

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR 8097

DATE COMPLAINT FILED: January 11, 2023

DATE OF NOTIFICATIONS: January 18, 2023

DATE OF LAST RESPONSE: March 1, 2023

DATE OF ACTIVATION: November 1, 2023

ELECTION CYCLE: 2022

SOL EXPIRATION: February 6, 2026 to
October 17, 2027**COMPLAINANT:**Mary McMillan, Treasurer (Anna Eschoo
for Congress)**RESPONDENTS:**Kumar for Congress and Gary Tasser
in his official capacity as treasurer¹

Gopal Aggarwal

Om Bachu

Leasa Donovan²

John Donovan

Judy Donovan

Thomas Dyal

HansPeter Gerber

Bill Gorman

Dave House

Mohan Kalkunte

Devyany Kamdar

Narsimha Koppula

Rishub Kumar

Rishi Kumar

Padma Mohan

Chandar Pattabhiram

Dhanshree Bhagwatrao Pawar

David Rossi

Jayant Somani

Sumita Somani

¹ Surya Hotha served as the treasurer for Kumar for Congress during the 2022 election cycle. Kumar for Congress, Amended Statement of Organization (Feb. 9, 2021). Gary Tasser assumed the role of treasurer in April 2023. Kumar for Congress, Amended Statement of Organization (Apr. 11, 2023).

² Leasa Donovan was initially misidentified as a contributor in the Committee's filings and the MUR 8097 Complaint. John and Judy Donovan were the actual contributors for the contribution initially attributed to Leasa Donovan, and responded to the Complaint. See Judy Donovan Resp. (Mar. 1, 2023), MUR 8097 (Kumar for Congress, *et al.*).

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)
First General Counsel's Report
Page 2 of 24

Anjali Sridhar
Murli Thirumale
Vandana Thirumale
Jay Vadrevu
Anjali Yadav
Rishi Raj Yadav

**RELEVANT STATUTES AND
REGULATIONS:**

[REDACTED]
52 U.S.C. § 30104(b)
52 U.S.C. § 30116(a)(1), (f)
11 C.F.R. § 100.12
[REDACTED]
11 C.F.R. § 103.3(b)(3)
11 C.F.R. § 104.3(b), (c)(1)

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 3 of 24

11 C.F.R. §§ 110.1(b)(1), 110.9

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

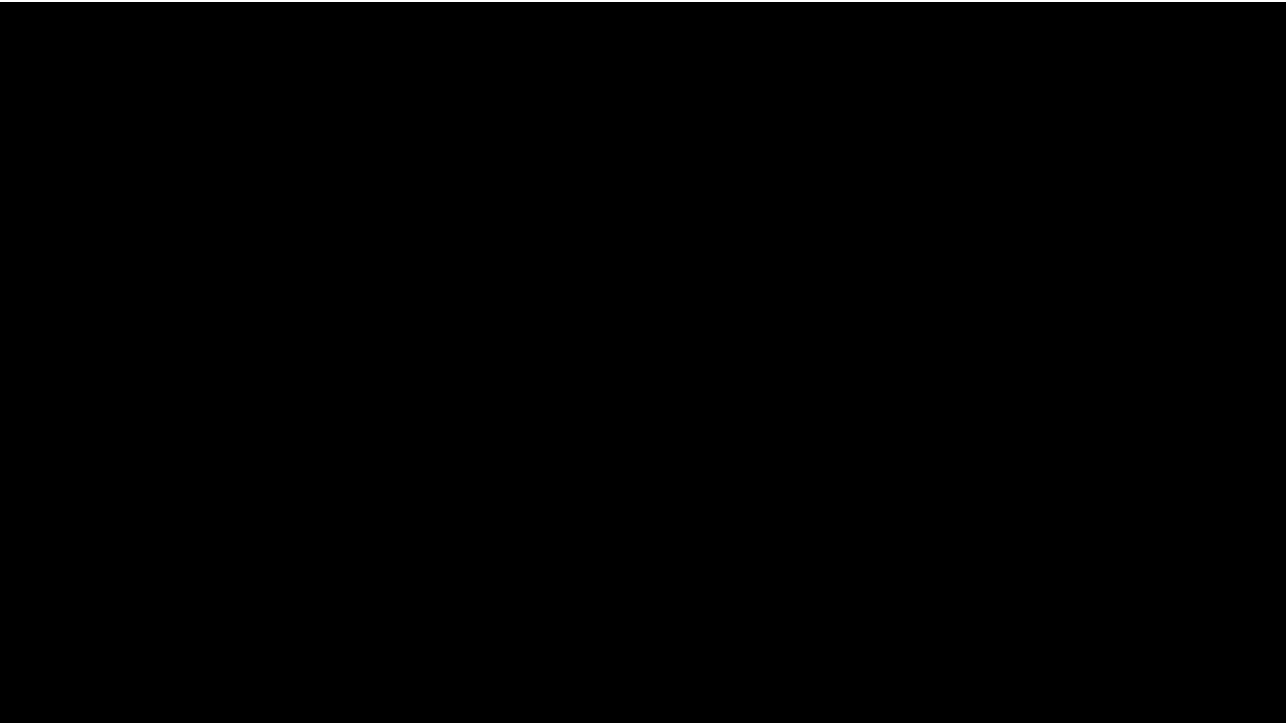
The [REDACTED] matter [REDACTED] arise from [REDACTED] Complaint [REDACTED] concerning the 2022 [REDACTED] election cycle [REDACTED] involving excessive contributions, [REDACTED] and the inaccurate reporting of receipts and contributor information.

The MUR 8097 Complaint alleges that Kumar for Congress (the “Committee”) violated the Federal Election Campaign Act of 1971, as amended (the “Act”) during the 2022 election cycle by accepting and failing to properly refund excessive campaign contributions from 24 contributors³ totaling \$91,300. The Complaint also alleges that the Committee violated reporting requirements by disclosing inaccurate contributor titles and addresses and attributing the incorrect election cycle for certain contributions.

³ The MUR 8097 Complaint identified 23 contributor respondents, but the record reflects 24 actual contributors who responded to the Complaint, with the inclusion of John and Judy Donovan, in lieu of Leasa Donovan. *See supra* note 2.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 In response to the MUR 8097 Complaint, the Committee denies making or receiving
5 excessive contributions, attributing the apparent violation to a manual or technological error.
6 The Committee states that its filing software created duplicate records of eight contributors'
7 contributions, causing those duplicates to appear excessive. The Committee admits that it
8 received excessive contributions from ten contributors, which it refunded within 60 days of
9 receipt, but fails to address the allegations regarding misreporting contributor information. It
10 also states that it misattributed seven other contributions to either the wrong individual or
11 election.

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 For the reasons explained below, we recommend that the Commission dismiss the
17 allegations that the individual contributors named in MUR 8097 violated 52 U.S.C. § 30116(a).
18 We further recommend that the Commission dismiss the allegations that the Committee
19 knowingly accepted excessive contributions in violation of 52 U.S.C. § 30116(f) in connection
20 with the contributions associated with duplicated reporting and as to those that were timely
21 refunded and that it dismiss the allegation that the Committee violated 52 U.S.C.
22 § 30104(b)(3)(A) and 11 C.F.R. § 100.12 by misreporting contributor information.



