

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR 8090

DATE RECEIVED: Nov. 14, 2022

DATE SUPPLEMENT RECEIVED: May 17, 2023

DATES OF NOTIFICATIONS: Nov. 21, 2022

May 19, 2023

July 25, 2023

DATE OF LAST RESPONSE: Aug. 7, 2023

DATE ACTIVATED: Sept. 1, 2023

EARLIEST EXPIRATION OF SOL: Oct. 3, 2027

LATEST EXPIRATION OF SOL: Nov. 6, 2027

ELECTION CYCLES: 2022, 2024

COMPLAINANTS:

Campaign Legal Center

Saurav Ghosh

Shanna Reulbach

NDRC Action Votes

RESPONDENTS:

Save America and Bradley T. Crate

in his official capacity as treasurer

Donald J. Trump

**RELEVANT STATUTES
AND REGULATIONS:**

52 U.S.C. § 30101(2)

52 U.S.C. § 30116(a)(1)(C)

52 U.S.C. § 30125(e)(1)

11 C.F.R. § 100.72(b)

11 C.F.R. § 100.131(b)

11 C.F.R. § 300.2(c)(2)

11 C.F.R. § 300.61

INTERNAL REPORTS CHECKED: Disclosure Reports**FEDERAL AGENCIES CHECKED:** None**I. INTRODUCTION**

The Complaint in this matter alleges that Donald J. Trump and his leadership PAC, Save America and Bradley T. Crate in his official capacity as treasurer (“Save America”), violated the Act’s soft money provisions by directing or transferring \$60 million from Save America to Make

1 America Great Again, Inc. (“MAGA, Inc.”), an independent expenditure-only political
2 committee (“IEOPC”). Specifically, the Complaint alleges that though Trump had not yet filed a
3 statement of candidacy at the time of the transactions at issue, he was by law a candidate and that
4 Save America, as Trump’s leadership PAC, is by definition an organization established,
5 financed, maintained, or controlled (“EFMC’d”) by Trump. Therefore, the Complaint reasons
6 that, any contribution by Save America to another political committee in excess of \$5,000,
7 including specifically Save America’s contribution of \$60 million to MAGA, Inc., violates
8 52 U.S.C. § 30125(e)(1)(A).

9 Respondents dispute these conclusions on two grounds. First, Respondents argue that
10 Trump was not a candidate (or officeholder) at the time that Save America made the
11 contributions to MAGA, Inc. (October 3, 2022 through November 6, 2022) and therefore the
12 prohibitions in 52 U.S.C. § 30125(e)(1)(A) do not apply. Second, Respondents argue that, as a
13 matter of law, even if Trump was a candidate at the relevant time, the contributions were
14 permissible because the funds contributed by Save America were “hard money,” raised
15 consistent with the Act’s limits, prohibitions, and reporting requirements, and MAGA, Inc., as an
16 IEOPC, can accept contributions without regard to the Act’s limits pursuant to *Citizens United v.*
17 *FEC* and *Spechnow.org v. FEC*.

18 The question of whether Trump had become a candidate for purposes of the Act prior to
19 filing his statement of candidacy — and thus was a candidate at the time of the contributions in
20 question — has been considered by the Commission previously in MURs 7968 and 7969. The
21 Commission was equally divided on that question in those matters.¹ Nevertheless, in accordance

¹ Certification (“Cert.”), MURs 7968, 7969 ¶¶ 1-2, (Oct. 5, 2023).

1 with Commission precedent, even assuming that Trump was a candidate at the time of the
2 contributions, the context here of otherwise excessive contributions made by Trump's leadership
3 PAC — from funds raised subject to the limits, prohibitions and reporting requirements of the
4 Act — to an IEOPC does not appear to violate the Act or Commission regulations.

5 Accordingly, we recommend that the Commission dismiss the allegation that Donald J.
6 Trump and Save America and Bradley T. Crate in his official capacity as treasurer violated
7 52 U.S.C. § 30125(e)(1)(A) via contributions to MAGA, Inc.

