



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

June 2, 2025

Via Email

dbacker@chalmersadams.com
ccontestable@chalmersadams.com

Dan Backer, Esq.
Caitlin P. Contestable, Esq.
Chalmers, Adams, Backer & Kaufman, LLC
441 N. Lee Street, Suite 300
Alexandria, VA 22314

RE: MUR 8248
Campaign for a Conservative Majority, *et al.*

Dear Mr. Backer and Ms. Contestable:

On April 29, 2024, the Federal Election Commission notified your clients, Campaign for a Conservative Majority and William Hartford, in his official capacity as treasurer and in his personal capacity, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On April 29, 2025, after considering the allegations in the complaint and information provided by your clients, the Commission voted to close its file in this matter effective June 2, 2025.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Factual and Legal Analysis or Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1505 or cgallagher@fec.gov.

Sincerely,

Ana J. Peña-Wallace

Ana J. Peña-Wallace
Assistant General Counsel



FEDERAL ELECTION COMMISSION
1050 FIRST STREET, N.E.
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of :
 :
Campaign for a Conservative Majority, *et al.* : MUR 8248
 :
 :

STATEMENT OF REASONS OF VICE CHAIRMAN JAMES E. “TREY” TRAINOR, III AND COMMISSIONER ALLEN J. DICKERSON

I. INTRODUCTION

The Complaint in this Matter alleged that the nonconnected committee Campaign for a Conservative Majority (“CCM”) violated the fraudulent misrepresentation provision and various reporting provisions of the Federal Election Campaign Act of 1971, as amended (the “Act”). Specifically, the Complaint alleged that CCM illegally used then-candidate Donald J. Trump’s recorded voice in robocalls soliciting contributions without his authorization¹ and incorrectly reported its contributions, expenditures, and independent expenditures.²

Our Office of General Counsel (“OGC”) recommended that we find reason to believe that CCM and its Treasurer, William Hartford, knowingly and willfully violated 52 U.S.C. § 30124(b)(2) and 11 C.F.R. § 110.16(b)(2) by fraudulently soliciting contributions through the robocalls.³ OGC also recommended that we find reason to believe CCM failed to include disclaimers on those robocalls in violation of 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(a), (b),⁴ and reason to believe CCM and Hartford failed to file reports of independent expenditures with respect to the robocalls in violation of 52 U.S.C. §§ 30104(b)(4)(H)(iii), (g)(1), (2) and 11 C.F.R. § 104.4(a), (b).⁵

We disagreed with OGC’s recommendations above and declined to find reason to believe for the reasons that follow.

¹ Compl. at 15-17 (Apr. 22, 2024).

² *Id.* at 18-22.

³ First Gen. Counsel’s Rept. at 11-17.

⁴ *Id.* at 21-23.

⁵ *Id.* at 17-21.

First, although the robocalls used Trump’s voice, they are not fraudulent misrepresentation under the plain language of the governing statute and Commission precedent. Second, the Complainant’s only evidence that these robocalls were made is a recording from a third-party website—not from the Complainant—that is incomplete and cuts off mid-transcript.⁶ A partial transcript from a third party is not enough, on its own, to support a finding of reason to believe that the calls lacked the required disclaimer. Finally, the transcripts of the calls show that the call to action is to financially support a nonconnected committee—not to vote for or against the candidates named or to donate to them directly. Accordingly, taken as a whole and with limited reference to external events, the communications do not constitute express advocacy and therefore were not required to be reported as independent expenditures. For these reasons, which we discuss further below, we declined to support OGC’s recommendation to find reason to believe CCM and Hartford violated the Act.

I. FACTUAL BACKGROUND

On July 4, 2019, Campaign for a Conservative Majority registered with the Commission as a nonconnected multicandidate political action committee.⁷ William Hartford is its Treasurer.⁸

1. *The Complaint*

The Complaint alleges that CCM used President Trump’s voice without his authorization in robocalls disseminated to solicit contributions and pledges to support his candidacy,⁹ and that a reasonable person could easily conclude that the solicitation was from President Trump or that a donation made to the caller would support Trump’s campaign directly.¹⁰ Complainant obtained recordings of two of CCM’s robocalls through Nomorobo, a company that detects, screens, records, and archives robocalls.¹¹ The Complaint provided the following transcripts of those two robocall recordings:¹²

⁶ Compl. at 4-6.

