

BEFORE THE FEDERAL ELECTION COMMISSION

CAMPAIGN LEGAL CENTER
SOPHIA GONSALVES-BROWN
1101 14th Street NW, Suite 400
Washington, DC 20005

v. MUR No. _____

KENTUCKY 4TH PAC and GARY BACKUS
in his official capacity as treasurer
7659 Mall Rd. #1024
Florence, KY 41042

COMPLAINT

1. Kentucky 4th PAC (“KY4 PAC”) is a pop-up super PAC¹ that has reported spending nearly \$6.7 million on political ads attacking Ed Gallrein, a Republican primary candidate in Kentucky’s 4th congressional district. However, it has failed to comply with its federal reporting obligations under the Federal Election Campaign Act (“FECA”): Because KY4 PAC made independent expenditures during Kentucky’s pre-primary election reporting period, it was required to file a pre-primary election report by May 7, 2026—twelve days before the Kentucky primary elections held on May 19, 2026. KY4 PAC has failed to file that report.
2. Had it complied with that reporting obligation, KY4 PAC would have disclosed information about the recipients and sources of its election spending and thus would have disclosed who provided it with the necessary funds to make millions of dollars in expenditures during the weeks leading up to Kentucky’s hotly contested primary elections. By failing to file a pre-primary report, KY4 PAC concealed that information,

¹ Pop-up super PACs are a type of political committee that strategically games federal reporting deadlines to avoid publicly disclosing information about the sources of its funding until after the election(s) it is spending money to influence. See Carolyn Daly, “Pop-up” Super PACs Game the System to Leave Voters in the Dark, Campaign Legal Ctr. (Jun. 4, 2024), <https://campaignlegal.org/update/pop-super-pacs-game-system-leave-voters-dark>; see also Compl., MUR 8481 (Lead Left PAC) (May 14, 2026), <https://campaignlegal.org/document/pop-super-pac-illegally-concealed-political-ad-spending-clc-alleges> (alleging pop-up super PAC violated federal reporting requirements).

depriving voters of crucial electoral information they had a right to know when deciding how to cast their ballots.

3. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Kentucky 4th PAC and Gary Backus in his official capacity as treasurer violated FECA, 52 U.S.C. § 30101, *et seq.*²

FACTS

4. KY4 PAC registered with the Federal Election Commission (the “FEC” or “Commission”) as a super PAC on March 16, 2026.³ It named Gary Backus as its treasurer and listed 7659 Mall Road #1024, Florence, KY 41042 as its address.⁴ That street address is the location of a Staples office supply store.⁵
5. Backus is the treasurer of only one other federally registered political committee,⁶ Progressive Century Project, another pop-up super PAC that was active during the 2024 election cycle: within two weeks of forming on October 15, 2024,⁷ Progressive Century Project reported spending almost \$590,000 on independent expenditures targeting U.S. Senate races in Wisconsin and Arizona.⁸

² See 52 U.S.C. § 30109(a)(2); *see also* 11 C.F.R. § 111.4(a).

³ Kentucky 4th PAC, Statement of Org. at 1 (Mar. 16, 2026), <https://docquery.fec.gov/pdf/854/202603169853391854/202603169853391854.pdf>.

⁴ *Id.*

⁵ Store #0049, Staples, <https://stores.staples.com/ky/florence/7659-mall-road> (last visited May 28, 2026).

⁶ See *Browse Data: Most Recent Treasurer (Gary Backus)*, FEC, https://www.fec.gov/data/committees/?treasurer_name=Gary+Backus (last visited May 28, 2026).

⁷ By forming on October 15, Progressive Century Project avoided having to file an October Quarterly Report, ensuring that its first disclosure report would be the 2024 Post-General Election Report, which it filed on December 5, 2024—one month after the November 2024 general election. See *Quarterly Filers*, FEC, <https://www.fec.gov/help-candidates-and-committees/filing-pac-reports/nonconnected-committee-quarterly-filers/>.