8 **II. FACTUAL BACKGROUND**

9 Donald J. Trump is a former President of the United States, holding the office from 2017-
10 2021. On November 15, 2022, he filed his statement of candidacy indicating his intention to run
11 for president again in 2024.² The information the Complaint relies upon in support of its
12 contention that Trump triggered candidacy status under the Act prior to filing his statement of
13 candidacy³ was summarized⁴ and analyzed⁵ in this Office's First General Counsel's Report in
14 MURs 7968 and 7969, which recommended finding reason to believe on this issue. Following
15 the Commission's split vote on the candidacy question,⁶ the group of Commissioners that voted
16 not to find reason to believe issued Statements of Reasons explaining their votes.⁷

² Donald J. Trump, Statement of Candidacy (Nov. 15, 2022).

³ *See* Compl. at 3-5 (Nov. 14, 2022); Supp. Compl. at 4, 6 (May 17, 2023).

⁴ First Gen. Counsel's Rpt. at 4-21, MURs 7968 & 7969 (Donald J. Trump, *et al.*).

⁵ *Id.* at 21-41.

⁶ Cert. ¶¶ 1-2 (Oct. 6, 2023), MURs 7968 & 7969 (Donald J. Trump, *et al.*).

⁷ Statement of Reasons of Vice Chairman Sean J. Cooksey, and Comm'rs Allen J. Dickerson and James E. "Trey" Trainor, III, MURs 7968 & 7969 (Donald J. Trump, *et al.*).

1 Save America is a leadership PAC that is sponsored by Trump and Bradley T. Crate is
2 the committee's treasurer.⁸ Between October 3, 2022 and November 6, 2022, Save America
3 made 13 contributions to MAGA, Inc. totaling \$60,007,750.⁹ Since May 5, 2023, MAGA, Inc.
4 has issued \$52,250,000 in refunds to Save America.¹⁰

5 MAGA, Inc. is registered with the Commission as an IEOPC and its treasurer is Charles
6 Gantt.¹¹ Based on its reports filed with the Commission, MAGA, Inc. spent \$15,030,850 in 2022
7 on independent expenditures supporting or opposing candidates for the U.S. Senate, after
8 receiving the above referenced contributions from Save America, and an additional \$50,506,565
9 so far in the 2024 election cycle on independent expenditures supporting Trump's candidacy or
10 opposing other presidential candidates.¹²

⁸ Save America, Amend. Statement of Organization (Nov. 15, 2022).

⁹ *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/individual-contributions/?committee_id=C00825851&contributor_name=save+america&two_year_transaction_period=2022 (last visited May 1, 2024) (reflecting \$60,000,000 in monetary contributions and \$7,750 in in-kind contributions from Save America to MAGA, Inc.). From the point of Save America's transfer to MAGA, Inc. until the present Save America's other major disbursements have included: \$12,650,000 in transfers to affiliated committee Make America Great Again! PAC, \$2,177,635 in consulting disbursements, \$64,002,794 in legal expenses, and \$2,708,214 in payroll related disbursements. *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762591&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=10%2F03%2F2022&max_date=03%2F28%2F2024 (last visited Mar. 30, 2024).

¹⁰ *FEC Receipts: Filtered results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00825851&recipient_name=save+america&two_year_transaction_period=2022&two_year_transaction_period=2024 (last visited Mar. 28, 2024) (reflecting \$52,250,000 in refunds paid by MAGA, Inc. to Save America, including payments of \$5,000,000 each month from July, 2023 to February, 2024).

¹¹ Make America Great Again Inc., Amend. Statement of Organization (Apr. 18, 2023).

¹² *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&q_spender=C00825851&cycle=2022&is_notice=false&most_recent=true (last visited Apr. 15, 2024) (reflecting \$15,030,850 in independent expenditures by MAGA, Inc. in 2022); *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?data_type=processed&q_spender=C00825851&cycle=2024&is_notice=false&most_recent=true (last visited Apr. 15, 2024) (reflecting \$50,506,565 in independent expenditures made by MAGA, Inc. through February, 2024).

1 III. LEGAL ANALYSIS

2 The Act prohibits federal candidates and officeholders, their agents, and entities directly
3 or indirectly EFMC'd by or acting on behalf of one or more candidates or individuals holding
4 federal office, from "solicit[ing], receiv[ing], direct[ing], transfer[ing], or spend[ing] funds in
5 connection with an election for Federal office . . . unless the funds are subject to the limitations,
6 prohibitions, and reporting requirements of [the] Act."¹³ This provision, among others enacted
7 as part of the Bipartisan Campaign Reform Act of 2002, was designed to "plug the soft-money
8 loophole."¹⁴ A leadership PAC is a political committee that is, by definition, EFMC'd by a
9 candidate or officeholder.¹⁵