II. FACTUAL BACKGROUND

Rishi Kumar was a candidate for election to the U.S. House of Representatives for California's 16th Congressional District during the 2022 and 2024 election cycles; Kumar for Congress is his principal campaign committee.⁴

A. 2022 Election Cycle

1. Accepting and Failing to Refund Excessive Contributions, and Misreporting of Contributor Information

The MUR 8097 Complaint alleges that the Committee accepted and failed to refund excessive contributions totaling \$91,300 for the primary and general elections from 24 contributors.⁵ According to the Complaint, the Committee failed to provide explanatory

⁴ Rishi Kumar, Amended Statement of Candidacy (Nov. 14, 2020); Rishi Kumar, Amended Statement of Candidacy (Sept. 28, 2023). Kumar lost the primary election during the 2024 election cycle. SHIRLEY N. WEBER, CAL. SEC'Y OF STATE, MARCH 5, 2024, PRESIDENTIAL PRIMARY ELECTION, UNITED STATES REPRESENTATIVE at 83 (2024), <https://elections.cdn.sos.ca.gov/sov/2024-primary/sov/79-us-rep-congress.pdf> (last visited Dec. 3, 2024).

⁵ Compl. at 2-12, MUR 8097 (detailing alleged excessive contributions from the named contributors ranging from \$500 to \$14,300).

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 6 of 24

1 responses to numerous Requests for Additional Information (“RFAIs”) from RAD regarding
 2 these alleged excessive contributions.⁶ The Complaint also alleges that the Committee reported
 3 inaccurate contributor information when it disclosed multiple mailing addresses, occupations,
 4 and employers for two individual contributors, *i.e.* Jayant Somani and Vandana Thirumale.⁷

5 The Committee states that it experienced a technical failure with its software, causing the
 6 duplication of eight of the alleged contributions, resulting in the appearance of excessive
 7 contributions totaling \$41,100.⁸ The Committee states that it informed its RAD analyst about the
 8 duplication of transactions on November 22, 2022.⁹ In addition, the Committee acknowledges
 9 that it made timely refunds for ten excessive contributions totaling \$28,200, but says those
 10 refunds were not reflected on its reports due to the software error.¹⁰ The Committee eventually
 11 filed amendments reflecting the refunds to the ten contributors.¹¹ [REDACTED]

⁶ Compl. at 13, MUR 8097; *see also* Kumar for Congress, RFAI 2021 Year-End Report at 1-3 (Sept. 21, 2022); Kumar for Congress, RFAI 2022 Pre-Primary Report at 1-4 (Sept. 22, 2022); Kumar for Congress, RFAI 2022 July Quarterly Report at 1-3 (Sept. 22, 2022).

⁷ Compl. at 3-4, MUR 8097.

⁸ Comm. Resp. at 1-4, MUR 8097. [REDACTED]

⁹ Comm. Resp. at 1-4, MUR 8097.

¹⁰ *Id.* at 2-4.

¹¹ *See* Kumar for Congress, Amended 2022 April Quarterly Report at 41 (Jan. 30, 2023) (reflecting a \$2,900 reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report at 46-52 (Feb. 1, 2023) (reflecting a \$2,900 refund to Thomas Dyal, Dave House, Devyani Kamdar, Rishi Kumar, Sumita Somani, Murli Thirumale, Anjali Yadav, Rishi Yadav, respectively, and \$2,100 to Bill Gorman, on October 17, 2022).

MUR 8097 (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 7 of 24

Finally, the Committee admits that it erred in some of its filings by misreporting some contributors' names,¹³ but it did not respond to the allegation concerning misreported information relating to Jayant Somani and Vandana Thirumale.

All of the contributor respondents submitted Responses to the Complaint, confirming the actual amounts they had contributed and, if applicable, the refund they had received.¹⁴ Based on these Responses, it appears the Committee explained to contributors that the apparent excessive contributions resulted from software and manual errors.¹⁵

¹³ Committee Resp. at 1-4 (noting that Leasa Donovan should have been reported as Judy Donovan, and Padma Mohan should have been reported as Padma Srinivas); *see also* Judy Donovan Resp., MUR 8097.

¹⁴ *See* Bachu Resp. (Feb. 6, 2023), MUR 8097; Dyal Resp. (Jan. 25, 2023), MUR 8097; House Resp. (Feb. 7, 2023), MUR 8097; Kamdar Resp. (Feb. 7, 2023), MUR 8097; Rishub Kumar Resp. (Feb. 1, 2023), MUR 8097; Sumita Somani Resp. (Feb. 6, 2023), MUR 8097; Murli Thirumale Resp. (Feb. 6, 2023), MUR 8097; Anjali Yadav Resp. (Feb. 3, 2023), MUR 8097; Rishi Yadav Resp. (Feb. 6, 2023), MUR 8097.

¹⁵ *See* Judy Donovan Resp., MUR 8097; Sridhar Resp. (Feb. 3, 2023), MUR 8097; Jayant Somani Resp. (Feb. 6, 2023), MUR 8097; Vandana Thirumale Resp. (Feb. 6, 2023), MUR 8097; Aggarwal Resp. (Jan. 29, 2023), MUR 8097; Pawar Resp. (Jan. 25, 2023), MUR 8097; Gerber Resp. (Jan. 31, 2023), MUR 8097; Vadrevu Resp., MUR 8097; Kalkunte Resp. (Feb. 1, 2023), MUR 8097; Rishub Kumar Resp., MUR 8097; Srinivas Resp. (Feb. 1, 2023), MUR 8097; Pattabhiram Resp. (Feb. 6, 2023), MUR 8097; Rossi Resp. (Jan. 25, 2023), MUR 8097; Koppula Resp. (Jan. 31, 2023), MUR 8097.

