

**MUR 8110  
AMENDMENT****RECEIVED**  
FEDERAL ELECTION COMMISSION  
NOVEMBER 14, 2023 10:00 AM  
**OFFICE OF GENERAL COUNSEL**

FEDERAL ELECTION COMMISSION

In the matter of:

MUR 8110

American Coalition for Conservative Policies  
 John Fogarty, Jr., President and Director, American Coalition for Conservative Policies,  
 in his official capacity as treasurer and in his personal capacity  
 Policies, Solutions, and Action for America  
 Christopher Marston, Treasurer, American Coalition for Conservative Policies and  
 Policies, Solutions, and Action for America, in his official capacities as treasurer  
 and in his personal capacity  
 Moses Ayala, Vice President and Secretary, Policies, Solutions, and Action for America,  
 in his official capacity as treasurer and in his personal capacity  
 RightOn Issues, Inc.  
 Caleb Crosby, Treasurer of RightOn Issues, Inc., in his official capacity as treasurer and  
 in his personal capacity  
 Georgia United Victory  
 RightOn Time  
 Paul Kilgore, Treasurer, Georgia United Victory and Treasurer, RightOn Time, in his  
 official capacity as treasurer and in his personal capacity  
 Georgia Action Fund  
 Kayla Glaze, Treasurer, Georgia Action Fund, in her official capacity as treasurer and in  
 her personal capacity  
 Unknown Respondents

**AMENDED COMPLAINT**

1. Two Georgia voters, Vladimir Shklovsky and Rev. David Lewicki, bring this complaint before the Federal Election Commission (“FEC” or “Commission”) seeking an immediate investigation and enforcement action against American Coalition for Conservative Policies (“ACCP”), John Fogarty, Jr., Policies, Solutions, and Action for America (“PSAA”), Christopher Marston, Moses Ayala, RightOn Issues, Inc., Caleb Crosby, Georgia United Victory, RightOn Time, Paul Kilgore, Georgia Action Fund, Kayla Glaze, and Unknown Respondents for direct and serious violations of the Federal Election Campaign Act (“FECA”).

2. Federal law requires those who contribute to politically active groups for the purpose of influencing federal elections to be disclosed to the public. It does this, in part, by

requiring politically active groups whose major purpose is to influence federal elections to disclose their donors, and it requires these groups to identify the original source of a donation even when that donation is routed through various intermediaries.

3. In violation of these laws, approximately \$4.9 million was routed through dark money groups to influence the 2020 federal Senate elections in Georgia using a structured transaction designed to conceal the source of the funds.

4. In 2020, ACCP, a registered social welfare nonprofit, accepted \$5 million from a single source. Except for a \$60,000 contribution from the State Government Leadership Foundation, an entity affiliated with the Section 527 political organization the Republican State Leadership Committee, the \$5 million donor was the only source of funding for ACCP that year. Over the course of 2020, ACCP transferred nearly all of those funds to two more nonprofits: \$3.1 million to PSAA, and \$1.8 million to RightOn Issues.

5. Within three days of receiving the money, PSAA used ACCP's funds to make a \$1 million contribution to a super PAC, Georgia United Victory, on July 16, 2020. Shortly thereafter, PSAA made a second contribution to the same super PAC of \$475,000, bringing PSAA's contributions to Georgia United Victory to 47.6% of the funds PSAA received.

6. In the second half of 2020, PSAA took nearly all of the remaining funds from ACCP, \$1.5 million, and transferred them to RightOn Issues, the other recipient of ACCP's money, bringing ACCP's total contributions to RightOn Issues to \$3.3 million: by far RightOn Issues's biggest 2020 donor and the source of over half of RightOn Issues's 2020 revenue. Over the course of three days in September 2020, RightOn Issues in turn made contributions to three super PACs: \$1 million to Georgia United Victory (the same super PAC funded earlier by

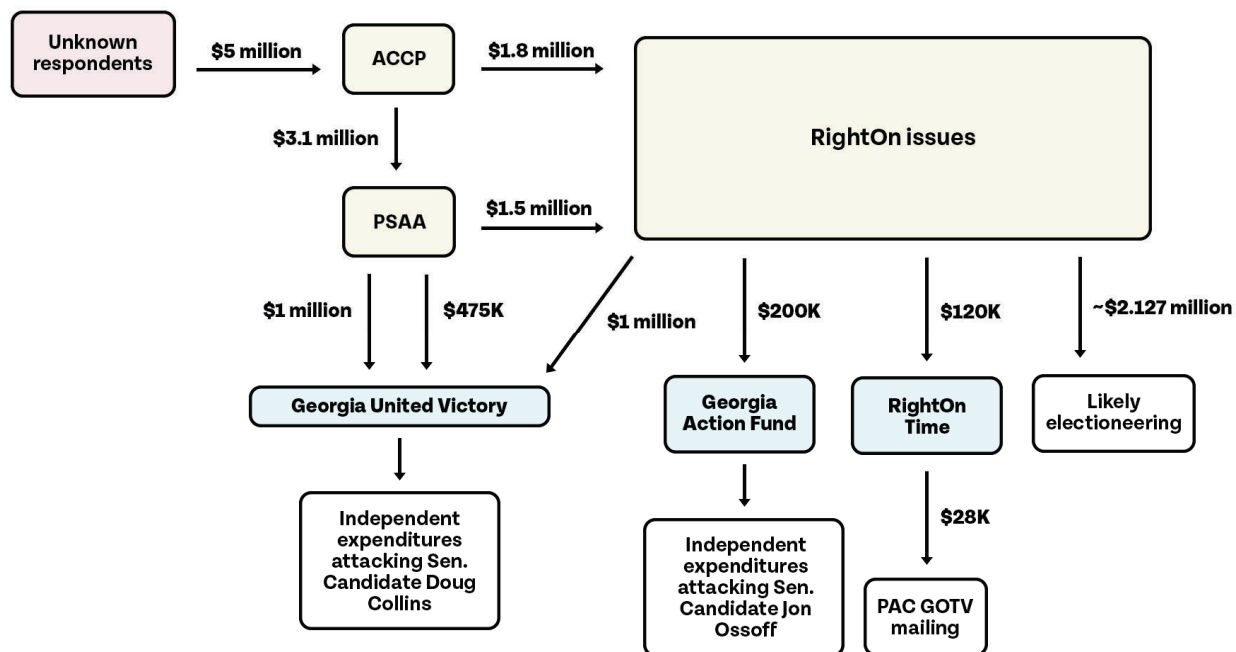
PSAA), \$200,000 on the same day to Georgia Action Fund, and \$120,000 to RightOn Time. RightOn Issues's contributions amounted to \$1.32 million, only slightly less than the \$1.5 million PSAA provided RightOn Issues. RightOn Issues also spent about \$2 million in 2020 on its own likely electioneering, just about the remainder of the amount it received from ACCP.

7. Having completed their apparent purpose of fulfilling this structured transaction, the nonprofits fell out of use. ACCP reported no revenue in 2021, and only \$49,697 in expenditures, most of which constituted salary for its board members. PSAA reported no revenue in 2021, \$62,203 in overhead expenditures, and filed for dissolution in 2022. RightOn Issues reported no revenue in 2021 and reported it "discontinued program services for nonpartisan advocacy for consumer choice in health care," and filed for dissolution 2022.

8. To the extent they reported their activities, each recipient super PAC reported spending the received funds to influence the federal Senate elections in Georgia in 2020. In total, 55.9% of the \$5 million accepted by ACCP was contributed to super PACs to influence Georgia Senate races, and likely much more than that was used to influence those elections.

9. In other words, the unreported sources of these funds were able to use the scheme depicted below to distribute at least \$2.795 million, and likely closer to \$4.9 million, to influence

elections while evading disclosure.



10. There is reason to believe federal law requires the original source or sources of these funds to be disclosed.<sup>1</sup>

11. First, as detailed below, there is reason to believe Unknown Respondents used ACCP, PSAA, and RightOn Issues—entities all created in 2020—as conduits to direct \$2.795 million in contributions to three federal super PACs to influence the United States Senate elections in Georgia in 2020. Among other things, the structuring of the transaction, with funds passing through a series of nonprofits, each devoting less than half of their annual expenditures to reportable super PAC contributions—the threshold that would unequivocally subject the groups to federal disclosure requirements—supports a conclusion the nonprofits are mere conduits. In addition, the fact that ACCP and PSAA appear to have no significant activity other

<sup>1</sup> In the event the source or sources of the \$5 million given to ACCP are themselves passthroughs, federal law requires the true source of the funds, which may be one person or more, to be disclosed.

than passing on the funds of the Unknown Respondents further supports this conclusion. If Unknown Respondents contributed funds directly to the super PACs, or if they funded an entity that directly contributed more than half its funds to super PACs, then Unknown Respondents would have been disclosed. By routing funds through a series of nonprofits, however, each nonprofit could avoid publicly reporting that it devoted more than half of its funds to political committee contributions, and ACCP could avoid appearing on any timely FECA report, furthering the Unknown Respondents' scheme to remain hidden. Nevertheless, using these entities as conduits violates the FECA and FEC regulations' prohibition on making a contribution in the name of another.

12. Second and alternatively, if Unknown Respondents did not direct the use of the funds, there is reason to believe that ACCP used PSAA and RightOn Issues as conduits to direct \$2.795 million in contributions to three federal super PACs to influence the federal Senate elections in Georgia in 2020 so that ACCP could avoid registering as a political committee and disclosing its donors. Among other things, the structuring of the transactions, with funds passing through entities that each devote less than half of their expenses to publicly disclosed electioneering, supports a conclusion that the nonprofits are mere conduits. If ACCP made these contributions directly to the super PACs, public filings would demonstrate that more than half of ACCP's 2020 spending went to influence federal elections and that it had unlawfully failed to register as a political committee. If PSAA contributed all of the funds that it received from ACCP to the super PACs, it would have triggered political committee registration for PSAA, revealing ACCP contributed \$3.1 million to a political committee, a majority of its 2020 spending, and thus obligated ACCP to register and report as a political committee. But by

routing the funds through two nonprofits who each avoid devoting a majority of their expenses to reported electioneering activity, the nonprofits evaded triggering reporting obligations as political committees, and ACCP evaded its own political committee obligations.

13. Other facts further support this conclusion. ACCP, PSAA, and RightOn Issues's overlapping staffing with each other and with the recipient super PACs indicates the transfers do not reflect independent decisions but rather a scheme to evade disclosure. For example, ACCP's treasurer, Christopher Marston, is also treasurer to PSAA. ACCP and PSAA share a physical address: the location of a Washington, D.C. law firm. Further, PSAA and RightOn Issues only formed in 2020, the same year they received the transfers from ACCP.

14. The use of these entities as conduits to hide ACCP as the source of the funds violates the FECA and FEC regulations against making contributions in the name of another, and the recipient super PACs' obligations to report the true source of contributions. Moreover, these transfers, whether or not they are deemed conduits, demonstrate that ACCP's true purpose in 2020 was to influence federal elections, but that it failed and continues to fail to register and report as a political committee in violation of the FECA and FEC regulations.

15. Third and alternatively, assuming ACCP did not control the funds' ultimate distribution, there is reason to believe PSAA either used RightOn Issues as a conduit for \$1.32 million in contributions to the three super PACs, or that the transfer was not so unrelated to influencing elections as to excuse PSAA from reporting as a political committee.

16. Had PSAA itself transferred the \$1.32 million to the three super PACs that received funds from RightOn Issues, then public reporting would have plainly demonstrated that PSAA spent more than half of its funds in 2020 to influence elections. Indeed, had PSAA simply

kept the funds rather than transfer them to RightOn Issues, then a majority of its 2020 expenses would have gone to federal electioneering. Under either scenario, PSAA would have been obligated to register and report as a political committee, which would have required it to disclose the source of the \$3.1 million it received. PSAA could attempt to evade that disclosure while still using the funds to influence elections, however, by routing half of the funds through RightOn Issues.

17. There is reason to believe that is what occurred: RightOn Issues made contributions to three super PACs over three days that totaled nearly the sum it received from PSAA. One super PAC, Georgia United Victory, was the same one that already received \$1.475 million from PSAA, and used RightOn Issues's contribution to fund election advocacy opposing the same candidate it had used PSAA's contributions to attack. A second super PAC, RightOn Time, had the same treasurer as Georgia United Victory, and likely also spent the funds to influence the federal elections in Georgia. The third super PAC, Georgia Action Fund, received funds the same day RightOn Issues contributed to Georgia United Victory, had a treasurer who was also RightOn Issues's custodian of records, and spent to expressly advocate in the Georgia elections for US Senate.

18. Using RightOn Issues to make conduit contributions to these super PACS violates the FECA and FEC regulations against contributions in the name of another, and the super PAC's obligation to report the true source of contributions. Properly attributing the \$1.32 million to PSAA (or even a portion thereof) demonstrates PSAA's major purpose was to influence federal elections. Further, even if the transfer did not constitute a conduit contribution, it still was not so unrelated to influencing elections that it could excuse PSAA from registering and

reporting as a political committee. Either way, PSAA's failure to register and report as a political committee violated and continues to violate the FECA and FEC regulations.

19. In turn, because PSAA was, by law, a political committee in 2020, ACCP's transfer to PSAA was a contribution to a political committee. Accordingly, ACCP's transfer to PSAA demonstrates ACCP's major purpose in 2020 was to influence federal elections and qualifies ACCP as a political committee with obligations to register and disclose as one. ACCP's failure to do so violates the FECA and FEC regulations.

