

1 **FEDERAL ELECTION COMMISSION**

2 **FIRST GENERAL COUNSEL'S REPORT**

3 **MUR 8248**

4 DATE COMPLAINT FILED: 4/22/2024

5 DATE OF NOTIFICATIONS: 4/29/2024

6 LAST RESPONSE RECEIVED: 7/15/2024

7 DATE ACTIVATED: 11/7/2024

8 [REDACTED]
 9 STATUTE OF LIMITATIONS: 6/20/2025-
 10 3/2/2029¹

11 ELECTION CYCLES: 2020, 2024

12 **COMPLAINANT:**

Campaign Legal Center

13
 14 **RESPONDENTS:**

Campaign for a Conservative Majority and
 William Hartford in his official capacity as
 treasurer

William Hartford

Anna Hartford in her personal capacity and official
 capacity as assistant treasurer

15
 16
 17
 18
 19
 20
 21 **RELEVANT STATUTES
 22 AND REGULATIONS:**

52 U.S.C. § 30124(b)

52 U.S.C. § 30104(b)(4)(H)(i),(iii),(v)

52 U.S.C. § 30104(g)(1), (2)

52 U.S.C. § 30120(a)

11 C.F.R. § 110.16(b)

11 C.F.R. § 104.3(b)

11 C.F.R. § 104.4(a), (b)

11 C.F.R. § 110.11(a), (b)

23
 24
 25
 26
 27
 28
 29
 30
 31 **INTERNAL REPORTS CHECKED:**

Disclosure Reports

32 **FEDERAL AGENCIES CHECKED:**

None

33 **I. INTRODUCTION**

34 The Complaint alleges that the Campaign for a Conservative Majority and William
 35 Hartford in his official capacity as treasurer ("CFCM"), William Hartford in his personal

¹ Respondent CFCM agreed to toll the statute of limitations for 30-days. *See* Consent to Extend Time to Commence a Civil Law Enforcement Action, Suit, or Proceeding (June 11, 2024). With tolling, the statute of limitations for the alleged fraudulent misrepresentation, failure to file independent expenditure reports, misreporting contributions, and disclaimer violations begins June 20, 2025, and ends June 13, 2026. With tolling, the statute of limitations for the alleged failure to report 2023 disbursements begins May 15, 2028, and ends March 2, 2029.

1 capacity, and Anna Hartford in her official capacity as assistant treasurer and in her personal
2 capacity, violated the Federal Election Campaign Act of 1971, as amended, (the "Act") by
3 engaging in a scheme to defraud contributors and by filing false and inaccurate reports with the
4 Commission. Specifically, the Complaint alleges that Respondents defrauded donors by
5 fraudulently, and without authorization, using President Donald J. Trump's recorded voice over
6 on robocalls to solicit contributions, creating the false impression that the money solicited would
7 be used to support his campaign, and by failing to include disclaimers on those robocalls. In
8 addition, the Complaint alleges that instead of using the funds to engage in electoral activity,
9 Respondents routed those funds to the Hartfords by making payments to their company, Expert
10 Vendor, LLC, for their personal gain.

11 Respondents deny the allegations and assert that CFCM's funds were spent on
12 contributions to various candidates and committees and were used for operating expenses, and
13 that the robocalls contained the appropriate disclaimers. In addition, Respondents assert that the
14 Committee's reports filed with the Commission are complete and accurate.

15 The available information indicates that Respondents included President Trump's
16 recorded voice over on the robocalls without his knowledge and consent which, together with
17 language suggesting that President Trump is authorizing the solicitations of contributions to his
18 campaign suggests an intent to mislead the listener. Further, there is no indication that the
19 robocalls contained disclaimers that the solicitations were not authorized by any candidate.
20 Accordingly, we recommend that the Commission find reason to believe that CFCM and
21 William Hartford in his personal capacity knowingly and willfully violated 52 U.S.C. § 30124(b)
22 and 11 C.F.R. § 110.16(b) by fraudulently misrepresenting campaign authority to solicit
23 contributions through the robocalls. We further recommend that the Commission find reason to
24 believe that CFCM and William Hartford in his personal capacity violated 52 U.S.C.

1 §§ 30104(b)(4)(H)(iii), (g)(1), (2) and 11 C.F.R. § 104.4(a), (b) by failing to file independent
2 expenditure reports in connection with the robocalls. We further recommend that the
3 Commission find reason to believe that CFCM failed to include disclaimers on the robocalls, in
4 violation of 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(a), (b). In addition, we recommend
5 that the Commission dismiss the allegations that CFCM, William Hartford in his personal
6 capacity, and Anna Hartford, both in her official capacity as assistant treasurer and in her
7 personal capacity, violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 in connection with its
8 reporting of contributions made to other political committees and disbursements it made during
9 2023. We also recommend that the Commission take no action at this time as to Anna Hartford.
10 Lastly, we recommend that the Commission authorize an investigation.

11 **II. FACTUAL BACKGROUND**

12 On July 4, 2019, the Campaign for a Conservative Majority registered with the
13 Commission as a nonconnected multicandidate political action committee.² William Hartford is
14 its treasurer and Anna Hartford is its assistant treasurer.³ Expert Vendor, LLC, is a data
15 brokerage and database administration business owned by Willam and Anna Hartford.⁴

² Campaign for a Conservative Majority, Statement of Organization at 2 (Jul. 4, 2019), <https://docquery.fec.gov/pdf/814/201907049150448814/201907049150448814.pdf>.

³ Campaign for a Conservative Majority, Amended Statement of Organization at 3-4 (Oct. 30, 2020), <https://docquery.fec.gov/pdf/388/202010309336669388/202010309336669388.pdf>.

⁴ Compl., Ex. A (Apr. 22, 2024) (Expert Vendor Annual Report filed with Illinois Secretary of State Feb. 21, 2024); *see also* Resp. at 2; Hartford Decl. ¶ 7 (Jul. 15, 2024); *see also* Business Entity Search, OFF. ILL. SEC'Y STATE, <https://apps.ilsos.gov/businessentitysearch/> (last visited Mar. 19, 2025) (select "Business Name" and search Expert Vendor, LLC under "Search for a Business Entity"). According to its website, Expert Vendor provides free company matching services to businesses searching for call center providers of outbound telemarketing, inbound call services, or answering services. Expert Vendor, <http://expertvendor.com/index.php> (last visited Mar. 19, 2025). Its website further explains that Expert Vendor "makes money by billing our suppliers a referral fee for the privilege to bid on your business." Expert Vendor, <http://www.expertvendor.com/index.php?link=help> (last visited Mar. 19, 2025). *See also* Compl. at 6-7.

Two other federal committees have reported disbursements to Expert Vendor: Campaign to Elect a Democratic Majority and Support American Leaders PAC, the latter of which was a respondent in MUR 8126. *FEC Disbursements: Filtered Results*, FEC.GOV, <https://www.fec.gov/data/disbursements/>

1 During the 2020 election cycle, CFCM received \$473,370.73 in contributions, of which
 2 \$325,625.73 were unitemized.⁵ It also reported making \$428,136.27 in disbursements, including
 3 \$172,700.04 to Expert Vendor, LLC for call center services, fundraising phone calls, call center
 4 marketing consulting⁶ and contributions totaling \$55,000 to various political committees.⁷

5 **A. Complaint**

6 The Complaint alleges the Respondents violated the fraudulent misrepresentation,
 7 disclaimer, and reporting provisions of the Act. First, the Complaint alleges that CFCM's
 8 robocalls violated the fraudulent misrepresentation provision of the Act when it used President
 9

[recipient&data_type=processed&recipient_name=expert+vendor](https://www.fec.gov/data/independent-expenditures/?data_type=processed&recipient_name=expert+vendor) (reflecting disbursements from Campaign to Elect a Democratic Majority to Expert Vendor from September 22, 2020, through November 13, 2020, in the aggregate amount of \$48,870.67 for database services, fundraising consulting); *FEC Independent Expenditures: Filtered Results*, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&most_recent=true&is_notice=true&payee_name=expert+vendor (reflecting an independent expenditure from Support American Leaders PAC to Expert Vendor on January 15, 2020, in the amount of \$2,000 for voter contact calls).

The treasurer of Support American Leaders PAC, Matthew Tunstall, was convicted by the U.S. Department of Justice for taking part in a scheme to solicit millions of dollars in contributions to two political action committees based on false and misleading representations through robocalls, television, radio and internet ads that the funds would be used to support presidential candidates during and after the 2016 election cycle, but the funds were instead used to enrich the conspirators and fund further fraudulent solicitations. Support American Leaders PAC, Amended Statement of Organization at 3 (Jan. 4, 2022), <https://docquery.fec.gov/pdf/959/202201049474866959/202201049474866959.pdf>; U.S. Department of Justice Archives, Press Release, *California Man Pleads Guilty in Scam PACs Scheme*, <https://www.justice.gov/archives/opa/pr/california-man-pleads-guilty-scam-pacs-scheme> (Dec. 20, 2022). Tunstall was a respondent in two enforcement matters, which the Commission ultimately dismissed with admonishment letters after he was sentenced in his criminal case. See Certification ("Cert.") ¶¶ 1-3, 5 (July 27, 2023), MUR 7468 (Progressive Priorities PAC, *et al.*); Cert. ¶¶ 2-4 (Aug. 31, 2023), MUR 8162 (Support American Leaders PAC).

⁵ *FEC Financial Summary*, FEC.GOV, <https://www.fec.gov/data/committee/C00711119/?tab=summary&cycle=2020> (reflecting total receipts for the Committee during the 2020 election cycle).

⁶ *FEC Financial Summary*, FEC.GOV, https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00711119&recipient_name=expert+vendor&two_year_transaction_period=2020&line_number=F3X-21B (reflecting disbursements made by the Committee to Expert Vendor during the 2020 election cycle).

⁷ *FEC Financial Summary*, FEC.GOV, https://www.fec.gov/data/disbursements/?committee_id=C00711119&two_year_transaction_period=2020&cycle=2020&line_number=F3X-23&data_type=processed (reflecting contributions the Committee made to other political committees during the 2020 election cycle, including one \$5,000 contribution to Donald J. Trump for President, Inc.). CFCM also made a \$5,000 disbursement to ANTTs Promotions for "marketing leads." Campaign for a Conservative Majority, 2020 October Quarterly Report at 51 (Oct. 17, 2020), <https://docquery.fec.gov/pdf/075/202010179297137075/202010179297137075.pdf>. [REDACTED]

1 Trump's voice over without authorization on robocalls disseminated to solicit contributions and
 2 falsely pledge to support his candidacy.⁸ According to the Complaint, a reasonable person could
 3 easily conclude that the solicitation was from President Trump or that a donation in response to
 4 the robocall would support his campaign.⁹

5 The Complaint obtained recordings of two CFCM's robocalls through Nomorobo, a
 6 company that detects, screens, records, and archives robocalls.¹⁰ The Complaint provided the
 7 following transcripts of those two robocall recordings:¹¹

8 *Robocall 1:*

Speaker	Text
Trump's Voice	Hi, this is Donald Trump, and I'm running for the presidency of the United States of America.
Narrator	<p>It is a very close election, and it is going to be a fight to the finish. There is a lot at stake this election, and President Trump, along with the Campaign for a Conservative Majority PAC, needs our support now. A Biden-Kamala presidency would be the most radical presidency in history.</p> <p>You won't hear this from the liberal media, but Joe Biden has adopted the policies of the radical Socialist left, including immediately raising your taxes, free and open borders, the job-killing Green New Deal, and eliminating private healthcare with healthcare for illegals.</p> <p>Even before this last week before the election, Biden refuses to leave his basement. He is incapable of performing the duties of the presidency. The radical left including Nancy and AOC will be running our country if Joe Biden is elected president.</p> <p>We need every American who supports the re-election of President Trump to press 3 now to pledge your support and contribute. Even if you have contributed in the past, please contribute again—</p> <p>[Nomorobo recording ends abruptly]</p>

9

⁸ Compl. at 1-5.

⁹ *Id.* at 4.

¹⁰ *Id.* at 4-5, <https://www.nomorobo.com/> (last visited Mar. 19, 2025).

¹¹ *Id.* at 4-5. The audio recordings can be accessed here: Robocall 1, Nomorobo, <https://www.nomorobo.com/lookup/202-381-9604> (last visited Mar. 19, 2025); Robocall 2, Nomorobo, <https://www.nomorobo.com/lookup/202-381-9572> (last visited Mar. 19, 2025). The Complaint provides links to these recordings sent to other phone numbers on various dates; however, it appears only two different transcripts were used. *Id.* at nn. 10-11.

1 *Robocall 2:*

Speaker	Text
Trump's Voice	Hi, this is Donald Trump, and I'm running for the presidency of the United States of America.
Narrator	<p>A Biden-Kamala presidency would be the most radical presidency in history. There is a lot at stake this election and President Trump, along with the Campaign for a Conservative Majority PAC, needs our support now.</p> <p>You won't hear it with the liberal media, but Joe Biden has adopted the policies of the radical left, including raising your taxes, free and open borders, the Green New Deal, and eliminating private health care.</p> <p>Joe Biden refuses to leave his basement while demonstrating he is incapable of performing the duties of the presidency. The radical left, including Nancy and AOC, will be running our country if Joe Biden is elected president.</p> <p>We need every American who supports the re-election of President Trump to press 3 now to pledge your support and contribute. Even if you have contributed before, please contribute again. We cannot take a chance on a Biden presidency with Nancy holding the gavel. Please press 3 now to support the reelection of President Trump and to finally retire—</p> <p>[Nomorobo recording ends abruptly]</p>

2 According to the Complaint, Nomorobo captured the recordings of *Robocall 1* in
 3 February 2021, September 2022, and September 2023, and captured recordings of *Robocall 2* in
 4 November 2020 and November 2022.¹² However, based on *Robocall 1*'s reference to "this last
 5 week before the election," the Complaint concludes that CFCM may have begun disseminating
 6 that robocall before the 2020 general election.¹³

7 The Complaint alleges that CFCM's robocalls constitute fraudulent misrepresentation in
 8 part because the vast majority of CFCM's disbursements and expenditures were for operating
 9 expenses and additional fundraising.¹⁴ According to the Complaint, CFCM spent only \$55,000
 10 (11%) of its receipts to make contributions to federal candidates (\$12,200 of which were not

¹² Compl. at 4-5.

¹³ *Id.* at 4.

¹⁴ *Id.* at 6-11.

1 reported as having been received by the recipient committees), and spent \$382,000 (80%) of its
2 receipts on robocalls, disbursing \$190,000 (39%) to Expert Vendor.¹⁵

3 The Complaint argues that William and Anna Hartford's actions were knowing and
4 willful because it is unclear what *bona fide* services Expert Vendor provided to CFCM, and,
5 according to the Complaint, the company appears to be a shell to conceal their actions to
6 "siphon" CFCM money to enrich themselves.¹⁶ The Complaint further alleges that there is no
7 evidence of disclaimers on the robocalls, and even if there were disclaimers on the robocalls,
8 they would not cure the fraudulent misrepresentation because the robocalls were designed to
9 deceive.¹⁷

10 Finally, the Complaint alleges that CFCM violated the reporting provisions of the Act.
11 The Complaint states that CFCM may have filed inaccurate reports with the Commission
12 because, although it reported spending \$55,000 of its funds on contributions to various
13 candidates and committees, \$12,200 of those funds were not reported by the recipient
14 committees.¹⁸ In addition, the Complaint states that CFCM continued to fundraise, pointing to
15 the Nomorobo recording from September 2023, yet has failed to report any expenditures relating
16 to the 2023 robocall in its reports with the Commission.¹⁹ The Complaint further alleges that
17 CFCM's robocalls include express advocacy and should have been reported as independent
18 expenditures but were not.²⁰ The Complaint identifies language in the calls that opposes
19 President Biden's candidacy, comments on his qualifications, and encourages the listener to vote

15 *Id.* at 1, 6-9, 18.