10 The Act limits contributions to non-authorized, non-party committees, including
11 leadership PACs, to \$5,000 in any calendar year; these committees are also subject to the Act's
12 source limitations — including the prohibition on corporate contributions — and reporting
13 requirements.¹⁶ But, following the decisions in *Citizens United v. FEC*¹⁷ and *SpeechNow.org*
14 *v. FEC*,¹⁸ the Commission concluded in Advisory Opinion 2010-11 (Commonsense Ten) that
15 individuals, political committees, corporations, and labor organizations may make unlimited
16 contributions to independent expenditure-only political committees and that such committees
17 may solicit unlimited contributions from such persons.¹⁹

¹³ 52 U.S.C. § 30125(e)(1)(A); *see* 11 C.F.R. § 300.61.

¹⁴ *McConnell v. FEC*, 540 U.S. 93, 133 (2003).

¹⁵ *See* 11 C.F.R. § 100.5(e)(6).

¹⁶ 52 U.S.C. § 30116(a)(1)(C); 52 U.S.C. §§ 30104(a)(4), 30118.

¹⁷ 558 U.S. 310 (2010).

¹⁸ 599 F.3d 686 (D.C. Cir. 2010).

¹⁹ Advisory Opinion 2020-11 (Commonsense Ten).

1 As a preliminary matter, Respondents do not dispute either that Trump EFMC'd Save
2 America or that Save America made over \$60 million (more than \$52 million of which has since
3 been refunded) in contributions to MAGA, Inc. between October 3, 2022 and November 6,
4 2022.²⁰ Indeed, the source of that information is Save America's own reports filed with the
5 Commission.²¹ However, Respondents do dispute the Complaint's assertions that Trump was a
6 candidate for purposes of the Act at the time the contributions were made, which was prior to the
7 filing of his statement of candidacy.²²

8 Under the Act and Commission regulations, an individual becomes a candidate when the
9 person (1) decides to run for office²³ and (2) receives contributions or makes expenditures
10 exceeding \$5,000, either directly or through an entity the candidate has consented to receive
11 contributions or make expenditures on their behalf.²⁴

12 The Complaint alleges that Trump became a candidate prior to Save America's initial
13 contributions to MAGA, Inc. on October 3, 2022, invoking public statements by Trump
14 suggesting he had decided to run again²⁵ and an assertion that Trump "has spent far more than

²⁰ Save America Resp. (Jan. 9, 2023); Trump Resp. (Jan. 9, 2023) (incorporating by reference Save America's Response).

²¹ Save America, 2022 Amend. Pre-General Report at 65 (July 31, 2023); Save America, 2022 Amend. Post-General Report at 176-178 (July 31, 2023).

²² Save America Resp.; Trump Resp.; Save America Supplemental Resp. (Aug. 1, 2023). *See* 52 U.S.C. § 30125(e)(1)(A) (applying only to federal candidates and officeholders, their agents, and entities directly or indirectly EFMC'd by or acting on behalf of one or more candidates or individuals holding federal office).

²³ 11 C.F.R. §§ 100.72(b), 100.131(b).

²⁴ 52 U.S.C. § 30101(2); *see* Advisory Opinion 2015-09 at 5 (Senate Majority PAC & House Majority PAC) (The Commission advised that an individual becomes a candidate when the individual passes the \$5,000 threshold and "when he or she makes a private determination that he or she will run for federal office.").

²⁵ Compl.; Supp. Compl. (The Supplemental Complaint mirrors the substance of the original Complaint and notes that since the filing of the original Complaint additional contributions were made by Save America to MAGA, Inc. The Supplemental Complaint also lists an additional complainant, NRDC Action Votes, an IEOPC, and states NRDC Action Vote is injured by a competing IEOPC being allowed to raise funds, as it alleges, that are not in compliance with the Act.).