20. Fourth and alternatively, assuming neither ACCP nor PSAA used their respective recipients as conduits, PSAA and RightOn Issues still devoted a majority of their spending to influencing federal elections, exhibiting their major purpose and their obligation to register and report as political committees. Accordingly, ACCP's transfers are contributions to political committees and thus demonstrate ACCP's major purpose is to influence elections. ACCP therefore qualifies as a political committee and must disclose the sources of its funds.

21. RightOn Issues—the organization at the lowest rung on the scheme—devoted a majority of its 2020 expenses to either super PAC contributions—themselves amounting to more than a third of RightOn Issues's 2020 expenses—or to expenditures that either constitute express advocacy or were at least not so unrelated to influencing federal elections that they would excuse RightOn Issues from registering and reporting as a political committee. Accordingly, RightOn Issues was and continues to be in violation of federal law by failing to register and report as a political committee.

22. In turn, because RightOn Issues was, as a matter of law, a political committee in 2020, PSAA's grant to RightOn Issues was in fact a contribution to a political committee.



Combining PSAA's grant to RightOn Issues with PSAA's contributions to Georgia United Victory demonstrates that PSAA's major purpose in 2020 was to influence federal elections and that it is required to register and report as a political committee. PSAA's failure to register and report as a political committee violated and continues to violate the FECA and FEC regulations.

23. In turn again, because RightOn Issue and PSAA were political committees as a matter of law in 2020, ACCP's transfers to RightOn Issues and PSAA were in fact contributions to political committees. Those contributions amounted to 97.8% of ACCP's 2020 spending, and over 98.8% if overhead is properly allocated, demonstrating ACCP's major, and in fact nearly sole, purpose was to influence the 2020 elections. Even if only the contribution to PSAA is considered a contribution to a political committee, then ACCP's contributions amounted to 61.8% of ACCP's 2020 expenses, or 62.6% with overhead allocated.

24. RightOn Issues or PSAA's activities were likely not a surprise to ACCP or the original sources. None of the recipient organization had a history predating the transfers that might have misled a donor as to their purposes. The officers of all three organizations—overlapping and intertwined in critical aspects—were also well experienced in political spending.

25. In sum, nearly \$5 million passed through a structured transaction designed to hide the original source of the funds while still influencing the 2020 federal elections in Georgia. Whether Unknown Respondents used the nonprofits in a conduit scheme, or ACCP used PSAA and RightOn Issues as conduits to hide its contributions to super PACs and evade registering as a political committee, or PSAA used RightOn Issues as a conduit to evade registering as a political committee and to mischaracterize ACCP's transfers as nonpolitical, or the transfers do not qualify as conduits but nevertheless constitute transfers to entities that were de facto political

committees and thus obliged the transferring entity to register as a political committee, the result is the same. Federal law requires the Unknown Respondents to be identified and complainants are entitled to know the true source or sources of these funds used to influence the 2020 federal elections in Georgia.

### Complainants

26. Complainant Vladimir Shklovsky is and at all times relevant to the complaint has been a citizen of the United States and a registered voter in Fulton County, Georgia. He voted for a U.S. Senate candidate in the primary for the 2020 Georgia federal elections, as well as the 2020 general and 2021 run-off federal elections.

27. As a citizen and registered voter, Mr. Shklovsky is entitled to receive information contained in disclosure reports required by the FECA. 52 U.S.C. § 30104; 11 C.F.R. §§ 104.1–.22, 109.10. Mr. Shklovsky is harmed in exercising his right to vote when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See Akins*, 524 U.S. at 20 (*quoting Buckley*, 424 U.S. at 66–67 (political committees must disclose contributors and disbursements to help voters understand who provides candidates financial support)).

28. The information contained in reports required to be filed under the FECA are useful to Mr. Shklovsky. Mr. Shklovsky believes the fact a donor may attempt to hide their identity demonstrates the donor understands the importance their identity may play with potential voters. He also uses the information to understand whether officials are abusing their office in favor of donors. The information required to be disclosed could impact his candidate preference.

Mr. Shklovsky has and expects to review news stories that discuss donors who support or oppose candidates and has and expects to discuss such matters with other voters.

29. Mr. Shklovsky does not know the identity of the source of the \$5 million donation to ACCP.

30. Mr. Shklovsky is harmed in his ability to exercise his own franchise in an informed manner and to share information with others, including voters, when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See Akins*, 524 U.S. at 21 (FECA protects the right to receive information that would allow “others to whom they would communicate it” to evaluate candidates for public office).

31. Mr. Shklovsky is further harmed when the FEC fails to properly administer the FECA’s reporting requirements, limiting his ability to review and distribute campaign finance information.

32. Complainant Reverend David Lewicki is and at all times relevant to the complaint has been a citizen of the United States and a registered voter in DeKalb County, Georgia. He voted for a U.S. Senate candidate in the primary for the 2020 Georgia federal elections, as well as the 2020 general and 2021 run off federal elections. Rev. Lewicki observed campaign advertisements during the course of the campaign, including at least one ad produced by, or at least similar to those produced by, respondents.

33. As a registered voter, Rev. Lewicki is entitled to receive information contained in disclosure reports required by the FECA. 52 U.S.C. § 30104; 11 C.F.R. §§ 104.1–.22, 109.10. Rev. Lewicki is harmed in exercising his right to vote when an individual, candidate, political

committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See Akins*, 524 U.S. at 20 (*quoting Buckley*, 424 U.S. at 66–67 (political committees must disclose contributors and disbursements to help voters understand who provides candidates financial support)).

34. The information contained in reports required to be filed under the FECA are useful to Rev. Lewicki. He believes transparency is a principle of a healthy democracy and uses such information to understand who may be trying to influence an official’s decision-making, as well as to hold accountable anyone who may be funding unsupported attacks. The information required to be disclosed could impact his candidate preference. Rev. Lewicki has and expects to review news stories that discuss donors who support or oppose candidates and has and expects to discuss such matters with other voters.

35. Rev. Lewicki does not know the identity of the source of the \$5 million donation to ACCP.

36. Rev. Lewicki is harmed in his ability to exercise his own franchise in an informed manner and to share information with others, including voters, when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See Akins*, 524 U.S. at 21 (FECA protects the right to receive information that would allow “others to whom they would communicate it” to evaluate candidates for public office).

37. Rev. Lewicki is further harmed when the FEC fails to properly administer the FECA’s reporting requirements, limiting his ability to review and distribute campaign finance information.

### Respondents

38. American Coalition for Conservative Policies (“ACCP”) is a tax-exempt organization under section 501(c)(4) of the tax code, incorporated in Washington, D.C. on March 23, 2020. ACCP, D.C. Department of Licensing and Consumer Protection, CorpOnline (June 22, 2023), <https://www.documentcloud.org/documents/23857456-american-coalition-for-conservative-policies-dc-incorporation-information-6-2023> (“ACCP Corp. Records”); ACCP, 2020 Form 990 (Nov. 15, 2021), <https://www.documentcloud.org/documents/23882002-american-coalition-for-conservative-policies-2020-and-2021-990s>. As of the time of this filing, ACCP is not a registered political committee.

39. John Fogarty, Jr. is and at all relevant times has been President, Director, Chairman and Principal Officer to ACCP. ACCP, 2020 Form 990 at Part II, Part VII; ACCP, Corp. Records. According to ACCP’s tax forms, ACCP and Mr. Fogarty share the same address: a law firm called Dinsmore and Shohl LLP in Washington D.C. ACCP, 2020 Form 990. Mr. Fogarty is not listed among the counsel at the firm, though a John Fogarty, Jr. in Chicago, Illinois, with expertise in “Campaign Finance Compliance and Reporting” states he is part of the Republican National Lawyers Association and is current general counsel to a state Republican Party. *See* The Law Office of John Fogarty Jr. (Nov. 7, 2023), <https://perma.cc/2HRK-Z6BX>. ACCP’s Corporate records provide Mr. Fogarty’s address is in Chicago, ACCP, Corp. Record, at the address of a law firm, Clark Hill, *see* Clark Hill, Offices (Nov. 7, 2023), <https://perma.cc/7N63-WMJE>. Mr. Fogarty apparently worked at Clark Hill around the time of the transactions at issue. *See* Clark Hill attorney John Fogarty quoted in the Washington Free Beacon, Clark Hill (Apr. 1, 2020), <https://perma.cc/N3MA-6KLR> (stating Mr. Fogarty “counsels

a wide range of candidates, ... political committees, ... corporations and non-profit entities, in every aspect of the political and legislative process, including ... campaign finance and disclosure”). Mr. Fogarty is named in both his official and personal capacities.

40. Policies, Solutions, and Action for America (“PSAA”) is a tax-exempt organization under section 501(c)(4) of the tax code, incorporated in Washington, DC on May 6, 2020. PSAA, DC Department of Consumer and Regulatory Affairs, Agency Directory (Mar. 31, 2022), <https://bit.ly/3wHy4qk>; PSAA, 2020 Form 990 (Nov. 9, 2021), <https://bit.ly/3DtSR15>. PSAA and ACCP share a physical address. *See* ACCP, 2020 Form 990; PSAA, 2020 Form 990. As of the time of this filing, PSAA is not a registered political committee. PSAA filed for dissolution in 2022. Opencorporates, PSAA (Nov. 7, 2023), <https://perma.cc/EE9S-3Q2T>.

41. Christopher Marston is and at all relevant times has been Treasurer to ACCP, *see* ACCP, 2020 Form 990, Part VII, and to PSAA, *see* PSAA, 2020 Form 990, Part VII. Mr. Marston is also listed as ACCP’s custodian of records. ACCP, 2020 Form 990, Part VI, Sec. C. Mr. Marston is listed as treasurer for 110 independent-expenditure only political committees registered with the FEC, including many that predated the events described herein. Committees, Most Recent Treasurer Search, “Marston, Chris,” Federal Election Commission (Jan. 30, 2023), <https://perma.cc/7APE-VZCD>. Mr. Marston is named as a respondent in both his official and personal capacities.

42. Moses Ayala is and at all relevant times has been Vice President and Secretary to PSAA, and PSAA’s custodian of records. PSAA, 2020 Form 990, Part VI, Sec. C; *id.* at Part VII, Sec. A. According to the company website of the Gober Group, Mr. Ayala joined the company in 2021 and has expertise in “campaign-finance compliance.” The Gober Group, Moses Ayala (last

visited Nov. 7, 2023), <https://bit.ly/3Y5kB7u>. At the time of the events described herein, Mr. Ayala was a “Compliance Manager” with Aristotle International where he, according to his LinkedIn page, was responsible for “[p]repar[ing] and fil[ing] federal and state campaign finance reports with appropriate agencies.” Moses Ayala, LinkedIn (last visited Nov. 7, 2023), <https://bit.ly/3HGHAQQ>. Aristotle International prepared PSAA’s tax filings. PSAA, 2020 Form 990. Mr. Ayala is currently listed as counsel at the firm Chalmers, Adams, Backer & Kaufman, LLC. Moses Ayala, Chalmers, Adams, Backer & Kaufman, LLC (Nov. 7, 2023), <https://perma.cc/LXH9-QU7C>. Mr. Ayala is named as a respondent in both his official and personal capacities.

43. RightOn Issues, Inc. is a tax-exempt organization under section 501(c)(4) of the tax code, incorporated in Washington, DC on July 2, 2020. RightOn Issues, Inc., DC Department of Consumer and Regulatory Affairs, Agency Directory (Mar. 31, 2022), <https://bit.ly/3RhYQUA>; RightOn Issues, Inc., 2020 Form 990 (Nov. 15, 2021), <https://bit.ly/3DtVJyn>. Michael Adams, a lawyer at Chalmers, was associated with RightOn Issues during the period relevant to this complaint. *See* Opencorporates, RightOn Issues, Inc. Events (Oct. 6, 2023), <https://www.documentcloud.org/documents/24017948-righton-issues-opencorporates-events>; Michael Adams, Chalmers, Adams, Backer & Kaufman LLC (last visited Nov. 7, 2023), <https://perma.cc/SZ74-LSYR>. As of the time of this filing, RightOn Issues, Inc. was not a registered political committee. RightOn Issues filed for dissolution in 2022. Opencorporates, RightOn Issues (Nov. 7, 2023), <https://perma.cc/88BQ-M3WR>.

44. Caleb Crosby is and at all relevant times has been Treasurer of RightOn Issues, Inc. RightOn Issues, Inc., 2020 Form 990. Mr. Crosby is listed as a treasurer for seven

independent-expenditure only political committees registered with the FEC, including the Senate Leadership Fund. Committees, Most Recent Treasurer Search, “Crosby, Caleb,” Federal Election Commission (Jan. 30, 2023), <https://perma.cc/8FP6-NYJB>.

45. Georgia United Victory is a federally registered independent expenditure-only committee (“super PAC”) formed under the FECA in July 2020. Georgia United Victory, FEC Form 1, Statement of Organization (July 1, 2020), <https://perma.cc/6GFZ-TT2M>. Georgia United Victory filed for termination of its political committee status with the FEC on April 19, 2021. Georgia United Victory, FEC Form 3X, Termination Report (Apr. 19, 2021), <https://perma.cc/C8DL-2G3Y>.