16 *Id.* at 7, 21-23.

17 *Id.* at 17.

18 *Id.* 18-19.

19 *Id.*

20 *Id.* at 19-20.

1 against him by stating that he “is incapable of performing the duties of the presidency,” and “we
2 cannot take a chance on a Biden presidency.”²¹

3 The Complaint argues that CFCM’s failure to disclose contributions received or
4 expenditures made is evidence of a knowing and willful violation of the reporting and fraudulent
5 misrepresentation provisions of the Act, and that the failure to file reports of independent
6 expenditures with the Commission indicating how money was spent is also indicative of
7 fraudulent intent.²²

8 Lastly, the Complaint argues that CFCM’s treasurer and assistant treasurer may be held
9 personally liable, given the alleged knowing and willful nature of the violations.²³ Specifically,
10 the Complaint alleges that the Hartfords should be held personally liable for knowingly and
11 willfully violating fraudulent misrepresentation violation because they attempted to conceal their
12 financial gains by routing \$189,291 to their company, Expert Vendor, and further disguised their
13 unlawful conduct by filing false and incomplete reports with the Commission, constituting a
14 failure to fulfill their duties as treasurer.²⁴

15 **B. Response**

16
17 CFCM and William Hartford filed a joint response to the Complaint, which included a
18 sworn declaration from Hartford.²⁵ The Response states that CFCM registered in 2019 to
19 support Republican causes and candidates during the 2019-2020 election cycle and that it
20 financed these efforts through targeted outreach to potential donors using various mediums

²¹ *Id.* at 5, 19-20.

²² *Id.* at 22.

²³ *Id.* at 21.

²⁴ *Id.* at 22-23.

²⁵ Anna Hartford was notified of the Complaint in both her individual and official capacities, but did not submit a response. Compl. Notif. Letter at 1 (Apr. 29, 2024).

1 including robocalls and mailers.²⁶ According to the Response, William Hartford has been the
2 PAC's treasurer since its inception; he manages CFCM's day-to-day operations and prepares and
3 files the PAC's disclosure reports with the Commission.²⁷ CFCM states that it retained Expert
4 Vendor, owned by Hartford, to perform data brokerage and database administration services at
5 below market rate.²⁸ The Response sets forth that Expert Vendor's services provided to CFCM
6 included: locating appropriate data for calls, creating targeting databases, querying the data to
7 ensure adherence to call rotation, and loading leads daily to the dialing platform.²⁹

8 The Response asserts that the robocalls do not constitute fraudulent misrepresentation
9 because they were independent fundraising solicitations that properly identify the sponsoring
10 independent committee, *i.e.*, CFCM, at the beginning of each call.³⁰ According to the Response,
11 the fact that candidate's names are used in the robocall is not indicative of deception, and are
12 routinely used in fundraising efforts.³¹ Yet the Response does not mention the use of Trump's
13 voice in the robocalls. The Response further asserts that disclaimers were present at the end of
14 each call stating that they were paid for by CFCM and not authorized by any candidate or
15 candidate's committee.³² The Response states that CFMC made its last robocall on November 3,

²⁶ Resp. at 1.

²⁷ *Id.* at 1-2; Hartford Decl. ¶ 6-10.

²⁸ *Id.* at 2; Hartford Decl. ¶ 7.

²⁹ Hartford Decl. ¶ 7.

³⁰ Resp. at 2.

³¹ *Id.* at 3-4 and n. 3, Donald J. Trump for President Campaign Memorandum (Apr. 15, 2024), <https://www.documentcloud.org/documents/24554377-trump-fundraising-memo/> (providing guidance to candidates and committees on how to properly use Trump's name, image and likeness in fundraising solicitations) ("2024 Memorandum").

³² Resp. at 2, 4; Hartford Decl. ¶ 16.

1 2020, to thank contributors for their support and that CFCM has not engaged in any further
2 fundraising or robocalls since that date.³³

3 In addition, the Response denies that the robocalls constituted fraudulent
4 misrepresentation, contending that CFCM's funds were spent on contributions made to
5 candidates and committees, and other funds were paid to subcontractors, expenses for political
6 activities, compliance costs and legal fees.³⁴ The Response asserts its disclosure reports are
7 accurate and that the Complaint's allegation that it falsely reported making \$12,200 in
8 contributions to various committees is unsupported.³⁵ The Response attaches copies of CFCM's
9 bank records in the form of checks showing that it made the \$12,200 in contributions to, and
10 those checks were deposited by, the following committees: John James for Senate, Inc., Team
11 Graham, Inc., Donald J. Trump for President, Inc., Jim 2020 Committee, Mary Miller for
12 Congress, Lauren Boebert for Congress, Nehls for Congress, Kansas for LaTurner, Jeanne for
13 Congress, Rodney for Congress, and Illinois Republican Party- Federal.³⁶

14 The Response further denies that it had any operating expenditures to disclose in 2023-
15 2024.³⁷ According to the Response and the Hartford Declaration, CFCM did not disseminate
16 robocalls after the 2020 election, and sets forth that any calls Nomorobo captured after the

³³ Hartford Decl. ¶ 18.

³⁴ Resp. at 2-4.

³⁵ *Id.* at 4, Ex. A.

³⁶ *Id.*, Ex. A. The Response also notes that Kansans for LaTurner did report receipt of those contributions, contrary to the Complaint's allegations, but reported CFCM's name incorrectly. *Id.* at 4, Ex. B (copy of disclosure report page from Kansas for LaTurner listing disbursements from "My Committee" but showing CFCM's address). The Commission's disclosure reports confirm that John James for Senate, Team Graham, Donald J. Trump for President, Inc., Mary Miller for Congress, Nehls for Congress, Jeanne for Congress, Rodney for Congress and Illinois Republican Party-Federal correctly reported the receipt of the contributions each received from CFCM. *See* Compl. at 10. Lauren Boebert for Congress did not report the contributions received from CFCM. *See id.* Jim 2020 Committee reported one \$2,800 contribution from CFCM made on November 23, 2020, but did not report a contribution from CFCM made on November 26, 2020, in the amount of \$2,200. *See id.*

³⁷ Resp. at 4-5.

1 November 2020 election are “simply incorrect.”³⁸ Specifically with regard to the Nomorobo call
2 captured in September 2023, the Response says a call was not disseminated on that date, and that
3 the third party technology is “flawed.”³⁹ The Response points out that the Complaint’s
4 allegation that CFCM incurred operating expenses during 2023-2024 is based solely on the
5 Nomorobo capture of a CFCM robocall from September 2023, and contends that the Complaint
6 does not provide any basis to establish how and under what circumstances the call was captured,
7 and why the accuracy of the content and timing are reliable.⁴⁰ The Response further asserts that
8 the content of the September 2023 call references the 2019-2020 election, so it was not in
9 connection with any subsequent election.⁴¹

10 The Response acknowledges that CFCM did not file independent expenditure reports in
11 connection with the robocalls but denies that this resulted in a violation of the Act. According to
12 the Response, the robocalls were fundraising communications, and as such, the Act does not
13 require filing independent expenditure reports even where the argument to contribute includes
14 the worthiness of candidate being supported.⁴²

15 III. LEGAL ANALYSIS

16 A. The Commission Should Find Reason to Believe That CFCM and William 17 Hartford Knowingly and Willfully Violated 52 U.S.C. § 30124(b) and 18 11 C.F.R. 110.16(b) by Fraudulently Misrepresenting Campaign Authority to 19 Solicit Contributions

20 The Act provides that no person shall fraudulently misrepresent themselves as speaking,
21 writing, or otherwise acting for, or on behalf of, any candidate or agent thereof for the purpose of

³⁸ *Id.* at 5.

³⁹ *Id.* at 4-5; Hartford Decl. ¶18.

⁴⁰ Resp. at 4-5.

⁴¹ *Id.* at 5.

⁴² *Id.* at 5-6.

1 soliciting contributions or donations.⁴³ Further, the Act provides that no person shall willfully
 2 and knowingly participate in or conspire to participate in any plan or scheme to engage in such
 3 behavior.⁴⁴ Although the Act requires that the violator have the intent to deceive, it does not
 4 require proof of the common law fraud elements of justifiable reliance and damages.⁴⁵ Even
 5 absent an express misrepresentation, a representation is fraudulent “if it was reasonably
 6 calculated to deceive persons of ordinary prudence and comprehension.”⁴⁶

7 To determine whether a person has engaged in fraudulent misrepresentation, the
 8 Commission has previously considered such factors as: (1) whether the respondent political
 9 committee was registered and reporting to the Commission, if required;⁴⁷ (2) the presence of
 10 adequate disclaimers;⁴⁸ (3) inclusion of statements implying that the respondents acted with the
 11 authority of the represented candidate;⁴⁹ (4) inclusion of statements implying that contributions

⁴³ 52 U.S.C. § 30124(b)(1); *see also* 11 C.F.R. § 110.16(b)(1).

⁴⁴ 52 U.S.C. § 30124(b)(2); *see also* 11 C.F.R. § 110.16(b)(2).

⁴⁵ *See FEC v. Novacek*, 739 F. Supp. 2d. 957, 961 (N.D. Tex. 2010) (finding that defendants knowingly and willfully violated 2 U.S.C. § 441h(b) (now 52 U.S.C. § 30124(b)); *see also* Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,969 (Dec. 13, 2002) (“Fraudulent Solicitation E&J”) (citing *Neder v. United States*, 527 U.S. 1, 24-25 (1999) (distinguishing fraud in federal campaign finance abuses from common law tort action on the basis of Congress intending to penalize schemes as well as actions taken to defraud and the damaging effect of misrepresentation); Factual and Legal Analysis (“F&LA”) at 4, MUR 5472 (Jody Novacek).

⁴⁶ *Novacek*, 739 F. Supp. 2d. at 961.

⁴⁷ F&LA at 10, MUR 6633 (Republican Majority Campaign) (“[w]eighing against a finding of reason to believe that the Respondent violated [52 U.S.C. § 30124(b)] is the fact that [the Respondent] is registered with the Commission and complies with its reporting requirements”); *see also* F&LA at 8, MUR 5472 (Republican Victory Committee) (“failure to file reports with the Commission indicating on what, if anything, money raised has been spent may be probative of the Committee’s intent to misrepresent itself to the public.”).

⁴⁸ F&LA at 10, MUR 6641 (CAPE PAC) (the Commission has previously held that the presence of an adequate disclaimer identifying the person or entity that paid for and authorized a communication can defeat an inference that a respondent maintained the requisite intent to deceive for purposes of a section [30124] violation).

⁴⁹ GC Br. at 14-16, MUR 5951 (Californians for Change) (recommending probable cause to believe Californians for Obama violated [section 30124] by, *inter alia*, approving a telemarketing solicitation script that stated, “We are Senator Obama’s California organization to help put the face-of-change in the White House” and where an officer went by the title “State Chairman,” thereby giving “the impression that the organization was the official representative of the national Obama campaign in the State of California.”); Cert., MUR 5951 (Aug. 3, 2011) (finding probable cause to believe Californians for Change and its officer violated [section 30124]); *see also* F&LA at 4-5, MURs 5443, 5495, 5505 (johnfkerry-2004.com) (finding reason to believe a respondent engaged in

1 to the respondent would go directly to the represented candidate;⁵⁰ (5) mimicry of the
 2 candidate's website or use of the candidate's official logo;⁵¹ (6) whether any individuals were
 3 actually misled by the website;⁵² and (7) whether the respondent used a misleading name.⁵³

4 Additionally, the Commission has found disclaimers to be inadequate, even where
 5 robocalls explicitly stated that they were “[n]ot authorized by any candidate or candidate
 6 committee,” when a communication is otherwise “designed to mislead [recipients] of ordinary
 7 prudence and comprehension into believing that” the organization making the communication
 8 represents a particular candidate.⁵⁴

9 A violation of the Act is knowing and willful if the acts were committed “with full
 10 knowledge of all the facts and a recognition that the action is prohibited by law.”⁵⁵ Such a
 11 finding does not require proving knowledge of the specific statute or regulation the respondent

express misrepresentation through a website that stated it was “paid for and authorized by John Kerry for President, Inc, 2004”).

⁵⁰ Compare, *e.g.*, F&LA at 5, MUR 5472 (Republican Victory Committee) (finding reason to believe in part on the basis of the statement “Contributions or gifts to the Republican Party are not deductible as charitable contributions”) (emphasis in original) with F&LA at 4, 10-11, MUR 6641 (CAPE PAC) (finding no reason to believe statements such as “Help CAPE PAC re-elect Allen West to Congress” led to fraudulent misrepresentation).

⁵¹ F&LA at 4, MURs 5443, 5495, 5505 (johnfkerry-2004.com) (finding reason to believe respondents violated the Act by copying several pages from the candidate's legitimate website); F&LA at 4-5, MUR 6531 (Obama-Biden 2012) (finding reason to believe a respondent violated the Act in part by placing the Obama for America logo on its website and merchandise).

⁵² GC Br. at 14-16, MUR 5951 (Californians for Change) (recommending probable cause to believe Californians for Obama violated [section 30124] by, in part on the basis that multiple members of the public were in fact misled and contributed money to the respondents under the belief it would be contributed to then-Senator Barack Obama); Cert., MUR 5951 (Californians for Change) (Aug. 3, 2011) (approving probable cause recommendation).

⁵³ See *id.*

⁵⁴ F&LA at 3-10, MURs 7011, 7092 (HC4President, *et al.*) (finding reason to believe that respondent fraudulently misrepresented that it acted on behalf of a committee even though it provided disclaimers that it was not authorized by any candidate or candidate's committee); F&LA at 8-10, MUR 6997 (Americans Socially United) (finding reason to believe that respondent fraudulently misrepresented itself as acting on behalf of a committee even though the website provided a disclaimer);); see also Second GCR at 23- 24, MUR 7468 (Progressive Priorities PAC, *et al.*) (arguing that certain robocalls, even with disclaimers, were designed to mislead potential contributors that the organizations was representing a candidate, but recommending dismissal due to the fact that ongoing criminal matters substantially addressed the violations and given the expiration of the statute of limitations).

⁵⁵ 122 Cong. Rec. 12,197, 12,199 (May 3, 1976).

1 allegedly violated.⁵⁶ Instead, it is sufficient to demonstrate that a respondent “acted voluntarily
2 and was aware that his conduct was unlawful.”⁵⁷ This awareness may be shown through
3 circumstantial evidence from which the respondent’s unlawful intent reasonably may be
4 inferred.⁵⁸ For example, a person’s awareness that an action is prohibited may be inferred from
5 “the [person’s] elaborate scheme for disguising . . . political contributions.”⁵⁹

6 The record here provides a reasonable basis to believe that CFCM made fraudulent
7 misrepresentations through its robocalls by suggesting that CFCM was acting on behalf of
8 President Trump to solicit contributions to his campaign. The robocalls identified in the
9 Complaint contain a voice over by President Trump stating that he is running for the U.S.
10 Presidency and contain language suggesting that he is authorizing the solicitation of
11 contributions to his campaign. Both robocalls tell the listener: “President Trump, *along with the*
12 *Campaign for a Conservative Majority PAC, needs our support now*” (emphasis added) and “. . .
13 we need every American who supports the re-election of President Trump to press 3 now to
14 pledge your support and contribute.”⁶⁰ This language, together with the unauthorized use of
15 Trump’s voice over, conveys the false impression that the candidate authorized the solicitation or

⁵⁶ *United States v. Danielczyk*, 917 F. Supp. 2d 573, 579 (E.D. Va. 2013) (quoting *Bryan v. United States*, 524 U.S. 184, 195 & n.23 (1998) (holding that, to establish a violation is willful, government needs to show only that defendant acted with knowledge that conduct was unlawful, not knowledge of specific statutory provision violated)).