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 8 of 24

1

2

3

4

5

6

7

8

9

10

11

12

13

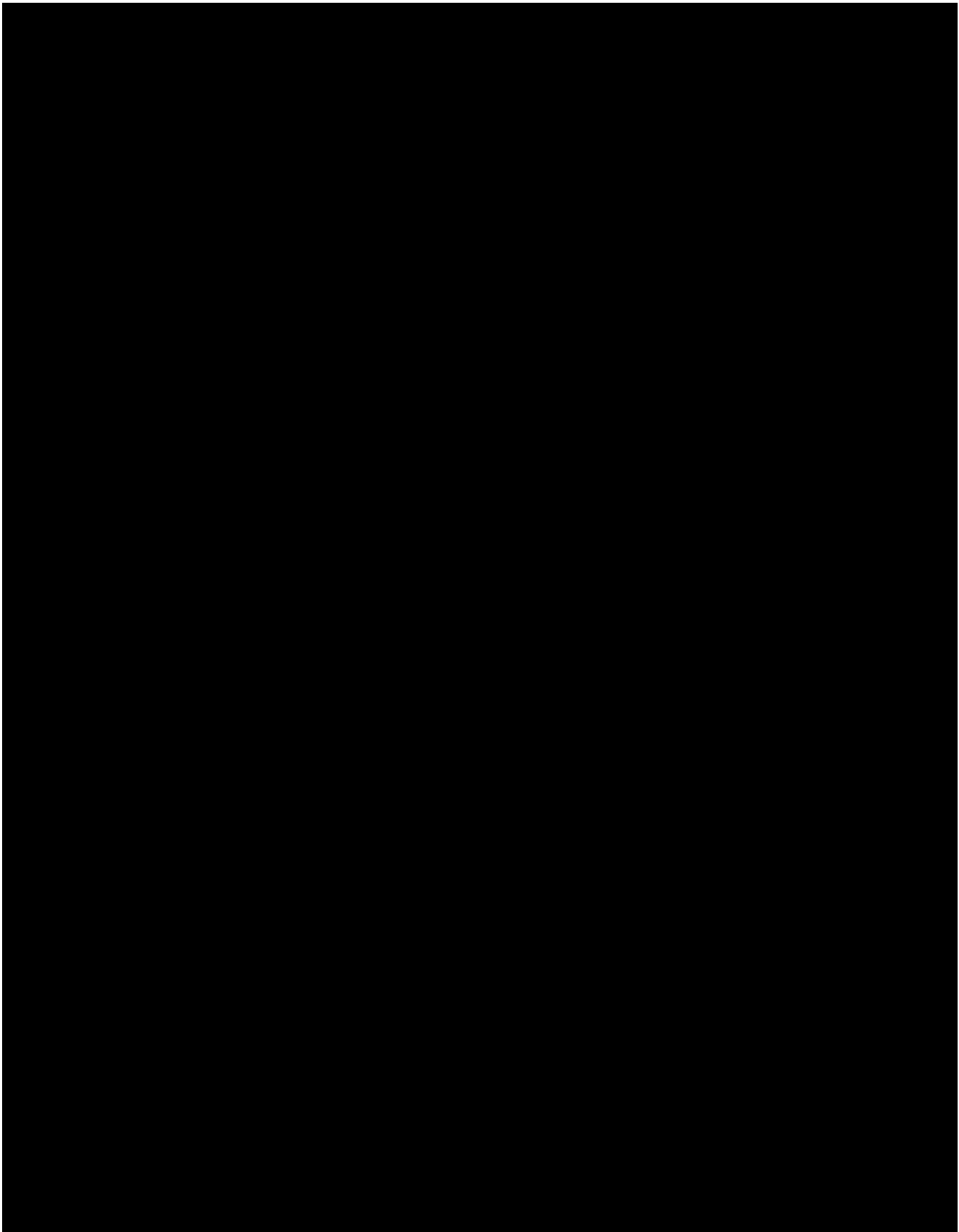
14

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 9 of 24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19



1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 **III. LEGAL ANALYSIS**

7 **A. Relevant Law**
8

9 The Act requires committee treasurers to file reports of receipts and disbursements in
10 accordance with the provisions of 52 U.S.C. § 30104.³¹ These reports must include, *inter alia*,
11 the total amount of receipts and disbursements, including the appropriate itemizations, where
12 required.³² In addition, under 11 C.F.R. § 104.3(c)(1), each report filed shall disclose for both
13 the reporting period and the calendar year (or the election cycle, in the case of the authorized
14 committee) the total contributions, offsets to contributions and the net contributions. The
15 Commission's regulations further mandate that committees accurately report the name, mailing

31 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

32 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).

1 address, occupation, and name of a contributor's employer as part of the committee's
2 disclosure.³³

3 During the 2022 election cycle, individuals were limited to making \$2,900 in
4 contributions to each candidate per election.³⁴ The Act provides that no political committee shall
5 knowingly accept any contribution that exceeds contribution limits.³⁵ A primary election and a
6 general election are each considered a separate "election," and the individual contribution limits
7 are applied separately with respect to each election.³⁶

8 Contributions which either exceed the contribution limit on their face or in the aggregate
9 may be deposited or returned to the contributor.³⁷ If the excessive contribution is deposited, the
10 treasurer may request redesignation or reattribution of the contribution.³⁸ A contribution shall be
11 considered to be redesignated for another election if the treasurer of the recipient committee
12 requests and receives a signed written redesignation of the contribution from the contributor and
13 informs the contributor that the contribution can be refunded as an alternative to a redesignation
14 within 60 days.³⁹ The Commission's regulations allow a committee to presumptively redesignate
15 an excessive portion of a contribution to the general election provided the contribution is made
16 before the general election, is not designated to another person, and does not result in the

³³ 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. §100.12.

³⁴ 52 U.S.C. § 30116(a)(1), (f); 11 C.F.R. §§ 110.1(b)(1), 110.9; Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 86 Fed. Reg. 7867, 7869 (Feb. 2, 2021).

³⁵ 52 U.S.C. § 30116(f); *see also* 11 C.F.R. § 110.9 ("No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of 11 CFR part 110.").

³⁶ 52 U.S.C. §§ 30101(l)(A), 30116(a)(6); 11 C.F.R. §§ 100.2(b)-(c), 110.1(j).

³⁷ 11 C.F.R. § 103.3(b)(3).

³⁸ *Id.*

³⁹ 11 C.F.R. § 110.1(b)(5)(ii)(1), (2).

contributor exceeding the contribution limit.⁴⁰ If a redesignation or reattribution is not obtained, the treasurer must refund the contribution to the contributor within 60 days of receipt.⁴¹

B. The Commission Should Dismiss Allegations Pertaining to Certain Excessive Contributions and Reporting Violations [REDACTED]

1. Excessive Contributions

The MUR 8097 Complaint alleges that 24 contributors and the Committee violated the Act and Commission regulations by making and accepting excessive contributions totaling \$91,300, and that the Committee failed to issue proper refunds of those excessive contributions.⁴⁵

⁴⁰ 11 C.F.R. § 110.1(b)(5)(ii)(B)(1)-(4). For joint contributions, the contributor can reattribute a contribution by instructing a committee in writing to attribute an excessive portion of a joint contribution to another individual, or the committee can make a presumptive reattribution of an excessive contribution in the name of the other individual listed on the check provided this does not cause the individual to exceed the contribution limits. 11 C.F.R. § 110.1(k)(3)(i), (ii)(B)(1).

⁴¹ 11 C.F.R. § 110.1(b)(5)(ii)(B)(1)-(4).

⁴⁵ Compl. at 1-12, MUR 8097.

a. Contributions Reported Duplicate Times

According to the Committee, the software used by the Committee created duplicate records of proper contributions for eight of the 24 contributors.⁴⁶ These eight contributors submitted responses confirming the amounts they had actually contributed, explaining that the Committee attributed the duplicative reporting to a software error.⁴⁷

Based on the available information, it appears that the Committee incorrectly reported single contributions multiple times, resulting in the appearance of excessive contributions, totaling \$41,100. The Committee has amended its reports to remove these duplicative entries.⁴⁸

⁴⁶ Comm. Resp. at 1-4, MUR 8097; *see e.g.*, Judy Donovan Resp., MUR 8097; Sridhar Resp., MUR 8097; Jayant Somani Resp., MUR 8097; Vandana Thirmurale Resp., MUR 8097.

⁴⁷ *See* Judy Donovan Resp. MUR 8097; Sridhar Resp., MUR 8097; Jayant Somani Resp., MUR 8097; Thirmurale Resp., MUR 8097; Aggarwal Resp., MUR 8097; Pawar Resp., MUR 8097; Gerber Resp., MUR 8097.

The Committee filed the following amendments to correct the duplications: Kumar for Congress, Amended 2022 12-Day Pre-General Report at 45-46, 49-50 (Feb. 1, 2022) (reflecting \$2,900 refunds to John and Judy Donovan, Jayant Somani, Vandana Thirmurale respectively, on October 17, 2022); Kumar for Congress, Amended 2021 April Quarterly Report at 8-9 (Jan. 27, 2023) (amending the 2021 April Quarterly Amendment 1, referenced in the Complaint, and showing one contribution of \$2,800 for Anjali Sridhar for the primary election and reflecting one contribution by Hans Peter Gerber of \$2,000 made on March 23, 2021 for the primary election.); Kumar for Congress, 2021 Year-End Report at 5 (Jan. 31, 2022) (showing a \$2,900 contribution for the primary election from Amita Aggarwal on December 30, 2021, and a \$2,900 contribution by Gopal Aggarwal for the primary election on December 30, 2021); Kumar for Congress, Amended 2021 July Quarterly Report at 5 (Oct. 27, 2022) (showing a \$2,900 contribution for the general election and a \$2,900 contribution for the primary election by Gopal Aggarwal); *compare with* Kumar for Congress, Amended 2022 July Quarterly Report at 5 (Jan. 30, 2023) (reflecting a \$5,800 total contribution by Gopal Aggarwal, i.e. \$2,900 for the primary and general election by June 15, 2022; and a \$5,800 total contribution by Amita Aggarwal, i.e. \$2,900 for the primary and general election by June 15, 2022); Kumar for Congress, Amended 2022 October Quarterly Report at 20 (Jan. 31, 2023) (reflecting a correction on Dhanashree Pawar's contribution by attributing \$2,900 of the joint contribution to Ritesh Bansal).

