October 17, 2022, respectively).

²⁰ See Bachu Resp.; Dyal Resp.; House Resp.; Kamdar Resp.; Rishub Kumar Resp.; Sumita Somani Resp.; Murli Thirumale Resp.; Anjali Yadav Resp.; Rishi Yadav Resp.



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Therefore, because the record appears to support the conclusion that the contributors did not make excessive contributions, the Commission dismisses the allegation that the twenty-four contributor Respondents violated 52 U.S.C. § 30116(a)(1).