⁷ Campaign for a Conservative Majority, Statement of Organization at 2 (Jul. 4, 2019), <https://docquery.fec.gov/pdf/814/201907049150448814/201907049150448814.pdf>.

⁸ Campaign for a Conservative Majority, Amended Statement of Organization at 3-4 (Oct. 30, 2020), <https://docquery.fec.gov/pdf/388/202010309336669388/202010309336669388.pdf>.

⁹ Compl. at 1-5.

¹⁰ *Id.* at 4.

¹¹ *Id.* at 4-5, <https://www.nomorobo.com/> (last visited Apr. 24, 2025).

¹² *Id.* at 4-5.

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>

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>

According to the Complaint, Nomorobo captured the recordings of *Robocall 1* in February 2021, September 2022, and September 2023, and captured recordings of *Robocall 2* in November 2020 and November 2022.¹³ However, based on *Robocall 1*'s reference to "this last week before the election," the Complaint concludes that CCM may have begun disseminating that robocall before the 2020 general election.¹⁴

In addition, the Complaint alleges that CCM's robocalls were express advocacy and should have been reported as independent expenditures, but were not.¹⁵

2. The Response

Respondents argue that the robocalls were not fraudulent misrepresentation because they were independent fundraising solicitations that clearly identified the sponsoring independent committee, CCM, at the beginning of each call.¹⁶ Although Respondents do not address the use of Trump's voice directly, they note that referencing candidates' names in fundraising appeals is common and not inherently deceptive.¹⁷ The Response also asserts that the required disclaimers appeared at the end of the calls, beyond the point where the transcripts cut off.¹⁸

According to the Response and the Hartford Declaration, CCM's last robocall was made on November 3, 2020, and it has not conducted further fundraising or made robocalls since.¹⁹ Respondents contend that any robocalls captured by Nomorobo after the 2020 election are "simply incorrect" and resulted from the site's "flawed" call capture technology.²⁰ The Response emphasizes that the Complaint's claim that CCM incurred expenses for robocalls in 2023 or 2024 is based solely on this unreliable data, without any explanation of how the call was recorded or why Nomorobo's stated timing and content should be trusted.²¹ The Response further argues that the content of the alleged September 2023 call refers explicitly to the 2019–2020 election cycle, making its dissemination in 2023 implausible.²²

Finally, the Response asserts that dissemination of the calls did not trigger independent expenditure reporting requirements. It maintains that the calls were

¹³ Compl. at 4-5.

¹⁴ *Id.* at 4.

¹⁵ *Id.* at 19-20.

¹⁶ Resp. at 2.

¹⁷ *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).

¹⁸ Resp. at 2, 4; Hartford Decl. ¶ 16.

¹⁹ Hartford Decl. ¶ 18.

²⁰ Resp. at 4-5; Hartford Decl. ¶18.

²¹ Resp. at 4-5.

²² *Id.* at 5.

fundraising messages made by CCM on its own behalf, and that even though they included statements about the “worthiness of the candidates being supported,” the Act does not require independent expenditure reports for such communications.²³

II. RELEVANT LAW AND LEGAL ANALYSIS

1. *Fraudulent Solicitation of Funds*

The Act provides that no person shall fraudulently misrepresent the person as speaking, writing, or otherwise acting for, or on behalf of, any candidate or agent thereof for the purpose of soliciting contributions or donations.²⁴ Further, the Act provides that no person shall willfully and knowingly participate in or conspire to participate in any plan or scheme to engage in such behavior.²⁵ To commit fraudulent misrepresentation, the violator must have the intent to deceive, but proof of the common law fraud elements of justifiable reliance and damages is not required.²⁶ As the courts have explained, a representation is fraudulent “if it was reasonably calculated to deceive persons of ordinary prudence and comprehension.”²⁷

To determine whether a person has violated the Act’s prohibition on fraudulent misrepresentation, the Commission has considered such factors as: (1) whether the respondent political committee was registered and reporting to the Commission, if required;²⁸ (2) inclusion of statements implying that the respondents acted with the authority of the represented candidate;²⁹ (3) inclusion of statements implying that

²³ *Id.* at 5-6.