⁵⁷ *Id.* citing jury instructions in *United States v. Edwards*, No. 11-CR-161 (M.D.N.C. 2012), *United States v. Acevedo Vila*, No. 08-36 (D.P.R. 2009), *United States v. Feiger*, No. 07-20414 (E.D. Mich. 2008), and *United States v. Alford*, No. 05-69 (N.D. Fla. 2005)).

⁵⁸ *Cf. United States v. Hopkins*, 916 F.2d 207, 213 (5th Cir. 1990) (quoting *United States v. Bordelon*, 871 F.2d 491, 494 (5th Cir. 1989)). *Hopkins* involved a conduit contributions scheme, and the issue before the Fifth Circuit concerned the sufficiency of the evidence supporting the defendants’ convictions for conspiracy and false statements under 18 U.S.C. §§ 371 and 1001.

⁵⁹ *Id.* at 214-15. As the *Hopkins* court noted, “[i]t has long been recognized that ‘efforts at concealment [may] be reasonably explainable only in terms of motivation to evade’ lawful obligations.” *Id.* at 214 (quoting *Ingram v. United States*, 360 U.S. 672, 679 (1959)). The Commission has found knowing and willful violations against committees. *See, e.g.*, F&LA at 1-2, MUR 7923 (Friends of David Schweikert) (misreporting purpose and payees of disbursements); F&LA at 14-15, MUR 7126 (Michigan Democratic State Central Committee) (misreporting bingo disbursements and contributions).

⁶⁰ Compl. at 4-5.

1 that CFCM was acting or speaking on his behalf.

2 While CFCM registered and reported with the Commission, and CFCM is identified
3 within the robocall, which are factors that could weigh against a finding of fraudulent
4 misrepresentation, the robocalls in this matter convey the overall impression that they are
5 authorized by or speaking on behalf of a federal candidate as part of an effort to solicit
6 contributions.⁶¹ Furthermore, the robocalls do not appear to contain disclaimers stating that they
7 were not authorized by any candidate. Although Hartford's declaration avers that he "developed
8 content and scripts" for the robocalls, and that they contained the appropriate disclaimers, the
9 available recordings do not appear to include disclaimers and the Response does not provide a
10 copy of the robocall scripts to support Hartford's assertion.⁶² The presence of disclaimers is not
11 conclusive evidence that there was no intent to deceive, and the use of Trump's voice over as
12 well as other language in the robocalls, conveys the false impression that Trump authorized the
13 solicitations.⁶³ A review of CFCM's disclosure reports indicates that it only made a one-time
14 \$5,000 contribution to Trump's campaign.⁶⁴

⁶¹ *See, e.g.*, F&LA at 9-12, MUR 6633 (Republican Majority Campaign) (finding no reason to believe respondent violated the fraudulent misrepresentation provision where email solicitation and website did not include disclaimers, but the communications were clear about their source, and the committee registered with the Commission and complied with reporting requirements).

⁶² Hartford Decl. ¶¶ 15- 16.

⁶³ *See, e.g.*, F&LA at 8, MURs 7011 and 7092 (HC4President) (website designed to deceive despite presence of disclaimer); F&LA at 7, MUR 6893 (Winning the Senate PAC) (same with email solicitation); F&LA at 4 n.2, 11, MUR 5472 (Republican Victory Committee) (same with mailing solicitation).

⁶⁴ Campaign for a Conservative Majority, Amended 30-Day Post-Election Rpt. at 48 (Oct. 25, 2021) (showing \$5,000 contribution on October 30, 2020, to Donald J. Trump for President, Inc.), <https://docquery.fec.gov/cgi-bin/fecimg/?202110259468349117>. The Response points to the 2024 Memorandum issued by the Trump campaign in April of 2024 as support that reference to other candidates is commonplace in fundraising solicitations. *See* Resp. at 3-4, and n. 3, citing 2024 Memorandum, <https://www.documentcloud.org/documents/24554377-trump-fundraising-memo/>. However, the guidance in the 2024 Memorandum does not mitigate a recommendation to find reason to believe the Committee and Hartford violated the fraudulent misrepresentation provision. First, Hartford could not have relied on that memorandum's guidance when drafting the robocall scripts because the 2024 Memorandum post-dates the time that Hartford wrote the scripts by four years. *See* Hartford Decl. ¶¶ 15-18 (stating that he developed the scripts for the 2019-2020 election cycle). Second, even if there was an earlier version of that memorandum that CFCM relied on, the transcripts of CFCM's robocalls show

1 The Act imposes liability for any “person” who fraudulently solicits contributions.⁶⁵
2 Thus, the Commission has pursued not just the committee or entity for violations of § 30124(b),
3 but also the individual who is responsible for such a committee or entity.⁶⁶ Here, William
4 Hartford was directly involved in the robocall scheme. He is the treasurer of CFCM, and an
5 owner of Expert Vendor, the company which, among other things, provided the calling services
6 to the Committee.⁶⁷ Given Hartford’s involvement in both CFCM and Expert Vendor, and the
7 fact that he developed the content of the robocall scripts,⁶⁸ he had knowledge of the robocalls
8 and the scheme to fraudulently misrepresent the Committee as acting on behalf of Trump to
9 solicit contributions. As treasurer of CFCM and owner of Expert Vendor, Hartford directly
10 participated in the scheme or conspired in the scheme to fraudulently misrepresent CFCM.
11 Finally, the robocall scheme was financially beneficial to Hartford based on his declaration
12 averring that his company Expert Vendor received approximately 12% of the gross contributions

that their content was in contravention of the memorandum’s guidance on how to properly use Trump’s name, image and likeness in fundraising solicitations. The guidance specifically states that it is improper to impersonate Trump, including his logo, or to make it appear that Trump or his committee are the sender of campaign solicitations. 2024 Memorandum at 2. As set forth above, the unauthorized use of Trump’s voice over and other statements lead the listener to believe that the solicitation is authorized by Trump. The 2024 Memorandum states that “Only President Trump and authorized personnel on his campaign are allowed to speak on his behalf or any other views he might personally hold,” and further asks candidates and committee to avoid speaking on behalf of President Trump, and in particular to avoid using the phrase: “President Trump needs you.” *Id.* at 1. Here, the robocall transcripts go against that guidance by saying: “President Trump, along with [CFCM] needs our support now.” *Supra* p. 6 (robocall transcripts). Among other things, the 2024 Memorandum cautions against using “reply to donate” or “one-click donation” features when mentioning President Trump. Here, the robocall transcripts do not follow that guidance and ask “...every American who supports the re-election of President Trump to press 3 now to pledge your support and contribute.” Finally, the 2024 Memorandum further requests that all candidates and committees who choose to use President Trump’s name, image, and likeness split a minimum of 5% of all fundraising solicitations to Trump National Committee JFC.” *Id.* As noted above, CFCM made a one-time \$5,000 contribution to the Trump campaign, which did not equate to 5% of all CFCM’s fundraising solicitations. *See supra* note 5 (CFCM received a total of \$473,370.73 in contributions during the 2020 election cycle).

⁶⁵ 52 U.S.C. § 30124(b).

⁶⁶ *See* F&LA at 9, MURs 7011, 7092 (HC4President, *et al.*); F&LA at 5, MUR 6531 (Obama-Biden 2012); F&LA at 9, MUR 5472 (Novacek).

⁶⁷ Hartford Decl. ¶ 7.

⁶⁸ *Id.* ¶¶ 15-16.

1 CFCM received during the 2019-2020 election cycle, an amount equal to \$58,877.11, for its
2 services.⁶⁹

3 Accordingly, we recommend that the Commission find reason to believe that the CFCM
4 knowingly and willfully violated 52 U.S.C. § 30124(b) and 11 C.F.R. § 110.16(b) and that
5 William Hartford violated 52 U.S.C. § 30124(b)(2) and 11 C.F.R. § 110.16(b)(2) by knowingly
6 and willfully participating in or conspiring in any plan, scheme or design to violate the Act's
7 fraudulent misrepresentation provision.

8 **B. The Commission Should Find Reason to Believe CFCM and William**
9 **Hartford in his Personal Capacity Knowingly and Willfully Violated**
10 **52 U.S.C. §§ 30104(b)(4)(H)(iii), (g)(1), (2) and 11 C.F.R. § 104.4(a), (b) by**
11 **Failing to File Independent Expenditure Reports**

12 The Act and Commission regulations define “independent expenditure” as “an
13 expenditure by a person for a communication expressly advocating the election or defeat of a
14 clearly identified federal candidate . . . that is not made in cooperation, consultation, or concert
15 with, or at the request or suggestion of a candidate, a candidate’s authorized committee or their
16 agents.”⁷⁰ A communication contains express advocacy when, among other things, it uses
17 campaign slogans or individual words that in context can have no other reasonable meaning than
18 to urge the election or defeat of a clearly identified federal candidate.⁷¹ Further,
19 “communications discussing or commenting on a candidate’s character, qualifications or
20 accomplishments are considered express advocacy under section 100.22(b) if, in context, they

⁶⁹ *Id.* ¶ 7.

⁷⁰ 11 C.F.R. § 100.16(a); 52 U.S.C. § 30101(17).

⁷¹ *See* 11 C.F.R. § 100.22(a) (providing examples such as “vote for the President,” “re-elect your Congressman,” “‘vote Pro-Life’ or ‘vote Pro-Choice’ accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice”).

1 have no other reasonable meaning than to encourage actions to elect or defeat the candidate in
 2 question.”⁷²

3 The Act's reporting requirements at § 30104(b) include reporting independent
 4 expenditures made by political committees other than authorized committees.⁷³ Every political
 5 committee that makes independent expenditures must report them in its regularly scheduled
 6 disclosure reports in accordance with 11 C.F.R. § 104.4(b)(3)(vii).⁷⁴ Political committees and
 7 other persons that make or contract to make independent expenditures after the 20th day, but
 8 more than 24 hours before an election must disclose the activity within 24 hours each time that
 9 the expenditures aggregate \$1,000 or more.⁷⁵ In addition, a political committee that makes
 10 independent expenditures aggregating \$10,000 or more for an election in any calendar year, up to
 11 and including the 20th day before an election, must report these expenditures within 48 hours.⁷⁶

12 Here, both robocalls were disseminated near the November 2020 general election and
 13 begin with a voice over by President Trump stating that he is “running for the presidency of the
 14 United States of America.” *Robocall 1* expressly advocates in support of President Trump by
 15 urging support for him in the election, calling it “... a very close election” and “[t]here is a lot at
 16 stake this election and President Trump, along with the Campaign for a Conservative Majority
 17 PAC, needs our support now.”⁷⁷ Both *Robocall 1 and 2* expressly advocate in support of Trump

⁷² *Id.*, § 100.22(b); *see also* Express Advocacy; Independent Expenditures; Corporate and Labor Organization Expenditures, 60 Fed. Reg. 35,292, 35,295 (July 6, 1995) (“Express Advocacy E&J”).

⁷³ 52 U.S.C. § 30104(b)(4)(H)(iii); *see* 11 C.F.R. § 104.3(b)(1)(vii). The term “independent expenditure” means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate that is not made in concert or in cooperation with, or at the request or suggestion of, such candidate, the candidate’s committee, or their agents. 52 U.S.C. § 30101(17).

⁷⁴ 11 C.F.R. § 104.4(a).

⁷⁵ 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 109.10(d).

⁷⁶ 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2).

⁷⁷ Compl. at 4-5 (transcript of *Robocall 1*); *see also* Hartford Decl. ¶18 (averring that the last day CFCM disseminated any robocalls was November 3, 2020.).

1 by urging the listener to support his re-election : “ We need every American who supports the
2 re-election of President Trump to press 3 now to pledge your support and contribute.”⁷⁸ In
3 addition, both robocalls expressly advocate against Biden by attacking his character,
4 qualifications and fitness for office, which can have no other reasonable meaning than to
5 encourage his defeat: “Even before this last week before the election, Biden refuses to leave his
6 basement. He is incapable of performing the duties of the presidency.”⁷⁹ Given that the
7 robocalls clearly identify the candidates in reference to an upcoming election, both robocalls have
8 no other reasonable meaning than to urge Trump’s election and Biden’s defeat, and they were
9 not made in concert or cooperation with, or at the request or suggestion of, any candidate or
10 committee.⁸⁰ Therefore, CFCM should have reported independent expenditures associated with
11 *Robocall 1* and *2*, but did not.

12 The Commission has determined that it may name a current or former treasurer to be
13 party to an enforcement action in his or her personal capacity where the available information
14 supports a reasonable inference that “the treasurer had knowledge that his or her conduct violated
15 a duty imposed by law, or where the treasurer recklessly failed to fulfill his or her duties under
16 the [A]ct and regulations, or intentionally deprived himself or herself of facts giving rise to the

⁷⁸ Compl. at 4-5 (transcripts of *Robocalls 1* and *2*).

⁷⁹ *Id.* See, e.g., F&LA at 6-8, MUR 5831 (Softer Voices) (finding that ad that praised Rick Santorum and attacked the qualifications of his opponent by stating “Can we really risk Bob Casey learning on the job?” constituted express advocacy under 11 C.F.R. § 100.22(a) by effectively directing readers to vote against Casey); see also, F&LA at 6-7 and Conciliation Agreement ¶¶ IV.24-28, MUR 5511/5525 (Swift Boat Veterans) (finding that language stating that “Mr. Kerry is clearly unfit for command of the armed forces of the United States,” was express advocacy by directing readers to contribute toward Kerry’s defeat in the upcoming presidential election).

⁸⁰ F&LA at 6-8, MUR 7527 (News for Democracy) (finding reason to believe that respondent failed to file independent expenditure reports for ads advocating the defeat of clearly identified candidates by stating “Say No to Marsha Blackburn” and “Rick Scott is not our friend. He does not deserve our votes.”); see also Express Advocacy E&J, 60 Fed. Reg. at 35,295 (stating, “[c]ommunications discussing or commenting on a candidate’s character, qualifications, or accomplishments are considered express advocacy under new section 100.22(b) if, in context, they have no other reasonable meaning than to encourage actions to elect or defeat the candidate in question.”).

1 violations.”⁸¹ Here, Hartford’s declaration sets forth that he “developed the content and scripts”
 2 for the robocalls and the Response sets forth that those robocalls were independent of any
 3 candidate.⁸² Further, Hartford filed other required disclosure reports on behalf of the
 4 Committee.⁸³ Because Hartford had previously filed other disclosure reports, his failure to file
 5 independent expenditure reports as required by the Act could be indicative of a knowing and
 6 willful intent to conceal illegal activity.⁸⁴

7 Accordingly, we recommend that the Commission find reason to believe Campaign for a
 8 Conservative Majority and William Hartford in his official capacity as treasurer, and William
 9 Hartford in his personal capacity, knowingly and willfully violated 52 U.S.C.
 10 §§ 30104(b)(4)(H)(iii), (g)(1), (2) and 11 C.F.R. § 104.4(a), (b) by failing to file independent
 11 expenditure reports.

