

BEFORE THE
FEDERAL ELECTION COMMISSION

2015/07/19 11:13:24

American Democracy Legal Fund
455 Massachusetts Avenue, N.W.
Washington, DC 20001

OFFICE

Complainant,

v.

Mike Huckabee
PO Box 3357
Little Rock, AR 72203

MUR # 6939

Respondent.

COMPLAINT

Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Mike Huckabee (Respondent) for violating the Federal Election Campaign Act of 1971, as amended ("the Act") and Federal Election Commission regulations, as described below.

A. FACTS

Former Arkansas Governor Mike Huckabee of Arkansas announced his candidacy for President of the United States on May 5, 2015.¹ At his announcement Mr. Huckabee encouraged his supporters to donate money to his campaign, saying "I will be funded and fueled not by the billionaires, but by working people who will find out that \$15- and \$25-a-month contributions can take us from Hope to higher ground."² However, Mr. Huckabee then went on to say, "Now, rest assured, *if you want to give a million dollars, please do it.*"³ This was a clear reference, and

¹ See, e.g., Karen Tumulty, *Mike Huckabee launches 2016 presidential campaign*, WASH. POST, May 5, 2015.

² Philip Bump, *Mike Huckabee kicks off his 2016 bid with a violation of campaign finance law*, WASH. POST, MAY 5, 2015, <http://www.washingtonpost.com/blogs/the-fix/wp/2015/05/05/mike-huckabee-kicks-off-his-2016-bid-with-a-violation-of-campaign-finance-law/> (attached).

³ *Id.* (emphasis added).

would have been understood by his audience to refer to, a newly formed independent-expenditure committee.

Prior to Mr. Huckabee's official announcement, on April 2, 2015 allies of Mr. Huckabee announced the formation of a federal independent political action committee called Pursuing America's Greatness ("PAG").⁴ In additions, the treasurer of PAG, Bryan Jeffey, is also the treasurer of Mr. Huckabee's non-connected committee, or leadership PAC, HUCK PAC.⁵ Thus, Mr. Huckabee could not fail to have known about the existence of PAG and its legal ability to accept unlimited contributions.

B. LEGAL ARGUMENT

The Act prohibits federal candidates, their agents, and entities established, financed, maintained, or controlled by candidates from soliciting or receiving funds in connection with any election outside of the federal contribution and source limits.⁶ The Act limits individual contributions to a candidate to \$2,700 per election during the 2015-16 election cycle, and contributions from a multi-candidate political action committee to \$5,000 per year.⁷

Solicitations need not be explicit. For instance, statements such as "You have reached the limit of what you may contribute directly to my campaign, but you can further help my campaign by assisting the State party" or "Giving to Group X would be a very smart idea" are solicitations, as are more explicit statements such as "Please give \$100,000 to Group X."⁸

In this instance, after he became a candidate, Mr. Huckabee asked his supporters to contribute an amount in extreme excess of the Act's prescribed limits in a manner that can only be interpreted as a solicitation to his supporters that they should contribute to the independent

⁴ See Fredreka Schouten, *Mike Huckabee super-PAC launched*, USA TODAY, Apr. 2, 2015.

⁵ FEC Committee ID: C00573923; FEC Committee ID: C00448373.

⁶ 52 U.S.C. § 30125(e); see also FEC Advisory Opinion 2011-21 (Lee).

⁷ 52 U.S.C. § 30116(a)(1)(A), (a)(2)(A); 80 Fed. Reg. 5752 (Feb. 3, 2015).

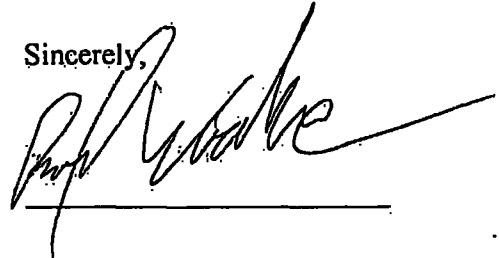
⁸ 11 C.F.R. § 300.2(m)(2).

political action widely known to be affiliated with him, PAG. Mr. Huckabee's statement represents an impermissible solicitation of contributions which would exceed the limits and/or the source restrictions of the Act.


C. REQUESTED ACTION

As shown, Respondent Huckabee violated the Act and Commission regulations by soliciting funds in violation of the Act. We respectfully request that the Commission promptly investigate these violations, and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



SUBSCRIBED AND SWORN to before me this 12th day of May, 2015.


Notary Public

My Commission Expires:

JAN 14, 2020