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

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

²⁶ *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)); Factual and Legal Analysis (“F&LA”) at 4, MUR 5472 (Jody Novacek).

²⁷ *Novacek*, 739 F. Supp. 2d. at 961.

²⁸ 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.”).

²⁹ Gen. Counsel’s 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”).

contributions to the respondent would go directly to the represented candidate;³⁰ (4) mimicry of the candidate's website or use of the candidate's official logo;³¹ (5) whether any individuals were actually misled by the website;³² and (6) whether the respondent used a misleading name.³³ The Commission has also considered the role of disclaimers in establishing the requisite elements of fraudulent misrepresentation, and concluded 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.³⁴ Nevertheless, when a communication is otherwise "designed to mislead [recipients] of ordinary prudence and comprehension into believing that" the organization making the communication represents a particular candidate, the inclusion of a disclaimer cannot alone overcome the inference of deception.³⁵

The use of Trump's voice in CCM's robocalls stating, "Hi, this is Donald Trump, and I'm running for the presidency of the United States of America," does not rise to the level of fraudulent solicitation of funds under 52 U.S.C. § 30124(b). To violate this provision, a communication must falsely represent that a person is acting on behalf of a candidate or campaign, with the intent to deceive voters or contributors.³⁶ The standard is not whether the communication references a candidate, but whether it

³⁰ 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).

³¹ 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).

³² Gen. Counsel's 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).

³³ See *id.*

³⁴ F&LA at 10, MUR 6641 (CAPE PAC).

³⁵ 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); .

³⁶ See F&LA at 3-4, MUR 3690 (National Republican Congressional Committee) ("A violation of Section [30124] requires fraudulent misrepresentation. Key elements of fraud are the maker's intent that the misrepresentation be relied upon by the person More significantly, a fraudulent misrepresentation requires intent to deceive.").

falsely and intentionally claims to speak or act with the candidate's authority.³⁷ The use of a candidate's name, likeness, or statements of support for that candidate are not inherently deceptive, particularly where the speaker is otherwise clearly identified.³⁸ In a crowded political environment, reasonable voters are accustomed to advocacy groups referencing high-profile candidates to signal shared values or political goals.

In this case, the introduction is a generalized statement, not a solicitation, and does not assert that Trump authorized the message or that the communication was made on his behalf. It is not accompanied by any claim of endorsement or campaign coordination. Without an affirmative misstatement that CCM was acting with the candidate's approval or authority, there is no basis to find a violation. Moreover, the remainder of the robocall clearly identifies the true sponsor—CCM—and directs contributions to that committee, not to Trump's campaign. Robocall 1 states that "President Trump, along with the Campaign for a Conservative Majority PAC, needs our support now," which, when viewed in context, is a standard fundraising appeal for the Committee. Similarly, the instruction in both calls to "press 3 now to pledge your support and contribute" is framed as a solicitation for financial contributions to the Committee.

Ultimately, the brief use of a Trump-voiced introduction referencing his candidacy does not, in isolation or in context, amount to fraudulent misrepresentation. CCM's robocalls neither claimed to be authorized by the Trump campaign nor—ostensibly or not—solicited contributions on its behalf. Therefore, there is insufficient support to find reason to believe that CCM engaged in fraudulent solicitation of funds under the Act.

2. Failure to Include Required Disclaimers

The Act requires that when a political committee makes a disbursement for a communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or when any person makes a disbursement for a "public communication" that expressly advocates the election or defeat of a clearly identified candidate, the communication must include a disclaimer identifying the sponsor and, where applicable, whether the communication was authorized by a candidate.³⁹ Under Commission regulations, a "public communication" includes telephone banks,⁴⁰ and

³⁷ Cf. Policy Statement of Comm'r Lee Goodman on the Fraudulent Misrepresentation Doctrine (Feb. 16, 2018) ("the proper focus of the Commission's misrepresentation inquiry must be the misrepresentation of *identity* of the person soliciting the funds...").

³⁸ *Id.*

³⁹ 52 U.S.C. § 30120(a).