⁸ *Spending: Progressive Century Project, 2023-2024*, FEC, <https://www.fec.gov/data/committee/C00891275/?tab=spending&cycle=2024> (last viewed June 1, 2026). Progressive Century Project eventually reported only one contributor: “Building Our Future Today, LLC,” an obscure entity that was registered in Delaware on August 8, 2024. Progressive Century Project, 2024 Post-General Election Report at 6 (Dec. 5, 2024),

6. On April 4, 2026, just 20 days after registering with the Commission, KY4 PAC began filing 48-hour or 24-hour reports of independent expenditures (“IEs”), *i.e.*, reports triggered by paying for independent communications—not coordinated with a candidate’s campaign or political party committee—which expressly advocate the election or defeat of a clearly identified federal candidate.⁹ Between April 1, 2026, and May 14, 2026, KY4 PAC reported spending \$6,698,000 on IEs, all of which opposed Gallrein.¹⁰ About half of those expenditures—\$3,498,000—were made during Kentucky’s pre-primary reporting period between April 1, 2026, and April 29, 2026.¹¹
7. KY4 PAC has elected to file disclosure reports on a quarterly reporting schedule, and it filed an April Quarterly Report on April 15, 2026—covering the period from its formation on March 16, 2026, through March 31, 2026—that disclosed no receipts and no disbursements.¹² It did not file a pre-primary report, which, based on its spending on Kentucky’s primary elections, was due on May 7, 2026. Its next quarterly report, covering the period from April 1, 2026, through June 30, 2026, is due July 15, 2026.¹³
8. On May 19, 2026, Gallrein won the Republican party primary election in Kentucky’s 4th congressional district, defeating incumbent Rep. Thomas Massie.¹⁴ Reporting indicates

<https://docquery.fec.gov/pdf/298/202412059739351298/202412059739351298.pdf>; “Building Our Future Today, LLC,” OpenCorporates, https://opencorporates.com/companies/us_de/4631179 (last viewed May 28, 2026).

⁹ 52 U.S.C. §§ 30101(17), 30104(g)(1); 11 C.F.R. §§ 100.16, 104.4(c).

¹⁰ *Independent Expenditures*, “Kentucky 4th PAC,” FEC, https://www.fec.gov/data/independent-expenditures/?data_type=processed&q_spender=C00943753&is_notice=true&most_recent=true (last viewed June 1, 2026).

¹¹ *Independent Expenditures (April 1-29, 2026)*, “Kentucky 4th PAC,” FEC, https://www.fec.gov/data/independent-expenditures/?data_type=processed&q_spender=C00943753&is_notice=true&most_recent=true&min_date=04%2F01%2F2026&max_date=04%2F29%2F2026 (last viewed June 1, 2026).

¹² Kentucky 4th PAC, 2026 April Quarterly Report (Apr. 15, 2026), <https://docquery.fec.gov/pdf/081/202604159862947081/202604159862947081.pdf>.

¹³ See 11 C.F.R. § 104.5(c)(1)(i).

¹⁴ *Trump-Backed Gallrein Defeats Rep. Thomas Massie in GOP Primary*, PBS News (May 20, 2026), <https://www.pbs.org/newshour/politics/trump-backed-gallrein-defeats-rep-thomas-massie-in-gop-primary>.

that this election was the most expensive House primary since 2018 (and likely ever), with roughly \$33 million in combined spending by campaigns and outside spending groups.¹⁵ As such, KY4 PAC’s expenditures comprised approximately 20% of the total amount spent influencing this election.

SUMMARY OF THE LAW

9. Under FECA, if the Commission receives a complaint and determines that there is “reason to believe that a person has committed . . . a violation” of the Act, the Commission “shall make an investigation of such alleged violation.”¹⁶ The reason-to-believe finding is a threshold determination and “does not establish that the law has been violated.”¹⁷ The Commission uses the ensuing investigation “to determine whether a violation in fact occurred and, if so, its exact scope.”¹⁸ Accordingly, the Commission will find reason to believe when the “available evidence” is “sufficient to warrant conducting an investigation, and where the seriousness of the alleged violation warrants” further action.¹⁹

Required Election-Year Reporting

10. FECA requires each treasurer of a political committee to file disclosure reports with the Commission, including regular periodic reports that disclose, *inter alia*, the committee’s

¹⁵ See Theodore Schleifer and Matt Zdun, *Trump’s Push to Defeat Massie Is the Most Expensive House Primary in Recent Years*, N.Y. Times (May 19, 2026), <https://www.nytimes.com/2026/05/19/us/politics/trump-massie-kentucky-primary-spending.html> (“Nearly \$33 million has been spent on ads and other media in the race between Representative Thomas Massie, an outspoken critic of the president on the Epstein files and the war with Iran, and his Trump-backed challenger, Ed Gallrein, according to the media tracking firm AdImpact. That’s the highest total spent on a House primary race since the firm started keeping track in 2018.”).

¹⁶ 52 U.S.C. § 30109(a)(2); see 11 C.F.R. § 111.10(a).