12 **C. The Commission Should Find Reason to Believe CFCM Violated 52 U.S.C.**
 13 **§ 30120(a) and 11 C.F.R. § 110.11(a), (b) by Failing to Include Disclaimers on**
 14 **the Robocalls**

15 The Act requires that whenever a political committee makes a disbursement financing
 16 any communication through any broadcasting station, newspaper, magazine, outdoor advertising

⁸¹ Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 4 (Jan. 3, 2005). *See also* F&LA at 15-16, MUR 6597 (Kinde Durkee) (finding reason to believe that the treasurer in her personal capacity knowingly and willfully violated the Act by embezzling funds and taking steps to cover up the embezzlement); F&LA at 5-6, MUR 7922 (formerly RR 20L-13) (Bryan Williams) (finding reason to believe a treasurer in his personal capacity knowingly and willfully violated the Act by embezzling funds); F&LA at 4, MUR 5652 (Susan Arceneaux) (finding reason to believe the assistant treasurer violated the Act in her personal capacity where she recklessly failed to fulfill the duties of the Act and regulations which gave rise to the Committee’s violations in treasurer’s absence).

⁸² Hartford Decl. ¶15; *see also* Resp. at 2 (setting forth that the robocalls were “not authorized by any candidate or candidate’s committee”).

⁸³ Hartford Decl. ¶10 (setting forth that he “prepared the financial disclosure reports that were submitted to the FEC on CFCM’s behalf”).

⁸⁴ *See, e.g.*, F&LA at 8, 15, MUR 5472 (Republican Victory Committee) (finding reason to believe that the Committee knowingly and willfully violated 52 U.S.C. § 30104(a) by failing to file any reports and stating that “failure to file reports with the Commission indicating on what, if anything, the money raised has been spent may be probative of the Committee’s intent to misrepresent itself to the public.”).

1 facility, mailing or any other type of general public political advertising, or whenever any person
2 makes a disbursement for a “public communication” that expressly advocates the election or
3 defeat of a clearly identified candidate, the communication must include a disclaimer identifying
4 who paid for the communication and, where applicable, whether the communication was
5 authorized by a candidate.⁸⁵ Under Commission regulations, a “public communication” includes
6 telephone banks to the general public.⁸⁶ The Commission has previously found that disclaimers
7 are required on robocalls such as those disseminated by CFCM.⁸⁷ If the communication is not
8 paid for or authorized by a candidate, then the disclaimer must “clearly state the full name and
9 permanent street address, telephone number, or World Wide Web address of the person who paid
10 for the communication, and that the communication is not authorized by any candidate or
11 candidate’s committee.”⁸⁸ This information “must be presented in a clear and conspicuous
12 manner, to give the reader, observer, or listener adequate notice of the identity” of the ad’s
13 sponsor.⁸⁹

14 Here, both robocalls should have contained disclaimers because they were public
15 communications disseminated by a political committee to the general public. Here, the current
16 information contradicts the statements in Hartford’s declaration that disclaimers were present.⁹⁰
17 The audio recordings on the Nomorobo website end abruptly, making it difficult to confirm

⁸⁵ 52 U.S.C. § 30120(a).

⁸⁶ 11 C.F.R. § 100.26 (listing telephone banks as public communications).

⁸⁷ *See, e.g.*, First GCR at 7, MUR 6560 (Victory Ohio SuperPAC) (noting that robocalls constituted public communications and recommending the Commission find reason to believe that the respondent accordingly failed to include necessary disclaimers); Cert. ¶ 2.b (Jan. 10, 2013), MUR 6560 (adopting relevant recommendation).

⁸⁸ 52 U.S.C. § 30120(a)(3); 11 C.F.R. § 110.11(b)(3).

⁸⁹ 11 C.F.R. § 110.11(c)(1).

⁹⁰ *Compare* Hartford Decl. ¶¶ 15-16 (stating that disclaimers were present) *with* Compl. at 4-5, nn. 10-11 (transcripts and audio recordings of robocalls indicating that no disclaimers were present).

1 whether disclaimers were included at the end of the calls.⁹¹ William Hartford states that he
2 wrote the scripts for the robocalls and that they “contained FEC-required disclaimers,” yet the
3 Response does not provide a full transcript or copies of the calls to support those assertions.⁹²
4 Given that Hartford developed the scripts, CFCM can readily provide the full transcript of the
5 calls to substantiate whether disclaimers were present, much like it provided documentation in
6 the form of cancelled checks to support its claim that it made contributions to the political
7 committees identified in the Complaint, but has not provided any documentation in connection
8 with the robocalls. Hartford also does not specify what the purported disclaimer said, and
9 specifically, whether they stated that they were authorized, or not authorized by President
10 Trump. Specifically, since the robocalls mention CFCM by stating that “President Trump, along
11 with the Campaign for a Conservative Majority PAC, needs our support now,” there is the
12 implication that the call may have been authorized by President Trump or his campaign
13 committee.

14 Accordingly, we recommend that the Commission find reason to believe that Campaign
15 for a Conservative Majority and William Hartford in his official capacity as treasurer violated
16 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(a), (b) by failing to include disclaimers on the
17 robocalls.

18 **D. The Commission Should Dismiss the Allegations that Respondents Violated**
19 **52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(b) in Connection With Falsely**
20 **Reporting Contributions that CFCM Made to Political Committees During**
21 **the 2020 Election Cycle and Failing to Report Disbursements from 2023**

22 Each treasurer of a political committee is required to file reports of receipts and
23 disbursements in accordance with 52 U.S.C. § 30104(a). Each report shall disclose, among other

⁹¹ Compl. at 4-5, nn. 10-11.

⁹² Resp. at 2; Hartford Decl. ¶¶ 15-16.

1 things, the total amount of disbursements for the reporting period for the calendar year, the
2 identification of each person who receives a disbursement in an aggregate amount or value in
3 excess of \$200, and the identification of each political committee which has received a
4 contribution from the reporting committee.⁹³

5 Here, the Response sufficiently rebuts the Complaint's allegations that CFCM falsely
6 reported making contributions to political committees during the 2020 election cycle and
7 inaccurately reported disbursements made during 2023. The Response provided copies of the
8 cancelled checks to account for the \$12,200 in contributions made to various political
9 committees.⁹⁴ The Complaint's allegation that CFCM engaged in fundraising during 2023 is
10 based upon *Robocall 2* appearing to have been disseminated in September 2023.⁹⁵ However,
11 that robocall references the 2020 election, and there is no information to indicate how the third-
12 party software company captured the call again in 2023.⁹⁶ Furthermore, William Hartford's
13 declaration sets forth that CFCM did not have any expenditures for fundraising after the 2020
14 election.⁹⁷ Hartford's declaration together with the lack of any credible evidence that CFCM
15 made expenditures during 2023 sufficiently rebuts the Complaint's allegations the Committee
16 failed to report disbursements.

17 Accordingly, we recommend that the Commission dismiss the allegations that Campaign
18 for a Conservative Majority and William Hartford in this official capacity as treasurer, William
19 Hartford in his personal capacity, and Anna Hartford in her official capacity as assistant treasurer
20 and in her personal capacity violated 52 U.S.C. § 30104(b) and 11 C.F.R. 104.3(b) in connection

⁹³ 52 U.S.C. § 30104(b)(4), (6)(B)(i), (iii); 11 C.F.R. § 104.3(b)(1), (3)(i), (v), (vii).

⁹⁴ Resp., Ex. A.

⁹⁵ Compl. 18-19.

⁹⁶ *See id.* 5, n.11.

⁹⁷ Resp. at 5; Harford Decl. ¶18.

1 with reporting contributions made during the 2020 election cycle and disbursements during
2 2023.

3 **E. The Commission Should Take No Action at this Time as to Anna Hartford**

4 Anna Hartford is the Committee's assistant treasurer and an owner of Expert Vendor.⁹⁸
5 The Complaint and Response⁹⁹ do not provide any information showing that she had any
6 involvement in the development or dissemination of the robocalls, or that she was responsible for
7 filing disclosure or independent expenditure reports on behalf of the Committee.¹⁰⁰ Given the
8 lack of current information showing Anna Hartford's role, if any, in the activities alleged in the
9 Complaint, but the possibility that as assistant treasurer she could have performed certain
10 functions that resulted in violations of the Act, we recommend that the Commission take no
11 action at this time as to Anna Hartford as to the remaining allegations, pending the results of the
12 proposed investigation.

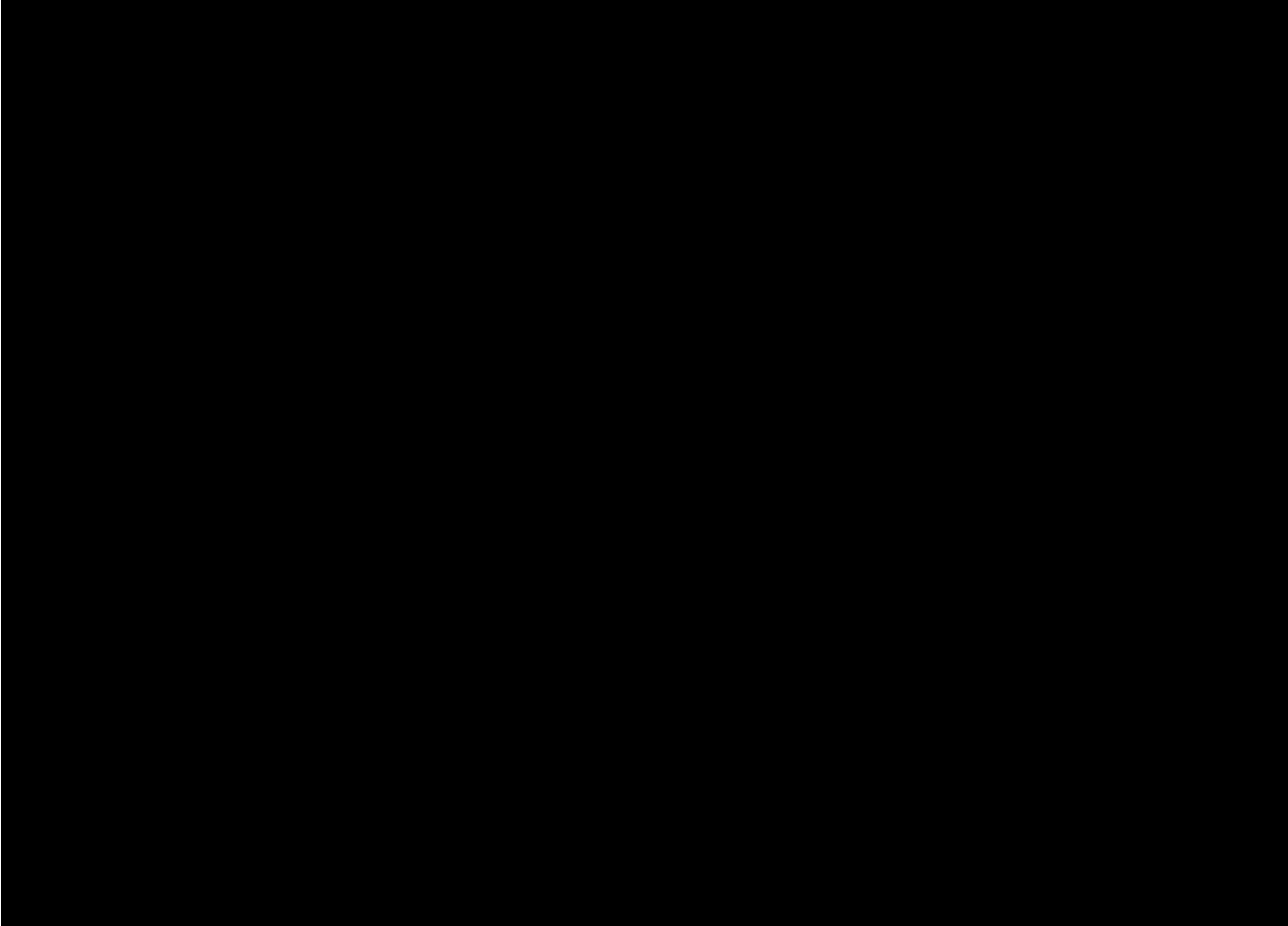
13
14
15
16
17
18

⁹⁸ Campaign for a Conservative Majority, Amended Statement of Organization at 4 (Oct. 30, 2020), <https://docquery.fec.gov/pdf/388/202010309336669388/202010309336669388.pdf> (identifying Anna Hartford as Assistant Treasurer); *see also* Compl., Ex. A (Expert Vendor Annual Report filed with Illinois Secretary of State Feb. 21, 2024); *see also* Business Entity Search, OFF. ILL. SEC'Y STATE, <https://apps.ilsos.gov/businessentitysearch/> (last visited Mar. 19, 2025) (select "Business Name" and search Expert Vendor, LLC under "Search for a Business Entity") (identifying Anna Hartford as a member of the company).

⁹⁹ Anna Hartford did not join in the Response filed by the Committee and William Hartford. *See supra* note 25.

¹⁰⁰ *See generally*, Compl.; *see generally*, Resp.

1
2
3
4
5
6
7
8
9
10
11
12
13



14 **V. RECOMMENDATIONS**

- 15 1. Find reason to believe that Campaign for a Conservative Majority and William
16 Hartford in his official capacity as treasurer, knowingly and willfully violated
17 52 U.S.C. § 30124(b) and 11 C.F.R. § 110.16(b) by fraudulently misrepresenting
18 that Campaign for a Conservative Majority was acting for or on behalf of a
19 federal candidate;
- 20 2. Find reason to believe that William Hartford knowingly and willfully violated
21 52 U.S.C. § 30124(b)(2) and 11 C.F.R. § 100.16(b)(2) by knowingly and willfully
22 participating in or conspiring in any plan, scheme or design to violate the Act's
23 fraudulent misrepresentation provision;
- 24 3. Find reason to believe that Campaign for a Conservative Majority and William
25 Hartford in his official capacity as treasurer, knowingly and willfully violated
26 52 U.S.C. §§ 30104(b)(4)(H)(iii), (g)(1), (2) and 11 C.F.R. § 104.4(a), (b) by
27 failing to file independent expenditure reports;

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Campaign for a Conservative Majority and MUR 8248
William Hartford in his official capacity
as treasurer
William Hartford

I. INTRODUCTION

This matter arises from a Complaint alleging that the Campaign for a Conservative Majority and William Hartford in his official capacity as treasurer (“CFCM”), and William Hartford in his personal capacity, violated the Federal Election Campaign Act of 1971, as amended, (the “Act”) by engaging in a scheme to defraud contributors and by filing false and inaccurate reports with the Commission. Specifically, the Complaint alleges that Respondents defrauded donors by fraudulently, and without authorization, using President Donald J. Trump’s recorded voice over on robocalls to solicit contributions, creating the false impression that the money solicited would be used to support his campaign, and by failing to include disclaimers on those robocalls. In addition, the Complaint alleges that instead of using the funds to engage in electoral activity, Respondents routed those funds to Hartford by making payments to his company, Expert Vendor, LLC, for his personal gain.

Respondents deny the allegations and assert that CFCM’s funds were spent on contributions to various candidates and committees and were used for operating expenses, and that the robocalls contained the appropriate disclaimers. In addition, Respondents assert that the Committee’s reports filed with the Commission are complete and accurate.

The available information indicates that Respondents included President Trump’s recorded voice over on the robocalls without his knowledge and consent which, together with

1 language suggesting that President Trump is authorizing the solicitations of contributions to his
2 campaign suggests an intent to mislead the listener. Further, there is no indication that the
3 robocalls contained disclaimers that the solicitations were not authorized by any candidate.

4 Therefore, the Commission finds reason to believe that CFCM knowingly and willfully
5 violated 52 U.S.C. § 30124(b) and 11 C.F.R. § 110.16(b), and that William Hartford in his
6 personal capacity knowingly and willfully violated 52 U.S.C. § 30124(b)(2) and 11 C.F.R.
7 § 110.16(b)(2), by fraudulently misrepresenting campaign authority to solicit contributions
8 through the robocalls. The Commission also finds reason to believe that CFCM and William
9 Hartford in his personal capacity violated 52 U.S.C. §§ 30104(b)(4)(H)(iii), (g)(1), (2) and
10 11 C.F.R. § 104.4(a), (b) by failing to file independent expenditure reports in connection with the
11 robocalls. The Commission further finds reason to believe that CFCM failed to include
12 disclaimers on the robocalls, in violation of 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(a), (b).
13 In addition, the Commission dismisses the allegations that CFCM and William Hartford in his
14 personal capacity, violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 in connection with its
15 reporting of contributions made to other political committees during the 2020 election cycle and
16 disbursements it made during 2023.