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

the Commission has previously found that disclaimers are required on robocalls.⁴¹ If the communication is not paid for or authorized by a candidate, then the disclaimer must “clearly state the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication, and that the communication is not authorized by any candidate or candidate’s committee.”⁴² This information “must be presented in a clear and conspicuous manner, to give the reader, observer, or listener adequate notice of the identity” of the ad’s sponsor.⁴³

Consistent with the Act,⁴⁴ the Commission has consistently required more than speculation by a complainant lacking personal knowledge of the allegations to find reason to believe a violation occurred.⁴⁵ Complaints not based upon personal knowledge must identify a source of information that reasonably gives rise to a belief in the truth of the allegations presented.⁴⁶ The burden of proof does not shift to a respondent merely because a complaint is filed.⁴⁷

Here, while the Complaint acknowledges the absence of a disclaimer in the CCM call transcripts obtained through Nomorobo, it also notes that those transcripts appear to be incomplete,⁴⁸ and the Complaint does not specifically allege a disclaimer violation. Still, OGC opted to include a recommendation to that effect, while

⁴¹ See, e.g., First Gen. Counsel’s Rept. 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).

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

⁴³ 11 C.F.R. § 110.11(c)(1).

⁴⁴ 52 U.S.C. § 30109(a)(1).

⁴⁵ See, e.g., Statement of Reasons at 1, Comm’rs Mason, Sandstrom, Smith & Thomas, MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Comm., *et al.*) (“Unwarranted legal conclusions from asserted facts ... or mere speculation ... will not be accepted as true.”); First Gen. Counsel’s Rept., MUR 8255 (Lucas for Congress, *et al.*) (OGC recommendation to dismiss due to speculative nature of allegations); Cert. ¶ 2 (March 11, 2025), MUR 8255 (adopting relevant recommendation); see also Statement of Reasons of Commissioners Allen. J. Dickerson and James E. “Trey” Trainor, III, MUR 7800 (Kanye 2020, *et al.*) (dismissed by 5-1 vote) (complaint filed by a party without personal knowledge of the allegations is speculative and does not satisfy RTB standard); Statement of Reasons of Chairman Sean J. Cooksey and Commissioners Allen. J. Dickerson and James E. “Trey” Trainor, III, MUR 8082 (Unknown Respondents, *et al.*) (controlling statement; failed by 3-2 vote to find reason to believe) (“[T]he Act does not permit us to proceed on an ‘RTB-of-the-gaps’ approach to law enforcement.”); Statement of Reasons of Chairman Sean J. Cooksey and Commissioners Allen. J. Dickerson and James E. “Trey” Trainor, III, MUR 8110 (Am. Coal. for Conservative Policies, *et al.*) (controlling statement; failed by 3-3 vote to find reason to believe) (“[w]e are forbidden” from merely providing a “rubber stamp” to a complaint’s allegations, or “proceed[ing] on an ‘RTB-of-the-gaps’ approach to law enforcement.”).

⁴⁶ 11 C.F.R. § 111.4(d)(2).

⁴⁷ See Statement of Reasons of Chairman Wold and Comm’rs Mason and Thomas at 2, MUR 4830 (Deloitte & Touche, LLP, *et al.*).

⁴⁸ Compl. at 17.

acknowledging that “the audio recordings ... end abruptly, making it difficult to confirm whether disclaimers were included at the end of the calls.”⁴⁹

This “difficulty,” rightfully spotted by OGC, underscores the insufficiency of the evidence. A truncated recording from a third-party website that neither originated from the Complainant nor captures the full communication cannot, on its own, support a reason to believe finding. The Respondents maintain that the disclaimers were properly included at the end of the calls,⁵⁰ and absent contrary evidence—such as a full recording or transcript or an affidavit or complaint from a recipient of the calls—the Commission has no basis to infer a violation.

Accordingly, and consistent with past practice, we declined to support a finding of reason to believe based on incomplete, third-party materials alone, and voted accordingly.