46. RightOn Time is a federally registered super PAC formed under the FECA in May 2020. RightOn Time, FEC Form 1, Statement of Organization (May 5, 2020), <https://perma.cc/97B4-P9DX>. RightOn Time terminated its status with the FEC on December 8, 2022. RightOn Time, FEC Form 3x, Termination Report (Dec. 8, 2022), <https://perma.cc/26L7-G6X5>.

47. Paul Kilgore was at all relevant times treasurer of Georgia United Victory. *See* Georgia United Victory, FEC Form 1; Georgia United Victory, FEC Form 3x, Termination Report. Mr. Kilgore also was at all relevant times treasurer to RightOn Time. *See* RightOn Time, FEC Form 1; RightOn Time, FEC 24/48 Hour Report of Independent Expenditure (May 19, 2022), <https://perma.cc/7ACE-JXVP>. Mr. Kilgore is also listed as treasurer to 62 super PACs registered with the FEC, including a number that predated the events described herein. Committees, Most Recent Treasurer Search, “Kilgore, Paul,” Federal Election Commission (Jan. 30, 2023), <https://perma.cc/4NUH-VTLL>. Mr. Kilgore was also the treasurer for the campaign of



Nicole Rodden for Sixth Congressional District in Georgia. *See* Nicole Rodden for Congress, Inc., FEC Form 1, Statement of Organization (May 28, 2019), <https://perma.cc/6TUU-VEWD>. According to RightOn Issues's tax filings, Ms. Rodden is the secretary of the group. RightOn Issues, 2020 Form 990 Part VII Sec. A.

48. Georgia Action Fund is a federally registered super PAC formed under the FECA in January 2019. Georgia Action Fund, FEC Form 1, Statement of Organization (Jan. 9, 2019), <https://perma.cc/3C6Z-S6T5>.

49. Kayla Glaze is and at all relevant times has been Treasurer of Georgia Action Fund. Georgia Action Fund, FEC Form 3X, October Quarterly Report 1 (Oct. 15, 2020), <https://perma.cc/JDX4-YF7P>. Ms. Glaze is listed as a treasurer for five independent-expenditure only political committees registered with the FEC. Committees, Most Recent Treasurer Search, "Glaze, Kayla," Federal Election Commission (Jan. 30, 2023), <https://perma.cc/EFR4-LXBH>. Ms. Glaze is also listed as the custodian of records for RightOn Issues on the group's 2020 990 with the same address provided as for Georgia Action Fund. *See* RightOn Issues, 2020 Form 990, Part VI, Sec. C; Georgia Action Fund, FEC Form 3X, October Quarterly Report 1.

50. Unknown Respondents are the person or persons, natural or corporate, who are the true source or sources of contributions to ACCP, PSAA, RightOn Issues, Georgia United Victory, RightOn Time, or Georgia Action Fund described herein.

### Legal Background

51. Federal campaign finance laws impose a number of obligations on entities making transfers to influence federal elections so that the public will understand “where political campaign money comes from.” *Buckley*, 424 U.S. at 66–67.<sup>2</sup>

52. In relevant part, federal law requires, in certain circumstances, that entities publicly disclose the “true source” of contributions they received. *See United States v. Hsia*, 30 F. App’x 1, 3 (D.C. Cir. 2001); *see also* 52 U.S.C. § 30104(a), (b); 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8. That means a recipient of a contribution does not merely report the immediate provider of the funds but must report the identity of the person who first made the contribution. *See* 11 C.F.R. § 110.1(b)(6) (“[A] contribution shall be considered to be made when the contributor relinquishes control over the contribution.”).

53. One such circumstance is when the recipient group qualifies as a political committee. *See* 52 U.S.C. §§ 30103, 30104(a), (b); 11 C.F.R. §§ 102.1, 104.1, 104.2, 104.3, 104.8. To qualify as a political committee, a group must satisfy the test set out in the FECA, and it must not be excused from reporting under *Buckley*, 424 U.S. at 79.

54. First, according to the FECA and FEC regulations, a political committee is “any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year.” 52 U.S.C. § 30101(4)(A); 11 C.F.R. § 100.5(a). An “expenditure” includes “any ... deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C.

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<sup>2</sup> Federal tax laws can also impose their own disclosure obligations. *See, e.g.*, 26 U.S.C. § 527.

§ 30101(9)(A)(i); 11 C.F.R. § 110.111(a). A “contribution” includes “any gift, ... or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a). Accordingly, any group receiving or expending more than \$1,000 in a year to influence federal elections qualifies as a political committee under the FECA. Political committees are subject to registration and continual reporting. *See* 52 U.S.C. §§ 30103, 30104; *see also e.g.*, 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8

55. Notwithstanding the statutory test, the Supreme Court has excused otherwise qualifying groups from reporting as political committees if they devote a significant majority of their spending to activities so unrelated to elections that disclosure would not “fulfill the purposes of the [FECA].” *Buckley*, 424 U.S. at 79. Groups who do so and are otherwise not under the control of a candidate would not have a “major purpose” to “nominat[e] or elec[t]” candidates. *Id.* The “major purpose” analysis is a fact-intensive, case-by-case analysis of an organization, FEC, Political Committee Status, Supplemental Explanation and Justification, 72 Fed. Reg. 5595, 5601 (Feb. 7, 2007) (“Supplemental E&J”), and an organization can demonstrate its major purpose through organizational planning documents, solicitations, or through sufficiently extensive spending on federal campaign activity, *id.* at 5601; *FEC v. Mass. Citizens for Life, Inc.*, 479 U.S. 238, 262 (1986). The expenditure analysis compares the group’s annual expenditures, less those that are so unrelated to federal electioneering that they should excuse an otherwise qualifying group from reporting, against its total “calendar year” expenditures. 52 U.S.C. § 30101(4)(A); FEC, Supplemental E&J at 5605 (groups spending less than 50% of their funds on activities unrelated to campaigning are not excused from reporting

under the “major purpose” test); *see also* *CREW v. FEC*, 209 F. Supp. 3d 77, 94 (D.D.C. 2016) (noting that a group’s purposes can change).

56. Accordingly, any person who contributes over \$200 to a political committee would be publicly disclosed. Any person contributing to an entity excused from reporting would not be disclosed (unless the contribution met an independent basis for disclosure), but that would mean more than half of their contribution would have to go to activities that do not influence federal elections.

57. A person could attempt to evade disclosure and still devote more than half of their contribution to influencing federal elections, however, by utilizing a number of entities to launder the contribution. A recipient entity could devote less than half of its annual spending to reportable electioneering and then transfer the remaining funds to a second entity. If the second entity is not a political committee, the transfer would appear on its face to be unrelated to influencing federal elections, and the first entity would be excused from reporting under the major purpose test. The second entity could then do the same, meaning more than 70% of the original contribution could be used to influence elections. Either entity could also use already planned non-electioneering expenses to offset its reportable electioneering.

58. Any such attempt to evade disclosure would face legal hurdles, however. First, federal law bars contributions in the name of another. 52 U.S.C. § 30122; 11 C.F.R. § 110.4 Thus, any person using a scheme to evade reporting while directing funds to the ultimate sources would be in violation of federal law (and so too could the recipient and conduit entities), and the law requires they be disclosed as the true source of the funds. Second, any of the conduit entities could be deemed to be a political committee if their transfers were not so unrelated to influencing

federal elections as to excuse them from reporting, or if any of their other activities were so deemed, that they would fail to devote more than half of their annual spending to non-electioneering. The law would then require the conduit entities to register as political committees and to report the true source or sources of their contributions.

### Factual Allegations

59. ACCP was founded in March 2020, and its 2020 tax year ran until December 31, 2020. ACCP, 2020 Form 990. On its 2020 tax form, ACCP stated that the near totality of its 2020 activities consisted of two transfers: one of \$3.1 million to PSAA, and another, of \$1.8 million, to RightOn Issues. *Id.* at Sched. I, Part II. ACCP reportedly spent a small sum, \$54,913, on “advertising and promotion,” and the rest on overhead, bringing ACCP’s total 2020 expenditures to \$5,012,245. *Id.* ACCP’s total 2020 receipts amounted to \$5,060,000. *Id.*

60. ACCP reported two sources of revenue in 2020. One, a contribution of \$60,000, and the second, a contribution of \$5 million. ACCP, 2020 Form 990, Sched. B. The State Government Leadership Foundation, an entity affiliated with the Section 527 political organization the Republican State Leadership Committee, is reportedly the source of the \$60,000 contribution. *See* State Government Leadership Foundation, 2020 Form 990, Schedule I (Nov. 15, 2021), *available at* <https://projects.propublica.org/nonprofits/organizations/200505849/202103199349327835/IRS990ScheduleI>. The source of the \$5 million contribution remains unknown.

61. ACCP’s 2021 tax return shows no contributions reported, and only \$49,697 in expenses, most of which went to salary. ACCP, 2021 Form 990 EZ (Nov. 1, 2022),

<https://www.documentcloud.org/documents/23882002-american-coalition-for-conservative-policies-2020-and-2021-990s>.

62. PSAA was founded in May 2020, and its 2020 tax year ran until December 31, 2020. *See* Opencorporates, PSAA; PSAA, 2020 Form 990. PSAA's only 2020 receipts were the single \$3.1 million transfer it received from ACCP, though PSAA did not report the source of these funds. PSAA, 2020 Form 990, Sched. B. PSAA further reported under penalty of perjury that as of July 13, 2020, it had no assets. PSAA, Form 1024, Part VI, B. Balance Sheet (Sept. 4, 2020), <https://bit.ly/3kWh4Kk>. PSAA reported this lack of assets on an IRS filing signed on September 4, 2020. *See id.*, Part II. PSAA's tax filing identified no reason why it reported its balance sheet as of July 13, 2020, a date nearly two months before its submission.

63. ACCP and PSAA share a physical address: 801 Pennsylvania Ave. NW, Suite 610, Washington, D.C. 20004. ACCP, 2020 Form 990; PSAA, 2020 Form 990. That is the address of a law firm in Washington, D.C. ACCP, 2020 Form 990. ACCP and PSAA share a treasurer: Christopher Marston. ACCP, 2020 Form 990; PSAA, 2020 Form 990. Two individuals listed on ACCP's tax returns, Zach Wallen and Heather Wagner, who are respectively ACCP's Secretary and Director, and Vice President and Director, are lawyers at the law firm Chalmers, Adams, Backer & Kaufman, LLC. Zach Wallen, Chalmers, Adams, Backer & Kaufman, LLC (Nov. 7, 2023), <https://perma.cc/M6GC-YBUV>; Heather Wagner, Chalmers, Adams, Backer & Kaufman, LLC (Nov. 7, 2023), <https://perma.cc/ULU9-YE43>. Moses Ayala, PSAA's 2020 Director, Vice President, and Secretary, is now a lawyer at the same firm. Ayala, Chalmers, Adams, Backer & Kaufman.

*PSAA's Activities*

64. On July 16, 2020, three days after PSAA had no assets according to its report to the IRS, PSAA made a \$1 million deposit or gift to a federal super PAC, Georgia United Victory. Georgia United Victory, FEC Form 3X, October Quarterly Report 9 (Oct. 8, 2020), <https://perma.cc/RJ99-NR4Z>. The super PAC reported PSAA's \$1 million deposit or gift was a "contribution," *id.*, and thus a deposit or gift made for the purposes of influencing federal elections, 52 U.S.C. § 30101(8). That deposit or gift was the first contribution Georgia United Victory received, *id.*, just fifteen days after the super PAC was founded on July 1, Georgia United Victory, FEC Form 1. This deposit or gift was the super PAC's third largest contribution in the first quarter of its existence, and fifth largest the group has ever received. *See* Georgia United Victory, FEC Form 3X, October Quarterly Report.

65. Georgia United Victory used those funds to pay initial set up costs, *see* Georgia United Victory, FEC Form 3X, October Quarterly Report 12, 14, 17 (reporting expenses for "research," "PAC Legal Fees," "PAC Compliance Consulting," "PAC Polling," and "PAC Strategy Consulting"), and to cover at least part of the costs of the super PAC's first independent expenditures on August 4, 2020 opposing Doug Collins's candidacy for the Georgia Senate in the 2020 election, *see id.* at 18, 25.

66. A little over a month after its first contribution, on August 31, 2020, PSAA made a second deposit or gift of \$475,000 to Georgia United Victory. Georgia United Victory, FEC Form 3X, October Quarterly Report 9. The super PAC reported PSAA's \$475,000 deposit or gift was a "contribution," *id.*, and thus a deposit or gift intended to influence federal elections, 52 U.S.C. § 30101(8). Georgia United Victory appears to have used those funds to pay for part of its

September independent expenditures again opposing Mr. Collins’s Senate candidacy. *See* Georgia United Victory, FEC Form 3X, October Quarterly Report 20–24.

67. PSAA reported these two deposits or gifts as political activity on its tax filings. PSAA, 2020 Form 990, Part IV, Line 3; *accord id.* Sched. C. These two deposits or gifts totaling \$1,475,000 amounted to 48.57% of PSAA’s reported total 2020 expenditures on its tax filings. *Compare id.* with *id.* Part I, Line 18 (reporting total 2020 expenses of \$3,036,572).