⁴⁸ *See e.g.*, Kumar for Congress, Amended 2021 April Quarterly Report at 8-9, (Jan. 27, 2023) (showing one contribution of \$2,800 for the primary election for Anjali Sridhar, amending the 2021 April Quarterly Amendment 1, referenced in the Complaint); Kumar for Congress, 2021 Year-End Report at 5 (Jan. 31, 2022) (showing a \$2,900 contribution for the primary election from Amita Aggarwal on December 30, 2021, and a \$2,900 contribution by Gopal Aggarwal for the primary election on December 30, 2021); Kumar for Congress, Amended 2022 July Quarterly Report at 5 (Oct. 27, 2022) showing a \$2,900 contribution for the general election and a \$2,900 contribution for the primary election by Gopal Aggarwal); *compare with* Kumar for Congress, Amended 2022 July Quarterly Report at 5 (Jan. 30, 2023) (reflecting a \$5,800 total contribution by Gopal Aggarwal, i.e. \$2,900 for the

Therefore, we recommend that the Commission dismiss the allegation that the Committee knowingly accepted excessive contributions in violation of 52 U.S.C. § 30116(f) in connection with these \$41,100 in contributions during the 2022 election cycle.⁴⁹

b. Excessive Contributions Timely Refunded Within 60 Days of Receipt

The Committee acknowledges that it received \$28,200 in excessive contributions, which it timely refunded within 60 days of its alleged receipt.⁵⁰ The Committee states that the refunds were not shown in its prior filings because of software errors but that it would file amendments to correct the omissions.⁵¹ By February 1, 2023, the Committee had amended its reports that reflect its timely refunds.⁵² In their Responses to the Complaint, several of these individual contributors stated that their apparent excessive contributions were timely refunded, confirming

primary and general election by June 15, 2022; and a \$5,800 total contribution by Amita Aggarwal, *i.e.* \$2,900 for the primary and general election by June 15, 2022); Kumar for Congress, Amended 2022 October Quarterly Report at 20 (Jan. 31, 2023) (reflecting a correction, attributing \$2,900 of the joint contribution to Ritesh Bansal); Kumar for Congress, Amended 2021 April Quarterly Report at 8 (Jan. 27, 2023) (amending the 2022 April Quarterly Amendment 1, and reflecting one contribution of \$2,000 for Gerber made on March 23, 2021 for the primary election).

⁴⁹ See *e.g.*, F&LA at 5, MUR 7848 (Cohn for Congress 2020, *et al.*) (dismissing the allegation that the Committee received excessive contributions because the apparent excessive contributions resulted from a clerical error that caused the delayed filing of an amended Statement of Organization identifying the joint fundraising committee as an authorized committee); F&LA at 17-20, MURs 6572, 6606, and 6676 (Tarkanian for Congress) (finding no reason to believe that the Committee violated 2 U.S.C. § 441a(f) (now 52 U.S.C. § 30116(f)) because Committee received no true excessive contributions, based on several factors including typographical error in the Committee's reports); see also, Gen. Counsel's Rpt. ("GCR") at 1, MUR 8035 (Jim Banks for Congress, Inc.) (EPS Dismissal) (dismissing allegation of excessive contributions after finding that the alleged violation was due to clerical and software errors); GCR at 1-2, MUR 7925 (Jim Banks for Congress, Inc., *et al.*) (same); *cf.* F&LA at 3, MUR 6701 (Independent Source PAC) (Commission dismissed allegation of inaccurate reporting of quarterly report by Committee due to software malfunction).

⁵⁰ Comm. Resp. at 2-3, MUR 8097.

⁵¹ *Id.*

⁵² See generally, Kumar for Congress, Amended 2022 April Quarterly Report at 41 (Jan. 30, 2023) (showing a reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report at 46-52 (reflecting \$2,900 refunds to Dyal, House, Kamdar, Rishub Kumar, Sumita Somani, Murli Thirumale, Anjali Yadav, and Rishi Yadav on October 17, 2022, and a \$2,100 refund to Gorman on October 17, 2022, respectively).

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)
First General Counsel's Report
Page 15 of 24

1 the Committee's explanations pertaining to their specific contributions.⁵³

2 Based on the Committee's amendments to its reports and the contributors' responses
3 confirming the refunds, it appears that the Committee refunded excessive contributions to these
4 ten contributors within 60 days of receipt, in adherence to Commission regulations.

5 Accordingly, we recommend that the Commission dismiss the allegation that the Committee
6 violated 52 U.S.C. § 30116(f) by accepting excessive contributions totaling \$28,200.

7 [REDACTED]
8 As noted above, Commission regulations provide that a committee may remedy receipt of
9 excessive contributions by seeking redesignation or reattribution within 60 days of receipt of the
10 contribution.⁵⁴ [REDACTED]

⁵³ See Bachu Resp., MUR 8097; H Dyal Resp., MUR 8097; House Resp., MUR 8097; Kamdar Resp., MUR 8097; Kumar Resp., MUR 8097; Sumita Somani Resp., MUR 8097; Murli Thirumale Resp., MUR 8097; Anjali Yadav Resp., MUR 8097; Rishi Yadav Resp., MUR 8097.

⁵⁴ 11 C.F.R. §§ 103.3(b)(3), 110.1(b)(5)(ii), (k)(3).