17 **II. FACTUAL BACKGROUND**

18 On July 4, 2019, the Campaign for a Conservative Majority registered with the
19 Commission as a nonconnected multicandidate political action committee.¹ William Hartford is

¹ Campaign for a Conservative Majority, Statement of Organization at 2 (Jul. 4, 2019), <https://docquery.fec.gov/pdf/814/201907049150448814/201907049150448814.pdf>.

1 its treasurer.² Expert Vendor, LLC, is a data brokerage and database administration business
 2 owned by Willam and Anna Hartford.³

3 During the 2020 election cycle, CFCM received \$473,370.73 in contributions, of which
 4 \$325,625.73 were unitemized.⁴ It also reported making \$428,136.27 in disbursements, including

² Campaign for a Conservative Majority, Amended Statement of Organization at 3-4 (Oct. 30, 2020), <https://docquery.fec.gov/pdf/388/202010309336669388/202010309336669388.pdf>.

³ Compl., Ex. A (Apr. 22, 2024) (Expert Vendor Annual Report filed with Illinois Secretary of State Feb. 21, 2024); *see also* Resp. at 2; Hartford Decl. ¶ 7 (Jul. 15, 2024); *see also* Business Entity Search, OFF. ILL. SEC'Y STATE, <https://apps.ilsos.gov/businessentitysearch/> (last visited Mar. 19, 2025) (select "Business Name" and search Expert Vendor, LLC under "Search for a Business Entity"). According to its website, Expert Vendor provides free company matching services to businesses searching for call center providers of outbound telemarketing, inbound call services, or answering services. Expert Vendor, <http://expertvendor.com/index.php> (last visited Mar. 19, 2025). Its website further explains that Expert Vendor "makes money by billing our suppliers a referral fee for the privilege to bid on your business." Expert Vendor, <http://www.expertvendor.com/index.php?link=help> (last visited Mar. 19, 2025). *See also* Compl. at 6-7.

Two other federal committees have reported disbursements to Expert Vendor: Campaign to Elect a Democratic Majority and Support American Leaders PAC, the latter of which was a respondent in MUR 8126. *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?recipient&data_type=processed&recipient_name=expert+vendor (reflecting disbursements from Campaign to Elect a Democratic Majority to Expert Vendor from September 22, 2020, through November 13, 2020, in the aggregate amount of \$48,870.67 for database services, fundraising consulting); *FEC Independent Expenditures: Filtered Results*, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&most_recent=true&is_notice=true&payee_name=expert+vendor (reflecting an independent expenditure from Support American Leaders PAC to Expert Vendor on January 15, 2020, in the amount of \$2,000 for voter contact calls).

The treasurer of Support American Leaders PAC, Matthew Tunstall, was convicted by the U.S. Department of Justice for taking part in a scheme to solicit millions of dollars in contributions to two political action committees based on false and misleading representations through robocalls, television, radio and internet ads that the funds would be used to support presidential candidates during and after the 2016 election cycle, but the funds were instead used to enrich the conspirators and fund further fraudulent solicitations. Support American Leaders PAC, Amended Statement of Organization at 3 (Jan. 4, 2022), <https://docquery.fec.gov/pdf/959/202201049474866959/202201049474866959.pdf>; U.S. Department of Justice Archives, Press Release, *California Man Pleads Guilty in Scam PACs Scheme*, <https://www.justice.gov/archives/opa/pr/california-man-pleads-guilty-scam-pacs-scheme> (Dec. 20, 2022). Tunstall was a respondent in two enforcement matters, which the Commission ultimately dismissed with admonishment letters after he was sentenced in his criminal case. *See* Certification ("Cert.") ¶¶ 1-3, 5 (July 27, 2023), MUR 7468 (Progressive Priorities PAC, *et al.*); Cert. ¶¶ 2-4 (Aug. 31, 2023), MUR 8162 (Support American Leaders PAC).

⁴ *FEC Financial Summary*, FEC.GOV, <https://www.fec.gov/data/committee/C00711119/?tab=summary&cycle=2020> (reflecting total receipts for the Committee during the 2020 election cycle).

1 \$172,700.04 to Expert Vendor, LLC for call center services, fundraising phone calls, call center
2 marketing consulting⁵ and contributions totaling \$55,000 to various political committees.⁶

3 **A. Complaint**

4
5 The Complaint alleges the Respondents violated the fraudulent misrepresentation,
6 disclaimer, and reporting provisions of the Act. First, the Complaint alleges that CFCM's
7 robocalls violated the fraudulent misrepresentation provision of the Act when it used President
8 Trump's voice over without authorization on robocalls disseminated to solicit contributions and
9 falsely pledge to support his candidacy.⁷ According to the Complaint, a reasonable person could
10 easily conclude that the solicitation was from President Trump or that a donation in response to
11 the robocall would support his campaign.⁸

12 The Complaint obtained recordings of two CFCM's robocalls through Nomorobo, a
13 company that detects, screens, records, and archives robocalls.⁹ The Complaint provided the
14 following transcripts of those two robocall recordings:¹⁰

⁵ *FEC Financial Summary*, FEC.GOV, https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00711119&recipient_name=expert+vendor&two_year_transaction_period=2020&line_number=F3X-21B (reflecting disbursements made by the Committee to Expert Vendor during the 2020 election cycle).

⁶ *FEC Financial Summary*, FEC.Gov, https://www.fec.gov/data/disbursements/?committee_id=C00711119&two_year_transaction_period=2020&cycle=2020&line_number=F3X-23&data_type=processed (reflecting contributions the Committee made to other political committees during the 2020 election cycle, including one \$5,000 contribution to Donald J. Trump for President, Inc.). CFCM also made a \$5,000 disbursement to ANTTS Promotions for "marketing leads." Campaign for a Conservative Majority, 2020 October Quarterly Report at 51 (Oct. 17, 2020), <https://docquery.fec.gov/pdf/075/202010179297137075/202010179297137075.pdf>.

⁷ Compl. at 1-5.

⁸ *Id.* at 4.

⁹ *Id.* at 4-5, <https://www.nomorobo.com/> (last visited Mar. 19, 2025).

¹⁰ *Id.* at 4-5. The audio recordings can be accessed here: Robocall 1, Nomorobo, <https://www.nomorobo.com/lookup/202-381-9604> (last visited Mar. 19, 2025); Robocall 2, Nomorobo, <https://www.nomorobo.com/lookup/202-381-9572> (last visited Mar. 19, 2025). The Complaint provides links to these recordings sent to other phone numbers on various dates; however, it appears only two different transcripts were used. *Id.* at nn. 10-11.

1 *Robocall 1:*

Speaker	Text
Trump's Voice	Hi, this is Donald Trump, and I'm running for the presidency of the United States of America.
Narrator	<p>It is a very close election, and it is going to be a fight to the finish. There is a lot at stake this election, and President Trump, along with the Campaign for a Conservative Majority PAC, needs our support now. A Biden-Kamala presidency would be the most radical presidency in history.</p> <p>You won't hear this from the liberal media, but Joe Biden has adopted the policies of the radical Socialist left, including immediately raising your taxes, free and open borders, the job-killing Green New Deal, and eliminating private healthcare with healthcare for illegals.</p> <p>Even before this last week before the election, Biden refuses to leave his basement. He is incapable of performing the duties of the presidency. The radical left including Nancy and AOC will be running our country if Joe Biden is elected president.</p> <p>We need every American who supports the re-election of President Trump to press 3 now to pledge your support and contribute. Even if you have contributed in the past, please contribute again—</p> <p>[Nomorobo recording ends abruptly]</p>

2

3 *Robocall 2:*

Speaker	Text
Trump's Voice	Hi, this is Donald Trump, and I'm running for the presidency of the United States of America.
Narrator	<p>A Biden-Kamala presidency would be the most radical presidency in history. There is a lot at stake this election and President Trump, along with the Campaign for a Conservative Majority PAC, needs our support now.</p> <p>You won't hear it with the liberal media, but Joe Biden has adopted the policies of the radical left, including raising your taxes, free and open borders, the Green New Deal, and eliminating private health care.</p> <p>Joe Biden refuses to leave his basement while demonstrating he is incapable of performing the duties of the presidency. The radical left, including Nancy and AOC, will be running our country if Joe Biden is elected president.</p> <p>We need every American who supports the re-election of President Trump to press 3 now to pledge your support and contribute. Even if you have contributed before, please contribute again. We cannot take a chance on a Biden presidency with Nancy holding the gavel. Please press 3 now to support the reelection of President Trump and to finally retire—</p> <p>[Nomorobo recording ends abruptly]</p>

1 According to the Complaint, Nomorobo captured the recordings of *Robocall 1* in
2 February 2021, September 2022, and September 2023, and captured recordings of *Robocall 2* in
3 November 2020 and November 2022.¹¹ However, based on *Robocall 1*'s reference to “this last
4 week before the election,” the Complaint concludes that CFCM may have begun disseminating
5 that robocall before the 2020 general election.¹²

6 The Complaint alleges that CFCM's robocalls constitute fraudulent misrepresentation in
7 part because the vast majority of CFCM's disbursements and expenditures were for operating
8 expenses and additional fundraising.¹³ According to the Complaint, CFCM spent only \$55,000
9 (11%) of its receipts to make contributions to federal candidates (\$12,200 of which were not
10 reported as having been received by the recipient committees), and spent \$382,000 (80%) of its
11 receipts on robocalls, disbursing \$190,000 (39%) to Expert Vendor.¹⁴

12 The Complaint argues that William Hartford's actions were knowing and willful because
13 it is unclear what *bona fide* services Expert Vendor provided to CFCM, and, according to the
14 Complaint, the company appears to be a shell to conceal his actions to “siphon” CFCM money to
15 enrich themselves.¹⁵ The Complaint further alleges that there is no evidence of disclaimers on

¹¹ Compl. at 4-5.

¹² *Id.* at 4.

¹³ *Id.* at 6-11.

¹⁴ *Id.* at 1, 6-9, 18.

¹⁵ *Id.* at 7, 21-23.

1 the robocalls, and even if there were disclaimers on the robocalls, they would not cure the
2 fraudulent misrepresentation because the robocalls were designed to deceive.¹⁶

3 Finally, the Complaint alleges that CFCM violated the reporting provisions of the Act.
4 The Complaint states that CFCM may have filed inaccurate reports with the Commission
5 because, although it reported spending \$55,000 of its funds on contributions to various
6 candidates and committees, \$12,200 of those funds were not reported by the recipient
7 committees.¹⁷ In addition, the Complaint states that CFCM continued to fundraise, pointing to
8 the Nomorobo recording from September 2023, yet has failed to report any expenditures relating
9 to the 2023 robocall in its reports with the Commission.¹⁸ The Complaint further alleges that
10 CFCM’s robocalls include express advocacy and should have been reported as independent
11 expenditures but were not.¹⁹ The Complaint identifies language in the calls that opposes
12 President Biden’s candidacy, comments on his qualifications, and encourages the listener to vote
13 against him by stating that he “is incapable of performing the duties of the presidency,” and “we
14 cannot take a chance on a Biden presidency.”²⁰

15 The Complaint argues that CFCM’s failure to disclose contributions received or
16 expenditures made is evidence of a knowing and willful violation of the reporting and fraudulent
17 misrepresentation provisions of the Act, and that the failure to file reports of independent

¹⁶ *Id.* at 17.

¹⁷ *Id.* 18-19.

¹⁸ *Id.*

¹⁹ *Id.* at 19-20.

²⁰ *Id.* at 5, 19-20.

1 expenditures with the Commission indicating how money was spent is also indicative of
2 fraudulent intent.²¹

3 Lastly, the Complaint argues that CFCM's treasurer may be held personally liable, given
4 the alleged knowing and willful nature of the violations.²² Specifically, the Complaint alleges
5 that William Hartford should be held personally liable for knowingly and willfully violating
6 fraudulent misrepresentation violation because he attempted to conceal his financial gains by
7 routing \$189,291 to his company, Expert Vendor, and further disguised his unlawful conduct by
8 filing false and incomplete reports with the Commission, constituting a failure to fulfill their
9 duties as treasurer.²³

10 **B. Response**

11
12 CFCM and William Hartford filed a joint response to the Complaint, which included a
13 sworn declaration from Hartford. The Response states that CFCM registered in 2019 to support
14 Republican causes and candidates during the 2019-2020 election cycle and that it financed these
15 efforts through targeted outreach to potential donors using various mediums including robocalls
16 and mailers.²⁴ According to the Response, William Hartford has been the PAC's treasurer since
17 its inception; he manages CFCM's day-to-day operations and prepares and files the PAC's
18 disclosure reports with the Commission.²⁵ CFCM states that it retained Expert Vendor, owned
19 by Hartford, to perform data brokerage and database administration services at below market

21 *Id.* at 22.

22 *Id.* at 21.

23 *Id.* at 22-23.

24 Resp. at 1.

25 *Id.* at 1-2; Hartford Decl. ¶¶ 6-10.

1 rate.²⁶ The Response sets forth that Expert Vendor’s services provided to CFCM included:
2 locating appropriate data for calls, creating targeting databases, querying the data to ensure
3 adherence to call rotation, and loading leads daily to the dialing platform.²⁷

4 The Response asserts that the robocalls do not constitute fraudulent misrepresentation
5 because they were independent fundraising solicitations that properly identify the sponsoring
6 independent committee, *i.e.*, CFCM, at the beginning of each call.²⁸ According to the Response,
7 the fact that candidate’s names are used in the robocall is not indicative of deception, and are
8 routinely used in fundraising efforts.²⁹ Yet the Response does not mention the use of Trump’s
9 voice in the robocalls. The Response further asserts that disclaimers were present at the end of
10 each call stating that they were paid for by CFCM and not authorized by any candidate or
11 candidate’s committee.³⁰ The Response states that CFMC made its last robocall on November 3,
12 2020, to thank contributors for their support and that CFCM has not engaged in any further
13 fundraising or robocalls since that date.³¹

14 In addition, the Response denies that the robocalls constituted fraudulent
15 misrepresentation, contending that CFCM’s funds were spent on contributions made to
16 candidates and committees, and other funds were paid to subcontractors, expenses for political

²⁶ *Id.* at 2; Hartford Decl. ¶ 7.

²⁷ Hartford Decl. ¶ 7.

²⁸ Resp. at 2.

²⁹ *Id.* at 3-4 and n. 3, Donald J. Trump for President Campaign Memorandum (Apr. 15, 2024), <https://www.documentcloud.org/documents/24554377-trump-fundraising-memo/> (providing guidance to candidates and committees on how to properly use Trump’s name, image and likeness in fundraising solicitations) (“2024 Memorandum”).

³⁰ Resp. at 2, 4; Hartford Decl. ¶ 16.

³¹ Hartford Decl. ¶ 18.