68. PSAA’s remaining 2020 expenses were comprised almost entirely of a single grant to another tax-exempt organization, RightOn Issues, Inc., of \$1,500,000. *Id.* Sched. I, Part II. PSAA’s tax return reported the grant was an unrestricted “General Support Grant.” *Id.*; *see also id.* Part IV (PSAA “provided general support grants without any specific or particular project and may require recipients furnish a report describing activities fulfilled by use of grant funds”).

69. PSAA’s other expenses, amounting to \$61,572, were for the group’s overhead. *Id.* Part I, Line 15, 17; *id.* Part VII, Sec. 1a; *id.* Part IX.

70. PSAA essentially terminated operations after dispensing the sums it received from ACCP. It took in no revenue in 2021 and its only expenses that year were on overhead, totaling \$62,203. PSAA, 2021 Form 990 (Nov. 6, 2022),

<https://www.documentcloud.org/documents/23683420-policies-solutions-and-action-for-america-2021-990>. PSAA stated that “[t]he organization began to wrap up its affairs and stopped conducting program activities”. *Id.* at Sched. O. PSAA filed for dissolution in 2022.

Opencorporates, PSAA.



*RightOn Issues, Inc. 's Activities*

71. PSAA's \$1,500,000 grant to RightOn Issues was the second largest transfer RightOn Issues received in 2020. RightOn Issues, 2020 Form 990, Sched B. The largest was the \$1.8 million it received from ACCP. *Id.*

72. RightOn Issues made a \$1 million deposit or gift to Georgia United Victory on September 21, 2020—the same super PAC PSAA funded through earlier deposits or gifts. Georgia United Victory, FEC Form 3X, October Quarterly Report 9. Georgia United Victory reported RightOn Issues's deposit or gift was a "contribution," *id.*, and thus a deposit or gift to influence a federal election, 52 U.S.C. § 30101(8). Georgia United Victory used RightOn Issues's funds to make independent expenditures totaling approximately \$649,000 in September opposing Doug Collins's Senate campaign, Georgia United Victory, FEC Form 3X, October Quarterly Report 22, 24, and to cover part of the group's nearly \$6 million in independent expenditures targeting Mr. Collins in October, Georgia United Victory, FEC Form 3X, Pre-Election Report 10 (Oct. 22, 2020), <https://perma.cc/LMA3-RMEJ>, the same candidate the super PAC opposed with PSAA's deposits or gifts.

73. On the same day it made a gift or deposit to Georgia United Victory, RightOn Issues made a \$200,000 gift or deposit to another federal super PAC, Georgia Action Fund. Georgia Action Fund, FEC Form 3X, October Quarterly Report 13. Georgia Action Fund reported RightOn Issues's deposit or gift was a "contribution," *id.*, and thus that RightOn Issues's deposit or gift was intended to influence elections. One day after receiving RightOn Issues's gift or deposit, Georgia Action Fund made its first independent expenditure opposing Jon Ossoff's candidacy for the US Senate in Georgia. *Id.* at 23. The treasurer of Georgia Action

Fund at the time of these transfers was Kayla Glaze, Georgia Action Fund, FEC Form 3X, October Quarterly Report 1, who also was serving as RightOn Issues's custodian of records at the time, RightOn Issues, 2020 Form 990, Part VI, Sec. C.

74. Two days after the gift or deposit to the two super PACs, on September 23, 2020, RightOn Issues made a \$120,000 deposit or gift to yet another federal super PAC: RightOn Time. RightOn Issues, 2020 Form 990, Sched. C; RightOn Time, FEC Form 3X, October Quarterly Report 6 (Oct. 8, 2020), <https://perma.cc/HPQ9-W54F>. RightOn Time reported RightOn Issues's deposit or gift was a "contribution," RightOn Time, FEC Form 3X, October Quarterly Report 6, and thus that RightOn Issues's deposit or gift was intended to influence federal elections, 52 U.S.C. § 30101(8).

75. RightOn Issues's deposit or gift to RightOn Time was the only contribution the political committee received in 2020. RightOn Time, Raising, 2019-20 (Jan. 30, 2023), <https://perma.cc/5MSV-NU5P>. Paul Kilgore is the treasurer of RightOn Time, RightOn Time, FEC Form 1, the same individual who is treasurer to Georgia United Victory, Georgia United Victory, FEC Form 1. RightOn Time used the 2020 contribution to fund various consulting and polling expenses, and paid \$28,125.48 to a Georgia based company, Paces Direct LLC, for "PAC GOTV mailing." *See* RightOn Time, FEC Form 3x, October Quarterly Report 7. RightOn Time did not report any electioneering communications or independent expenditures in 2020, so it is unknown at which race the get-out-the-vote mailing was targeted. Nonetheless, given the location of the vendor, RightOn Issues's focus on Georgia elections, and the proximity in time between the expense and expenses of Georgia United Victory which shares a treasurer with RightOn Time, Georgia United Victory, FEC Form 3X, October Quarterly Report 22, 24, there is

reason to believe RightOn Time's GOTV expenses were to influence the federal Senate elections in Georgia.

76. RightOn Time also received at least \$250,000 from RightOn Issues in 2022, the only contribution the political committee received in that cycle. RightOn Time, Raising, 2021-22 (Jan. 30, 2023), <https://perma.cc/4K6Y-ZZEB>. As of the time of this complaint, RightOn Time made a single \$244,278 independent expenditure supporting the House candidacy of Meagan Myers Hanson. RightOn Time, Spending 2021-22 (last visited Jan. 30, 2023) <https://perma.cc/7GWX-XRY9>. At times relevant to this complaint, Meagan Myers Hanson was the President of RightOn Issues, Inc. RightOn Issues, 2020 Form 990, Part VII, Sec. A. On December 7, 2022, RightOn Time reported making a distribution to RightOn Issues of \$21,087.88, which RightOn Time called a "PAC Contribution." RightOn Time, FEC Form 3x, Termination Report at 7.

77. In total, RightOn Issues's deposits or gifts to federally registered super PACs totaled \$1,320,000—just shy of the \$1,500,000 it received from PSAA. RightOn Issues reported spending a total of \$3,926,986 in 2020, RightOn Issues, 2020 Form 990, Part I, Line 18, meaning its super PAC contributions amounted to 33.6% of RightOn Issues's total annual expenditures (before overhead is allocated).

78. While RightOn Issues did not report making any independent expenditures or electioneering communications itself in 2020, it reported expenditures of \$1,789,105 paid to Paces Direct LLC, a Georgia company, for "direct mail services" and \$377,401 paid to Repubclick LLC for "advertising services." RightOn Issues, 2020 Form 990, Part VII, Sec. B.

79. There is evidence that RightOn Issues’s direct mail expenditure was, in whole or part, to influence federal elections. On October 20, 2020, a Twitter user posted an image of a mail piece they said was “Paid for by RightOn Issues” that advocated readers “Vote NOW to stop” the “Democratic Socialists of America.” *See* @TuxedoGeorge10, Twitter, Oct. 20, 2020, 4:59 P.M., <https://perma.cc/4WJW-BNKX>. The mailer also read “Socialism is on the march” and “Liberals want to bring it to Georgia.” *Id.* These mailings are similar to messages on RightOn Issues’s website and its Facebook advertisements that were directed at the Georgia Senate elections, *see infra*, supporting a reason to believe these mailers were similarly targeted at the Georgia electorate and intended to influence federal elections in Georgia. The mailer constitutes express advocacy, or at least a communication not so unrelated to federal electioneering that it would excuse RightOn Issues from reporting as a political committee.

80. Adding the amount RightOn Issues spent on direct mail, \$1,789,105—a sum just shy of the \$1.8 million RightOn Issues received from ACCP—to the sums RightOn Issues deposited or gifted to federally registered political committees, RightOn Issues’s electioneering expenses totaled approximately \$3,109,105. That constitutes approximately 79.2% of RightOn Issues’s 2020 expenses (and even more when overhead is allocated). Even assuming RightOn Issues did not devote the entirety of the nearly \$1.8 million to this mailer, and that any other mailers were unrelated to influencing federal elections, attributing even a portion of the funds would likely push RightOn Issue’s electioneering to over half of its 2020 spending.

81. There is also reason to believe RightOn Issues’s advertising services expenditure to Repubclick LLC was to influence federal elections. Repubclick is a company that focuses on “digital strategy,” Repubclick, Who We Are (last visited Jan. 30, 2023), <https://perma.cc/4NMS->

[R8R8](#), including “Social Media Management” and “Site Maintenance,” Repubclick, What We Do (last visited Jan. 30, 2023), <https://perma.cc/54JG-8KVL>. RightOn Issues maintains a website with the URL [www.rightonissues.com](http://www.rightonissues.com), which has a header “Georgia Voter Alert” and “Don’t Let Socialists Take Your Health Care Plan.” RightOn Issues, <https://perma.cc/F5LT-769T>. The website then reads “Washington liberals have a plan for socialist, government run health care” and prominently features pictures of former House Speaker Nancy Pelosi and Senator Bernie Sanders. *Id.* The website appears to have been created on December 29, 2020, CubDomain.com, Rightonissues.com (last visited Jan. 30, 2023), <https://perma.cc/R9WV-Z53R>, after Georgia’s November general election but before Georgia’s January 5, 2021, runoff election for its two U.S. Senate seats.

82. RightOn Issues also ran advertisements on Facebook on January 5, the day of the federal run-off election. Meta, Ads from RightOn Issues (last visited Jan. 30, 2023), [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=ALL&view\\_all\\_page\\_id=105436934818398&search\\_type=page&media\\_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=ALL&view_all_page_id=105436934818398&search_type=page&media_type=all).

83. The text of one ad read “Georgia Voter Alert!” and “Don’t let Socialists take your healthcare! – Election day January 5<sup>th</sup> – make a plan to VOTE,” and included a video with a still saying “Radical Liberals will take your health care and close hospitals” with images of former House Speaker Nancy Pelosi, Democratic Senate Majority Leader Chuck Schumer, and Representative Alexandria Ocasio-Cortez. *Id.* The ad included a link directing users to RightOn Issues’s website, [www.rightonissues.com](http://www.rightonissues.com). *Id.* The advertisement was targeted at users in Georgia. *Id.*

84. RightOn Issues's second Facebook ad read "Washington liberals have a plan for socialist, government-run health care. Call Congress and tell them to oppose socialized medicine: 202-224-3121 – make your voice heard" and included the same video as the first ad. *Id.* The third ad read "The Socialist Plan for Healthcare:" with a list that read "Government takeover of health care," "Outlawing your employer-provided plan," "Limiting your choice of doctors," "Jeopardizing dozens of Georgia hospitals," and "Thousands in new taxes on working families," and included the same video as featured in the other two ads. *Id.* Like the first ad, these Facebook ads included a link directing users to RightOn Issues's website, [www.rightonissues.com](http://www.rightonissues.com). *Id.*

85. Adding the amount RightOn Issues spent on digital advertising, \$377,401, to the sums RightOn Issues deposited or gifted to federally registered political committees and spent on its direct mail, RightOn Issues's electioneering totaled approximately \$3,486,506. That constitutes approximately 88.8% of RightOn Issues's 2020 expenses (and even more when overhead is allocated).

86. RightOn Issues reported on its 2021 tax filing that it "discontinued program services for nonpartisan advocacy for consumer choice in healthcare." RightOn Issues, 2021 Form 990, Sched. O (Nov. 14, 2022), <https://www.documentcloud.org/documents/23622998-righton-issues-2021-990>. It reported \$1,648,861 in expenses, including the \$250,000 it contributed to the super PAC RightOn Time. RightOn Issues, 2021 Form 990, Part I, Part IX, Sched. C. RightOn Issues took in no contributions that year. *Id.* at Part I. RightOn Issues filed for dissolution in 2022. Opencorporates, RightOn Issues.

Count I

*Unknown Respondents made \$2.795 million in Conduit Contributions through ACCP, PSAA, and RightOn Issues to Influence Federal Georgia Elections in violation of 52 U.S.C. §§ 30104, 30122, and 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8, 110.4*

87. Federal law prohibits the making and the knowing receipt of a contribution in the name of another, and permitting one's name to be used to effect that contribution. 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b). Relatedly, reporting entities must report the "true source" of their contributions. *Hsia*, 30 F. App'x at 3; *see also* 52 U.S.C. § 30104(a), (b); 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8.

88. There is reason to believe that Unknown Respondents made contributions in the name of another in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b). Specifically, Unknown Respondents made contributions totaling \$1.475 million to Georgia United Victory in the name of PSAA, a \$1 million contribution to Georgia United Victory in the name of RightOn Issues, a \$200,000 contribution to Georgia Action Fund in the name of RightOn Issues, and a \$120,000 contribution to RightOn Time in the name of RightOn Issues.

89. Unknown Respondents' \$5 million contribution to ACCP comprised 98.8% of the funds ACCP raised in 2020. ACCP, 2020 Form 990, Sched. B. ACCP used those funds to support two transfers in 2020, one of \$3.1 million to PSAA and another of \$1.8 million to RightOn Issues. ACCP, 2020 Form 990, Sched. I.