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 16 of 24

1

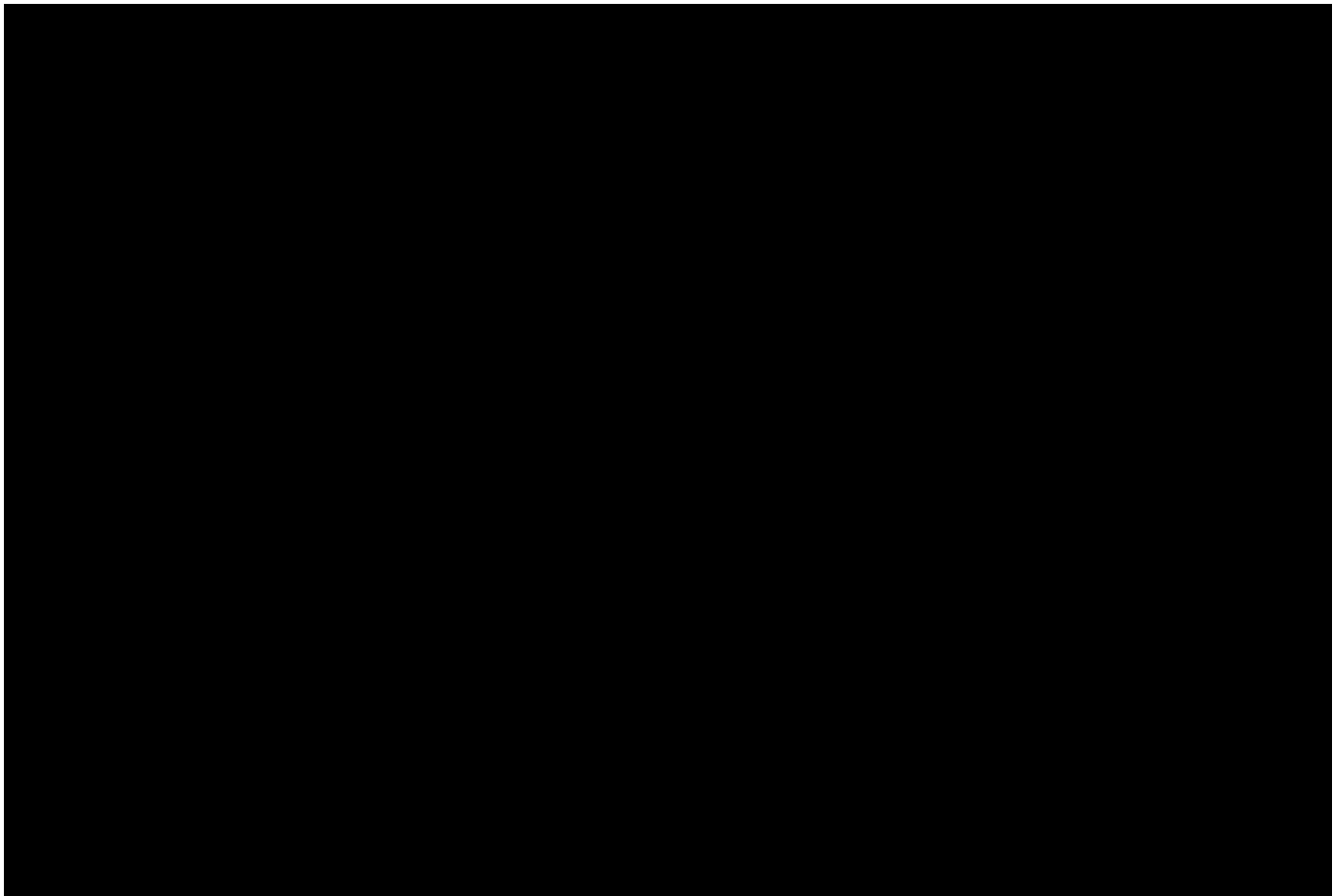
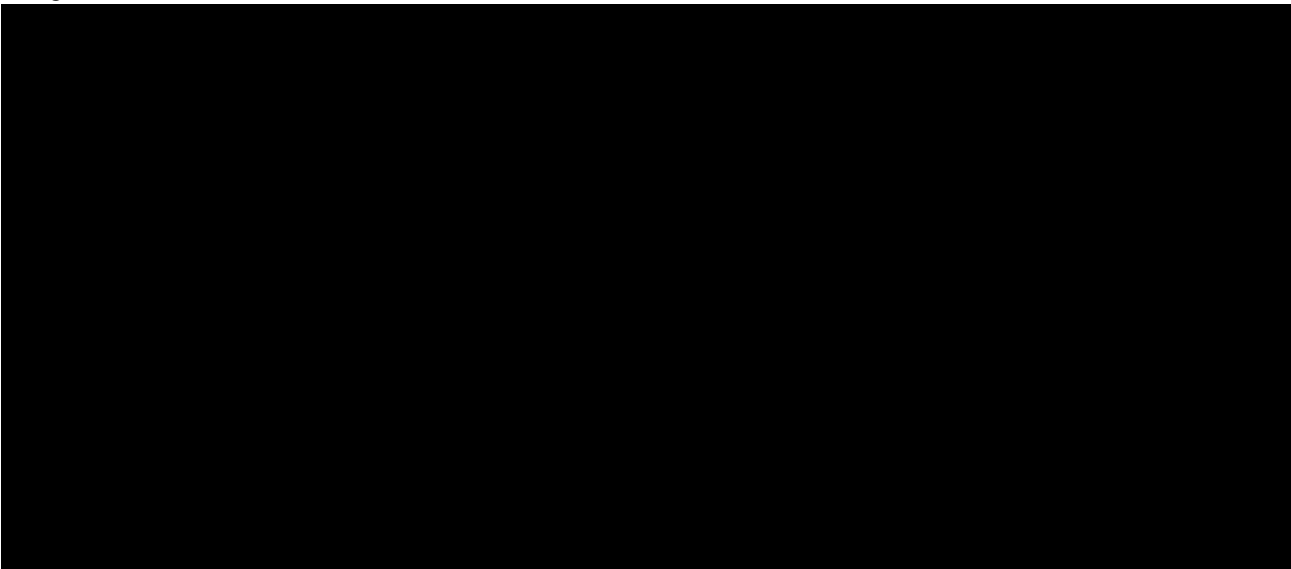
2

3

4

5

6



MUR 8097 (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 17 of 24

d. Contributions by the Individual Respondents

The available information indicates that the alleged excessive contributions by the individual Respondents were the result of the Committee's errors, through the duplication of contribution amounts as to eight contributors, the Committee's failure to report refunds that were timely made as to ten contributors, and the Committee's misattribution to the wrong individuals or an incorrect election as to seven contributors.⁶³ The Committee's amendments also reflect that the apparent excessive contributions were the result of the Committee's errors.⁶⁴ Therefore, because the record appears to support that the contributors did not make excessive contributions,

⁶³ See Bachu Resp., MUR 8097; Dyal Resp., MUR 8097; House Resp., MUR 8097; Kamdar Resp. (Feb. 7, 2023), MUR 8097; Kumar Resp., MUR 8097; Sumita Somani Resp., MUR 8097; Murli Thirumale Resp., MUR 8097; Anjali Yadav Resp., MUR 8097; Rishi Yadav Resp., MUR 8097; *see also* Judy Donovan Resp., MUR 8097; Sridhar Resp., MUR 8097; Jayant Somani Resp. (Feb. 6, 2023), MUR 8097; Thirmurale Resp., MUR 8097; Aggarwal Resp., MUR 8097; Pawar Resp., MUR 8097; Gerber Resp., MUR 8097; Vadrevu Resp., MUR 8097; Kalkunte Resp., MUR 8097; Kumar Resp. (Feb. 1, 2023), MUR 8097; Srinivas Resp. (Feb. 1, 2023), MUR 8097; Pattabhiram Resp., MUR 8097; Rossi Resp., MUR 8097; Koppula Resp., MUR 8097.

⁶⁴ See, e.g., Kumar for Congress, Amended 2022 12-Day Pre-General Report at 45-50 (Feb. 1, 2022) (reflecting \$2,900 refunds to John and Judy Donovan, Jayant Somani, and Vandana Thirmurale respectively, on October 17, 2022); Kumar for Congress, Amended 2021 April Quarterly Report at 8-9, (Jan. 27, 2023) (amending the April Quarterly 2021 Amendment 1, referenced in the Complaint, and showing one contribution of \$2,800 for Anjali Sridhar for the primary election and reflecting one contribution by Hans Peter Gerber of \$2,000 made on March 23, 2021 for the primary election); Kumar for Congress, Amended 2022 July Quarterly Report at 11 (Jan. 30, 2023) (reflecting a redesignation of Vadrevu's \$2,900 contribution for the primary election).

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 18 of 24

we recommend that the Commission dismiss the allegations with respect to the twenty-four contributor respondents.

