

April 7, 2021

Federal Election Commission
Lisa J. Stevenson, Acting General Counsel
Office of the General Counsel
1050 First Street, NE
Washington, D.C. 20463

RE: Additional Facts Relevant to MUR #7879


Dear Ms. Stevenson:

Giffords and Campaign Legal Center Action (“CLCA”) write to supplement our February 17, 2021 complaint (assigned MUR #7879) against the super PAC NRA Victory Fund, Inc. (ID: C00741710). The NRA Victory Fund’s recent response to an FEC Request for Additional Information (“RFAI”) fails to cure the violations, and in fact provides further reason to believe that the committee violated the Federal Election Campaign Act (“FECA”).

As described in our original complaint, in the 2020 election cycle, the NRA Victory Fund raised \$510,500 from individual contributors but failed to report legally required information for 98% of the funds, in violation of FECA’s reporting requirements at 52 U.S.C. § 30104(b)(3)(A). Occupation and employer information was almost entirely omitted on every single report filed by the NRA Victory Fund in the 2020 cycle. For the reasons explained in the complaint, the consistency of these omissions suggests a systematic effort by the NRA Victory Fund to evade FECA’s disclosure requirements.

On February 2, 2021, the Commission sent the committee an RFAI questioning its failure to disclose occupation and employer information on its post-general report.ⁱ To date, the Commission has not questioned the NRA Victory Fund’s similar omissions from its 2020 August monthly, September monthly, October monthly, or pre-general reports.

Following that RFAI and our February 17, 2021 complaint, on March 9, 2021, the NRA Victory Fund filed an amended 2020 year-end report disclosing previously unreported occupation and employer information for 43 individual contributors.ⁱⁱ A thorough and time-consuming review of the NRA Victory Fund’s reports filed throughout 2020 shows that those 43 contributors had not all given during the year-end reporting period, but instead had given at varying times throughout the 2020 election cycle.



Rather than the committee amending each of its reports to correct missing occupation and employer information, the NRA Victory Fund instead added new memo entries on its year-end that appeared to add occupation and employer information for contributors whose contributions had been disclosed on earlier reports. Those memo entries provide no indication of the date or amount of the original contributions, nor do they reference the reports on which the contributions were originally disclosed.

For example, on its pre-general report, the NRA Victory Fund reported a \$10,000 contribution from Frank J. Harrison dated Oct. 1, 2020, with no occupation or employer information:ⁱⁱⁱ

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name B. HARRISON, J. FRANK, , ,			Date of Receipt M M / D D / Y Y Y Y Y Y 10 / 01 / 2020		
Mailing Address 4100 COCA COLA PLAZA SUITE 100			Transaction ID : SA11A.143		
City CHARLOTTE	State NC	Zip Code 28211	Amount of Each Receipt this Period 10000.00		
FEC ID number of contributing federal political committee. C			<input type="checkbox"/> Memo Item RECEIPT		
Name of Employer (for Individual) INFO REQUESTED		Occupation (for Individual) INFO REQUESTED	Aggregate Year-to-Date 10000.00		
Receipt For: 2020 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼					

Rather than the NRA Victory Fund amending its pre-general report to disclose the legally required information for this contributor, the committee added Harrison's name to its amended year-end report in a memo entry, with both an amount and a date of receipt different from the original contribution entry, and with the contribution designated for a different election (the 2022 primary rather than the 2020 general), and providing no indication that it corresponds to Harrison's Oct. 1, 2020 contribution:^{iv}

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name C. Harrison, J. Frank, , ,			Date of Receipt M M / D D / Y Y Y Y Y Y 12 / 30 / 2020		
Mailing Address 4100 Coca Cola Plaza Suite 100			Transaction ID : 11A114		
City Charlotte	State NC	Zip Code 28211	Amount of Each Receipt this Period 0.00		
FEC ID number of contributing federal political committee. C			<input checked="" type="checkbox"/> Memo Item CONTRIBUTION		
Name of Employer (for Individual) COCA-COLA BOTTLING COMPANY		Occupation (for Individual) CHAIRMAN & CEO	ADDING OCCUPATION AND EMPLOYER INFORMATION		
Receipt For: 2022 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Aggregate Year-to-Date 10000.00			

Each of the other new occupation and employer disclosures on the amended year-end follows a similar pattern, with contributions of varying amounts from varying dates all disclosed as \$0 contributions dated Dec. 30, 2020 and designated for the 2022 primary.^v

This improper reporting falls far short of the committee's disclosure obligations. If a committee receives additional information after a contribution has already been disclosed, it shall either (1) file a memo schedule A with its next regularly scheduled report, "together with the dates and amounts of the contribution(s) and an indication of the previous report(s) to which the memo Schedule A relates," 11 C.F.R. § 104.7(4)(i)(A) (emphasis added), or (2) file "amendments to the report(s) originally disclosing the contribution(s)," *id.* § 104.7(4)(i)(B) (emphasis added); *see also* FEC, *Campaign Guide For Nonconnected Committees* at 44 (May 2008), <https://www.fec.gov/resources/cms-content/documents/nongui.pdf> ("In either case, the entries must cross-reference to the prior reports to which they relate.").