90. ACCP's \$3.1 million gift or deposit to PSAA constituted the entirety of PSAA's funding in 2020, and PSAA used 47.6% of that to make gifts or deposits to a super PAC, for which PSAA was identified as the source. PSAA, 2020 Form 990, Sched. B, Sched. I; Georgia United Victory, FEC Form 3X, October Quarterly Report 9. PSAA reported having no funds as

of July 13, 2020, PSAA, Form 1024, Part VI, B, but made a \$1 million contribution to Georgia United Victory on July 16, 2020, Georgia United Victory, FEC Form 3X, October Quarterly Report 9, indicating the funds it received were swiftly converted into gifts or deposits to a super PAC. Moreover, Christopher Marston is treasurer to both ACCP and PSAA, the two organizations share office space, were founded within months of each other, and their other officers work together at the same law firm. See ACCP, 2020 Form 990; PSAA, 2020 Form 990.

91. Rather than make additional contributions, PSAA transferred \$1.5 million, nearly the entirety of the remaining balance of the \$3.1 million donation from ACCP, to RightOn Issues, PSAA, 2020 Form 990, Sched. I, Part II, the same organization to which ACCP directly contributed \$1.8 million, ACCP, 2020 Form 990, Sched. I. ACCP's transfers to RightOn Issues, both directly and through PSAA, amounted to \$3.3 million, 58.2% of RightOn Issues's contributions in 2020. RightOn Issues, 2020 Form 990. RightOn Issues used 40% of the funds from ACCP and PSAA to make contributions to super PACs, for which RightOn Issues was identified as the source. *Id.*; Georgia United Victory, FEC Form 3X, October Quarterly Report 9; Georgia Action Fund, FEC Form 3X, October Quarterly Report 13; RightOn Time, FEC Form 3X, October Quarterly Report 6. Those contributions included a September 21 contribution of \$1 million to Georgia United Victory, the same political committee PSAA funded, Georgia United Victory, FEC Form 3X, October Quarterly Report 9, which quickly used the funds to oppose the candidacy of Doug Collins, *id.* at 22, 24; Georgia United Victory, FEC Form 3X, Pre-Election Report 10

92. On the same day of its contribution to Georgia United Victory, RightOn Issues also contributed \$200,000 to Georgia Action Fund. Georgia Action Fund, FEC Form 3X,



October Quarterly Report 13. Georgia Action Fund made independent expenditures to influence the Georgia Senate elections a day after it received RightOn Issues's contribution. *Id.* at 23. The treasurer of Georgia Action Fund, Kayla Glaze, is also the custodian of records for RightOn Issues. RightOn Issues, 2020 Form 990, Part VI, Sec. 3, Georgia Action Fund, FEC Form 3X, October Quarterly Report 1.

93. Two days later, RightOn Issues contributed \$120,000 to RightOn Time. RightOn Time, FEC Form 3X, October Quarterly Report 6. RightOn Issues was the sole funder of RightOn Time, *id.*, which had only formed in May 2020, RightOn Time, FEC Form 1, Statement of Organization. Paul Kilgore was the Treasurer to RightOn Time during the relevant time, *id.*, treasurer to Georgia United Victory, *see* Georgia United Victory, FEC Form 3X, October Quarterly Report 1, and treasurer to a campaign of the Secretary of RightOn Issues, Nicole Rodden for Congress, Inc., FEC Form 1. RightOn Time used those funds to pay a Georgia company to make get-out-the-vote mailers, RightOn Time, Form 3X, October Quarterly Report 7, likely seeking to influence the Georgia Senate elections, though RightOn Time did not report the candidate or candidates targeted by its mailers.

94. Structuring the transaction this way permitted Unknown Respondents to evade easy detection. Had Unknown Respondents donated funds directly to the super PACs, they would be disclosed as the sources of the contributions by the recipient committees. Had ACCP made the contributions directly to the super PACs, ACCP would be reported as the source of the contributions and public reporting would confirm ACCP's major purpose in 2020 was to influence elections, triggering reporting obligations by ACCP that would have identified the Unknown Respondents. Had PSAA made all of the contributions to the super PACs, public

reporting would confirm PSAA's major purpose was to influence elections and was a political committee as a matter of law, which in turn would show ACCP had contributed most of its funds to a political committee and thus that ACCP's major purpose was to influence elections and was a political committee by law, which would have required disclosure of Unknown Respondents. By passing the funds through ACCP to other nonprofits, however, each of which ensured publicly reported electioneering like contributions to super PACs constituted less than half of their reported expenditures by, for example, granting funds to other nonprofits or engaging in unreported electioneering, the Unknown Respondents evaded public reporting requirements.

95. The structuring of the transaction to permit a majority of the Unknown Respondents' funds, and likely nearly all of the funds, to influence federal elections while evading public reporting gives rise to a reason to believe Unknown Respondents directed the ultimate distribution of the funds and thus made contributions in the names of another in violation of the FECA.

96. Reason to believe is further supported by the fact that the three nonprofits involved were all created in 2020, that ACCP and PSAA's nearly singular activities comprised transferring the Unknown Respondents' funds to other groups, that each nonprofit took no contributions and significantly reduced their spending in 2021 (and, in the cases of ACCP and PSAA, effectively ended their activities), and that two of them, PSAA and RightOn Issues, filed for dissolution in 2022.

97. Moreover, the short time in which the funds were transferred from ACCP to PSAA and turned into super PAC contributions, the identity of the recipient for \$2.475 million in super PAC contributions, the identity of the candidate which the funds were used to oppose, and

the overlap in personnel between the various entities further supports reason to believe the contributions were structured and not the result of independent choices of the conduits.

98. There is also reason to believe the recipients of the funds, Georgia United Victory and RightOn Time, by and through their treasurer Paul Kilgore, and Georgia Action Fund, by and through its treasurer Kayla Glaze, knowingly accepted a contribution in the name of another and failed to report the true source of the contribution.

99. PSAA's gift or deposit was the first contribution received by Georgia United Victory, permitting the organization to pay for set-up costs and part of its first round of independent expenditures. Georgia United Victory, FEC Form 3X, October Quarterly Report 9, 12, 14, 17, 18, 25. PSAA's \$1 million contribution was the third largest contribution the political committee received in its first quarter of existence, and the fifth largest the group has ever received, with or without including the second \$475,000 contribution. Georgia United Victory, Raising, 2019-20, <https://perma.cc/MST9-4K2A>. RightOn Issues's \$1 million contribution was similarly significant. *Id.* Given the importance of the contributions to Georgia United Victory, there is reason to believe the super PAC knew the true source of the contribution, but knowingly accepted the contributions in the name of another and failed to disclose the true source of the contribution, in violation of 52 U.S.C. §§ 30104, 30122 and 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8, 110.4(b).

100. RightOn Issues's contribution to RightOn Time was even more important to that political committee. RightOn Issues's contribution was the only contribution RightOn Time received in 2020 or 2021, and RightOn Issues remains the only funder of RightOn Time. RightOn Time, Raising, 2019-20, 2021-22. RightOn Time's work is also closely associated with

RightOn Issues. In 2022, RightOn Time spent \$244,278 on independent expenditures supporting the candidacy of Meagan Myers Hanson, RightOn Issues's President until 2021, which was paid for entirely out of funds RightOn Issues contributed to the political committee. *See* RightOn Time, 24/48 Hour Report of Independent Expenditures; RightOn Issues, 2021 Form 990, Part VII, Sec. A; RightOn Time, *Raising*, 2021-22. Given the complete reliance of RightOn Time on RightOn Issues's contributions and RightOn Time's support for a former executive of RightOn Issues, there is reason to believe the super PAC knew the true source of the contribution, but knowingly accepted the contribution in the name of another and failed to disclose the true source of the contribution, in violation of 52 U.S.C. §§ 30104, 30122 and 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8, 110.4(b).

101. Additionally, Paul Kilgore is the treasurer for both Georgia United Victory and RightOn Time—meaning that if he knew the true source of the contribution to one, then he also knew the likely true source of the contribution to the other. Further, Mr. Kilgore was the treasurer to the campaign of Nicole Rodden, the Secretary and, beginning June 2021, President of RightOn Issues. RightOn Issues, 2021 Form 990, Part VII, Sec. A; Nicole Rodden for Congress, Inc., Form 1. Accordingly, there is reason to believe Paul Kilgore knew the true source of the contributions to Georgia United Victory and RightOn Time but knowingly permitted the political committees to accept the contributions in the name of another and failed to disclose the true source of the contributions, in violation of the obligations federal law imposes on political committee treasurers. 52 U.S.C. § 30104(a); 11 C.F.R. § 104.1(a); FEC, Treasurer's liability (last visited Jan. 30, 2023), <https://perma.cc/6R74-3KZS>. Mr. Kilgore, as treasurer of numerous political committees for over a decade, is personally aware of his responsibilities as treasurer and

aware of the possibility of personal liability for his failure to carry out his duties as treasurer. By permitting the political committees to accept contributions in the name of another, and by falsely reporting the source of the contributions as entities other than the true source, Mr. Kilgore personally violated and continues to violate 52 U.S.C. §§ 30104(a), (b), 30122, and 11 C.F.R. §§104.1, 104.2, 104.3, 104.8, and 110.4(b).

102. At the time of the transfers from RightOn Issues, Georgia Action Fund's treasurer, Kayla Glaze, served as custodian of records for RightOn Issues. RightOn Issues, 2020 Form 990, Part VI, Sec. 3; Georgia Action Fund, FEC Form 3X, October Quarterly Report 1. In that role, Ms. Glaze would likely learn RightOn Issues was making contributions in the name of another, and thus that Georgia Action Fund would knowingly receive a conduit contribution from RightOn Issues. Moreover, Ms. Glaze, as the treasurer to several federally registered super PACs, is personally aware of her responsibilities as treasurer and aware of the possibility of personal liability for her failure to carry out her duties as treasurer. By permitting the Georgia Action Fund to accept contributions in the name of another, and by falsely reporting the source of the contributions as entities other than the true source, Georgia Action Fund and Ms. Glaze violated and continue to violate 52 U.S.C. §§ 30104(a), (b), 30122 and 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8, and § 110.4(b).

103. Finally, there is reason to believe PSAA and RightOn Issues knowingly permitted their names to effect contributions in the name of another.

104. ACCP's \$3.1 million gift or deposit to PSAA is the group's sole funding source. PSAA, 2020 Form 990, Sched. B. Within three days of receiving the funds, PSAA made a contribution to Georgia United Victory, then made a second contribution to the same group a

little over six weeks later. PSAA also made a \$1.5 million grant to RightOn Issues, which grant increased PSAA's total 2020 expenditures and caused PSAA's political contributions to appear to be less than half its total annual expenditures. That permitted PSAA to avoid taking direct responsibility for any other contributions that would have shown PSAA devoted more than half its funds to electioneering. RightOn Issues made contributions aggregating \$1.32 million to three super PACs, including one already funded by PSAA, another sharing a treasurer with the first, and a third whose treasurer was the RightOn Issues's custodian of records, all likely to influence the Georgia elections. The transfers to RightOn Issues and Georgia United Victory were the totality of PSAA's 2020 activity, other than a small amount spent on overhead. PSAA, 2020 Form 990, Part IX. Moreover, Christopher Marston is treasurer to both ACCP and PSAA, the two organizations share office space, and other senior personnel work at the same law firm. *See* ACCP, 2020 Form 990; PSAA, 2020 Form 990. The organizations were also incorporated within two months of each other and shortly before ACCP transferred the funds to PSAA. Accordingly, there is reason to believe PSAA knowingly permitted its name to effect a contribution in the name of another in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b).

105. There is also reason to believe RightOn Issues knowingly permitted its name to effect contributions in the name of another. PSAA's \$1.5 million transfer to RightOn Issues was the second largest donation the group accepted in 2020. RightOn Issues, 2020 Form 990, Sched. B. The largest was ACCP's direct transfer to RightOn Issues. *Id.*; ACCP, 2020 Form 990, Sched. I. In September 2020, RightOn Issues transferred \$1 million to the same super PAC to which its donor, PSAA, had contributed. Georgia United Victory, FEC Form 3X, October Quarterly Report 9. On the same day, RightOn Issues made a contribution to a political committee that also

sought to influence the federal Georgia elections, and whose treasurer was RightOn Issues's custodian of records. RightOn Issues, 2020 Form 990, Part VI, Sec. C, Georgia Action Fund, FEC Form 3X, October Quarterly Report 1, 23. Two days later, RightOn Issues made a contribution to a closely associated political committee that shares a treasurer with Georgia United Victory, which group also likely spent to influence the Georgia federal elections. Georgia United Victory, FEC Form 3X, October Quarterly Report 1; RightOn Time, FEC Form 3X, October Quarterly Report 1, 6. The similarity of the aggregate sum of RightOn Issues's contributions to the sum it received from PSAA, the overlapping personnel and associations of the recipients, and the shared purposes to which the contributions were used raise a reason to believe RightOn Issues knowingly permitted its name to be used to effect a contribution in the name of another, in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b).

### Count II

*ACCP Failed to Register and Report as a Political Committee in Violation of 52 U.S.C. §§ 30103, 30104 and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8, because ACCP's Transfers to PSAA and RightOn Issues were Unlawful Conduit Contributions in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4 or At Least Not so Unrelated to Influencing Federal Elections As to Excuse PSAA From Registering and Reporting*

106. Alternatively, there is reason to believe that ACCP unlawfully made contributions in the name of another in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b). Specifically, ACCP made contributions totaling \$1.475 million to Georgia United Victory in the name of PSAA, a \$1 million contribution to Georgia United Victory in the name of RightOn Issues, a \$200,000 contribution to Georgia Action Fund in the name of RightOn Issues, and a \$120,000 contribution to RightOn Time in the name of RightOn Issues.