2. Reporting Violations from the 2022 [REDACTED] Election Cycles

a. Misreporting Contributor Information

The MUR 8097 Complaint alleges that the Committee misreported information relating to two of its contributors on its Amended 2021 Year-End Quarterly Report, specifically, their address and occupation information.⁶⁵ First, the Complaint alleges that the Committee's filings show two different addresses for Jayant Somani: one for a contribution made on December 15, 2021, to the primary election, and another for a contribution made on December 31, 2021, to the general election.⁶⁶ However, there is no information to confirm which address Somani provided to the Committee at the time he made his contribution, whether the Committee misreported Somani's information, or whether Somani may have had legitimate basis to provide different residential addresses on different dates. Neither the Committee nor Somani responded to this allegation.⁶⁷

Second, the Complaint alleges that the Committee disclosed two different occupations and inconsistent addresses for Vandana Thirumale: the Committee reported her occupation as "housewife" and "retired" for contributions made on December 30, 2021, for the primary and general elections.⁶⁸ However, the available information cannot confirm Thirumale's occupation at the time she made the contributions and whether the Committee misreported her occupation

⁶⁵ See Compl. at 3-4, MUR 8097; *see also* 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. §100.12.

⁶⁶ Compl. at 3-4, MUR 8097.

⁶⁷ See Comm. Resp., MUR 8097; *see also* Jayant Somani Resp. (Feb. 6, 2023), MUR 8097 (addressing contribution duplication issue).

⁶⁸ See Compl. at 3-4, MUR 8097.

1 at all by identifying her as a housewife and retired. The Committee and Thirumale did not
2 respond to this allegation.

3 Given the speculative nature of these assertions, we recommend that the Commission
4 dismiss the allegation that the Committee violated 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R.
5 § 100.12.⁶⁹

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

⁶⁹ See *Common Cause Georgia v. FEC*, 2023 WL 6388883 at *6 (D.D.C. 2023) (“speculation is not enough” to find reason to believe); see also Statement of Reasons, Comm’rs Mason, Sandstrom, Smith & Thomas at 1-2, MUR 4960 (Hillary Rodham Clinton for US Senate Expl. Comm., Inc., *et al.*) (“The Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts which, if proven true, would constitute a violation of the [Act]. . . . [M]ere speculation . . . will not be accepted as true.”).

[REDACTED]

