

BEFORE THE FEDERAL ELECTION COMMISSION

CAMPAIGN LEGAL CENTER
1411 K Street, NW, Suite 1400
Washington, DC 20005
(202) 736-2200

DEMOCRACY 21
2000 Massachusetts Avenue, NW
Washington, DC 20036
(202) 355-9600

PAUL S. RYAN
1411 K Street, NW, Suite 1400
Washington, DC 20005
(202) 736-2200

v.

MUR No. _____

DONALD J. TRUMP FOR PRESIDENT
725 Fifth Avenue
New York, NY 10022

COMPLAINT

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Donald Trump's presidential campaign committee, Donald J. Trump for President (I.D. P80001571) has solicited contributions from foreign nationals, in violation of the Federal Election Campaign Act ("FECA"), 52 U.S.C. § 30101, *et seq.*
2. Specifically, based on published reports, complainants have reason to believe that Donald J. Trump for President violated FECA's ban on soliciting from a foreign national a contribution in connection with a Federal, State, or local election, 52 U.S.C. § 30121(a)(2), as well as the general ban on candidates soliciting funds from prohibited sources (*e.g.*, foreign nationals) in connection with an election for Federal office, 52 U.S.C. § 30125(e), by emailing solicitations to foreign nationals in Iceland, Scotland,

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Britain and Australia requesting that they make contributions to the Trump presidential campaign.

3. “If the Commission, upon receiving a complaint ... has reason to believe that a person has committed, or is about to commit, a violation of [the FECA] ... [t]he Commission shall make an investigation of such alleged violation” 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).

FACTS

4. On June 22, 2016, the *Iceland Monitor* reported that “[a]t least three prominent Icelandic politicians have received an e-mail from US presidential candidate Donald Trump asking for money to fund his campaign.¹” In the solicitation, “Trump pledged personally to match any donation made in the next 48 hours from his own pocket,” the *Iceland Monitor* reported.²
5. Also on June 22, 2016, *Iceland Magazine* reported that “Trump sent out his first fundraising email yesterday, among its recipients were a number of Icelandic MPs.³” Describing articles that had appeared a day earlier in Icelandic-language newspapers, *Iceland Magazine* quoted one MP as saying “I have no idea why he emailed me the letter,” and another as saying “[t]his whole matter is very perplexing. The letter left me speechless.⁴”

¹ “Trump looks to Iceland for money to support White House bid,” *Iceland Monitor*, June 22, 2016, *available at* http://icelandmonitor.mbl.is/news/politics_and_society/2016/06/22/trump_looks_to_iceland_for_money_to_support_white_h/.

² *Id.*

³ “Donald Trump asks Icelandic MPs for financial assistance,” *Iceland Magazine*, June 28, 2016, *available at* <http://icelandmag.visir.is/article/donald-trump-asks-icelandic-mps-financial-assistance>.

⁴ *Id.*

6. The *Reykjavik Grapevine* reported on June 22, 2016 that “numerous MPs from both sides of the parliamentary political spectrum received solicitations from Trump, but it is unknown who, if anyone, donated.”⁵ The article uploaded a pdf of the email asking the recipient to “DONATE NOW” with the disclaimer “Paid for by Donald J. Trump for President, Inc.” at the bottom.⁶ The fundraising solicitation did not include a disclaimer advising that foreign nationals are prohibited from donating to U.S. presidential campaigns.⁷
7. Email addresses for members of the Althingi, Iceland’s national parliament, are available on the Althingi’s website (<http://www.althingi.is/altext/cv/en/>). All official email addresses end in “@althingi.is,” indicating that the email owner resides in Iceland.
8. On June 27, 2016, *Fusion* reported that “the Scottish National Party’s 54 members of the British Parliament received multiple emails from Trump’s campaign, soliciting donations for his presidential bid—a possible violation of U.S. campaign finance laws, they say.”⁸

Records provided to Fusion show that the emails actually started last Wednesday, the day before Britons voted to leave the E.U. in a historic referendum—and just before Trump arrived in the Scottish lowlands to promote his golf resort and praise the Brexit vote, with awkward results.

The article continued:

The emails themselves appear to be boilerplate donation solicitations, familiar to political journalists, and emailed automatically to any email address registered

⁵ Paul Fontaine, “Donald Trump Asking Icelandic MPs for Donations,” *Reykjavik Grapevine*, June 22, 2016, available at <http://grapevine.is/news/2016/06/22/donald-trump-asking-icelandic-mps-for-donations/>.