3. Independent Expenditure Reporting

The Act and Commission regulations define an “independent expenditure” as “an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified federal candidate ... that is not made in cooperation, consultation, or concert with, or at the request or suggestion of a candidate, a candidate’s authorized committee or their agents.”⁵¹ A communication meets the Commission’s regulatory definition of express advocacy if it contains “magic words”—language that, in context, can have no other reasonable meaning than to urge the election or defeat of a candidate,⁵² or if, when considered as a whole and with limited reference to external events, it unambiguously promotes or opposes a candidate in a way that no reasonable person could interpret otherwise.⁵³

The Act’s reporting requirements at § 30104(b) require reporting of independent expenditures made by political committees other than authorized committees.⁵⁴ Every political committee that makes independent expenditures must report them in its regularly scheduled disclosure reports in accordance with 11 C.F.R. § 104.4(b)(3)(vii).⁵⁵ Additionally, independent expenditures aggregating \$1,000 or more made or contracted to be made within 20 days but more than 24 hours before an election must be reported within 24 hours,⁵⁶ and a political committee that makes

⁴⁹ First Gen. Counsel’s Rept. at 22.

⁵⁰ Resp. at 4.

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

⁵² 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”).

⁵³ *Id.* at (b).

⁵⁴ 52 U.S.C. § 30104(b)(4)(H)(iii); see 11 C.F.R. § 104.3(b)(1)(vii).

⁵⁵ 11 C.F.R. § 104.4(a).

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

expenditures aggregating \$10,000 or more during a calendar year until the 20th day before the election must be reported within 48 hours.⁵⁷

While CCM’s robocalls reference then-candidates Trump and Biden, they do not contain express words of advocacy⁵⁸ or their functional equivalent⁵⁹ unambiguously urging the election or defeat of the candidates, or contributions to either candidate. Instead, the calls solicit financial support for CCM—at least once in the first call, and at least twice in the second. Robocall 1 states that “President Trump, along with the Campaign for a Conservative Majority PAC, needs our support now,” which, when viewed in context, is a standard fundraising appeal. Similarly, the instruction in both calls to “press 3 now to pledge your support and contribute” is framed as a solicitation for financial contributions to the sponsoring committee—not a directive to vote for Trump or against Biden. The criticisms of Biden’s policies and readiness for office, which appear in both calls, fall within the realm of issue speech and do not rise to the level of express advocacy.⁶⁰

For these reasons, because both calls could reasonably be interpreted as fundraising communications for CCM, and not as independent expenditures,⁶¹ they did not trigger the Act’s reporting requirements.

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

⁵⁸ *Buckley v. Valeo*, 424 U.S. 1, 43-44 (1976).


⁵⁹ See *McConnell v. FEC*, 540 U.S. 93, 193 (2003) and *FEC v. Wisconsin Right to Life, Inc. (WRTL)*, 551 U.S. 449 (2007) (a communication is the functional equivalent of express advocacy “only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate”).

⁶⁰ *WRTL* at 449.

⁶¹ Cf. Statement of Reasons of Comm’rs Allen J. Dickerson, Dara Lindenbaum, and James E. “Trey” Trainor, III at 7, LRA 1163 (Madison Project, Inc.) (“The November 8, 2019 letter asks for the reader to “help” and “support” the Committee elect two Senate candidates. Similarly, the July 15, 2020 letter asks the reader to help the Committee give Trump four more years. But the help requested is not to vote for the candidates, to donate to the candidates directly, or to volunteer for their races, but to give money to the Committee.”); see also Final Audit Report of the Commission on the Mississippi Republican Party at 17 (Apr. 16, 2021) (stating that the Commissioners who did not vote to adopt the Audit Division’s proposed finding “did not consider a solicitation to be an independent expenditure, given the nature of how state parties fundraise and solicit funds”); Certification, Proposed Final Audit Report for the Republican Party of Minnesota – Federal (Jan. 26, 2022) (approving edit to Final Audit Report to state that some commissioners voted to not approve independent expenditure reporting finding).

III. CONCLUSION

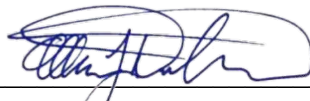
For the foregoing reasons, we declined to support OGC's recommendation to find reason to believe that CCM and its Treasurer, William Hartford, violated the Act or Commission regulations by fraudulently soliciting funds, failing to include disclaimers on its robocalls, or failing to report its independent expenditures.



