



FEDERAL ELECTION COMMISSION
Washington, DC

February 14, 2025

VIA ELECTRONIC MAIL

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Gary Tasser, Treasurer
Kumar for Congress
2200 Laurelwood Road
Santa Clara, CA 95054

RE: MUR 8097
Kumar for Congress, *et al.*

Dear Mr. Tasser:

On January 18, 2023, the Federal Election Commission notified Kumar for Congress ("the Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to the Committee at that time. On January 8, 2025, on the basis of the information in the complaint and information provided by the Committee, the Commission dismissed alleged violations with regard to the following: 52 U.S.C. § 30116(f) in connection with \$41,100 in excessive contributions associated with duplicate reporting and \$28,200 in excessive contributions that were timely refunded, and 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 100.12 for misreporting contributor information. Accordingly, on January 8, 2025, the Commission voted to close the file in this matter 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).

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

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Kumar for Congress and MUR 8097
Gary Tasser in his official
capacity as treasurer

I. INTRODUCTION

This matter arises from a Complaint alleging that Kumar for Congress (the “Committee”) violated the Federal Election Campaign Act of 1971, as amended (the “Act”) during the 2022 election cycle by accepting and failing to properly refund excessive campaign contributions from 24 contributors totaling \$91,300. The Complaint also alleges that the Committee violated reporting requirements by disclosing inaccurate contributor titles and addresses and attributing the incorrect election cycle for certain contributions.

In response to the Complaint, the Committee denies making or receiving excessive contributions, attributing the apparent violation to a manual or technological error. The Committee states that its filing software created duplicate records of eight contributors’ contributions, causing those duplicates to appear excessive. The Committee admits that it received excessive contributions from ten contributors, which it refunded within 60 days of receipt, but fails to address the allegations regarding misreporting contributor information.

For the reasons explained below, the Commission dismisses the allegations that the Committee knowingly accepted excessive contributions in violation of 52 U.S.C. § 30116(f) in connection with the contributions associated with duplicated reporting totaling \$41,000 and as to those that were timely refunded totaling \$28,200. The Commission also dismisses the allegation that the Committee violated 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 100.12 by misreporting contributor information.

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 and 2024 election cycles; Kumar for Congress is his principal campaign committee.¹

The Complaint alleges that the Committee accepted and failed to refund excessive contributions totaling \$91,300 for the primary and general elections from 24 contributors.² According to the Complaint, the Committee failed to provide explanatory responses to numerous Requests for Additional Information (“RFAs”) from RAD regarding these alleged excessive contributions.³ The Complaint also alleges that the Committee reported inaccurate contributor information when it disclosed multiple mailing addresses, occupations, and employers for two individual contributors, *i.e.* Jayant Somani and Vandana Thirumale.⁴

The Committee states that it experienced a technical failure with its software, causing the duplication of eight of the alleged contributions, resulting in the appearance of excessive contributions totaling \$41,100.⁵ The Committee states that it informed its RAD analyst about the duplication of transactions on November 22, 2022.⁶ In addition, the Committee acknowledges that it made timely refunds for ten excessive contributions totaling \$28,200, but says those

¹ 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> (last visited Dec. 3, 2024).

² Compl. at 2-12 (Jan. 11, 2023) (detailing alleged excessive contributions from the named contributors ranging from \$500 to \$14,300).

³ Compl. at 13; *see also* Kumar for Congress, RFAI, 2021 Year-End Report (Sept. 21, 2022); Kumar for Congress, RFAI, 2022 Pre-Primary Report (Sept. 22, 2022); Kumar for Congress, RFAI, 2022 July Quarterly Report (Sept. 22, 2022).

⁴ Compl. at 3-4.

⁵ Comm. Resp. at 1-4.

⁶ *Id.*

1 refunds were not reflected on its reports due to the software error.⁷ The Committee eventually
2 filed amendments reflecting the refunds to the ten contributors.⁸ [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 In addition, the Committee admits that it erred in some of its filings by misreporting some
8 contributors' names,¹⁰ but it did not respond to the allegation concerning misreported
9 information relating to Jayant Somani and Vandana Thirumale.

10 The individual contributors have confirmed to the Commission the actual amounts they
11 had contributed and, if applicable, the refund they had received. Based on these statements, it
12 appears the Committee explained to contributors that the apparent excessive contributions
13 resulted from software and manual errors.