⁶ Available at <http://grapevine.is/wp-content/uploads/trumpmail.pdf>.

⁷ *Id.*

⁸ Adam Weinstein, “Why Is Team Trump Asking Liberal Scottish Politicians for Donations,” *Fusion*, June 27, 2016, available at <http://fusion.net/story/319256/trump-emails-scotland-campaign-finance/>.

with the Trump campaign through its website. The MPs reported receiving the emails—at least four apiece—in the inboxes of their public-facing email accounts, listed on the U.K. Parliament’s website.⁹

9. On June 28, 2016, Scottish newspaper *The Scotsman* similarly reported that Donald Trump had “emailed Scottish MPs from all parties last week urging them to ‘make America great again’ by donating to his campaign.”¹⁰ *The Scotsman* article included an excerpt of one such solicitation email sent to a Scottish MP, stating “This is the first fundraising email I have ever sent on behalf of my campaign. Help make history by giving one of the amounts below,” and listing recommended donation amounts, presumably with a link to an online donation page.¹¹ The article also includes the MP’s emailed response to the solicitation asking to be removed from the list.¹²
10. Also on June 28, 2016, the British political news site *PoliticsHome* reported that some British MPs—in addition to Scottish MPs—in the U.K. parliament had received fundraising solicitations from the Trump campaign, and that Sir Roger Gale had “appealed to the Speaker of the Commons to help to block the ‘intemperate spam’” in the form of the fundraising emails. “Raising a point of order this afternoon, Sir Roger said: ‘Members of Parliament are being bombarded by electronic communications from Team Trump on behalf of somebody called Donald Trump’... I wonder if you’d be kind enough to intercede with the Digital Services Department to see if they may be blocked.”¹³

⁹ *Id.*

¹⁰ “Natalie McGarry Publicly Rebuffs Donald Trump Fundraising Plea,” *The Scotsman*, Jun. 28, 2016, available at <http://www.scotsman.com/news/natalie-mcgarry-publicly-rebuffs-donald-trump-fundraising-plea-1-4164192>.

¹¹ *Id.*

¹² *Id.*

¹³ Josh May, “MPs ‘Bombarded’ by Spam Emails From Donald Trump,” *PoliticsHome*, June 28, 2016, available at <https://www.politicshome.com/news/uk/politics/news/76692/mps-bombarded-spam-emails-donald-trump>.

11. Email addresses for Scottish and British Members of Parliament are available on the British Parliament website (<http://www.parliament.uk/mps-lords-and-offices/mps/>). All official parliament email addresses end in “@parliament.uk,” indicating that the email owner resides in the United Kingdom.
12. On June 29, 2016, U.K. newspaper *The Telegraph* reported that MPs in Australia had received fundraising solicitations from the Trump campaign, in addition to MPs in Britain and Iceland.¹⁴ “In Australia, Labor MP Tim Watts says he’s received at least four emails from the Trump team – and he believes he’s far from alone among Australian MPs,” *The Telegraph* reported.¹⁵ MP Watts stated he had received at least four solicitations since the previous Friday, apparently on his official email account, adding “I’m sure there have been more that my office has just deleted as spam.”¹⁶
13. CNET similarly reported on June 29, 2016 that “Politicians in the UK and Australia are complaining about fundraising emails from Donald Trump that appear to breach US electoral rules.”¹⁷
14. Email addresses for Members of the Parliament of the Commonwealth of Australia are available in a PDF on the Australian Parliament website.¹⁸ All official Australian

¹⁴ Adam Boulton, “Why Is Donald Trump Asking British MPs for Cash?,” *The Telegraph*, June 29, 2016, available at <http://www.telegraph.co.uk/news/2016/06/29/why-is-donald-trump-asking-british-mps-for-cash/>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Richard Trenholm, “Donald Trump Is Spamming Foreign Politicians Asking for Money,” *CNET.com*, June 29, 2016, available at <http://www.cnet.com/news/trump-spams-foreign-politicians-with-fundraising-emails/>.

¹⁸ *See*

<http://www.aph.gov.au/~media/03%20Senators%20and%20Members/32%20Members/Lists/MemList.pdf>.

parliament email addresses end in “@aph.gov.au,” indicating that the email owner resides in Australia.