107. As alleged above and incorporated herein, ACCP's \$3.1 million gift or deposit to PSAA comprised the entirety of PSAA's funding, PSAA, 2020 Form 990, Sched. B, and PSAA quickly converted nearly half of those funds into super PAC contributions, *Id*, Sched. C; Georgia United Victory, FEC Form 3X, October Quarterly Report 9. ACCP and PSAA share offices and treasurers, each have staff at the same law firm, and were both incorporated within a short period of each other and the transfer.

108. By routing the donation through PSAA rather than directly contributing to Georgia United Victory, ACCP evaded disclosure obligations that require political committees to report the true source of any contribution and rather permitted PSAA to use its name to disguise the true source.

109. Rather than make additional contributions, PSAA transferred nearly all of its remaining funds, \$1.5 million, to RightOn Issues, the same entity to which ACCP gifted or deposited \$1.8 million that same year. PSAA, 2020 Form 990, Sched. I, Part II; ACCP, 2020 Form 990, Sched. I, Part II. In turn, RightOn Issues made contributions in September 2020 to three super PACs amounting to nearly the amount it received from PSAA, including the same super PAC funded by PSAA which PAC used the funds to oppose the same candidate in the 2020 federal elections in Georgia. Georgia United Victory, FEC Form 3X, October Quarterly Report 9, 22, 24; Georgia United Victory, FEC Form 3X, Pre-Election Report 10. RightOn Issues's other gifts or deposits went to political committees with which it shared overlapping personnel and which used or likely used the funds to influence the 2020 federal elections in Georgia. Georgia Action Fund, FEC Form 3X, October Quarterly Report 1, 13, 23; RightOn



Time, FEC Form 3X, October Quarterly Report 6; RightOn Issues, 2020 Form 990, Part VI, Sec. 3.

110. By structuring the contributions through PSAA and then through RightOn Issues to these super PACs, ACCP evaded being identified as the source of any contribution on a public report, and ensured neither PSAA's nor RightOn Issues's public reporting would demonstrate they devoted more than half of their funds to political committee contributions.

111. The fact that all of these funds originated with ACCP, the fact that there was a maximum of three days between their deposit with PSAA and the beginning of their distribution to political committees, the fact the funds' recipients' spending on contributions to super PACs and direct electioneering nearly equaled the amount they received, the shared end to which the funds were used, the shared treasurer between PSAA and ACCP, the association of other staff at PSAA and ACCP, the shared recipient super PAC for \$2.475 million of the contributions, the shared treasurer for the recipient super PACs of \$2.595 million, the overlapping staff for the donor and recipient of another \$200,000, PSAA's lack of any activities other than transferring the funds it received from ACCP before dissolving, RightOn Issue's dissolution in 2022 after disbursing the funds it received, and the structuring of the transactions to evade reporting obligations all give rise to a reason to believe ACCP routed its contributions through PSAA and RightOn Issues to evade the disclosure that would result from making a direct contribution to the recipient super PACs.

112. Similarly, for the reasons alleged above and incorporated herein, there is reason to believe Georgia United Victory and RightOn Time, by and through their treasurer Paul Kilgore, and Georgia Action Fund, by and through its treasurer Kayla Glaze, knowingly accepted these

contributions in the name of PSAA and RightOn Issues, and that PSAA and RightOn Issues permitted their name to be used to effect a contribution in the name of another, in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b). Additionally, for the reasons alleged above and incorporated herein, there is reason to believe Georgia United Victory and RightOn Time, and Paul Kilgore acting as their treasurer, and Georgia Action Fund, and Kayla Glaze acting as its treasurer, failed to report the true source of their contributions, in violation of 52 U.S.C. § 30104(a), (b) and 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8. *See Hsia*, 30 F. App'x at 3.

113. Properly attributing to ACCP the super PAC contributions unlawfully reported in the name of PSAA and RightOn Issues demonstrates that ACCP qualified as a political committee in 2020.

114. ACCP made over \$1,000 in expenditures when it, through PSAA, deposited or gifted \$1 million to a federal registered political committee, Georgia United Victory, on July 16, 2020. Georgia United Victory, FEC Form 3X October Quarterly Report 9. Political committees are “by definition, campaign related,” *Buckley*, 424 U.S. at 79, and thus all funds donated to them are deemed to be expenditures intended to influence federal elections. Georgia United Victory reported these funds were deposited or gifted with the intent of influencing a federal election, Georgia United Victory, FEC Form 3X October Quarterly Report 9, and in fact used those funds to make independent expenditures opposing the candidacy of Doug Collins in the federal Senate race, *id.* at 18. Accordingly, ACCP made a \$1 million expenditure no later than July 16, 2020. See 52 U.S.C. § 30101(4)(A); 11 C.F.R. § 100.5(a).

115. Alternatively, ACCP accepted over \$1,000 in contributions when it accepted a \$5 million gift or deposit from Unknown Respondents. ACCP, 2020 Form 990, Sched. B. ACCP's

use of those funds to make transfers to two newly created nonprofits, the fact that over half of the funds were used to make deposits or gifts to political committees through PSAA or through RightOn Issues, the fact that the rest of the funds were likely used by RightOn Issues to influence the 2020 federal Senate elections in Georgia, ACCP's lack of any history of non-electoral spending, and ACCP's close association with PSAA, gives rise to a reason to believe the \$5 million donation to ACCP was intended to influence federal elections, and thus qualifies as a contribution, regardless of whether the contribution would also qualify as a conduit contribution. See 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

116. ACCP also exhibited a major purpose in 2020 to influence elections and so was not and is not excused from reporting.

117. ACCP's nearly sole activity in 2020 was to fund the transfers to PSAA and RightOn Issues. ACCP, 2020 Form 990. The transfers constituted 97.8% of ACCP's 2020 expenditures. *Id.* Over half of the funds ACCP distributed to PSAA and RightOn Issues were eventually deposited with super PACs that used the funds to influence the 2020 federal elections in Georgia. For the reasons alleged above and incorporated here, ACCP used PSAA and RightOn Issues as conduits to make these contributions, and properly attributing them to ACCP would demonstrate ACCP's major purpose in 2020 was to influence federal elections.

118. Nonetheless, even if the transfers are not deemed to be conduit contributions, they are nonetheless not so unrelated to electioneering as to excuse ACCP from reporting. ACCP likely anticipated that its transfers were to be used to influence the federal elections, even if it did not direct the specific ends to which they were used. ACCP shared personnel and office space with PSAA, all three nonprofits were created in a short time frame in the lead up to the 2020

elections, none had a history of activity other than electioneering, ACCP's president and treasurer are experienced with campaigns, and ACCP's transfers apparently lacked any restraint on the use of the funds. Indeed, there is reason to believe that, in addition to the funds converted into super PAC contributions, a significant portion and perhaps even all of the funds ACCP transferred to RightOn Issues were used to influence federal elections through RightOn Issues's own direct, but unreported, electioneering. Given that it is likely that effectively all of the funds ACCP transferred in 2020 were used to influence elections, comprising 97.8% of ACCP's activities in 2020, there is reason to believe ACCP intended the transfers to influence elections. Accordingly, even if ACCP is not deemed to have made conduit contributions, the transfers still indicate its major purpose in 2020 was to influence elections.

119. Although the major purpose test focuses on ACCP's 2020 calendar year activities, its subsequent activities confirm its major purpose continued to be influencing elections. ACCP had essentially no activities in 2021, reporting only \$49,697 in expenses on overhead. ACCP, 2021 Form 990 EZ.

120. Accordingly, no later than July 16, 2020, and continuing through the date of this filing and into the future, ACCP qualified as a political committee and was and is obligated to register and report as one. To date, ACCP has not filed any report with the FEC terminating its political committee status.

121. ACCP's failure to so register and report, and to disclose the true source of its \$5 million contribution, violates and continues to violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

122. Additionally, under the FECA, treasurers of political committees like ACCP are responsible for registering them with the FEC and filing disclosure reports as required by law. FEC, Treasurer's liability. A political committee treasurer is personally liable for a failure by the political committee to file required reports. *Id.*; FEC, Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 5 (Jan. 3, 2005).

123. Christopher Marston is and at all relevant times has been treasurer of ACCP. ACCP, 2020 Form 990. Accordingly, for purposes of the FECA, Mr. Marston is and at all relevant times has been treasurer of ACCP. 52 U.S.C. § 30102(a), (c).

124. Mr. Marston is treasurer to numerous super PACs, Committees, Most Recent Treasurer Search, "Marston, Chris," Federal Election Commission, and is personally aware of his responsibilities as treasurer and aware of the possibility of personal liability for his failure to carry out his duties as treasurer.

125. By failing to cause ACCP to register with the FEC and by failing to cause ACCP to file disclosure reports as required by law, Mr. Marston personally violated and continues to violate 52 U.S.C. §§ 30103(a), 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

126. Further, John Fogarty Jr. is and at all relevant times has been President, Chairman, and Director of ACCP. ACCP, 2020 Form 990. Mr. Fogarty also signs ACCP's tax filings. *Id.* Accordingly, for purposes of the FECA, Mr. Fogarty is and at all relevant times has been treasurer of ACCP. 52 U.S.C. § 30102(a), (c).

127. Mr. Fogarty is an attorney with declared experience in "Campaign Finance Compliance and Reporting," states he is part of the Republican National Lawyers Association

and is current general counsel to a state Republican Party. Accordingly, Mr. Fogarty is personally aware of his responsibilities as treasurer and aware of the possibility of personal liability for his failure to carry out his duties as treasurer.

128. By failing to cause ACCP to register with the FEC and by failing to cause ACCP to file disclosure reports as required by law, Mr. Fogarty personally violated and continues to violate 52 U.S.C. §§ 30103(a), 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

### Count III

*ACCP and PSAA Failed to Register and Report as Political Committees in Violation of 52 U.S.C. §§ 30103, 30104 and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8, because PSAA's Transfer to RightOn Issues was Either an Unlawful Conduit Contribution in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4 or At Least Not so Unrelated to Influencing Federal Elections As to Excuse PSAA From Registering and Reporting, Causing ACCP's Transfer to PSSA to Constitute a Contribution to a De Facto Political Committee*

129. Alternatively, PSAA's transfer to RightOn Issues constitutes electioneering because either PSAA unlawfully used RightOn Issues to make conduit contributions to three super PACs or, at least, because the transfer was for the purpose of influencing federal elections and so could not excuse PSAA from registering and reporting as a political committee.

130. By making a grant to RightOn Issues that could be used to fund super PACs, PSAA evaded publicly reporting that it was the source of these contributions to federally registered political committees, which reporting would demonstrate that PSAA devoted more than half of its funding in 2020 to federal electioneering. Nonetheless, properly attributing even a portion of the contributions to PSAA demonstrates that PSAA qualified as a political committee in 2020.

131. First, PSAA satisfied the FECA's test for political committee status in 2020.

132. PSAA made over \$1,000 in expenditures when it deposited or gifted \$1 million to a federal registered political committee, Georgia United Victory, on July 16, 2020. Georgia United Victory, FEC Form 3X October Quarterly Report 9. Political committees are “by definition, campaign related,” *Buckley*, 424 U.S. at 79, and thus all funds donated to them are deemed to be expenditures intended to influence federal elections. Georgia United Victory reported these funds were deposited or gifted with the intent of influencing a federal election, Georgia United Victory, FEC Form 3X October Quarterly Report 9, and in fact used those funds to make independent expenditures opposing the candidacy of Doug Collins in the federal Senate race, *id.* at 18. Accordingly, PSAA made a \$1 million expenditure no later than July 16, 2020. *See* 52 U.S.C. § 30101(4)(A); 11 C.F.R. § 100.5(a).

133. Alternatively, PSAA accepted over \$1,000 in contributions when it accepted a \$3.1 million gift or deposit from ACCP. PSAA, 2020 Form 990. PSAA’s near immediate use of those funds to make deposits or gifts to political committees, the fact that nearly all of the funds were used to make deposits or gifts to political committees through PSAA or through RightOn Issues, PSAA’s lack of any history of non-electoral spending, and ACCP’s close association with PSAA and thus likely understanding of PSAA’s plans, gives rise to a reason to believe the \$3.1 million donation to PSAA was intended to influence federal elections, and thus qualifies as a contribution, regardless of whether the contribution would also qualify as a conduit contribution. *See* 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

134. PSAA also exhibited a major purpose in 2020 to influence elections and so was not and is not excused from reporting.

135. PSAA reported spending more than 48% (49.6% when overhead is allocated) of its 2020 expenditures on contributions to federal super PACs. PSAA, 2020 Form 990, Sched. C. Even assuming that would not be sufficient to show PSAA has a major purpose to influence federal elections and thus is not excused from reporting, attributing any of the contributions for which RightOn Issues was a conduit would push PSAA over the 50% threshold.