1 activities, compliance costs and legal fees.³² The Response asserts its disclosure reports are
2 accurate and that the Complaint’s allegation that it falsely reported making \$12,200 in
3 contributions to various committees is unsupported.³³ The Response attaches copies of CFCM’s
4 bank records in the form of checks showing that it made the \$12,200 in contributions to, and
5 those checks were deposited by, the following committees: John James for Senate, Inc., Team
6 Graham, Inc., Donald J. Trump for President, Inc., Jim 2020 Committee, Mary Miller for
7 Congress, Lauren Boebert for Congress, Nehls for Congress, Kansas for LaTurner, Jeanne for
8 Congress, Rodney for Congress, and Illinois Republican Party- Federal.³⁴

9 The Response further denies that it had any operating expenditures to disclose in 2023-
10 2024.³⁵ According to the Response and the Hartford Declaration, CFCM did not disseminate
11 robocalls after the 2020 election, and sets forth that any calls Nomorobo captured after the
12 November 2020 election are “simply incorrect.”³⁶ Specifically with regard to the Nomorobo call
13 captured in September 2023, the Response says a call was not disseminated on that date, and that
14 the third party technology is “flawed.”³⁷ The Response points out that the Complaint’s

³² Resp. at 2-4.

³³ *Id.* at 4, Ex. A.

³⁴ *Id.*, Ex. A. The Response also notes that Kansans for LaTurner did report receipt of those contributions, contrary to the Complaint’s allegations, but reported CFCM’s name incorrectly. *Id.* at 4, Ex. B (copy of disclosure report page from Kansas for LaTurner listing disbursements from “My Committee” but showing CFCM’s address). The Commission’s disclosure reports confirm that John James for Senate, Team Graham, Donald J. Trump for President, Inc., Mary Miller for Congress, Nehls for Congress, Jeanne for Congress, Rodney for Congress and Illinois Republican Party-Federal correctly reported the receipt of the contributions each received from CFCM. *See* Compl. at 10. Lauren Boebert for Congress did not report the contributions received from CFCM. *See id.* Jim 2020 Committee reported one \$2,800 contribution from CFCM made on November 23, 2020, but did not report a contribution from CFCM made on November 26, 2020, in the amount of \$2,200. *See id.*

³⁵ Resp. at 4-5.

³⁶ *Id.* at 5.

³⁷ *Id.* at 4-5; Hartford Decl. ¶18.

1 allegation that CFCM incurred operating expenses during 2023-2024 is based solely on the
2 Nomorobo capture of a CFCM robocall from September 2023, and contends that the Complaint
3 does not provide any basis to establish how and under what circumstances the call was captured,
4 and why the accuracy of the content and timing are reliable.³⁸ The Response further asserts that
5 the content of the September 2023 call references the 2019-2020 election, so it was not in
6 connection with any subsequent election.³⁹

7 The Response acknowledges that CFCM did not file independent expenditure reports in
8 connection with the robocalls but denies that this resulted in a violation of the Act. According to
9 the Response, the robocalls were fundraising communications, and as such, the Act does not
10 require filing independent expenditure reports even where the argument to contribute includes
11 the worthiness of candidate being supported.⁴⁰

12 II. LEGAL ANALYSIS

13 A. The Commission Finds Reason to Believe That CFCM and William Hartford 14 Knowingly and Willfully Violated 52 U.S.C. § 30124(b) and 11 C.F.R. 15 110.16(b) by Fraudulently Misrepresenting Campaign Authority to Solicit 16 Contributions

17 The Act provides that no person shall fraudulently misrepresent themselves as speaking,
18 writing, or otherwise acting for, or on behalf of, any candidate or agent thereof for the purpose of
19 soliciting contributions or donations.⁴¹ Further, the Act provides that no person shall willfully
20 and knowingly participate in or conspire to participate in any plan or scheme to engage in such

³⁸ Resp. at 4-5.

³⁹ *Id.* at 5.

⁴⁰ *Id.* at 5-6.

⁴¹ 52 U.S.C. § 30124(b)(1); *see also* 11 C.F.R. § 110.16(b)(1).

1 behavior.⁴² Although the Act requires that the violator have the intent to deceive, it does not
 2 require proof of the common law fraud elements of justifiable reliance and damages.⁴³ Even
 3 absent an express misrepresentation, a representation is fraudulent “if it was reasonably
 4 calculated to deceive persons of ordinary prudence and comprehension.”⁴⁴

5 To determine whether a person has engaged in fraudulent misrepresentation, the
 6 Commission has previously considered such factors as: (1) whether the respondent political
 7 committee was registered and reporting to the Commission, if required;⁴⁵ (2) the presence of
 8 adequate disclaimers;⁴⁶ (3) inclusion of statements implying that the respondents acted with the
 9 authority of the represented candidate;⁴⁷ (4) inclusion of statements implying that contributions

⁴² 52 U.S.C. § 30124(b)(2); *see also* 11 C.F.R. § 110.16(b)(2).

⁴³ *See FEC v. Novacek*, 739 F. Supp. 2d. 957, 961 (N.D. Tex. 2010) (finding that defendants knowingly and willfully violated 2 U.S.C. § 441h(b) (now 52 U.S.C. § 30124(b)); *see also* Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,969 (Dec. 13, 2002) (“Fraudulent Solicitation E&J”) (citing *Neder v. United States*, 527 U.S. 1, 24-25 (1999) (distinguishing fraud in federal campaign finance abuses from common law tort action on the basis of Congress intending to penalize schemes as well as actions taken to defraud and the damaging effect of misrepresentation); Factual and Legal Analysis (“F&LA”) at 4, MUR 5472 (Jody Novacek).

⁴⁴ *Novacek*, 739 F. Supp. 2d. at 961.

⁴⁵ F&LA at 10, MUR 6633 (Republican Majority Campaign) (“[w]eighing against a finding of reason to believe that the Respondent violated [52 U.S.C. § 30124(b)] is the fact that [the Respondent] is registered with the Commission and complies with its reporting requirements”); *see also* F&LA at 8, MUR 5472 (Republican Victory Committee) (“failure to file reports with the Commission indicating on what, if anything, money raised has been spent may be probative of the Committee’s intent to misrepresent itself to the public.”).

⁴⁶ F&LA at 10, MUR 6641 (CAPE PAC) (the Commission has previously held that the presence of an adequate disclaimer identifying the person or entity that paid for and authorized a communication can defeat an inference that a respondent maintained the requisite intent to deceive for purposes of a section [30124] violation).

⁴⁷ GC Br. at 14-16, MUR 5951 (Californians for Change) (recommending probable cause to believe Californians for Obama violated [section 30124] by, *inter alia*, approving a telemarketing solicitation script that stated, “We are Senator Obama’s California organization to help put the face-of-change in the White House” and where an officer went by the title “State Chairman,” thereby giving “the impression that the organization was the official representative of the national Obama campaign in the State of California.”); Cert., MUR 5951 (Aug. 3, 2011) (finding probable cause to believe Californians for Change and its officer violated [section 30124]); *see also* F&LA at 4-5, MURs 5443, 5495, 5505 (johnfkerry-2004.com) (finding reason to believe a respondent engaged in express misrepresentation through a website that stated it was “paid for and authorized by John Kerry for President, Inc, 2004”).

1 to the respondent would go directly to the represented candidate;⁴⁸ (5) mimicry of the
 2 candidate’s website or use of the candidate's official logo;⁴⁹ (6) whether any individuals were
 3 actually misled by the website;⁵⁰ and (7) whether the respondent used a misleading name.⁵¹

4 Additionally, the Commission has found disclaimers to be inadequate, even where
 5 robocalls explicitly stated that they were “[n]ot authorized by any candidate or candidate
 6 committee,” when a communication is otherwise “designed to mislead [recipients] of ordinary
 7 prudence and comprehension into believing that” the organization making the communication
 8 represents a particular candidate.⁵²

9 A violation of the Act is knowing and willful if the acts were committed “with full
 10 knowledge of all the facts and a recognition that the action is prohibited by law.”⁵³ Such a

⁴⁸ Compare, *e.g.*, F&LA at 5, MUR 5472 (Republican Victory Committee) (finding reason to believe in part on the basis of the statement “Contributions or gifts to the Republican Party are not deductible as charitable contributions”) (emphasis in original) with F&LA at 4, 10-11, MUR 6641 (CAPE PAC) (finding no reason to believe statements such as “Help CAPE PAC re-elect Allen West to Congress” led to fraudulent misrepresentation).

⁴⁹ F&LA at 4, MURs 5443, 5495, 5505 (johnfkerry-2004.com) (finding reason to believe respondents violated the Act by copying several pages from the candidate’s legitimate website); F&LA at 4-5, MUR 6531 (Obama-Biden 2012) (finding reason to believe a respondent violated the Act in part by placing the Obama for America logo on its website and merchandise).

⁵⁰ GC Br. at 14-16, MUR 5951 (Californians for Change) (recommending probable cause to believe Californians for Obama violated [section 30124] by, in part on the basis that multiple members of the public were in fact misled and contributed money to the respondents under the belief it would be contributed to then-Senator Barack Obama); Cert., MUR 5951 (Californians for Change) (Aug. 3, 2011) (approving probable cause recommendation).

⁵¹ See *id.*

⁵² F&LA at 3-10, MURs 7011, 7092 (HC4President, *et al.*) (finding reason to believe that respondent fraudulently misrepresented that it acted on behalf of a committee even though it provided disclaimers that it was not authorized by any candidate or candidate’s committee); F&LA at 8-10, MUR 6997 (Americans Socially United) (finding reason to believe that respondent fraudulently misrepresented itself as acting on behalf of a committee even though the website provided a disclaimer);); see also Second GCR at 23- 24, MUR 7468 (Progressive Priorities PAC, *et al.*) (arguing that certain robocalls, even with disclaimers, were designed to mislead potential contributors that the organizations was representing a candidate, but recommending dismissal due to the fact that ongoing criminal matters substantially addressed the violations and given the expiration of the statute of limitations).

⁵³ 122 Cong. Rec. 12,197, 12,199 (May 3, 1976).

1 finding does not require proving knowledge of the specific statute or regulation the respondent
2 allegedly violated.⁵⁴ Instead, it is sufficient to demonstrate that a respondent “acted voluntarily
3 and was aware that his conduct was unlawful.”⁵⁵ This awareness may be shown through
4 circumstantial evidence from which the respondent’s unlawful intent reasonably may be
5 inferred.⁵⁶ For example, a person’s awareness that an action is prohibited may be inferred from
6 “the [person’s] elaborate scheme for disguising . . . political contributions.”⁵⁷

7 The record here provides a reasonable basis to believe that CFCM made fraudulent
8 misrepresentations through its robocalls by suggesting that CFCM was acting on behalf of
9 President Trump to solicit contributions to his campaign. The robocalls identified in the
10 Complaint contain a voice over by President Trump stating that he is running for the U.S.
11 Presidency and contain language suggesting that he is authorizing the solicitation of
12 contributions to his campaign. Both robocalls tell the listener: “President Trump, *along with* the
13 Campaign for a Conservative Majority PAC, needs our support now” (emphasis added) and “...
14 we need every American who supports the re-election of President Trump to press 3 now to

⁵⁴ *United States v. Danielczyk*, 917 F. Supp. 2d 573, 579 (E.D. Va. 2013) (quoting *Bryan v. United States*, 524 U.S. 184, 195 & n.23 (1998) (holding that, to establish a violation is willful, government needs to show only that defendant acted with knowledge that conduct was unlawful, not knowledge of specific statutory provision violated)).

⁵⁵ *Id.* citing jury instructions in *United States v. Edwards*, No. 11-CR-161 (M.D.N.C. 2012), *United States v. Acevedo Vila*, No. 08-36 (D.P.R. 2009), *United States v. Feiger*, No. 07-20414 (E.D. Mich. 2008), and *United States v. Alford*, No. 05-69 (N.D. Fla. 2005)).

⁵⁶ *Cf. United States v. Hopkins*, 916 F.2d 207, 213 (5th Cir. 1990) (quoting *United States v. Bordelon*, 871 F.2d 491, 494 (5th Cir. 1989)). *Hopkins* involved a conduit contributions scheme, and the issue before the Fifth Circuit concerned the sufficiency of the evidence supporting the defendants’ convictions for conspiracy and false statements under 18 U.S.C. §§ 371 and 1001.

⁵⁷ *Id.* at 214-15. As the *Hopkins* court noted, “[i]t has long been recognized that ‘efforts at concealment [may] be reasonably explainable only in terms of motivation to evade’ lawful obligations.” *Id.* at 214 (quoting *Ingram v. United States*, 360 U.S. 672, 679 (1959)). The Commission has found knowing and willful violations against committees. *See, e.g.*, F&LA at 1-2, MUR 7923 (Friends of David Schweikert) (misreporting purpose and payees of disbursements); F&LA at 14-15, MUR 7126 (Michigan Democratic State Central Committee) (misreporting bingo disbursements and contributions).

1 pledge your support and contribute.”⁵⁸ This language, together with the unauthorized use of
2 Trump’s voice over, conveys the false impression that the candidate authorized the solicitation or
3 that CFCM was acting or speaking on his behalf.

4 While CFCM registered and reported with the Commission, and CFCM is identified
5 within the robocall, which are factors that could weigh against a finding of fraudulent
6 misrepresentation, the robocalls in this matter convey the overall impression that they are
7 authorized by or speaking on behalf of a federal candidate as part of an effort to solicit
8 contributions.⁵⁹ Furthermore, the robocalls do not appear to contain disclaimers stating that they
9 were not authorized by any candidate. Although Hartford’s declaration avers that he “developed
10 content and scripts” for the robocalls, and that they contained the appropriate disclaimers, the
11 available recordings do not appear to include disclaimers and the Response does not provide a
12 copy of the robocall scripts to support Hartford’s assertion.⁶⁰ The presence of disclaimers is not
13 conclusive evidence that there was no intent to deceive, and the use of Trump’s voice over as
14 well as other language in the robocalls, conveys the false impression that Trump authorized the
15 solicitations.⁶¹ A review of CFCM’s disclosure reports indicates that it only made a one-time

⁵⁸ Compl. at 4-5.

⁵⁹ *See, e.g.*, F&LA at 9-12, MUR 6633 (Republican Majority Campaign) (finding no reason to believe respondent violated the fraudulent misrepresentation provision where email solicitation and website did not include disclaimers, but the communications were clear about their source, and the committee registered with the Commission and complied with reporting requirements).

⁶⁰ Hartford Decl. ¶¶ 15- 16.

⁶¹ *See, e.g.*, F&LA at 8, MURs 7011 and 7092 (HC4President) (website designed to deceive despite presence of disclaimer); F&LA at 7, MUR 6893 (Winning the Senate PAC) (same with email solicitation); F&LA at 4 n.2, 11, MUR 5472 (Republican Victory Committee) (same with mailing solicitation).