SUMMARY OF THE LAW

15. Federal law prohibits a foreign national from directly or indirectly making a contribution in connection with a Federal, State, or local election, 52 U.S.C. § 30121(a)(1), and prohibits a candidate or any other person from soliciting a foreign national to make such a contribution, *id.* § 30121(a)(2). Federal law additionally prohibits a candidate from “solicit[ing] . . . funds in connection with an election for Federal office” that are subject to a “prohibition” under FECA, such as the prohibition on contributions from foreign nationals. 52 U.S.C. § 30125(e)(1)(A).
16. “Contribution” is defined as “any 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. 30101(8)(A)(i).
17. “Foreign national” is defined as (1) a “foreign principal,” such as a foreign political party,¹⁹ and (2) “an individual who is not a citizen of the United States or a national of the United States.” 52 U.S.C. § 30121(b)(1-2).
18. The Commission has promulgated regulations at 11 C.F.R. § 110.20 implementing the statutory foreign national solicitation ban. Those regulations provide that “[n]o person shall knowingly solicit, accept, or receive from a foreign national any contribution or donation” to a political committee or political party or in connection with U.S. elections. *Id.* § 110.20(g). Commission regulations additionally provide that “[n]o person shall

¹⁹ The statute cross-references the definition of “foreign principal” at 22 U.S.C. § 611(b), which defines “foreign principal” to include “a government of a foreign country and a foreign political party.” 22 U.S.C. § 611(b)(1).

knowingly provide substantial assistance in the solicitation ... of a contribution or donation” prohibited under this section. *Id.* § 110.20(h)(1).

19. Commission regulations define a “solicitation” as “an oral or written communication that, construed as reasonably understood in the context in which it is made, contains a clear message asking, requesting, or recommending that another person make a contribution.” 11 C.F.R. § 300.2(m).²⁰ Examples of such solicitations include communications that provide a method of making a contribution, such as providing a link to an online donation website. *Id.* § 300.2(m)(1)(i-iii).
20. A solicitation prohibited under 11 C.F.R. § 110.20 is made “knowingly” if the person is “aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national, but the person failed to conduct a reasonable inquiry.” *Id.* § 110.20(a)(4)(iii). A solicitation is also made “knowingly” if a person is “aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national.” *Id.* § 110.20(a)(ii).
21. Facts that should lead a campaign to inquire whether they are soliciting a foreign national include, but are not limited to, whether the solicited individual uses a foreign address, 11 C.F.R. § 110.20(a)(5)(ii), or resides abroad, *id.* § 110.20(a)(5)(iv).

CAUSES OF ACTION

DONALD J. TRUMP FOR PRESIDENT HAS KNOWINGLY AND ILLEGALLY SOLICITED CONTRIBUTIONS FROM FOREIGN NATIONALS

22. Federal law and Commission regulations prohibit a candidate or his campaign committee from soliciting contributions from a foreign national, 52 U.S.C. § 30121(a)(2), 11 C.F.R.

²⁰ The “solicit” definition at 11 C.F.R. § 300.2(m) is the relevant definition for section 110.20. *See* 11 C.F.R. § 110.20(a)(6).

§ 110.20(g), or from providing substantial assistance for such solicitations, *id.*

§ 110.20(h)(1), or from otherwise soliciting any funds subject to a “prohibition” under FECA, 52 U.S.C. § 30125(e)(1)(A).

23. A candidate or his campaign committee violate the foreign solicitation ban if they are “aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited ... ¶ is a foreign national” but fail to conduct a reasonable inquiry, 11 C.F.R. § 110.20(a)(4)(iii), or are “aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited ... is a foreign national.” *Id.* § 110.20(a)(ii). Facts that should lead a campaign to inquire whether they are soliciting a foreign national include, but are not limited to, whether the solicited individual uses a foreign address, *id.* § 110.20(a)(5)(ii), or resides abroad, *id.* § 110.20(a)(5)(iv).
24. Based on published reports, there is reason to believe that Donald J. Trump for President has violated the prohibition on soliciting contributions from foreign nationals.
25. Donald J. Trump for President sent email fundraising solicitations to the official email accounts of multiple members of the Icelandic parliament. A reasonable person would have inquired into whether these individuals were foreign nationals, or concluded that there is a substantial probability that these individuals were foreign nationals, since their email addresses end in “@althingi.is,” indicating that the email owner resides in Iceland.
26. The Trump campaign’s fundraising solicitation generated media attention in Iceland, with the MPs receiving the solicitations publicly expressing confusion about the fundraising appeals. That press attention should have made the Trump campaign aware of the fact that it was soliciting foreign nationals, and is an additional fact that would have led a

reasonable person to more closely examine whether fundraising solicitations were being sent to foreign nationals.

