

ELECTIONS, LLC

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Roy Q. Lockett
Acting Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First St, NE
Washington, DC 20463

VIA EMAIL: cela@fec.gov

RE: Response of Save America and Bradley Crate in his capacity as Treasurer of Save America in MUR 8090

Dear Mr. Lockett

This Response is submitted by the undersigned counsel on behalf of Save America and Bradley Crate, in his capacity as Treasurer of Save America (collectively, the “Respondents”) in response to the November 14, 2022 complaint from Campaign Legal Center, designated as Matter Under Review 8090 (the “Complaint”). For the reasons set forth below, the Commission should find no reason to believe Respondents violated the Federal Election Campaign Act of 1971, as amended (the “Act”) or any Commission regulations (“Regulations”). Accordingly, the Commission should find no reason to investigate and the Complaint should be dismissed as to all Respondents.

The Complaint alleges Respondents violated the Act and Regulations by transferring funds in excess of statutory limits to Make America Great Again, Inc. (“MAGA Inc.”) an independent-expenditure only committee – commonly referred to as a Super PAC. The Complaint is based entirely on the false allegation that former President Donald J. Trump was a candidate for federal office at the time of the transfer which occurred on October 3, 2022. Respondents have previously disputed the allegation that President Donald J. Trump was a federal candidate in MUR 7968 (American Bridge PAC), response submitted on or about August 25, 2022, and this Complaint offers no new facts or evidence to support such allegation other than a comment made by former President Donald J. Trump on November 7, 2022 – after the contribution to MAGA Inc. was made. Accordingly, Respondents are in full compliance with the Act and FEC Regulations and the Commission should dismiss the Complaint.

Donald J. Trump had not declared his candidacy for, or triggered registration as a candidate for, federal office for an upcoming election, including the 2024 election for President of the United States as of the date Respondents contributed to MAGA Inc.

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Candidates for federal office have 15 days from the time they accept contributions or make expenditures in excess of \$5,000 for the purpose of influencing a federal election to register with the Commission.¹ Further, a principal campaign committee acting on behalf of a federal candidate must file a Statement of Organization with the Commission within 10 days of the candidate filing its Statement of Candidacy.²

Donald J. Trump had not accepted contributions or made expenditures in excess of \$5,000 for the purpose of influencing a federal election as of October 3, 2022, the date Respondents contributed to MAGA Inc. Donald J. Trump is a leading political figure with a history of engaging in political activism and frequently engages in activities, such as public speaking, for reasons other than a potential personal political campaign. Save America is a multicandidate leadership committee with the purpose of building on the accomplishments of the Trump administration, supporting the brave conservatives who will define the future of the America First Movement, the future of the Republican party, and the future of the United States of America. An individual is not prohibited from being associated with an organization, or even using the platform of an organization to maintain a public image, support other candidates, or advance certain issues prior to becoming a candidate, or even being considered to be testing the waters.³ Donald J. Trump's use of the Save America platform, and Save America allowing Donald J. Trump to use its platform, do not violate the Act or FEC regulation or result in Donald J. Trump's candidacy prior to October 3, 2022. The Commission has historically found no reason to believe a violation of the Act or FEC Regulation occurred under similar circumstances and should do so again here.⁴

Respondents have not violated the Act or FEC Regulations and the Commission should find no reason to investigate and dismiss the Complaint. Donald J. Trump was not a candidate for federal office at the time Respondents contributed to MAGA Inc. Donald J. Trump is a prominent political figure who has used the platform of Save America to assist the mission of Save America to build upon the accomplishments of the Trump

¹ 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1.

² 52 U.S.C. § 30103.

³ See Statement of Reasons of Vice Chairman Matthew S. Peterson and Caroline Hunter, at 7-8, MUR 6928 (Richard John "Rick" Santorum, et al.) citing First General Counsel's Report at 26-29, MUR 5260 (Talent) (Jan. 6, 2003) (recommending that the Commission find no reason to believe an individual used an organization to test the waters even though the organization functioned as a platform for the individual to "keep up his public profile" while supporting "candidates and causes until he determined his political future."); Statement of Reasons of Chairman Matthew S. Petersen, Caroline C. Hunter, and Lee E. Goodman at 4, MURs 6470, 6482, 6484 (Romney, et al.) (Mar. 30, 2016) ("Accordingly, a political committee or other organization may provide an individual... with a platform to speak about issues, support other candidates, and maintain a public profile without the payments for such activities necessarily being considered contributions to the future candidate's campaign.").

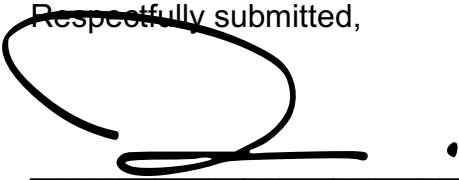
⁴ See, for example, MUR 7381 (Rick Scott for Florida), MUR 6929 (Scott Walker, et al.), MUR 6928 (Rick Santorum, et al.), MUR 6750 (Carl DeMaio for Congress), MUR 6970 (Peter DiCianni, et al.).

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administration and support other candidates who will define the future of the America First Movement, the Republican party, and the United States of America. Such actions do not constitute candidacy under Act of FEC Regulations and therefore the alleged violations of the Act and Regulations made by Campaign Legal Center have no merit. Accordingly, the Commission should find no reason to investigate and dismiss the complaint as to all Respondents.

Respectfully submitted,



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