⁷ *Id.* at 2-4.

⁸ 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).

¹⁰ Committee Resp. at 1-4 (noting that Leasa Donovan should have been reported as Judy Donovan, and Padma Mohan should have been reported as Padma Srinivas); *see also* Judy Donovan Resp.

III. LEGAL ANALYSIS

A. Relevant Law

The Act requires committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. These reports must include, inter alia, the total amount of receipts and disbursements, including the appropriate itemizations, where required. In addition, under 11 C.F.R. § 104.3(c)(1), each report filed shall disclose for both the reporting period and the calendar year (or the election cycle, in the case of the authorized committee) the total contributions, offsets to contributions and the net contributions. The Commission's regulations further mandate that committees accurately report the name, mailing address, occupation, and name of a contributor's employer as part of the committee's disclosure.

During the 2022 election cycle, individuals were limited to making \$2,900 in contributions to each candidate per election. The Act provides that no political committee shall knowingly accept any contribution that exceeds contribution limits. 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.

Contributions which either exceed the contribution limit on their face or in the aggregate may be deposited or returned to the contributor. If the excessive contribution is deposited, the treasurer may request redesignation or reattribution of the contribution. 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. 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 contributor exceeding the contribution limit. If a redesignation or reattribution is not obtained, the treasurer must refund the contribution to the contributor within 60 days of receipt.

B. The Commission Dismisses the Allegations Pertaining to Certain Excessive Contributions and Reporting Violations

The Complaint alleges that 24 contributors and the Committee violated the Act and Commission regulations by making and accepting excessive contributions totaling \$91,300, and that the Committee failed to issue proper refunds of those excessive contributions.¹¹ As explained below, some of the contributions which appeared to be excessive were actually duplicate entries on the Committee's reports, and other contributions were timely refunded.

1. Contributions Reported Duplicate Times

According to the Committee, the software used by the Committee created duplicate records of proper contributions for eight of the 24 contributors.¹³ These eight contributors submitted responses confirming the amounts they had actually contributed, explaining that the Committee attributed the duplicative reporting to a software error.¹⁴

Based on the available information, it appears that the Committee incorrectly reported single contributions multiple times, resulting in the appearance of excessive contributions,

¹¹ Compl. at 1-12.

¹³ Comm. Resp. at 1-4; *see e.g.*, Judy Donovan Resp. (Mar. 1, 2023); Sridhar Resp. (Feb. 3, 2023); Jayant Somani Resp. (Feb. 6, 2023); Vandana Thirmurale Resp. (Feb. 6, 2023).

¹⁴ *See* Judy Donovan Resp.; Sridhar Resp.; Jayant Somani Resp.; Thirmurale Resp.; Aggarwal Resp. (Jan. 29, 2023); Pawar Resp. (Jan. 25, 2023); Gerber Resp. (Jan. 31, 2023).

- 1 totaling \$41,100. The Committee has amended its reports to remove these duplicative entries.¹⁵
- 2 Therefore, the Commission dismisses the allegation that the Committee knowingly accepted
- 3 excessive contributions in violation of 52 U.S.C. § 30116(f) in connection with these \$41,100 in
- 4 contributions during the 2022 election cycle.¹⁶

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 Thirmurale 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 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).

¹⁵ *See e.g.*, Kumar for Congress, Amended 2021 April Quarterly Report at 8-9, (Jan. 27, 2023) (showing one contribution of \$2,800 for the primary election for Anjali Sridhar, amending the 2021 April Quarterly Amendment 1, referenced in the Complaint); 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 2022 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 June 15, 2022); Kumar for Congress, Amended 2022 October Quarterly Report at 20 (Jan. 31, 2023) (reflecting a correction, attributing \$2,900 of the joint contribution to Ritesh Bansal); Kumar for Congress, Amended 2021 April Quarterly Report at 8 (Jan. 27, 2023) (amending the 2022 April Quarterly Amendment 1, and reflecting one contribution of \$2,000 for Gerber made on March 23, 2021 for the primary election).