27. Yet even after reports had emerged about Trump's Icelandic fundraising appeals, Donald J. Trump for President continued to send email fundraising solicitations to the official email accounts of multiple members of the British, Scottish and Australian parliaments. A reasonable person would have inquired into whether these individuals were foreign nationals, or concluded that there is a substantial probability that these individuals were foreign nationals, since the campaign was already aware that its email fundraising list included foreign nationals and the British, Scottish and Australian MPs' email addresses end in "@parliament.uk" and "@aph.gov.au," respectively, indicating that the individuals receiving the email solicitations reside in the United Kingdom or Australia.
28. Therefore, based on published reports, there is reason to believe that Donald J. Trump for President has repeatedly solicited contributions from foreign nationals, in violation of the foreign national solicitation ban at 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g), and the ban on candidates soliciting any funds subject to a "prohibition" under FECA, 52 U.S.C. § 30125(e)(1)(A).

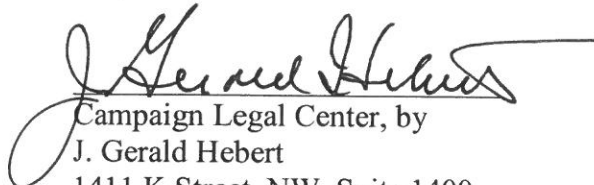
PRAYER FOR RELIEF


29. Wherefore, the Commission should find reason to believe that Donald J. Trump for President has violated 52 U.S.C. § 30101, *et seq.*, including 52 U.S.C. §§ 30121 and 30125, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2). Further, the Commission should determine and impose appropriate sanctions for any and all violations, should enjoin the respondents from any and all violations in the future, and


should impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

June 29, 2016

Respectfully submitted,


Campaign Legal Center, by
J. Gerald Hebert
1411 K Street, NW, Suite 1400
Washington, DC 20005
(202) 736-2200


Democracy 21, by
Fred Wertheimer
2000 Massachusetts Avenue, NW
Washington, DC 20036
(202) 355-9600


Paul S. Ryan
1411 K Street, NW, Suite 1400
Washington, DC 20005
(202) 736-2200

Lawrence M. Noble
Brendan M. Fischer
The Campaign Legal Center
1411 K Street, NW, Suite 1400
Washington, DC 20005

Counsel to the Campaign Legal Center

Donald J. Simon
Sonosky, Chambers, Sachse
Endreson & Perry LLP
1425 K Street, NW, Suite 600
Washington, DC 20005

Counsel to Democracy 21

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

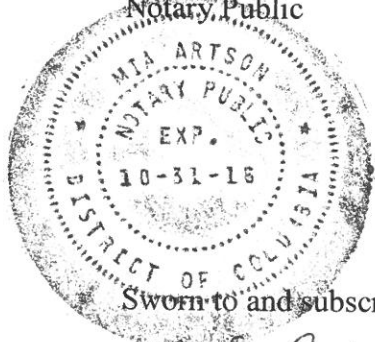
Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Campaign Legal Center


J. Gerald Hebert

Sworn to and subscribed before me this 29 day of June 2016.


Notary Public

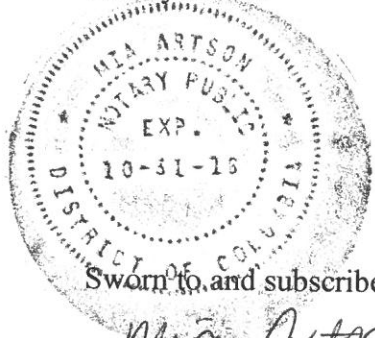


For Complainant Democracy 21

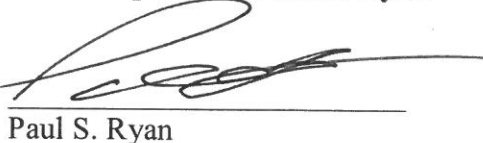

Fred Wertheimer

Sworn to and subscribed before me this 29 day of June 2016.


Notary Public



For Complainant Paul S. Ryan


Paul S. Ryan

Sworn to and subscribed before me this 29 day of June 2016.


Notary Public