¹⁷ Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 89 Fed. Reg. 19,729, 19,730 (Mar. 20, 2024), https://www.fec.gov/resources/cms-content/documents/fedreg_notice_2024-08.pdf.

¹⁸ *Id.*

¹⁹ *Id.*

aggregate receipts and disbursements, as well as detailed information about any contributions aggregating in excess of \$200 within a calendar year (for any committee that is not an authorized committee of a federal candidate).²⁰

11. In particular, all committees other than authorized committees are required to file periodic reports either quarterly or monthly; during an election year, committees that elect to file quarterly must also file, *inter alia*, a pre-election report “no later than the 12th day before . . . any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election.”²¹ Commission regulations further provide that such pre-election reports “shall be filed by a political committee which makes contributions or expenditures in connection with any such election if such disbursements have not been previously disclosed” and “shall disclose all receipts and disbursements as of the 20th day before a primary or general election.”²²
12. The Commission provides state-by-state guides for election-year reporting on its website; as relevant here, Kentucky’s 2026 pre-primary election reporting period ran from April 1, 2026, through April 29, 2026, with pre-primary reports due by May 7, 2026.²³

²⁰ 52 U.S.C. § 30104(a), (b).

²¹ *Id.* § 30104(a)(4)(A)(ii). Committees that elect to file disclosure reports on a monthly reporting schedule are not required to file additional reports during an election year. *See id.* § 30104(a)(4)(B); 11 C.F.R. § 104.5(c); *Monthly filers (election-year)*, FEC, <https://www.fec.gov/help-candidates-and-committees/filing-pac-reports/nonconnected-committee-monthly-filers/> (“Monthly filers don’t have to file pre-primary or special election reports.”). A political committee “may change the frequency of its reporting” from quarterly to monthly (or vice versa) upon notifying the Commission in writing, but may do so “no more than once per calendar year.” 11 C.F.R. § 104.5(c).

²² 11 C.F.R. § 104.5(c)(1)(ii).

²³ *Primary Election Report Notice – Kentucky*, FEC, <https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2026-reporting-dates/prior-notices-2026/election-report-notice-kentucky/> (last visited May 28, 2026) (stating that “PACs and party committees filing on a quarterly basis in 2026 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s)”).

CAUSE OF ACTION

COUNT I:

KENTUCKY 4TH PAC VIOLATED 52 U.S.C. § 30104 BY FAILING TO FILE A REQUIRED PRE-PRIMARY ELECTION REPORT

13. KY4 PAC has reported spending nearly \$6.7 million to influence a primary election in Kentucky’s 4th congressional district, including about \$3.5 million that it reported spending during the pre-primary reporting period.²⁴ As such, KY4 PAC was required to file a pre-primary election report, and because it has not filed that required report, there is reason to believe KY4 PAC has violated its reporting obligations under FECA.
14. FECA makes clear that a committee that elects to file disclosure reports on a quarterly reporting schedule must, during an election year like 2026, also file a pre-primary election report if it “makes a contribution to or expenditure on behalf of a candidate in such election.”²⁵ Commission regulations explain further that such a pre-election report is required when a committee “makes contributions or expenditures in connection with any such election if such disbursements have not been previously disclosed.”²⁶
15. Because KY4 PAC reported making almost \$3.5 million in IEs during the Kentucky pre-primary reporting period, there is reason to believe that it made expenditures that “have not been previously disclosed” on a regularly filed disclosure report, thus triggering the pre-primary reporting requirement.²⁷ As KY4 PAC elected to file disclosure reports on a

²⁴ See *supra* notes 10–11.

²⁵ 52 U.S.C. § 30104(a)(4)(A)(ii).

²⁶ 11 C.F.R. § 104.5(c)(1)(ii).

²⁷ *Id.* “[P]reviously disclosed” plainly refers to a committee’s regularly filed disclosure reports, not the “special additional reporting procedures” that apply to certain independent expenditures. See *Instructions for FEC Form 3X and Related Schedules*, FEC, <https://www.fec.gov/resources/cms-content/documents/policy-guidance/fecfrm3xei.pdf> (noting that “[w]hen the cost of an independent expenditure is not known at the time of dissemination,” filers may “estimate the cost” on a 24/48-hour report, and then must subsequently “report the actual payment on Schedule E” of their next regularly filed report). Interpreting “previously disclosed” to include 24- and 48-hour reports would carve out from “expenditures in connection with any such election” any IEs that trigger

quarterly reporting schedule, which includes pre- and post-election reporting requirements,²⁸ KY4 PAC was required to file a pre-primary election report by May 7, 2026—yet it has to date not filed such a report.