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 20 of 24

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 21 of 24

1

2

3

4

5

6

7

8

9

10

11

12

13

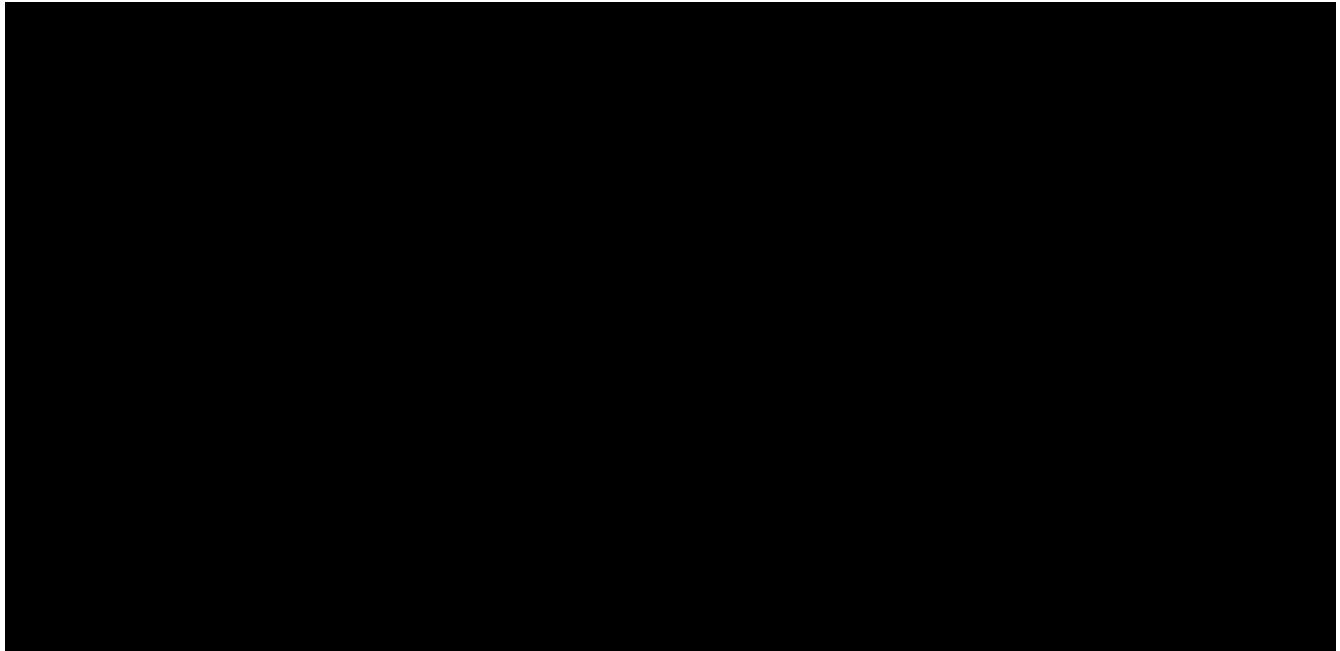
14

15

16

17

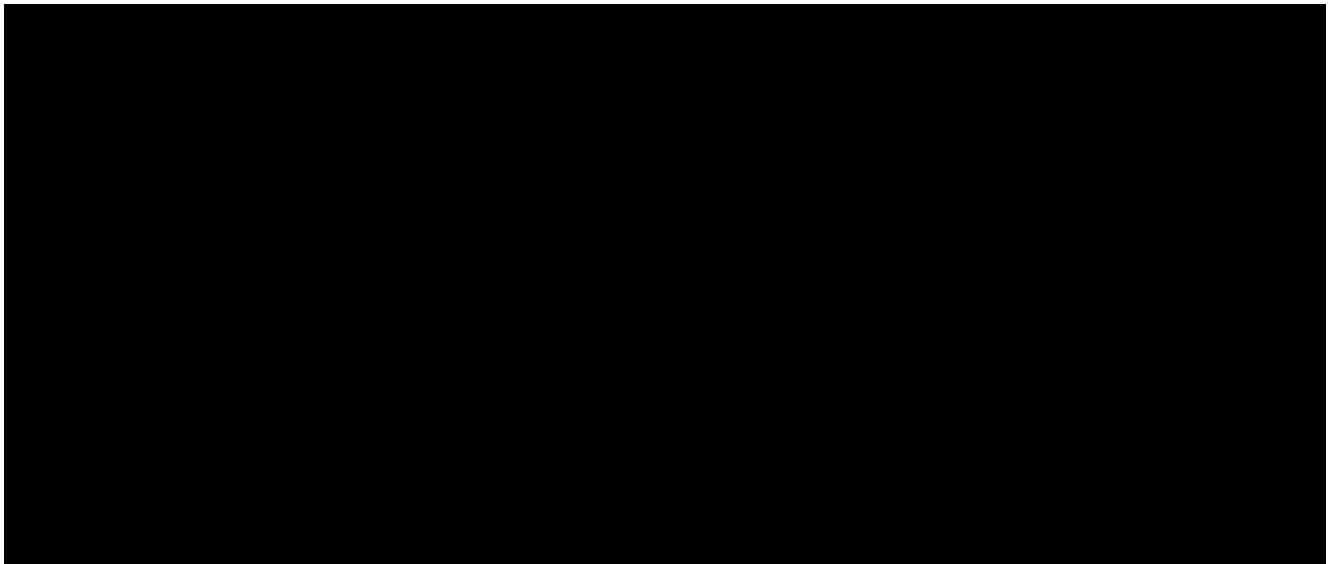
1
2
3
4
5
6
7
8
9



10 **V. RECOMMENDATIONS**

11 **MUR 8097**

- 12 1. Dismiss the allegations that the following contributor Respondents violated
13 52 U.S.C. §§ 30116(a)(1) by making excessive contributions: Gopal Aggarwal,
14 John Donovan, Judy Donovan, Thomas Dyal, HansPeter Gerber, Bill Gorman,
15 Dave House, Mohan Kalkunte, Devyany Kamdar, Narsimha Koppula, Rishub
16 Kumar, Padma Mohan, Om Bachu, Chandar Pattabhiram, Dhanshree Bhagwatrao
17 Pawar, David Rossi, Jayant Somani, Sumita Somani, Anjali Sridhar, Murli
18 Thirumale, Vandana Thirumale, Jay Vadrevu, Anjali Yadav, Rishi Raj Yadav;
19
20 2. Dismiss the allegation that Kumar for Congress and Gary Tasser in his official
21 capacity as treasurer violated 52 U.S.C. § 30116(f) in connection with \$41,100 in



MUR 8097 (Kumar for Congress, *et al.*)

First General Counsel's Report

Page 23 of 24

excessive contributions associated with duplicate reporting and \$28,200 in excessive contributions that were timely refunded;

3. Dismiss the allegation that Kumar for Congress and Gary Tasser in his official capacity as treasurer, violated 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 100.12 by misreporting contributor information;

4.

5. Approve the attached Factual and Legal Analyses;

6. Approve the appropriate letters; and

7. Close the file effective 30 days from the date the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday).

Lisa J. Stevenson
Acting General Counsel

12/5/2024

Date

Adrienne C. Baranowicz
Adrienne C. Baranowicz
Deputy Associate General Counsel for
Enforcement

Ana J. Peña-Wallace
Ana J. Peña-Wallace
Assistant General Counsel

MUR 8097 [REDACTED] (Kumar for Congress, *et al.*)
First General Counsel's Report
Page 24 of 24

Rocelyn Halili

Rocelyn Halili
Attorney

Attachments:

- 1- Factual and Legal Analysis for Contributors (MUR 8097)
- 2- Factual and Legal Analysis for Committee (MUR 8097)

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Gopal Aggarwal MUR 8097
 Om Bachu
 John Donovan
 Judy Donovan
 Thomas Dyal
 HansPeter Gerber
 Bill Gorman
 Dave House
 Mohan Kalkunte
 Devyany Kamdar
 Narsimha Koppula
 Rishub Kumar
 Rishi Kumar
 Padma Mohan
 Bachu Om
 Chandar Pattabhiram
 Dhanshree Bhagwatrao Pawar
 David Rossi
 Jayant Somani
 Sumita Somani
 Anjali Sridhar
 Murli Thirumale
 Vandana Thirumale
 Jay Vadrevu
 Anjali Yadav
 Rishi Raj Yadav

I. INTRODUCTION

This matter arises from a Complaint alleging that contributors to Kumar for Congress (the “Committee”) violated the Federal Election Campaign Act of 1971, as amended (the “Act”), during the 2022 election cycle by making excessive contributions.

For the reasons explained below, the Commission dismisses the allegations that the named contributor Respondents violated 52 U.S.C. § 30116(a)(1) because the apparent excessive contributions were the result of the Committee’s errors: through the duplication of contribution amounts as to eight contributors, the Committee’s failure to report refunds that were timely made

as to ten contributors, and the Committee's misattribution to the wrong individuals or an incorrect election as to seven contributors.¹

II. FACTUAL BACKGROUND


Rishi Kumar was a candidate for election to the U.S. House of Representatives for California's 16th Congressional District during the 2022 election cycle; Kumar for Congress is his principal campaign committee.²

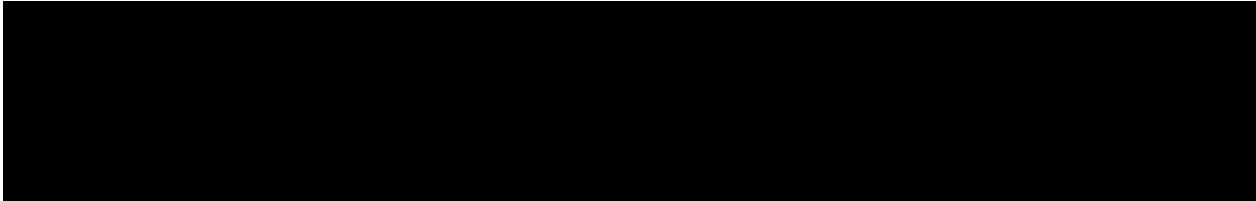
The Complaint alleges that 24 individual contributors made excessive contributions totaling \$91,300 for the 2022 primary and general elections.³ The Committee states that it experienced a technical failure with its software, causing the duplication of eight of the alleged contributions and resulting in the appearance of excessive contributions totaling \$41,100. In addition, the Committee acknowledges that it made timely refunds for ten excessive contributions totaling \$28,200, but says those refunds were not reflected on its reports due to the software error. The Committee eventually filed amendments reflecting the refunds to the ten

¹ See Bachu Resp. (Feb. 6, 2023); Dyal Resp. (Jan. 25, 2023); House Resp. (Feb. 7, 2023); Kamdar Resp. (Feb. 7, 2023); Rishub Kumar Resp. (Feb. 1, 2023); Sumita Somani Resp. (Feb. 6, 2023); Murli Thirumale Resp. (Feb. 6, 2023); Anjali Yadav Resp. (Feb. 3, 2023); Rishi Yadav Resp. (Feb. 6, 2023); *see also* Judy Donovan Resp. (Mar. 1, 2023); Sridhar Resp. (Feb. 3, 2023); Jayant Somani Resp. (Feb. 6, 2023); Vandana Thirumale Resp. (Feb. 6, 2023); Aggarwal Resp. (Jan. 29, 2023); Pawar Resp. (Jan. 25, 2023); Gerber Resp. (Jan. 31, 2023); Vadrevu Resp. (Feb. 4, 2023); Kalkunte Resp. (Feb. 1, 2023); Rishub Kumar Resp. (Feb. 1, 2023); Srinivas Resp. (Feb. 1, 2023); Pattabhiram Resp. (Feb. 6, 2023); Rossi Resp. (Jan. 25, 2023); Koppula Resp. (Jan. 31, 2023). The Complaint identified 23 contributor respondents, but the record reflects 24 actual contributors who responded to the Complaint, with the inclusion of John and Judy Donovan, in lieu of Leasa Donovan. In addition, the records indicate that a contributor, Rishub Kumar, had contributions that fell between two categories: some contributions were timely refunded and some were misattributed and unremedied within the permissible timeframe.

² Rishi Kumar, Amended Statement of Candidacy (Nov. 14, 2020); Rishi Kumar, Amended Statement of Candidacy (Sept. 28, 2023). Kumar lost the primary election during the 2024 election cycle. SHIRLEY N. WEBER, CAL. SEC'Y OF STATE, MARCH 5, 2024, PRESIDENTIAL PRIMARY ELECTION, UNITED STATES REPRESENTATIVE at 83 (2024), <https://elections.cdn.sos.ca.gov/sov/2024-primary/sov/79-us-rep-congress.pdf>.

³ Compl. at 2-12 (Jan. 11, 2024) (detailing alleged excessive contributions from the named contributors ranging from \$500 to \$14,300).