1 \$5,000, through Save America, to advance his 2024 presidential candidacy.²⁶ Whether Trump
2 became a candidate prior to his November 15, 2022 filing of a statement of candidacy was
3 discussed extensively in MURs 7968 and 7969.²⁷ There, in recommending that the Commission
4 find reason to believe that Trump did not timely file his statement of candidacy, the Office of
5 General Counsel reasoned that Trump had become a candidate no later than June 30, 2021, prior
6 to when Save America's contributions relevant to the present matter occurred.²⁸ The
7 Commission considered these recommendations, but was equally divided as to whether to find
8 reason to believe.²⁹

9 While this Office maintains its analysis of the candidacy question set forth in MURs 7968
10 and 7969, and we recognize the Commissioners' differing analyses of that issue, in the present
11 matter it is unnecessary to revisit the candidacy question to resolve the Complaint's allegation
12 because, as discussed below, even if Trump was a candidate at the time of Save America's
13 contributions to MAGA, Inc., the contributions at issue in this matter do not appear to violate the
14 Act or Commission regulations. This conclusion follows from Commission precedent in a prior
15 enforcement matter and advisory opinions, as well as the principles that the Supreme Court set
16 forth when interpreting the soft money provisions in *McConnell v. FEC*.³⁰

²⁶ See Compl. at 6. The Complaint makes this assertion regarding spending in furtherance of Trump's candidacy, in general terms, and provides as support reference to a *Politico* article stating that Save America hosted several dinners for supporters of Trump for the purpose of discussing Trump's 2024 election plans. *Id.*, n.9 (citing Alex Isenstadt, *Trump Discussing 2024 Plans at Secret Donor Dinners*, POLITICO (July 13, 2022), <https://www.politico.com/news/2022/07/13/trump-2024-secret-donor-dinners-00045665>).

²⁷ First Gen. Counsel's Rpt., MURs 7968, 7969 (Donald J. Trump, *et al.*). In fact, the Complaint in the present matter refers to the Complaints in MURs 7968 and 7969, citing to a delay suit filed by the Complainants in one of those matters. See Compl. at n.9.

²⁸ First Gen. Counsel's Rpt. at 41, MURs 7968, 7969 (Donald J. Trump, *et al.*).

²⁹ Cert., MURs 7968, 7969 ¶¶ 1-2, (Oct. 5, 2023).

³⁰ *McConnell v. FEC*, 540 U.S. 93, 133 (2003).

1 Invoking the language of 52 U.S.C. § 30125(e)(1)(A), the Complaint alleges that Trump,
2 through his leadership PAC, Save America, “direct[ed] or transfer[ed]” tens of millions of
3 dollars to MAGA, Inc., which then spent that money to influence federal elections.³¹ This
4 statement is factually supported by the available information. But, the legal conclusion that the
5 contributions violated the Act is inconsistent with Commission and Court precedent.

6 The condition that section 30125(e) puts on candidates, officeholders, and entities
7 EFMC'd by such individuals directing or transferring funds is that the funds must be “subject to
8 the limitations, prohibitions, and reporting requirements of this Act.”³² The question the
9 Complaint raises is at what point must the funds at issue be “subject to the limitations” imposed
10 by the Act: at the point they are received by the candidate or at the time they are directed or
11 transferred by that candidate? By comparing the size of Save America's contribution to MAGA,
12 Inc. (\$60 million prior to refunds or more than \$7 million after refunds) to the Act's
13 contributions limits applicable to contributions to non-authorized committees (\$5,000), the
14 Complaint appears to argue that the relevant point is when the funds were transferred or
15 contributed.³³ That analysis, however, is contrary to the reasoning set forth by Advisory Opinion
16 2007-29 (Rep. Jessie L Jackson, Jr.), *McConnell v. FEC*, and MURs 6563 & 6733 (Rep. Aaron
17 Schock, *et al.*), which clarify that the relevant concern under the Act is whether the funds

³¹ Compl. at 1-2; Supp. Compl. at 1-2; *see* 52 U.S.C. § 30125(e)(1)(A).

³² 52 U.S.C. § 30125(e)(1)(A).

³³ *See* Compl. at 13 (“Based on the foregoing, there is reason to believe that Trump and Save America violated 52 U.S.C. § 30125(e)(1)(A) when Trump directed or transferred \$20 million, far in excess of FECA's aggregate contribution limit of \$5,000 per year, from Save America to MAGA, Inc.”); Supp. Compl. at 7 (“Based on the foregoing, there is reason to believe that Trump, a federal candidate, and Save America, an entity established, financed, maintained, or controlled by Trump, violated 52 U.S.C. § 30125(e)(1)(A) when they directed or transferred \$60 million from Save America to MAGA, Inc., far exceeding the applicable contribution limit.”).

1 underlying Save America's \$60 million contribution were previously raised subject to the Act's
2 limitations, prohibitions, and reporting requirements.