136. There is reason to believe PSAA used RightOn Issues to make conduit contributions, in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b). If PSAA made these contributions directly, its public disclosures would indisputably demonstrate it devoted more than half of its funds to influencing elections and thus trigger legal disclosure obligations for PSAA. By unlawfully routing funds through RightOn Issues, however, PSAA was able to obscure this activity and evade reporting. Further, the proximity of PSAA's transfer to RightOn Issues and RightOn Issues's super PAC contributions, the shared identity of a recipient of RightOn Issues and PSAA's contributions, the overlap in and association of personnel between the political committees and RightOn Issues staff, the shared end to which those contributions were used, the fact RightOn Issues's super PAC contributions aggregated to slightly less than PSAA's transfer to RightOn Issues, the lack of earmarking language in the transfer that would have barred the funds from being used to influence elections, and RightOn Issues's dissolution after disbursing the funds it received from PSAA supports a reason to believe PSAA's transfer to RightOn Issues was an unlawful conduit contribution.

137. Similarly, for the reasons alleged above and incorporated herein, there is reason to believe Georgia United Victory and RightOn Time, by and through their treasurer Paul Kilgore, and Georgia Action Fund, by and through its treasurer Kayla Glaze, knowingly accepted these



contributions from PSAA in the name of RightOn Issues, and that RightOn Issues permitted its name to be used to effect a contribution in the name of another, in violation of 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b). Additionally, for the reasons alleged above and incorporated herein, there is reason to believe Georgia United Victory and RightOn Time, and Paul Kilgore acting as their treasurer, and Georgia Action Fund, and Kayla Glaze acting as its treasurer, failed to report the true source of their contributions, in violation of 52 U.S.C. § 30104(a), (b) and 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8. *See Hsia*, 30 F. App'x at 3.

138. Further, even assuming PSAA's transfer to RightOn Issues would not qualify as a conduit contribution, the fact that RightOn Issues made in quick succession contributions nearly aggregating to the sum it received from PSAA, including a contribution to the political committee PSAA had already funded and a political committee sharing a treasurer with the first, to likely influence the same federal Senate elections PSAA sought to influence, and the fact that PSAA's transfer to RightOn Issues was not earmarked to non-electoral activities, indicates that PSAA's purpose in transferring the funds was to influence federal elections. Accordingly, the transfer of those funds, even if not as an unlawful conduit, still supports finding PSAA's major purpose is to influence federal elections or, at the very least, cannot be used to excuse PSAA's political committee reporting.

139. Properly attributing any of RightOn Issues's contributions to PSAA would show PSAA devoted more than half of its funds to influence federal elections. Specifically, attributing RightOn Issues's \$1 million contribution to Georgia United Victory to PSAA would show that 81.5% of PSAA's 2020 expenditures (83.2% after overhead is allocated) were to influence federal elections. Attributing RightOn Issues's \$200,000 contribution to Georgia Action Fund to

PSAA would show that 55.2% of PSAA's 2020 expenditures (56.3% with overhead allocated) were to influence federal elections. Attributing RightOn Issues's \$120,000 contribution to RightOn Time to PSAA would show that 52.5% of PSAA's 2020 expenditures (53.6% with overhead allocated) were to influence federal elections. Attributing all of the contributions to PSAA would show that 92% of PSAA's 2020 expenditures (93.9% with overhead allocated) were to influence federal elections. Finally, assuming the purpose of the entire transfer was to influence federal elections, then aggregating the \$1.5 million transfer from PSAA to RightOn Issues with PSAA's super PAC contributions would show that 98% of PSAA's 2020 expenditures were to influence federal elections. The remainder of PSAA's expenses appear to be overhead. Accordingly, as PSAA only formed on May 6, 2020, PSAA appears to have made no 2020 expenditures unrelated to influencing federal elections.

140. Although the major purpose test focuses on PSAA's 2020 calendar year activities, its subsequent activities confirm its major purpose continued to be influencing elections. PSAA had essentially no activities in 2021, reporting only \$62,203 in expenses on overhead. PSAA, 2021 Form 990. It announced that it "began to wrap up its affairs and stopped conducting program activities." *Id.* at Sched. O. It then filed for dissolution in 2022. Opencorporates, PSAA.

141. Accordingly, no later than July 16, 2020, and continuing through the date of this filing and into the future, PSAA qualified as a political committee and was and is obligated to register and report as one. To date, PSAA has not filed any report with the FEC terminating its status.

142. PSAA's failure to so register and report violates and continues to violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

143. Additionally, under the FECA, treasurers of political committees like PSAA are responsible for registering them with the FEC and filing disclosure reports as required by law. FEC, Treasurer's liability. A political committee treasurer is personally liable for a failure by the political committee to file required reports. *Id.*; FEC, Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 5 (Jan. 3, 2005).

144. Christopher Marston is and at all relevant times has been treasurer of PSAA. PSAA, 2020 Form 990. Mr. Marston signs PSAA's tax filings. *Id.* Accordingly, for purposes of the FECA, Mr. Marston is and at all relevant times has been treasurer of PSAA. 52 U.S.C. § 30102(a), (c).

145. Mr. Marston is treasurer to numerous super PACs and is personally aware of his responsibilities as treasurer and aware of the possibility of personal liability for his failure to carry out his duties as treasurer.

146. By failing to cause PSAA to register with the FEC and by failing to cause PSAA to file disclosure reports as required by law, Mr. Marston personally violated and continues to violate 52 U.S.C. §§ 30103(a), 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

147. Further, Moses Ayala is and at all relevant times has been Vice President and Secretary of PSAA. Mr. Ayala was an employee of Aristotle International Inc., the company that prepared PSAA's tax filings. PSAA, 2020 Form 990. Accordingly, there is reason to believe Mr. Ayala was responsible for PSAA's papers and handled governmental filings. Accordingly, for purposes of the FECA, Mr. Ayala is and at all relevant times has been treasurer of PSAA. 52 U.S.C. § 30102(a), (c).

148. Mr. Ayala has declared that he has expertise in “campaign-finance compliance,” The Gober Group, Moses Ayala, and so is personally aware of his responsibilities as treasurer and aware of the possibility of personal liability for his failure to carry out his duties as treasurer.

149. By failing to cause PSAA to register with the FEC and by failing to cause PSAA to file disclosure reports as required by law, Mr. Ayala personally violated and continues to violate 52 U.S.C. §§ 30103(a), 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

150. Furthermore, as a result of PSAA’s status, ACCP’s \$3.1 million grant to PSAA was a gift or deposit to influence federal elections. *See Buckley*, 424 U.S. at 79 (political committees are “by definition, campaign related,” and thus all transfers to them are for the purpose of influencing federal elections). Consequently, ACCP qualified as a political committee in 2020.

151. As alleged above and incorporated herein, ACCP made expenditures to influence federal elections in excess of \$1,000 no later than July 16, 2020 when it made a deposit or gift to a de facto registered political committee, PSAA. Additionally, ACCP accepted a contribution in excess of \$1,000 when it accepted \$5 million to influence federal elections from Unknown Respondents.

152. ACCP’s gift or deposit to PSAA constituted 61.8% of ACCP’s 2020 expenditures, or 62.6% with overhead allocated. That transfer—whether considered individually or in combination with ACCP’s transfer to RightOn Issues—demonstrates that ACCP’s major purpose in 2020 was to influence federal elections.

153. Accordingly, no later than July 16, 2020, and continuing through the date of this filing and into the future, ACCP qualified as and was and is obligated to register and report as a political committee. To date, ACCP has not filed any report with the FEC terminating its political committee status.

154. ACCP's failure to so register and report, and to disclose the true source of its \$5 million contribution, violates and continues to violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

155. Additionally, as alleged above and incorporated herein, Mr. Marston and/or Mr. Fogarty were treasurers to ACCP at all relevant times, are personally aware of their responsibilities and their potential for personal liability, and, by causing ACCP to fail to register and report as a political committee, are personally liable for violating and continuing to violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

#### Count IV

*RightOn Issues, PSAA, and ACCP Failed to Register and Report as Political Committees in 2020 in Violation of 52 U.S.C. §§ 30103, 30104 and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8 Because RightOn Issues Spent Extensively to Influence Federal Elections, Including Through Unreported Independent Expenditures in Violation of 52 U.S.C. § 30104 and 11 C.F.R. § 109.10, and, Consequently, PSAA's \$1.5 Million Grant to RightOn Issues, and ACCP's \$4.9 Million in Grants to Right On Issues and PSAA, Are Thus Contributions to Political Committees*

156. Alternatively, RightOn Issues's activities demonstrate that it met the statutory test and that its major purpose in 2020 was to influence federal elections, and therefore that it qualified as a political committee but failed to register and report as one. Consequently, PSAA's grant to RightOn Issues was a contribution to a political committee, which makes PSAA's transfer "by definition, campaign related." *Buckley*, 424 U.S. at 76. As the entirety of PSAA's non-overhead 2020 expenses were contributions to political committees, PSAA's major purpose

in 2020 was to influence federal elections and it qualified as a political committee, but PSAA failed and continues to fail to register and report as one. Further, because RightOn Issues and PSAA are both de facto political committees, nearly the entirety of ACCP's 2020 activities consisted of contributions to political committees, demonstrating ACCP's major purpose in 2020 was to influence federal elections. ACCP therefore qualified as a political committee, but failed and continues to fail to register and report as one.

157. First, RightOn Issues satisfied the FECA's test for political committee status in 2020.

158. RightOn Issues made three contributions to federally registered political committees in 2020. Specifically, RightOn Issues made a \$1 million deposit or gift to Georgia United Victory on September 21, 2020, Georgia United Victory, FEC Form 3X, Quarterly Report 9, a \$200,000 deposit or gift to Georgia Action Fund on September 21, 2020, Georgia Action Fund, FEC Form 3X, October Quarterly Report 13, and a \$120,000 deposit or gift to RightOn Time on September 23, 2020, RightOn Time, FEC Form 3X, October Quarterly Report 6. Transfers to political committees are "by definition, campaign related," *Buckley*, 424 U.S. at 76, and each political committee reported RightOn Issues's deposit or gift was a contribution, and thus a deposit or gift intended to influence federal elections. Georgia United Victory, FEC Form 3X, Quarterly Report 9; Georgia Action Fund, FEC Form 3X, October Quarterly Report 13; RightOn Time, FEC Form 3X, October Quarterly Report 6.

159. Accordingly, RightOn Issues's deposits or gifts to the political committees are expenditures within the meaning of the FECA. 52 U.S.C. § 30101(9)(A)(i); 11 C.F.R.

§ 110.111(a). Thus, no later than September 21, 2020, RightOn Issues qualified as a political committee. To date, RightOn Issues has not filed any report with the FEC terminating its status.

160. Additionally, as alleged herein, there is reason to believe RightOn Issues made more than \$1,000 in expenditures on express advocacy mailers, which expenditures also would qualify the group as a political committee on the date it made the expenditures independently of its super PAC contributions.

161. Furthermore, as alleged above and incorporated herein, there is reason to believe PSAA's \$1.5 million transfer or ACCP's \$1.8 million transfer to RightOn Issues was to influence elections, and thus constitutes a contribution within the meaning of the FECA. *See* 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a). Accordingly, there is reason to believe RightOn Issues accepted contributions in excess of \$1,000 on the date it accepted the transfer from PSAA, and thus qualified as a political committee on that date. *See* 52 U.S.C. § 30101(4)(A).

162. Second, in addition to satisfying the statutory threshold for political committee status, RightOn Issues's activities demonstrate that its major purpose in 2020 was to influence federal elections, and thus that the group is not excused from reporting as a political committee.

163. Even assuming RightOn Issues's transfers to federally registered political committees are insufficient to demonstrate that it should not be excused from reporting, RightOn Issues engaged in extensive electioneering that was not reported to the FEC. Reviewing these sums indicates that RightOn Issues did not devote a majority of its spending to expenditures so unrelated to electioneering that it should be excused from reporting as a political committee.

164. First, RightOn Issues reported spending \$1,789,105 on "direct mail services," paid to Paces Direct LLC. RightOn Issues, 2020 Form 990, Part VII, Sec. B. There is reason to

believe that all or some of those sums funded direct mailers expressly advocating readers “Vote NOW to stop” the “Democratic Socialists of America.” *See @ TuxedoGeorge10*, Twitter, Oct. 20, 2020, 4:59 P.M. (tweet with picture of mailer which user states is “Paid for by RightOn Issues”). The mailer also read “Socialism is on the march” and “Liberals want to bring it to Georgia.” *Id.* Advocating that readers vote against members of a particular party qualifies the mailer as a clear identification of a candidate, and thus RightOn Issues’s mailer was an unreported independent expenditure. 11 C.F.R. § 100.17 (use of “the democratic presidential nominee” is sufficient to clearly identify a candidate). It is currently unknown what the back of the mailer said, but given the similarity in language between the mailer and RightOn Issues’s website and its online advertisements, it is likely the mailer identified the Georgia Senate Elections as the target for influence. RightOn Issues’s failure to report this mailer as an independent expenditure thus violates 52 U.S.C. § 30104(c) and 11 C.F.R. § 109.10. This mailer is also an “expenditure” satisfying FECA’s statutory test for political committee status. 52 U.S.C. § 30101(4)(A).

165. Assuming, however, that the mailer does not constitute express advocacy, the mailer still constitutes electioneering that is not so unrelated to federal elections so as to excuse its maker from reporting as a political committee. *See Buckley*, 424 U.S. at 66 (the “major purpose” test excludes groups who devote a significant majority of their spending to activities so unrelated to elections that disclosure would not “fulfill the purposes of the Act”).