One consequence of the NRA Victory Fund presenting occupation and employer information in this way is that it defeats any voter's efforts to quantify contributions from a particular individual or a particular employer. For example, searching the FEC website for contributions from "Frank Harrison" whose employer is "Coca-Cola" shows 20 contributions in the 2020 election cycle, but does not include Harrison's \$10,000 contribution to the NRA Victory Fund; only a \$0 contribution is disclosed.^{vi} Similarly, searching the FEC website for contributions from Coca-Cola employees in the 2020 election cycle omits Harrison's \$10,000 contribution.^{vii}

In sum, the NRA Victory Fund has failed to cure its FECA violations by filing an amended year-end report following our complaint.

Moreover, of the 43 contributors whose information was omitted from the NRA Victory Fund's earlier reports but added on its amended year-end, 28 had contributed to other committees over the past two election cycles, and those individuals' occupation and employer information was regularly disclosed with most or all of their other contributions.^{viii} These facts further provide reason to believe the NRA Victory Fund violated the law. Given that most of the NRA Victory Fund's contributors provided their occupation and employer information when giving to other committees, it is implausible that *each* of those contributors *independently* chose to omit that information *only* when giving to the NRA Victory Fund.^{ix} Instead, it appears that the NRA Victory Fund failed to collect that information, and failed to submit mandatory follow-up requests for it within 30 days; it was only after we filed a complaint that the committee collected and

disclosed certain information (and as described above, those after-the-fact disclosures additionally violated FECA's reporting requirements).^x

Therefore, there is reason to believe that the NRA Victory Fund failed to make best efforts to obtain, maintain, and submit the contributor occupation and employer information required by FECA, 52 U.S.C. § 30102(i), and by failing to disclose such occupation and employer information, there is reason to believe that the NRA Victory Fund violated FECA's reporting requirements at 52 U.S.C. § 30104(b)(3)(A).

Respectfully submitted,



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VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.
Sworn pursuant to 18 U.S.C. § 1001.

Notary Public

B F
Brendan Fischer

Sworn to and subscribed before me this 7th day of April 2021.

[Signature]
Notary Public



- ⁱ Request for Additional Information from FEC to NRA Victory Fund, Inc. at 1-2 (Feb. 2, 2021), <https://docquery.fec.gov/pdf/979/202102020300103979/202102020300103979.pdf>.
- ⁱⁱ NRA Victory Fund, Inc., 2020 Year-End Report, FEC Form 3X at 6-22 (amended Mar. 9, 2021), <https://docquery.fec.gov/pdf/012/202103099440361012/202103099440361012.pdf>; *see also* Letter from NRA Victory Fund, Inc. to FEC, FEC Form 99 (filed Mar. 9, 2021), <https://docquery.fec.gov/pdf/056/202103099440361056/202103099440361056.pdf> (showing a letter that the super PAC filed the same day as the amended reports explaining the changes).
- ⁱⁱⁱ NRA Victory Fund, Inc., 2020 Pre-General Report, FEC Form 3X at 6 (amended Feb. 17, 2021), <https://docquery.fec.gov/pdf/187/202102179428285187/202102179428285187.pdf#navpanes=0>. Notably, the committee did amend its pre-general report to include the name of its treasurer, *see* Letter from NRA Victory Fund, Inc., *supra* note ii, but did not amend the missing occupation and employer information on that report.
- ^{iv} NRA Victory Fund, Inc., 2020 Year-End Report, *supra* note ii, at 11.
- ^v *See* NRA Victory Fund, Inc., 2020 Year-End Report, *supra* note ii, at 6-22.
- ^{vi} *See* Individual Contributions from “Frank Harrison,” employer “Coca-Cola,” 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=frank+harrison&contributor_employer=coca-cola&two_year_transaction_period=2020 (last visited Mar. 30, 2021).
- ^{vii} *See* Individual Contributions from employer “Coca-Cola,” 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_employer=coca-cola&two_year_transaction_period=2020 (last visited Mar. 30, 2021).
- ^{viii} *See* Individual Contributions from “Allen, Sandra,” zip code “62025,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=allen%2C+sandra&contributor_zip=62025&two_year_transaction_period=2018&two_year_transaction_period=2020 (last visited Mar. 30, 2021); “Bachenberg, William,” zip code “18104,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Bachenberg,+William&contributor_zip=18104&two_year_transaction_period=2018&two_year_transaction_period=2020 (last visited Mar. 30, 2021); Individual Contributions from “Beaman, Lee,” zip code “37203,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Beaman,+Lee&contributor_zip=37203&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Michael Coltrane,” zip code “28025,” 2017-18 or 2019-20, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Coltrane,+Michael&contributor_or_zip=28025&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Draper, Anne,” zip code “80127,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Draper,+Anne&contributor_zip=80127&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Ferguson, Wyatt,” zip code “72019,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Ferguson%2C+Wyatt&contributor_zip=72019&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Fowler, Thom,” zip code “27040,” 2017-18 or 2019-20, FEC.GOV, <https://www.fec.gov/data/receipts/individual->