3 In Advisory Opinion 2007-29 (Rep. Jessie L Jackson, Jr.), Congressman Jackson asked
4 the Commission whether the Act or Commission regulations limited the amount that he could
5 donate from his principal campaign committee to his wife's state candidate committee. The
6 Commission found that such a donation or transfer was permissible under 52 U.S.C.
7 § 30125(e)(1)(A) explaining that "[b]ecause you propose to donate funds from your principal
8 campaign committee, the Commission assumes that the funds comply with the amount and
9 source limits of the Act and Commission regulations. Accordingly, the amount of funds you
10 may donate from your principal campaign committee to Ms. Jackson's campaign committee is
11 not restricted by [52 U.S.C. § 30125(e)(1)(B)] or 11 CFR § 300.62."³⁴ In other words, because
12 the funds were raised in the first place consistent with the Act's limits and prohibitions and
13 subject to its reporting requirements, the Congressman could transfer those funds to any
14 committee that could lawfully receive them without running afoul of 52 U.S.C.
15 § 30125(e)(1)(A).

16 This Opinion's determination is consistent with and flows from the Supreme Court's
17 reasoning in *McConnell v. FEC*.³⁵ In that case, the Court heard numerous challenges to the
18 Bipartisan Campaign Finance Reform Act of 2002 ("BCRA") and its regulation of "soft money,"
19 including a challenge to the prohibition on party committees making contributions to certain tax-
20 exempt organizations.³⁶ In considering that particular challenge, the Court construed the

³⁴ See Advisory Opinion 2007-29 at 4 (Rep. Jessie L Jackson, Jr.).

³⁵ 540 U.S. 93, 178-181 (2003).

³⁶ *Id.* at 178-181; see 52 U.S.C. § 30125(d).

1 provision narrowly to apply only to funds not *raised* in compliance with the Act's "source,
2 amount, and disclosure limitations," stating that the prohibition "raise[s] overbreadth concerns if
3 read to restrict donations from a party's federal account — *i.e.*, funds that have already been
4 raised in compliance with FECA's source, amount, and disclosure limitations."³⁷ Explaining its
5 rationale, the Court noted that, in that context, "prohibiting parties from donating funds already
6 raised in compliance with [the Act] does little to further Congress' goal of preventing corruption
7 or the appearance of corruption of federal candidates and officeholders."³⁸

8 In the present matter, the funds Save America contributed to MAGA, Inc. were raised by
9 a leadership PAC and thus subject to the Act's "source, amount, and disclosure limitations." No
10 allegation has been made that Save America has not complied with these requirements. Thus,
11 like the funds Jackson transferred to his wife's state campaign committee from his authorized
12 campaign committee, the funds that Save America contributed to MAGA, Inc. were "hard
13 money."

14 In support of its contention that Save America's contributions violate 52 U.S.C.
15 § 30125(e)(1)(A), the Complaint argues that *Citizens United v. FEC* and *Speechnow v. FEC* had
16 a limited effect on the application of 52 U.S.C. § 30125 in this context. The Complaint relies on
17 Advisory Opinion 2011-12 (Majority PAC) for the premise that section 30125 was "not
18 disturbed by either *Citizens United* or *SpeechNow*," and concludes that section 30125 prohibits
19 Trump and Save America "from directing or transferring contributions aggregating more than
20 \$5,000 per year to an IEOPC."³⁹ But the Commission did not address the application of section

³⁷ 540 U.S. at 179.

³⁸ *Id.*

³⁹ Compl. at 9 (quoting Advisory Opinion 2011-12 at 4 (Majority PAC) ("AO 2011-12")).

1 30125 to transfers or contributions made to IEOPCs by candidates, officeholders, or entities
2 EFMC'd by such individuals in AO 2011-12. Instead, the Commission was asked specifically
3 about covered individuals *soliciting* for IEOPCs, concluding that: "It is clear that under *Citizens*
4 *United*, [IEOPCs] may *accept* unlimited contributions from individuals, corporations, and labor
5 organizations; however, the Act's solicitation restrictions remain applicable to *contributions*
6 *solicited by* Federal candidates, officeholders, and national party committees and their agents."⁴⁰