166. Including the sums RightOn Issues spent on its direct mailers, \$1,789,105, to the sums RightOn Issues deposited or gifted to federally registered political committees, shows RightOn Issues’s total electioneering expenses amounted to approximately \$3,109,105. That sum



constitutes approximately 79.2% of RightOn Issues's 2020 expenses. Even assuming that the entirety of the expenditure did not pay for this particular mailer, and that any other mailers RightOn Issues paid for were entirely unrelated to influencing federal elections, including the sum that can be attributed to this mailer likely puts RightOn Issue's electioneering expenses above half its 2020 expenses.

167. RightOn Issues also reported spending \$377,401 on "advertising services," paid to Repubclick LLC. RightOn Issues, 2020 Form 990, Part VII, Sec. B. Repubclick is a digital advertising company specializing in websites and social media. *See* Repubclick, Who We Are; Repubclick, What We Do. There is reason to believe the sums paid to Repubclick maintained RightOn Issues's website and paid for its social media advertising.

168. RightOn Issues's website, [www.rightonissues.com](http://www.rightonissues.com), apparently created shortly before the Georgia Senate run-off election, CubDomain.com, Rightonissues.com, read "Georgia Voter Alert" and "Don't Let Socialists Take Your Health Care Plan." RightOn Issues, <https://www.rightonissues.com/>. The website then reads "Washington liberals have a plan for socialist, government run health care" and prominently features pictures of former House Speaker Nancy Pelosi and Vermont Senator Bernie Sanders. *Id.* The website appears to have been created on December 29, 2020, after Georgia's November general election but just before Georgia's January 5, 2021, runoff election for its two U.S. Senate seats.

169. RightOn Issues ran advertisements on Facebook on January 5, the day of the federal run-off election. Meta, Ads from RightOn Issues.

170. The text of one ad read "Georgia Voter Alert!" and "Don't let Socialists take your healthcare! – Election day January 5th – make a plan to VOTE," and included a video with text

saying “Radical Liberals will take your health care and close hospitals” with images of former House Speaker Nancy Pelosi, current Democratic Senate Majority Leader Chuck Schumer, and New York Congresswoman Alexandria Ocasio-Cortez. *Id.* Notably, Senator Schumer would only become Majority leader if the Democratic candidates in the Georgia Senate run-off election, held the day of these ads, were elected. The ad included a link directing users to RightOn Issues’s website, [www.righonissues.com](http://www.righonissues.com). *Id.* The advertisement was targeted at users in Georgia. *Id.* By identifying three prominent Democrats and urging readers to “VOTE” on “January 5th” to stop “Socialists,” the advertisement expressly advocates against the election of a clearly identified candidate, namely the Democratic candidates on the ballot on January 5th. Accordingly, the advertisement qualifies as an independent expenditure. RightOn Issues’s failure to report this Facebook advertisement as an independent expenditure thus violates 52 U.S.C. § 30104(c) and 11 C.F.R. § 109.10. This advertisement is also an “expenditure” satisfying FECA’s statutory test for political committee status. 52 U.S.C. § 30101(4)(A).

171. Assuming, however, that the advertisement does not qualify as an independent expenditure, the advertisement still constitutes electioneering that is not so unrelated to federal elections so as to excuse a group from reporting as a political committee. *See Buckley*, 424 U.S. at 66.

172. RightOn Issues’s second Facebook ad read “Washington liberals have a plan for socialist, government-run health care. Call Congress and tell them to oppose socialized medicine: 202-224-3121 – make your voice heard” and included the same video as the first ad. *Id.* The third ad read “The Socialist Plan for Healthcare:” with a list that read “Government takeover of health care,” “Outlawing your employer-provided plan,” “Limiting your choice of doctors,”

“Jeopardizing dozens of Georgia hospitals,” and “Thousands in new taxes on working families,” and included the same video as featured in the other two ads. *Id.* Like the first ad, these Facebook ads included a link directing users to RightOn Issues’s website, [www.rightonissues.com](http://www.rightonissues.com). *Id.* These ads, particularly when viewed in light of the similar language used in RightOn Issues’s first advertisement and the language on RightOn Issues’s website, are not so unrelated to influencing federal elections so as to excuse a group from reporting as a political committee. *See Buckley*, 424 U.S. at 66.

173. Adding the sums RightOn Issues spent on digital advertising, \$377,401, to the sums RightOn Issues deposited or gifted to federally registered political committees and spent on its electioneering mailer, RightOn Issues’s electioneering amounted to approximately \$3,486,506. That constitutes approximately 88.8% of RightOn Issues’s 2020 expenses. The remainder of RightOn Issues’s expenses appear to be overhead. Accordingly, as RightOn Issues only formed on July 2, 2020, there appears to be no 2020 expenditures by RightOn Issues unrelated to influencing federal elections.

174. RightOn Issues therefore did not devote a significant majority of its funds to activity so unrelated to electioneering as to demonstrate that it lacked a major purpose of influencing federal elections. Consequently, RightOn Issues was not excused from reporting as a political committee.

175. Moreover, RightOn Time, an organization closely associated with RightOn Issues, reported to the FEC that RightOn Issues was, in fact, a “PAC” and its distribution to it was a “PAC contribution.” RightOn Time, [FEC Form 3X, Termination Report](#).

176. Although the major purpose test focuses on RightOn Issues's 2020 calendar year activities, RightOn Issues's subsequent activities confirm that its major purpose was to influence elections. RightOn Issue's expenses dropped from almost \$4 million in 2020 to just over \$1.6 million in 2021, of which less than about \$1.4 million went to expenses other than overhead. RightOn Issues, 2021 Form 990. That included the \$250,000 RightOn Issues contributed to RightOn Time alleged above. *Id.* at Sched. C. RightOn Issues's other reported expenses were \$550,000 to Innovative Marketing and Data Solutions for "Research & Data Services/Digital Media," \$299,239 to Targeted Victory LLC for "Advertising/Design Services/Web Services," and \$110,000 to Dickey Strategic Relations LLC for "Communications Consulting." *Id.* at Form 990 Part VII, Sec. B. Each of these expenses likely relates to supporting RightOn Issues's media campaigns alleged above. Thus, although these expenses are not relevant to determining RightOn Issues's major purpose in 2020, there is reason to believe these expenses are also not so unrelated to electioneering as to excuse RightOn Issues from reporting. *See, e.g.*, Targeted Victory (Nov. 7, 2023) <https://perma.cc/WFE2-WKET> (stating Targeted Victory is "[b]orn out of political campaigns"). RightOn Issues filed for dissolution in 2022. Opencorporates, RightOn Issues.

177. Accordingly, no later than September 21, 2020 (and likely by the date it received the transfer from PSAA) and continuing through the date of this filing and into the future, RightOn Issues qualified as and was and is obligated to register and report as a political committee. To date, RightOn Issues has not filed any report with the FEC terminating its status.

178. RightOn Issues's failure to so register and report, and to disclose the true source of its contributions, including the true source of the \$1.5 million it reported receiving from

PSAA, violates and continues to violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

179. Additionally, Caleb Crosby is and at all relevant times has been treasurer of RightOn Issues. RightOn Issues, 2020 Form 990. Mr. Crosby signs RightOn Issues's tax filings. *Id.* Accordingly, for purposes of the FECA, Mr. Crosby is and at all relevant times has been treasurer of PSAA. 52 U.S.C. § 30102(a), (c).

180. Under the FECA, treasurers of political committees like RightOn Issues are responsible for registering them with the FEC and filing disclosure reports as required by law. FEC, Treasurer's liability. A political committee treasurer is personally liable for a failure by the political committee to file required reports. *Id.*; FEC, Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. at 5.

181. Mr. Crosby is treasurer to numerous super PACs and is personally aware of his responsibilities as treasurer and aware of the possibility of personal liability for his failure to carry out his duties as treasurer.

182. By failing to cause RightOn Issues to register with the FEC and by failing to cause RightOn Issues to file disclosure reports as required by law, Mr. Crosby personally violated and continues to violate 52 U.S.C. §§ 30103(a), 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

183. Furthermore, as a result of RightOn Issues's status, PSAA's \$1.5 million grant to RightOn Issues was a gift or deposit to influence federal elections. *See Buckley*, 424 U.S. at 79 (political committees are "by definition, campaign related," and thus all transfers to them are for

the purpose of influencing federal elections). Consequently, PSAA qualified as a political committee in 2020.

184. As alleged above and incorporated herein, PSAA made expenditures to influence federal elections in excess of \$1,000 no later than July 16, 2020 when it made a deposit or gift to a federally registered political committee, Georgia United Victory. Additionally, PSAA accepted a contribution in excess of \$1,000 when it accepted \$3.1 million to influence federal elections from ACCP.

185. Including the \$1.5 million PSAA contributed to RightOn Issues, which group was as a matter of law a political committee in 2020 and which group, for reasons alleged above, PSAA knew or should have known had a major purpose of influencing federal elections, with the other deposits or gifts PSAA made to federally registered political committees, shows that PSAA devoted 98% (or 100% with overhead allocated) of its 2020 expenditures to influencing federal elections.

186. Accordingly, no later than July 16, 2020, and continuing through the date of this filing and into the future, PSAA qualified as and was and is obligated to register and report as a political committee. To date, PSAA has not filed any report with the FEC terminating its status.

187. PSAA's failure to so register and report violates and continues to violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

188. Additionally, as alleged above and incorporated herein, Mr. Marston and/or Mr. Ayala were treasurers to PSAA at all relevant times, are personally aware of their responsibilities and their potential for personal liability, and are personally liable for violating and continuing to

violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8 for PSAA's failure to register and report as a political committee.

189. Furthermore, as a result of RightOn Issues's and PSAA's status, ACCP's \$1.8 million grant to RightOn Issues and ACCP's \$3.1 million grant to PSAA were gifts or deposits to influence federal elections. *See Buckley*, 424 U.S. at 79 (political committees are "by definition, campaign related," and thus all transfers to them are for the purpose of influencing federal elections). Consequently, ACCP qualified as a political committee in 2020.

190. As alleged above and incorporated herein, ACCP made expenditures to influence federal elections in excess of \$1,000 no later than July 16, 2020 when it made a contribution to a de facto political committee, PSAA. Additionally, ACCP accepted a contribution in excess of \$1,000 when it accepted \$5 million to influence federal elections from Unknown Respondents.

191. ACCP's gifts or deposits to de facto political committees amounted to 97.8% of its 2020 expenditures, or 98.9% of expenditures if overhead is allocated. Those transfers demonstrate ACCP's major purpose in 2020 was to influence federal elections.

192. Accordingly, no later than July 16, 2020, and continuing through the date of this filing and into the future, ACCP qualified as and was and is obligated to register and report as a political committee. To date, ACCP has not filed any report with the FEC terminating its political committee status.

193. ACCP's failure to so register and report, and to disclose the true source of its \$5 million contribution, violates and continues to violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8.

194. Additionally, as alleged above and incorporated herein, Mr. Marston and/or Mr. Fogarty were treasurers to ACCP at all relevant times, are personally aware of their responsibilities and their potential for personal liability, and, by causing AACP to fail to register and report as a political committee, are personally liable for violating and continuing to violate 52 U.S.C. §§ 30103, 30104(a), (b), and 11 C.F.R. §§ 102.1(d), 104.1, 104.2, 104.3, 104.8

Conclusion

195. WHEREFORE, complainants Vladimir Shklovsky and Rev. David Lewicki request that the FEC conduct an investigation into these allegations; declare the respondents to have violated the FECA and applicable FEC regulations; and order respondents to correct these violations by filing reports and otherwise disclosing information as required by law. In addition, the complainants request that the FEC impose sanctions appropriate to these violations, and take such further action as may be appropriate, including referring this matter to the Department of Justice for criminal prosecution.



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ON BEHALF OF COMPLAINANTS  
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Verification

Vladimir Shklovsky hereby verifies that the statements made in paragraphs 1–31, and 38–195 of the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

*Vladimir Shklovsky*

\_\_\_\_\_  
Vladimir Shklovsky

Sworn to and subscribed before me this 9th day of November, 2023

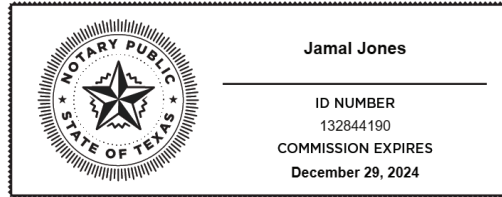
State of Texas; County of Harris

*Jamal Jones*

\_\_\_\_\_  
Jamal Jones 12/29/2024

Notary Public

Notarized online using audio-video communication

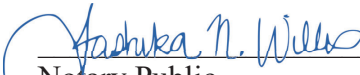


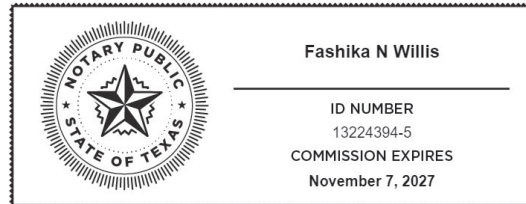
Verification

David Lewicki hereby verifies that the statements made in paragraphs 1–25 and 32–195 of the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

  
\_\_\_\_\_  
David Lewicki

Sworn to and subscribed before me this 8th day of November, 2023

  
\_\_\_\_\_  
Notary Public  
Notary Public, State of Texas, County of Dallas



Notarized online using audio-video communication