1 \$5,000 contribution to Trump’s campaign.⁶²

2 The Act imposes liability for any “person” who fraudulently solicits contributions.⁶³

3 Thus, the Commission has pursued not just the committee or entity for violations of § 30124(b),

4 but also the individual who is responsible for such a committee or entity.⁶⁴ Here, William

5 Hartford was directly involved in the robocall scheme. He is the treasurer of CFCM, and an

6 owner of Expert Vendor, the company which, among other things, provided the calling services

7 to the Committee.⁶⁵ Given Hartford’s involvement in both CFCM and Expert Vendor, and the

⁶² Campaign for a Conservative Majority, Amended 30-Day Post-Election Rpt. at 48 (Oct. 25, 2021) (showing \$5,000 contribution on October 30, 2020, to Donald J. Trump for President, Inc.), <https://docquery.fec.gov/cgi-bin/fecimg/?202110259468349117>. The Response points to the 2024 Memorandum issued by the Trump campaign in April of 2024 as support that reference to other candidates is commonplace in fundraising solicitations. *See* Resp. at 3-4, and n. 3, citing 2024 Memorandum, <https://www.documentcloud.org/documents/24554377-trump-fundraising-memo/>. However, the guidance in the 2024 Memorandum does not mitigate a recommendation to find reason to believe the Committee and Hartford violated the fraudulent misrepresentation provision. First, Hartford could not have relied on that memorandum’s guidance when drafting the robocall scripts because the 2024 Memorandum post-dates the time that Hartford wrote the scripts by four years. *See* Hartford Decl. ¶¶ 15-18 (stating that he developed the scripts for the 2019-2020 election cycle). Second, even if there was an earlier version of that memorandum that CFCM relied on, the transcripts of CFCM’s robocalls show that their content was in contravention of the memorandum’s guidance on how to properly use Trump’s name, image and likeness in fundraising solicitations. The guidance specifically states that it is improper to impersonate Trump, including his logo, or to make it appear that Trump or his committee are the sender of campaign solicitations. 2024 Memorandum at 2. As set forth above, the unauthorized use of Trump’s voice over and other statements lead the listener to believe that the solicitation is authorized by Trump. The 2024 Memorandum states that “Only President Trump and authorized personnel on his campaign are allowed to speak on his behalf or any other views he might personally hold,” and further asks candidates and committee to avoid speaking on behalf of President Trump, and in particular to avoid using the phrase: “President Trump needs you.” *Id.* at 1. Here, the robocall transcripts go against that guidance by saying: “President Trump, along with [CFCM] needs our support now.” *Supra* p. 6 (robocall transcripts). Among other things, the 2024 Memorandum cautions against using “reply to donate” or “one-click donation” features when mentioning President Trump. Here, the robocall transcripts do not follow that guidance and ask “...every American who supports the re-election of President Trump to press 3 now to pledge your support and contribute.” Finally, the 2024 Memorandum further requests that all candidates and committees who choose to use President Trump’s name, image, and likeness split a minimum of 5% of all fundraising solicitations to Trump National Committee JFC.” *Id.* As noted above, CFCM made a one-time \$5,000 contribution to the Trump campaign, which did not equate to 5% of all CFCM’s fundraising solicitations. *See supra* note 5 (CFCM received a total of \$473,370.73 in contributions during the 2020 election cycle).

⁶³ 52 U.S.C. § 30124(b).

⁶⁴ *See* F&LA at 9, MURs 7011, 7092 (HC4President, *et al.*); F&LA at 5, MUR 6531 (Obama-Biden 2012); F&LA at 9, MUR 5472 (Novacek).

⁶⁵ Hartford Decl. ¶ 7.

1 fact that he developed the content of the robocall scripts,⁶⁶ he had knowledge of the robocalls
2 and the scheme to fraudulently misrepresent the Committee as acting on behalf of Trump to
3 solicit contributions. As treasurer of CFCM and owner of Expert Vendor, Hartford directly
4 participated in the scheme or conspired in the scheme to fraudulently misrepresent CFCM.
5 Finally, the robocall scheme was financially beneficial to Hartford based on his declaration
6 averring that his company Expert Vendor received approximately 12% of the gross contributions
7 CFCM received during the 2019-2020 election cycle, an amount equal to \$58,877.11, for its
8 services.⁶⁷

9 Therefore, the Commission finds reason to believe that the Campaign for a Conservative
10 Majority and William Hartford in his official capacity as treasurer knowingly and willfully
11 violated 52 U.S.C. § 30124(b) and 11 C.F.R. § 110.16(b) and that William Hartford violated
12 52 U.S.C. § 30124(b)(2) and 11 C.F.R. § 110.16(b)(2) by knowingly and willfully participating
13 in or conspiring in any plan, scheme or design to violate the Act’s fraudulent misrepresentation
14 provision.

15 **B. The Commission Finds Reason to Believe CFCM and William Hartford in**
16 **his Personal Capacity Knowingly and Willfully Violated 52 -U.S.C.**
17 **§§ 30104(b)(4)(H)(iii), (g)(1), (2) and 11 C.F.R. § 104.4(a), (b) by Failing to**
18 **File Independent Expenditure Reports**

19 The Act and Commission regulations define “independent expenditure” as “an
20 expenditure by a person for a communication expressly advocating the election or defeat of a
21 clearly identified federal candidate . . . that is not made in cooperation, consultation, or concert
22 with, or at the request or suggestion of a candidate, a candidate’s authorized committee or their

⁶⁶ *Id.* ¶¶ 15-16.

⁶⁷ *Id.* ¶ 7.

1 agents.”⁶⁸ A communication contains express advocacy when, among other things, it uses
2 campaign slogans or individual words that in context can have no other reasonable meaning than
3 to urge the election or defeat of a clearly identified federal candidate.⁶⁹ Further,
4 “communications discussing or commenting on a candidate’s character, qualifications or
5 accomplishments are considered express advocacy under section 100.22(b) if, in context, they
6 have no other reasonable meaning than to encourage actions to elect or defeat the candidate in
7 question.”⁷⁰

8 The Act’s reporting requirements at § 30104(b) include reporting independent
9 expenditures made by political committees other than authorized committees.⁷¹ Every political
10 committee that makes independent expenditures must report them in its regularly scheduled
11 disclosure reports in accordance with 11 C.F.R. § 104.4(b)(3)(vii).⁷² Political committees and
12 other persons that make or contract to make independent expenditures after the 20th day, but
13 more than 24 hours before an election must disclose the activity within 24 hours each time that
14 the expenditures aggregate \$1,000 or more.⁷³ In addition, a political committee that makes

⁶⁸ 11 C.F.R. § 100.16(a); 52 U.S.C. § 30101(17).

⁶⁹ See 11 C.F.R. § 100.22(a) (providing examples such as “vote for the President,” “re-elect your Congressman,” “vote Pro-Life” or “vote Pro-Choice” accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice”).

⁷⁰ *Id.*, § 100.22(b); see also Express Advocacy; Independent Expenditures; Corporate and Labor Organization Expenditures, 60 Fed. Reg. 35,292, 35,295 (July 6, 1995) (“Express Advocacy E&J”).

⁷¹ 52 U.S.C. § 30104(b)(4)(H)(iii); see 11 C.F.R. § 104.3(b)(1)(vii). The term “independent expenditure” means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate that is not made in concert or in cooperation with, or at the request or suggestion of, such candidate, the candidate’s committee, or their agents. 52 U.S.C. § 30101(17).

⁷² 11 C.F.R. § 104.4(a).

⁷³ 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 109.10(d).

1 independent expenditures aggregating \$10,000 or more for an election in any calendar year, up to
2 and including the 20th day before an election, must report these expenditures within 48 hours.⁷⁴

3 Here, both robocalls were disseminated near the November 2020 general election and
4 begin with a voice over by President Trump stating that he is “running for the presidency of the
5 United States of America.” *Robocall 1* expressly advocates in support of President Trump by
6 urging support for him in the election, calling it “... a very close election” and “[t]here is a lot at
7 stake this election and President Trump, along with the Campaign for a Conservative Majority
8 PAC, needs our support now.”⁷⁵ Both *Robocall 1 and 2* expressly advocate in support of Trump
9 by urging the listener to support his re-election : “ We need every American who supports the
10 re-election of President Trump to press 3 now to pledge your support and contribute.”⁷⁶ In
11 addition, both robocalls expressly advocate against Biden by attacking his character,
12 qualifications and fitness for office, which can have no other reasonable meaning than to
13 encourage his defeat: “Even before this last week before the election, Biden refuses to leave his
14 basement. He is incapable of performing the duties of the presidency.”⁷⁷ Given that the
15 robocalls clearly identify the candidates in reference to an upcoming election, both robocalls have
16 no other reasonable meaning than to urge Trump’s election and Biden’s defeat, and they were

⁷⁴ 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2).

⁷⁵ Compl. at 4-5 (transcript of *Robocall 1*); *see also* Hartford Decl. ¶18 (averring that the last day CFCM disseminated any robocalls was November 3, 2020.).

⁷⁶ Compl. at 4-5 (transcripts of *Robocalls 1 and 2*).

⁷⁷ *Id.* *See, e.g.*, F&LA at 6-8, MUR 5831 (Softer Voices) (finding that ad that praised Rick Santorum and attacked the qualifications of his opponent by stating “Can we really risk Bob Casey learning on the job?” constituted express advocacy under 11 C.F.R. § 100.22(a) by effectively directing readers to vote against Casey); *see also*, F&LA at 6-7 and Conciliation Agreement ¶¶ IV.24-28, MUR 5511/5525 (Swift Boat Veterans) (finding that language stating that “Mr. Kerry is clearly unfit for command of the armed forces of the United States,” was express advocacy by directing readers to contribute toward Kerry’s defeat in the upcoming presidential election).

1 not made in concert or cooperation with, or at the request or suggestion of, any candidate or
2 committee.⁷⁸ Therefore, CFCM should have reported independent expenditures associated with
3 *Robocall 1* and *2*, but did not.

4 The Commission has determined that it may name a current or former treasurer to be
5 party to an enforcement action in his or her personal capacity where the available information
6 supports a reasonable inference that “the treasurer had knowledge that his or her conduct violated
7 a duty imposed by law, or where the treasurer recklessly failed to fulfill his or her duties under
8 the [A]ct and regulations, or intentionally deprived himself or herself of facts giving rise to the
9 violations.”⁷⁹ Here, Hartford’s declaration sets forth that he “developed the content and scripts”
10 for the robocalls and the Response sets forth that those robocalls were independent of any
11 candidate.⁸⁰ Further, Hartford filed other required disclosure reports on behalf of the
12 Committee.⁸¹ Because Hartford had previously filed other disclosure reports, his failure to file
13 independent expenditure reports as required by the Act could be indicative of a knowing and

⁷⁸ F&LA at 6-8, MUR 7527 (News for Democracy) (finding reason to believe that respondent failed to file independent expenditure reports for ads advocating the defeat of clearly identified candidates by stating “Say No to Marsha Blackburn” and “Rick Scott is not our friend. He does not deserve our votes.”); *see also* Express Advocacy E&J, 60 Fed. Reg. at 35,295 (stating, “[c]ommunications discussing or commenting on a candidate’s character, qualifications, or accomplishments are considered express advocacy under new section 100.22(b) if, in context, they have no other reasonable meaning than to encourage actions to elect or defeat the candidate in question.”).

⁷⁹ Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 4 (Jan. 3, 2005). *See also* F&LA at 15-16, MUR 6597 (Kinde Durkee) (finding reason to believe that the treasurer in her personal capacity knowingly and willfully violated the Act by embezzling funds and taking steps to cover up the embezzlement); F&LA at 5-6, MUR 7922 (formerly RR 20L-13) (Bryan Williams) (finding reason to believe a treasurer in his personal capacity knowingly and willfully violated the Act by embezzling funds); F&LA at 4, MUR 5652 (Susan Arceneaux) (finding reason to believe the assistant treasurer violated the Act in her personal capacity where she recklessly failed to fulfill the duties of the Act and regulations which gave rise to the Committee’s violations in treasurer’s absence).

⁸⁰ Hartford Decl. ¶15; *see also* Resp. at 2 (setting forth that the robocalls were “not authorized by any candidate or candidate’s committee”).

⁸¹ Hartford Decl. ¶10 (setting forth that he “prepared the financial disclosure reports that were submitted to the FEC on CFCM’s behalf”).

1 willful intent to conceal illegal activity.⁸²

2 Therefore, the Commission finds reason to believe Campaign for a Conservative Majority
 3 and William Hartford in his official capacity as treasurer, and William Hartford in his personal
 4 capacity, knowingly and willfully violated 52 U.S.C. §§ 30104(b)(4)(H)(iii), (g)(1), (2) and
 5 11 C.F.R. § 104.4(a), (b) by failing to file independent expenditure reports.

6 **C. The Commission Finds Reason to Believe CFCM Violated 52 U.S.C.**
 7 **§ 30120(a) and 11 C.F.R. § 110.11(a), (b) by Failing to Include Disclaimers on**
 8 **the Robocalls**

9 The Act requires that whenever a political committee makes a disbursement financing
 10 any communication through any broadcasting station, newspaper, magazine, outdoor advertising
 11 facility, mailing or any other type of general public political advertising, or whenever any person
 12 makes a disbursement for a “public communication” that expressly advocates the election or
 13 defeat of a clearly identified candidate, the communication must include a disclaimer identifying
 14 who paid for the communication and, where applicable, whether the communication was
 15 authorized by a candidate.⁸³ Under Commission regulations, a “public communication” includes
 16 telephone banks to the general public.⁸⁴ The Commission has previously found that disclaimers
 17 are required on robocalls such as those disseminated by CFCM.⁸⁵ If the communication is not
 18 paid for or authorized by a candidate, then the disclaimer must “clearly state the full name and

⁸² See, e.g., F&LA at 8, 15, MUR 5472 (Republican Victory Committee) (finding reason to believe that the Committee knowingly and willfully violated 52 U.S.C. § 30104(a) by failing to file any reports and stating that “failure to file reports with the Commission indicating on what, if anything, the money raised has been spent may be probative of the Committee’s intent to misrepresent itself to the public.”).

⁸³ 52 U.S.C. § 30120(a).

⁸⁴ 11 C.F.R. § 100.26 (listing telephone banks as public communications).

⁸⁵ See, e.g., First GCR at 7, MUR 6560 (Victory Ohio SuperPAC) (noting that robocalls constituted public communications and recommending the Commission find reason to believe that the respondent accordingly failed to include necessary disclaimers); Cert. ¶ 2.b (Jan. 10, 2013), MUR 6560 (adopting relevant recommendation).

1 permanent street address, telephone number, or World Wide Web address of the person who paid
2 for the communication, and that the communication is not authorized by any candidate or
3 candidate’s committee.”⁸⁶ This information “must be presented in a clear and conspicuous
4 manner, to give the reader, observer, or listener adequate notice of the identity” of the ad’s
5 sponsor.⁸⁷

6 Here, both robocalls should have contained disclaimers because they were public
7 communications disseminated by a political committee to the general public. Here, the current
8 information contradicts the statements in Hartford’s declaration that disclaimers were present.⁸⁸
9 The audio recordings on the Nomorobo website end abruptly, making it difficult to confirm
10 whether disclaimers were included at the end of the calls.⁸⁹ William Hartford states that he
11 wrote the scripts for the robocalls and that they “contained FEC-required disclaimers,” yet the
12 Response does not provide a full transcript or copies of the calls to support those assertions.⁹⁰
13 Given that Hartford developed the scripts, CFCM can readily provide the full transcript of the
14 calls to substantiate whether disclaimers were present, much like it provided documentation in
15 the form of cancelled checks to support its claim that it made contributions to the political
16 committees identified in the Complaint, but has not provided any documentation in connection
17 with the robocalls. Hartford also does not specify what the purported disclaimer said, and
18 specifically, whether they stated that they were authorized, or not authorized by President

⁸⁶ 52 U.S.C. § 30120(a)(3); 11 C.F.R. § 110.11(b)(3).

⁸⁷ 11 C.F.R. § 110.11(c)(1).

⁸⁸ Compare Hartford Decl. ¶¶ 15-16 (stating that disclaimers were present) with Compl. at 4-5, nn. 10-11 (transcripts and audio recordings of robocalls indicating that no disclaimers were present).

⁸⁹ Compl. at 4-5, nn. 10-11.

⁹⁰ Resp. at 2; Hartford Decl. ¶¶ 15-16.

1 Trump. Specifically, since the robocalls mention CFCM by stating that “President Trump, along
2 with the Campaign for a Conservative Majority PAC, needs our support now,” there is the
3 implication that the call may have been authorized by President Trump or his campaign
4 committee.

5 Therefore, the Commission finds reason to believe that Campaign for a Conservative
6 Majority and William Hartford in his official capacity as treasurer violated 52 U.S.C. § 30120(a)
7 and 11 C.F.R. § 110.11(a), (b) by failing to include disclaimers on the robocalls.