7 The Complaint's argument that section 30125's continued application to *solicitations* by
8 relevant parties applies similarly to such parties' *direction* or *transfer* of funds is contrary to the
9 Commission's resolution of similar allegations in MURs 6563 & 6733 (Rep. Aaron Schock, *et*
10 *al.*).⁴¹ In that matter, the Commission considered several related alleged violations of section
11 30125, including federal candidate Rep. Aaron Schock's solicitation of contributions to an
12 IEOPC and, importantly, contributions made in response to Schock's solicitations, including a
13 \$25,000 contribution by then-Congressman Eric Cantor through his leadership PAC, Every
14 Republican is Crucial PAC ("ERICPAC").⁴² Following the reasoning of AO 2011-12, the
15 Commission determined that 52 U.S.C. § 30125(e)(1)(A)'s prohibition against soliciting soft
16 money applied and found that there was reason to believe that Schock unlawfully solicited
17 contributions to the IEOPC. But the Commission also found that the contribution Cantor
18 allegedly directed — through ERICPAC — was permissible because there was no dispute that
19 the leadership PAC funds were hard dollars and, in light of the decisions in *Citizens United v.*

⁴⁰ AO 2011-12 at 4 (emphasis in original).

⁴¹ See Factual & Legal Analysis., MURs 6563, 6733 (Rep. Aaron Schock); Factual & Legal Analysis, MURs 6563, 6733 (Rep. Eric Cantor and ERICPAC).

⁴² *Supra* note 41.

1 *FEC* and *Speechnow.org v. FEC*, the IEOPC was permitted to accept such a contribution even
2 though it was otherwise in excess of the Act's \$5,000 limit.⁴³

3 Although it considered a much smaller contribution amount, the Commission's analysis
4 in MURs 6563 & 6733 is directly on point. The Commission stated: "[p]olitical committees . . .
5 that make only independent expenditures, and do not make any contributions, may accept
6 unlimited contributions from individuals and from other political committees" and that a political
7 committee "in making a \$25,000 contribution to [the IEOPC], has not made an excessive
8 contribution."⁴⁴ Assuming *arguendo* that Trump was a candidate at the time of the
9 contributions, he is similarly situated to Cantor and Save America is similarly situated to
10 ERICPAC. Unlike the Schock fact pattern, there is no allegation or information suggesting that
11 Trump or that Save America solicited contributions to MAGA, Inc. Therefore, consistent with
12 the Commission's treatment of Cantor and ERICPAC in MURs 6563 & 6733, the contribution of
13 funds — raised subject to the limitations, prohibitions, and reporting requirements of the Act —
14 by Save America to MAGA, Inc., do not appear to violate the Act or Commission regulations.

15 Accordingly, we recommend that the Commission dismiss the allegation that Donald J.
16 Trump or Save America and Bradley T. Crate in his official capacity as treasurer violated
17 52 U.S.C. § 30125(e)(1)(A).

⁴³ Factual & Legal Analysis at 12-15, MURs 6563, 6733 (Rep. Aaron Schock); Factual & Legal Analysis at 5-6, MURs 6563, 6733 (Rep. Eric Cantor, *et al.*).

⁴⁴ Factual & Legal Analysis at 5-6, MURs 6563, 6733 (Rep. Eric Cantor, *et al.*) (internal citations omitted). *See also* Advisory Opinion 2012-34 at 2-3 (Friends of Mike H) (Friends of Mike H had in excess of \$1 million in cash on hand when the candidate withdrew from the race prior to the primary election, and the former candidate asked the Commission whether it would be permissible for his principal campaign committee to contribute from these funds to an IEOPC in an amount in excess of the limits. The Commission stated that because the funds would be used to fund independent activity, and no information suggested that the contribution would result in a conversion to personal use, the contribution was permissible.).

1 **IV. RECOMMENDATIONS**

- 2 1. Dismiss the allegation that Donald J. Trump or Save America and Bradley T.
- 3 Crate in his official capacity as treasurer violated 52 U.S.C. § 30125(e)(1)(A);
- 4 2. Approve the attached Factual and Legal Analysis;
- 5 3. Approve the appropriate letters; and
- 6 4. Close the file.

7 Lisa J. Stevenson
8 Acting General Counsel

9
10
11 05/02/2024
12 Date

13 *Charles Kitcher*
14 _____
15 Charles Kitcher
16 Associate General Counsel for Enforcement

17 *Ana J. Peña-Wallace*
18 _____
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20 Assistant General Counsel

21 *Nicholas O. Mueller*
22 _____
23 Nicholas O. Mueller
24 Attorney