¹⁶ *See e.g.*, F&LA at 5, MUR 7848 (Cohn for Congress 2020, *et al.*) (dismissing the allegation that the Committee received excessive contributions because the apparent excessive contributions resulted from a clerical error that caused the delayed filing of an amended Statement of Organization identifying the joint fundraising committee as an authorized committee); F&LA at 17-20, MURs 6572, 6606, and 6676 (Tarkanian for Congress) (finding no reason to believe that the Committee violated 2 U.S.C. § 441a(f) (now 52 U.S.C. § 30116(f)) because Committee received no true excessive contributions, based on several factors including typographical error in the Committee's reports); *see also*, Gen. Counsel's Rpt. ("GCR") at 1, MUR 8035 (Jim Banks for Congress, Inc.) (EPS Dismissal) (dismissing allegation of excessive contributions after finding that the alleged violation was due to clerical and software errors); GCR at 1-2, MUR 7925 (Jim Banks for Congress, Inc., *et al.*) (same); *cf.* F&LA at 3, MUR 6701 (Independent Source PAC) (Commission dismissed allegation of inaccurate reporting of quarterly report by Committee due to software malfunction).

2. Excessive Contributions Timely Refunded Within 60 Days of Receipt

The Committee acknowledges that it received \$28,200 in excessive contributions, which it timely refunded within 60 days of its alleged receipt.¹⁷ The Committee states that the refunds were not shown in its prior filings because of software errors but that it would file amendments to correct the omissions.¹⁸ By February 1, 2023, the Committee had amended its reports that reflect its timely refunds.¹⁹ In their Responses to the Complaint, several of these individual contributors stated that their apparent excessive contributions were timely refunded, confirming the Committee's explanations pertaining to their specific contributions.²⁰

Based on the Committee's amendments to its reports and the contributors' statements confirming the refunds, it appears that the Committee refunded excessive contributions to these ten contributors within 60 days of receipt, in adherence to Commission regulations. Accordingly, the Commission dismisses the allegation that the Committee violated 52 U.S.C. § 30116(f) by accepting excessive contributions totaling \$28,200.

3. Misreporting Contributor Information

The Complaint alleges that the Committee misreported information relating to two of its contributors on its Amended 2021 Year-End Quarterly Report, specifically, their address and

¹⁷ Comm. Resp. at 2-3.

¹⁸ *Id.*

¹⁹ *See generally*, Kumar for Congress, Amended 2022 April Quarterly Report at 41 (Jan. 30, 2023) (showing a reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report at 46-52 (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. (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).

1 occupation information.²¹ First, the Complaint alleges that the Committee’s filings show two
 2 different addresses for Jayant Somani: one for a contribution made on December 15, 2021, to
 3 the primary election, and another for a contribution made on December 31, 2021, to the general
 4 election.²² However, there is no information to confirm which address Somani provided to the
 5 Committee at the time he made his contribution, whether the Committee misreported Somani’s
 6 information, or whether Somani may have had legitimate basis to provide different residential
 7 addresses on different dates. The Committee did not respond to this allegation.²³

8 Second, the Complaint alleges that the Committee disclosed two different occupations
 9 and inconsistent addresses for Vandana Thirumale: the Committee reported her occupation as
 10 “housewife” and “retired” for contributions made on December 30, 2021, for the primary and
 11 general elections.²⁴ However, the available information cannot confirm Thirumale’s occupation
 12 at the time she made the contributions and whether the Committee misreported her occupation
 13 at all by identifying her as a housewife and retired. The Committee did not respond to this
 14 allegation.

15 Given the speculative nature of these assertions, the Commission dismisses the allegation
 16 that the Committee violated 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 100.12.²⁵

²¹ See Compl. at 3-4; *see also* 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 100.12.

²² Comp. at 3-4.

²³ See Comm. Resp.

²⁴ See Compl. at 3-4.

²⁵ See *Common Cause Georgia v. FEC*, 2023 WL 6388883 at *6 (D.D.C. 2023) (“speculation is not enough” to find reason to believe); *see also* Statement of Reasons, Comm’rs Mason, Sandstrom, Smith & Thomas at 1-2, MUR 4960 (Hillary Rodham Clinton for US Senate Expl. Comm., Inc., *et al.*) (“The Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts which, if proven true, would constitute a violation of the [Act]. . . . [M]ere speculation . . . will not be accepted as true.”).