8 **D. The Commission Dismisses the Allegations that Respondents Violated**
9 **52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(b) in Connection With Falsely**
10 **Reporting Contributions that CFCM Made to Political Committees During**
11 **the 2020 Election Cycle and Failing to Report Disbursements from 2023**

12 Each treasurer of a political committee is required to file reports of receipts and
13 disbursements in accordance with 52 U.S.C. § 30104(a). Each report shall disclose, among other
14 things, the total amount of disbursements for the reporting period for the calendar year, the
15 identification of each person who receives a disbursement in an aggregate amount or value in
16 excess of \$200, and the identification of each political committee which has received a
17 contribution from the reporting committee.⁹¹

18 Here, the Response sufficiently rebuts the Complaint’s allegations that CFCM falsely
19 reported making contributions to political committees during the 2020 election cycle and
20 inaccurately reported disbursements made during 2023. The Response provided copies of the
21 cancelled checks to account for the \$12,200 in contributions made to various political
22 committees.⁹² The Complaint’s allegation that CFCM engaged in fundraising during 2023 is

⁹¹ 52 U.S.C. § 30104(b)(4), (6)(B)(i), (iii); 11 C.F.R. § 104.3(b)(1), (3)(i), (v), (vii).

⁹² Resp., Ex. A.

1 based upon *Robocall 2* appearing to have been disseminated in September 2023.⁹³ However,
2 that robocall references the 2020 election, and there is no information to indicate how the third-
3 party software company captured the call again in 2023.⁹⁴ Furthermore, William Hartford's
4 declaration sets forth that CFCM did not have any expenditures for fundraising after the 2020
5 election.⁹⁵ Hartford's declaration together with the lack of any credible evidence that CFCM
6 made expenditures during 2023 sufficiently rebuts the Complaint's allegations the Committee
7 failed to report disbursements.

8 Therefore, the Commission dismisses the allegations that Campaign for a Conservative
9 Majority and William Hartford in this official capacity as treasurer, and William Hartford in his
10 personal capacity, violated 52 U.S.C. § 30104(b) and 11 C.F.R. 104.3(b) in connection with
11 reporting contributions made during the 2020 election cycle and disbursements during 2023.

⁹³ Compl. 18-19.

⁹⁴ *See id.* 5, n.11.

⁹⁵ Resp. at 5; Harford Decl. ¶18.

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Anna Hartford

MUR 8248

I. INTRODUCTION

This matter arises from a Complaint alleging that Anna Hartford in her official capacity as assistant treasurer for the Campaign for a Conservative Majority and in her personal capacity, violated the Federal Election Campaign Act of 1971, as amended, (the “Act”) by filing false and inaccurate reports with the Commission. Anna Hartford did not file a Response to the Complaint.

Based on the available information, the Commission dismisses the allegations that Anna Hartford, both in her official capacity as assistant treasurer and in her personal capacity, violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 in connection with its reporting of contributions made to other political committees and disbursements it made during 2023.

II. FACTUAL BACKGROUND

On July 4, 2019, the Campaign for a Conservative Majority registered with the Commission as a nonconnected multicandidate political action committee.¹ Anna Hartford is its

¹ Campaign for a Conservative Majority, Statement of Organization at 2 (Jul. 4, 2019), <https://docquery.fec.gov/pdf/814/201907049150448814/201907049150448814.pdf>.

1 assistant treasurer.² Expert Vendor, LLC, is a data brokerage and database administration
 2 business owned by Anna and William Hartford.³

3 During the 2020 election cycle, CFCM received \$473,370.73 in contributions, of which
 4 \$325,625.73 were unitemized.⁴ It also reported making \$428,136.27 in disbursements, including

² Campaign for a Conservative Majority, Amended Statement of Organization at 3-4 (Oct. 30, 2020), <https://docquery.fec.gov/pdf/388/202010309336669388/202010309336669388.pdf>.

³ Compl., Ex. A (Apr. 22, 2024) (Expert Vendor Annual Report filed with Illinois Secretary of State Feb. 21, 2024); *see also* Resp. at 2; Hartford Decl. ¶ 7 (Jul. 15, 2024); *see also* Business Entity Search, OFF. ILL. SEC'Y STATE, <https://apps.ilsos.gov/businessentitysearch/> (last visited Mar. 19, 2025) (select "Business Name" and search Expert Vendor, LLC under "Search for a Business Entity"). According to its website, Expert Vendor provides free company matching services to businesses searching for call center providers of outbound telemarketing, inbound call services, or answering services. Expert Vendor, <http://expertvendor.com/index.php> (last visited Mar. 19, 2025). Its website further explains that Expert Vendor "makes money by billing our suppliers a referral fee for the privilege to bid on your business." Expert Vendor, <http://www.expertvendor.com/index.php?link=help> (last visited Mar. 19, 2025). *See also* Compl. at 6-7.

Two other federal committees have reported disbursements to Expert Vendor: Campaign to Elect a Democratic Majority and Support American Leaders PAC, the latter of which was a respondent in MUR 8126. *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?recipient&data_type=processed&recipient_name=expert+vendor (reflecting disbursements from Campaign to Elect a Democratic Majority to Expert Vendor from September 22, 2020, through November 13, 2020, in the aggregate amount of \$48,870.67 for database services, fundraising consulting); *FEC Independent Expenditures: Filtered Results*, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&most_recent=true&is_notice=true&payee_name=expert+vendor (reflecting an independent expenditure from Support American Leaders PAC to Expert Vendor on January 15, 2020, in the amount of \$2,000 for voter contact calls).

The treasurer of Support American Leaders PAC, Matthew Tunstall, was convicted by the U.S. Department of Justice for taking part in a scheme to solicit millions of dollars in contributions to two political action committees based on false and misleading representations through robocalls, television, radio and internet ads that the funds would be used to support presidential candidates during and after the 2016 election cycle, but the funds were instead used to enrich the conspirators and fund further fraudulent solicitations. Support American Leaders PAC, Amended Statement of Organization at 3 (Jan. 4, 2022), <https://docquery.fec.gov/pdf/959/202201049474866959/202201049474866959.pdf>; U.S. Department of Justice Archives, Press Release, *California Man Pleads Guilty in Scam PACs Scheme*, <https://www.justice.gov/archives/opa/pr/california-man-pleads-guilty-scam-pacs-scheme> (Dec. 20, 2022). Tunstall was a respondent in two enforcement matters, which the Commission ultimately dismissed with admonishment letters after he was sentenced in his criminal case. *See* Certification ("Cert.") ¶¶ 1-3, 5 (July 27, 2023), MUR 7468 (Progressive Priorities PAC, *et al.*); Cert. ¶¶ 2-4 (Aug. 31, 2023), MUR 8162 (Support American Leaders PAC).

⁴ *FEC Financial Summary*, FEC.GOV, <https://www.fec.gov/data/committee/C00711119/?tab=summary&cycle=2020> (reflecting total receipts for the Committee during the 2020 election cycle).

1 \$172,700.04 to Expert Vendor, LLC for call center services, fundraising phone calls, call center
2 marketing consulting⁵ and contributions totaling \$55,000 to various political committees.⁶

3 The Complaint alleges the Respondents violated the reporting provisions of the Act.
4 The Complaint obtained recordings of two CFCM's robocalls through Nomorobo, a company
5 that detects, screens, records, and archives robocalls.⁷ The Complaint provided the following
6 transcripts of those two robocall recordings:⁸

⁵ *FEC Financial Summary*, FEC.GOV, https://www.fec.gov/data/disbursements/?cycle=2020&data_type=processed&committee_id=C00711119&recipient_name=expert+vendor&two_year_transaction_period=2020&line_number=F3X-21B (reflecting disbursements made by the Committee to Expert Vendor during the 2020 election cycle).

⁶ *FEC Financial Summary*, FEC.Gov, https://www.fec.gov/data/disbursements/?committee_id=C00711119&two_year_transaction_period=2020&cycle=2020&line_number=F3X-23&data_type=processed (reflecting contributions the Committee made to other political committees during the 2020 election cycle, including one \$5,000 contribution to Donald J. Trump for President, Inc.). CFCM also made a \$5,000 disbursement to ANTTS Promotions for "marketing leads." Campaign for a Conservative Majority, 2020 October Quarterly Report at 51 (Oct. 17, 2020), <https://docquery.fec.gov/pdf/075/202010179297137075/202010179297137075.pdf>.

⁷ *Id.* at 4-5, <https://www.nomorobo.com/> (last visited Mar. 19, 2025).

⁸ *Id.* at 4-5. The audio recordings can be accessed here: Robocall 1, Nomorobo, <https://www.nomorobo.com/lookup/202-381-9604> (last visited Mar. 19, 2025); Robocall 2, Nomorobo, <https://www.nomorobo.com/lookup/202-381-9572> (last visited Mar. 19, 2025). The Complaint provides links to these recordings sent to other phone numbers on various dates; however, it appears only two different transcripts were used. *Id.* at nn. 10-11.

1 *Robocall 1:*

Speaker	Text
Trump's Voice	Hi, this is Donald Trump, and I'm running for the presidency of the United States of America.
Narrator	<p>It is a very close election, and it is going to be a fight to the finish. There is a lot at stake this election, and President Trump, along with the Campaign for a Conservative Majority PAC, needs our support now. A Biden-Kamala presidency would be the most radical presidency in history.</p> <p>You won't hear this from the liberal media, but Joe Biden has adopted the policies of the radical Socialist left, including immediately raising your taxes, free and open borders, the job-killing Green New Deal, and eliminating private healthcare with healthcare for illegals.</p> <p>Even before this last week before the election, Biden refuses to leave his basement. He is incapable of performing the duties of the presidency. The radical left including Nancy and AOC will be running our country if Joe Biden is elected president.</p> <p>We need every American who supports the re-election of President Trump to press 3 now to pledge your support and contribute. Even if you have contributed in the past, please contribute again—</p> <p>[Nomorobo recording ends abruptly]</p>

2

3 *Robocall 2:*

Speaker	Text
Trump's Voice	Hi, this is Donald Trump, and I'm running for the presidency of the United States of America.
Narrator	<p>A Biden-Kamala presidency would be the most radical presidency in history. There is a lot at stake this election and President Trump, along with the Campaign for a Conservative Majority PAC, needs our support now.</p> <p>You won't hear it with the liberal media, but Joe Biden has adopted the policies of the radical left, including raising your taxes, free and open borders, the Green New Deal, and eliminating private health care.</p> <p>Joe Biden refuses to leave his basement while demonstrating he is incapable of performing the duties of the presidency. The radical left, including Nancy and AOC, will be running our country if Joe Biden is elected president.</p> <p>We need every American who supports the re-election of President Trump to press 3 now to pledge your support and contribute. Even if you have contributed before, please contribute again. We cannot take a chance on a Biden presidency with Nancy holding the gavel. Please press 3 now to support the reelection of President Trump and to finally retire—</p> <p>[Nomorobo recording ends abruptly]</p>

1 According to the Complaint, Nomorobo captured the recordings of *Robocall 1* in
2 February 2021, September 2022, and September 2023, and captured recordings of *Robocall 2* in
3 November 2020 and November 2022.⁹ However, based on *Robocall 1*'s reference to "this last
4 week before the election," the Complaint concludes that CFCM may have begun disseminating
5 that robocall before the 2020 general election.¹⁰

6 According to the Complaint, during the 2020 election cycle, CFCM spent \$55,000 (11%)
7 of its receipts to make contributions to federal candidates (\$12,200 of which were not reported as
8 having been received by the recipient committees), and spent \$382,000 (80%) of its receipts on
9 robocalls, disbursing \$190,000 (39%) to Expert Vendor.¹¹ The Complaint alleges that Anna
10 Hartford, as assistant treasurer of CFCM and in her personally capacity may have filed
11 inaccurate reports with the Commission because, although it reported spending \$55,000 of its
12 funds on contributions to various candidates and committees, \$12,200 of those funds were not
13 reported by the recipient committees.¹² In addition, the Complaint states that CFCM continued

⁹ Compl. at 4-5.

¹⁰ *Id.* at 4.

¹¹ *Id.* at 1, 6-9, 18.

¹² *Id.* 18-19.

1 to fundraise, pointing to the Nomorobo recording from September 2023, yet has failed to report
2 any expenditures relating to the 2023 robocall in its reports with the Commission.¹³

3 The Complaint argues that CFCM's failure to disclose contributions received or
4 expenditures made is evidence of a knowing and willful violation of the reporting provisions of
5 the Act.¹⁴

6 Lastly, the Complaint argues that CFCM's assistant treasurer may be held personally
7 liable, given the alleged knowing and willful nature of the violations.¹⁵ Specifically, the
8 Complaint alleges that Anna Hartford should be held personally liable for knowingly and
9 willfully filing false and incomplete reports with the Commission, constituting a failure to fulfill
10 her duties as assistant treasurer.¹⁶

11 The available information, including copies of cancelled checks, shows that CFCM made
12 the \$12,200 in contributions to, and those checks were deposited by, the following committees:
13 John James for Senate, Inc., Team Graham, Inc., Donald J. Trump for President, Inc., Jim 2020
14 Committee, Mary Miller for Congress, Lauren Boebert for Congress, Nehls for Congress, Kansas
15 for LaTurner, Jeanne for Congress, Rodney for Congress, and Illinois Republican Party- Federal.

16 The available information appears to indicate that CFCM may not have had operating
17 expenditures to disclose in 2023-2024. The information shows that CFCM did not disseminate
18 robocalls after the November 2020 election. In addition, it appears that the Complaint's
19 allegation that CFCM incurred operating expenses during 2023-2024 is based solely on the

¹³ *Id.*

¹⁴ *Id.* at 22.

¹⁵ *Id.* at 21.

¹⁶ *Id.* at 22-23.

1 Nomorobo capture of a CFCM robocall from September 2023, and the Complaint does not
2 provide any basis to establish how and under what circumstances the call was captured, and why
3 the accuracy of the content and timing are reliable. Further, the content of the September 2023
4 call references the 2019-2020 election, so it was not in connection with any subsequent
5 election.¹⁷

6 **III. LEGAL ANALYSIS**

7 Each treasurer of a political committee is required to file reports of receipts and
8 disbursements in according with 52 U.S.C. § 30104(a). Each report shall disclose, among other
9 things, the total amount of disbursements for the reporting period for the calendar year, the
10 identification of each person who receives a disbursement in an aggregate amount or value in
11 excess of \$200, and the identification of each political committee which has received a
12 contribution from the reporting committee.¹⁸

13 Here, the available information sufficiently rebuts the Complaint's allegations that
14 CFCM falsely reported making contributions to political committees during the 2020 election
15 cycle and inaccurately reported disbursements made during 2023. The available information,
16 which includes copies of cancelled checks, shows that CFCM made the \$12,200 in contributions
17 it reported making to various political committees. The Complaint's allegation that CFCM
18 engaged in fundraising during 2023 is based upon *Robocall 2* appearing to have been
19 disseminated in September 2023.¹⁹ However, that robocall references the 2020 election, and
20 there is no information to indicate how the third-party software company captured the call again

¹⁷ *Id.* at 5.

¹⁸ 52 U.S.C. § 30104(b)(4), (6)(B)(i), (iii); 11 C.F.R. § 104.3(b)(1), (3)(i), (v), (vii).

¹⁹ Compl. 18-19.

1 in 2023.²⁰ Given that there is no credible evidence that CFCM made expenditures during 2023,
2 the Complaint's allegations the Committee failed to report disbursements are sufficiently
3 rebutted.

4 Therefore, the Commission dismisses the allegations that Anna Hartford in her official
5 capacity as assistant treasurer for Campaign for a Conservative Majority and in her personal
6 capacity violated 52 U.S.C. § 30104(b) and 11 C.F.R. 104.3(b) in connection with reporting
7 contributions made during the 2020 election cycle and disbursements made during 2023.

²⁰ *See id.* 5, n.11.