16. In addition to triggering the pre-primary reporting requirement, KY4 PAC’s IEs during the pre-primary reporting period also indicate that it received contributions that it has yet to report; indeed, KY4 PAC has never disclosed its funding sources. After registering on March 16, 2026, KY4 PAC filed an April Quarterly Report that disclosed no contributions and no disbursements through the end of March 2026.²⁹ By implication, any and all contributions that KY4 PAC received must have come after April 1, 2026.
17. Thus, KY4 PAC’s failure to file a required disclosure report deprived voters of timely information about who supplied almost \$6.7 million—roughly 20% of the \$33 million in total election spending—targeting the Republican primary in Kentucky’s 4th congressional district, a race that reportedly broke spending records for a House primary.³⁰ As such, KY4 PAC’s operation as an opaque election spending vehicle presents a major affront to the basic transparency that FECA mandates.

reporting under 52 U.S.C. § 30104(g)—*i.e.*, IEs aggregating in excess of \$10,000, 20 or more days before an election (a timeframe that overlaps with the pre-primary reporting window, which ends 20 days before a primary). There is no support for such a reading. *Cf.* Conciliation Agreement ¶¶ IV.9, V, MURs 7438 and 7476 (Ohio First PAC) (Sep. 2, 2021), https://www.fec.gov/files/legal/murs/7438/7438_13.pdf (conciliating violations arising from a super PAC’s failure to file required 48-hour IE reports and a required pre-primary election report); Factual and Legal Analysis at 7, MURs 7321, *et al.* (Keep El Paso Honest) (Jun. 14, 2019), https://www.fec.gov/files/legal/murs/7321/7321_05.pdf (finding reason to believe super PAC violated FECA’s reporting requirements by failing to file, *inter alia*, a pre-primary election report). Moreover, FECA itself simply mandates the filing of a pre-election report in connection with “any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election.” 52 U.S.C. § 30104(a)(4)(A)(ii). Thus, to the extent KY4 PAC argues that its IEs during the pre-primary reporting period were “previously disclosed” on 24/48-hour IE reports, such an argument lacks support in the law.

²⁸ See *supra* notes 21–23. KY4 PAC has not filed a written notice of any intent to change its filing frequency from quarterly to monthly.

²⁹ See *supra* notes 3, 12.

³⁰ See *supra* ¶ 8.

18. Accordingly, there is reason to believe that KY4 PAC has violated, and continues to violate, 52 U.S.C. § 30104 by failing to file a required pre-primary election report, thereby denying the public important information about primary election spending in Kentucky's 4th congressional district.

PRAYER FOR RELIEF

19. Wherefore, the Commission should find reason to believe that Kentucky 4th PAC and Gary Backus in his official capacity as treasurer violated 52 U.S.C. § 30101 *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
20. Further, the Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with FECA.

Respectfully submitted,

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June 1, 2026

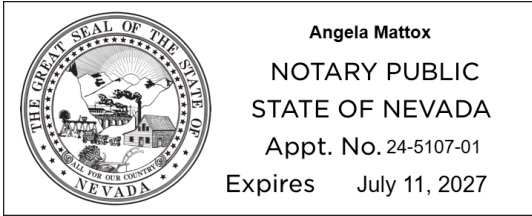
VERIFICATION

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.

For Complainant Sophia Gonsalves-Brown

State of Nevada
County of Clark



Sophia Gonsalves-Brown

Sophia Gonsalves-Brown

Signed and sworn to (or affirmed) before me on 06/01/2026 by Sophia Gonsalves-Brown.
Notarized remotely using audio-video communication technology via Proof.

Sworn to and subscribed before me this 1st day of June 2026.

Angela Mattox

Notary Public

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.

For Complainant Campaign Legal Center

Saurav Ghosh

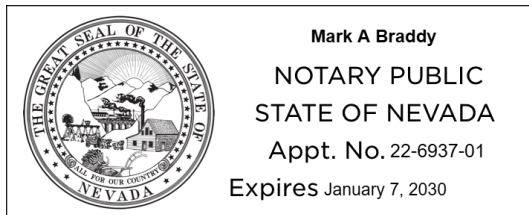
Saurav Ghosh, Esq.

State of Nevada, County of Clark

Sworn to and subscribed before me this 1st day of June 2026.

M.A. Braddy

Notary Public



Notarized remotely using audio-video communication technology via Proof.