OFFICE OF GENERAL COUNSEL BEFORE THE FEDERAL ELECTION COMMISSION

John C. Zody Chairman, Indiana Democratic Party 115 W Washington St., Suite 1165 Indianapolis, IN 46204

MUR # 7490

Complainant,

Mike Braun P.O. Box 159 Zionsville, IN 46077-0159

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Mike Braun for Indiana, and Travis Kabrick, Treasurer in his official capacity P.O. Box 159
Zionsville, IN 46077-0159

Respondent.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Mike Braun, Mike Braun for Indiana, and Travis Kabrick, in his official capacity as Treasurer (collectively, "Respondents"), for violating the Federal Election Campaign Act of 1971, as amended (the "Act"). Respondents appear to have failed to file a 48-Hour Notice after Mike Braun used a personal line of credit to provide \$250,000 to his campaign within the twenty days before the Indiana Senate primary election—a violation of 11 C.F.R. § 104.5(f). By apparently failing to file timely disclosure of this last-minute infusion of Mr. Braun's personal resources to his Senate campaign, Respondents have undermined the Act's transparency requirements and concealed important information from Indiana voters ahead of the Senate primary.

I. FACTS

Mike Braun is the Republican nominee for Senate in Indiana. His principal campaign committee is Mike Braun for Indiana. On April 23, 2018, Braun used a personal line of credit to provide \$250,000 to his campaign committee specifically allocated for the primary election period. Fifteen days later, on May 8, 2018, Indiana held its primary election for U.S. Senator and Braun secured the Republican Party's nomination. Mike Braun for Indiana reported receipt of this \$250,000 on its July 2018 quarterly filing. According to the Federal Election Commission ("FEC") website, Mike Braun for Indiana did not file a 48-hour Late Contribution Notice for this report.

II. LEGAL ARGUMENT

Upon receiving a contribution or loan of \$1,000 or more during the period less than twenty (20) days but more than forty-eight (48) hours before 12:01 AM on Election Day, the principal campaign committee of a candidate for U.S. Senate must file with the Secretary of the U.S. Senate a 48-Hour Late Contribution Notice.⁵ The principal campaign committee may provide the required notice using FEC Form 6 or via a letter in writing that "include[s] the name of the candidate and office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution." There are no exceptions to this requirement.

¹ Mike Braun, Fed. Election Comm'n Form 2 (amended Aug. 14, 2017).

² Mike Braun for Indiana, Fed. Election Comm'n Form 3 July Quarterly Report, at 260 (reporting period Apr. 19, 2018 to June 30, 2018), http://docquery.fec.gov/pdf/985/201807200200623985/201807200200623985.pdf.

³ See, e.g., Simone Pathé, *Mike Braun Wins Indiana GOP Senate Primary*, Roll Call (May 8, 2018 8:51 PM), https://www.rollcall.com/news/politics/mike-braun-wins-indiana-gop-senate-primary.

⁴ Mike Braun for Indiana, Fed. Election Comm'n Form 3 July Quarterly Report, at 260 (reporting period Apr. 19, 2018 to June 30, 2018), http://docquery.fec.gov/pdf/985/201807200200623985/201807200200623985.pdf.

⁵ 11 C.F.R. § 104.5(f). Under 11 C.F.R. § 100.52(a), a contribution includes "a gift, subscription, loan, advance or deposit of money or anything of value given to influence a federal election." Although a candidate's guarantee of a personal line of credit is not a "contribution" from the lending institution, it is a contribution from the candidate requiring a 48-Hour Notice. See 11 C.F.R. §§ 100.52, 100.83(b); see also Fed. Election Comm'n, Instructions for FEC Form 6: 48-Hour Notice of Contributions/Loans Received ("The [48-hour notice] requirement applies to all contributions of \$1,000 or more, including:

^{.. [}c]ontributions, personal loans, endorsements of bank loans and advances made by the candidate, and candidate draws on personal credit cards."), https://www.fec.gov/resources/cms-content/documents/fecfrm6i.pdf.

⁶ Fed. Election Comm'n, How to Report 48-Hour Notices, https://www.fec.gov/help-candidates-and-committees/filing-reports/reporting-48-hour-notices.

In its July 2018 Quarterly Report, Mike Braun for Indiana disclosed Mr. Braun's \$250,000 influx to the campaign committee in the final days before the primary election. The July report is the first opportunity that voters in Indiana had to learn of this last-minute infusion of cash from Mr. Braun's personal wealth. But because the \$250,000 came within twenty days of the primary, voters were entitled to know about it much earlier—before they went to the polls on Election Day. By making the public aware about election spending sources, disclosure requirements ensure voters know who is speaking in our political process and thus protect the integrity of our democratic institutions. Here, the Respondents' apparent failure to file a 48-Hour Notice violates federal law and betrays the public trust.

III. REQUESTED ACTION

As explained above, Mike Braun, Mike Braun for Indiana, and the Treasurer of Mike Braun for Indiana appear to have violated the Act by failing to file a 48-Hour Notice of Mike Braun's \$250,000 contribution to his campaign. I respectfully request that the FEC promptly investigate this violation and fine the Respondents the maximum amount permitted by law.

Sincerely,

John C. Zody

SUBSCRIBED AND SWORN to before me this 22 day of August, 2018.

Notary Public

My Commission Expires:

12/20/2025

BRITANY DELISOLIS Netary Public - Sea Marier County - State of Indiana Commission Number 798682 My Commission Expires Dec 20, 2025

¹ See 11 C.F.R. § 104.5(f).

⁸ See, e.g., Citizens United v. Fed. Election Comm'n, 558 U.S. 310, 315 (2010); McConnell v. Fed. Election Comm'n, 540 U.S. 93, 194-98 (2003); Buckley v. Valeo, 424 U.S. 1, 76-78 (1976).