[contributions/?contributor_name=thom+fowler&contributor_zip=27040&two_year_transaction_period=2020&two_year_transaction_period=2018&min_date=01%2F01%2F2017&max_date=12%2F31%2F2022](https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=thom+fowler&contributor_zip=27040&two_year_transaction_period=2020&two_year_transaction_period=2018&min_date=01%2F01%2F2017&max_date=12%2F31%2F2022) (last visited Mar. 30, 2021); Individual Contributions from “Gambill, Jimmy,” zip code “33304,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=gambill%2C+jimmy&contributor_zip=33304&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Gladstone, Lorna,” zip code “22101,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=gladstone%2C+lorna&contributor_zip=22101&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Gowin, Kristin,” zip code “28730,” 2017-18 or 2019-20, FEC.gov, [https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=gowin%2C+kristin&contributor_or_zip=28730&two_year_transaction_period=2020&two_year_transaction_period=2018](https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=gowin%2C+kristin&contributor_zip=28730&two_year_transaction_period=2020&two_year_transaction_period=2018) (last visited Mar. 30, 2021); Individual Contributions from “Grout, Renee,” zip code “87123,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=grout%2C+renee&contributor_zip=87123&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Haley, Carl,” zip code “37215,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Haley%2C+Carl&contributor_zip=37215&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Harrison, J.,” zip code “28211,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Harrison%2C+J&contributor_zip=28211&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Henline, Clifford,” zip code “27609,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Henline%2C+Clifford&contributor_zip=27609&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Hollfelder, Thomas,” zip code “53020,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=hollfelder%2C+thomas&contributor_zip=53020&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Kent, William,” zip code “79708,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=kent,+william&contributor_zip=79708&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Lajam, Claudette,” zip code “10538,” 2017-18 or 2019-20, FEC.gov, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Lajam%2C+Claudette&contributor_zip=10538&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Marks, Sheldon,” zip code “85178,” 2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=marks%2C+sheldon&contributor_zip=85178&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Martin, Marion,” zip code “38372,” 2017-18 or 2019-20,

FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Martin%2C+Marion&contributor_zip=38372&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021)
Individual Contributions from “Matthews, George,” zip code “33407,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=matthews%2C+george&contributor_zip=33407&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Norman, Richard,” zip code “20129,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=norman%2C+richard&contributor_zip=20129&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Patterson, James,” zip code “40223,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Patterson%2C+James&contributor_zip=40223&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Rocovich, John,” zip code “24018,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Rocovich%2C+John&contributor_zip=24018&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Rumpel, Barbara,” zip code “32935,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=rumpel%2C+barbara&contributor_zip=32935&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Stull, Mari,” zip code “22314,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Stull%2C+Mari&contributor_zip=22314&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Sullivan, Jane,” zip code “28406,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Sullivan%2C+Jane&contributor_zip=28406&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Sullivan, Scott,” zip code “28406,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Sullivan%2C+Scott&contributor_zip=28406&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021); Individual Contributions from “Welker, Denise,” zip code “77441,” 2017-18 or 2019-20, FEC.gov,
https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Welker%2C+Denise&contributor_zip=77441&two_year_transaction_period=2020&two_year_transaction_period=2018 (last visited Mar. 30, 2021).

^{ix} In some cases, the amended occupation and employer information is still lacking. For example, the NRA Victory Fund’s amended year-end disclosed that contributor William Bachenberg’s employer was “self-employed” and his occupation was “attorney.” NRA Victory Fund, Inc., 2020 Year-End Report at 6, *supra* note ii. However, Bachenberg gave 22 other contributions in the 2018 and 2020 election cycles, and in nearly every instance, Bachenberg reported his employer as “LVSC” or “Lehigh Valley Sporting Clays,” and his occupation as “president” or “co-owner/manager.” See “Bachenberg, William,” zip code “18104,”

2017-18 or 2019-20, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=Bachenberg,+William&contributor_zip=18104&two_year_transaction_period=2018&two_year_transaction_period=2020 (last visited Mar. 30, 2021). Out of Bachenberg’s nearly two-dozen contributions, *only* the NRA Victory Fund described him as a self-employed attorney.

^x Another possibility is that the NRA Victory Fund did collect occupation and employer information when it received these contributions, but failed to disclose that information until after Giffords and CLCA filed a complaint. If that’s the case, the NRA Victory Fund nonetheless violated FECA’s reporting requirements at 52 U.S.C. § 30104(b)(3)(A).