James E. "Trey" Trainor, III
Vice Chairman

April 29, 2025

Date



Allen J. Dickerson
Commissioner

April 29, 2025

Date



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Campaign for a Conservative Majority and)	MUR 8248
William Hartford as treasurer, <i>et al.</i>)	
)	

**STATEMENT OF REASONS OF
COMMISSIONER DARA LINDENBAUM**

The Complaint in this matter alleged that Campaign for a Conservative Majority (“CCM”) operated as a “scam PAC” by fraudulently misrepresenting itself as acting on behalf of Trump in robocall solicitations and by diverting almost all of the funds raised to a company owned by William Hartford, the treasurer of CCM, during the 2020 election cycle.¹ Respondents denied the allegations.² The Office of General Counsel (“OGC”) recommended that the Commission find reason to believe that CCM and Hartford knowing and willfully fraudulently misrepresented themselves as acting on behalf of Trump, knowingly and willfully failed to report the robocalls as independent expenditures, and failed to include an adequate disclaimer in the robocalls.³ OGC further recommended that the Commission authorize an investigation.

Relevant here, Hartford declared under penalty of perjury that the last robocall occurred on November 3, 2020, and we have no information to the contrary.⁴ Unfortunately, the Complaint was not filed until April 22, 2024, approximately 3.5 years after the last robocall

¹ Compl. at 2 (Apr. 22, 2024). The Complaint also named Anna Hartford, William Hartford’s wife and “assistant treasurer”, as a respondent in her official and individual capacities. *Id.* at 1.

² Resp. at 2-3 (July 15, 2024).

³ Specifically, OGC recommended that the Commission find reason to believe that: (1) CCM and Hartford knowingly and willfully violated 52 U.S.C. § 30124(b) and 11 C.F.R. § 110.16(b) by fraudulently misrepresenting that CCM was acting on behalf of a federal candidate; (2) William Hartford knowingly and willfully violated 52 U.S.C. § 30124(b)(2) and 11 C.F.R. § 100.16(b)(2) by participating or conspiring in the plan; (3) CCM knowingly and willfully violated 52 U.S.C. §§ 30104(b)(4)(H)(iii), (g)(1), (2) and 11 C.F.R. § 104.4(a), (b) by failing to file independent expenditure reports; (4) William Hartford in his personal capacity knowingly and willfully violated 52 U.S.C. §§ 30104(b)(4)(H)(iii), (g)(1), (2) and 11 C.F.R. § 104.4(a), (b) by failing to file independent expenditure reports; and (5) CCM and Hartford violated 52 U.S.C. § 30120(a) by failing to include disclaimers on robocalls. *See* First Gen. Counsel’s Rpt. at 25-26 (Mar. 26, 2025). OGC recommended that the Commission dismiss the allegation that respondents violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 in connection with reporting contributions the Committee made to political committees during the 2020 election cycle and disbursements it made in 2023. *Id.* at 26.

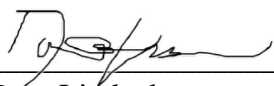
⁴ Resp., William Hartford Decl. ¶ 18

MUR 8248 (Campaign for a Conservative Majority)
Statement of Reasons
Page 2 of 2

occurred. OGC took another 11 months to draft and circulate the First General Counsel's Report, and the Commission considered the matter in executive session on April 29, 2025. After factoring in 30 days of tolling provided by Respondents, the statute of limitations fully expires in December 2025.⁵ In the best of times, it would be difficult for OGC to complete an investigation in seven months. However, we also knew at the time of the vote that the Commission would lose quorum the next day,⁶ and thus would be unable to approve an investigatory plan or authorize subpoenas,⁷ making a successful investigation an impossibility. I therefore voted to dismiss the matter as an exercise of prosecutorial discretion.⁸

5-22-25

Date


Dara Lindenbaum
Commissioner

⁵ The claims for fraudulent misrepresentation and the failure to include a disclaimer accrued on the day of the robocall, while the claim for failing to report the robocalls as independent expenditures accrued on the day the disclosure report was due.

⁶ Statement of Commissioner Allen J. Dickerson Upon the Conclusion of his Term, <https://www.fec.gov/resources/cms-content/documents/Statement-Commissioner-Allen-J-Dickerson-Upon-Conclusion-of-Term.pdf>.

⁷ See Directive 74 (Nov. 1, 2023), https://www.fec.gov/resources/cms-content/documents/directive_74.pdf.

⁸ *Heckler v. Chaney*, 470 U.S. 821 (1985); Certification ¶ 2 (May 1, 2025).