1 contributors.⁴ 

2 
3
4
5 All of the contributor respondents submitted Responses to the Complaint, confirming the
6 actual amounts they had contributed and, if applicable, the refund they had received.⁶ Based on
7 these Responses, it appears the Committee explained to contributors that the apparent excessive
8 contributions resulted from software and manual errors.⁷

9 **III. LEGAL ANALYSIS**

10 **A. Relevant Law**

11 The Act requires committee treasurers to file reports of receipts and disbursements in
12 accordance with the provisions of 52 U.S.C. § 30104.⁸ The Commission's regulations further

⁴ See Kumar for Congress, Amended 2022 April Quarterly Report at 41 (Jan. 30, 2023) (reflecting a \$2,900 reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report at 46-52 (Feb. 1, 2023) (reflecting a \$2,900 refund to Thomas Dyal, Dave House, Devyani Kamdar, Rishi Kumar, Sumita Somani, Murli Thirumale, Anjali Yadav, Rishi Yadav, respectively, and \$2,100 to Bill Gorman, on October 17, 2022).

⁶ See Bachu Resp.; Dyal Resp.; House Resp.; Kamdar Resp.; Rishub Kumar Resp.; Sumita Somani Resp.; Murli Thirumale Resp.; Anjali Yadav Resp.; Rishi Yadav Resp.

⁷ See Judy Donovan Resp.; Sridhar Resp.; Jayant Somani Resp.; Vandana Thirumale Resp.; Aggarwal Resp.; Pawar Resp.; Gerber Resp.; Vadrevu Resp.; Kalkunte Resp.; Rishub Kumar Resp.; Srinivas Resp.; Pattabhiram Resp.; Rossi Resp.; Koppula Resp.

⁸ 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

mandate that committees accurately report the name, mailing address, occupation, and name of a contributor's employer as part of the committee's disclosure.⁹

During the 2022 election cycle, individuals were limited to making \$2,900 in contributions to each candidate per election.¹⁰ The Act provides that no political committee shall knowingly accept any contribution that exceeds contribution limits.¹¹ A primary election and a general election are each considered a separate "election," and the individual contribution limits are applied separately with respect to each election.¹²

Contributions which either exceed the contribution limit on their face or in the aggregate may be deposited or returned to the contributor.¹³ If the excessive contribution is deposited, the treasurer may request redesignation or reattribution of the contribution.¹⁴ A contribution shall be considered to be redesignated for another election if the treasurer of the recipient committee requests and receives a signed, written redesignation of the contribution from the contributor and informs the contributor that the contribution can be refunded as an alternative to a redesignation within 60 days.¹⁵ The Commission's regulations allow a committee to presumptively redesignate an excessive portion of a contribution to the general election provided the contribution is made before the general election, is not designated to another person, and does not result in the

⁹ 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. §100.12.

¹⁰ 52 U.S.C. § 30116(a)(1), (f); 11 C.F.R. §§ 110.1(b)(1), 110.9; Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 86 Fed. Reg. 7867, 7869 (Feb. 2, 2021).

¹¹ 52 U.S.C. § 30116(f); *see also* 11 C.F.R. § 110.9 ("No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of 11 CFR part 110.").

¹² 52 U.S.C. §§ 30101(l)(A), 30116(a)(6); 11 C.F.R. §§ 100.2(b)-(c), 110.1(j).

¹³ 11 C.F.R. § 103.3(b)(3).

¹⁴ *Id.*

¹⁵ 11 C.F.R. § 110.1(b)(5)(ii)(1), (2).

contributor exceeding the contribution limit.¹⁶ If a redesignation or reattribution is not obtained, the treasurer must refund the contribution to the contributor within 60 days of receipt.¹⁷

B. The Commission Dismisses the Allegations Pertaining to Excessive Contributions by Individual Contributor Respondents

The available information indicates that the alleged excessive contributions by the individual Respondents were the result of the Committee's errors: through the duplication of contribution amounts as to eight contributors, the Committee's failure to report refunds that were timely made as to ten contributors, and the Committee's misattribution to the wrong individuals or an incorrect election as to seven contributors.

According to the Committee, its software created duplicate records of proper contributions for eight of the 24 contributors. These eight contributors have confirmed the amounts they had actually contributed, explaining that the Committee attributed the duplicative reporting to a software error.¹⁸ The Committee also acknowledges that it received \$28,200 in


¹⁶ 11 C.F.R. § 110.1(b)(5)(ii)(B)(1)-(4). For joint contributions, the contributor can reattribute a contribution by instructing a committee in writing to attribute an excessive portion of a joint contribution to another individual, or the committee can make a presumptive reattribution of an excessive contribution in the name of the other individual listed on the check provided this does not cause the individual to exceed the contribution limits. 11 C.F.R. § 110.1(k)(3)(i), (ii)(B)(1).

¹⁷ 11 C.F.R. § 110.1(b)(5)(ii)(B)(1)-(4).

¹⁸ See Judy Donovan Resp.; Sridhar Resp.; Jayant Somani Resp.; Vandana Thirumale Resp.; Aggarwal Resp.; Pawar Resp.; Gerber Resp.

The Committee filed the following amendments to correct the duplications: Kumar for Congress, Amended 2022 12-Day Pre-General Report at 45-46, 49-50 (Feb. 1, 2022) (reflecting \$2,900 refunds to John and Judy Donovan, Jayant Somani, Vandana Thirumale respectively, on October 17, 2022); Kumar for Congress, Amended 2021 April Quarterly Report at 8-9 (Jan. 27, 2023) (amending the 2021 April Quarterly Amendment 1, referenced in the Complaint, and showing one contribution of \$2,800 for Anjali Sridhar for the primary election and reflecting one contribution by Hans Peter Gerber of \$2,000 made on March 23, 2021 for the primary election.); Kumar for Congress, 2021 Year-End Report at 5 (Jan. 31, 2022) (showing a \$2,900 contribution for the primary election from Amita Aggarwal on December 30, 2021, and a \$2,900 contribution by Gopal Aggarwal for the primary election on December 30, 2021); Kumar for Congress, Amended 2021 July Quarterly Report at 5 (Oct. 27, 2022) (showing a \$2,900 contribution for the general election and a \$2,900 contribution for the primary election by Gopal Aggarwal); compare with Kumar for Congress, Amended 2022 July Quarterly Report at 5 (Jan. 30, 2023) (reflecting a \$5,800 total contribution by Gopal Aggarwal, i.e. \$2,900 for the primary and general election by June 15, 2022; and a \$5,800 total contribution by Amita Aggarwal, i.e. \$2,900 for the primary and general election by

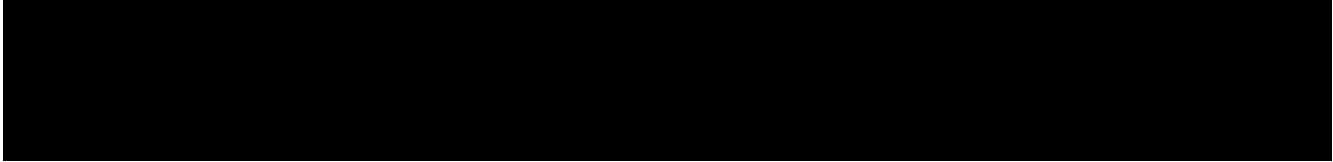
1 excessive contributions, which it timely refunded within 60 days of its alleged receipt. The
2 Committee states that the refunds were not shown in its prior filings because of software errors
3 but that it would file amendments to correct the omissions. By February 1, 2023, the Committee
4 had amended its reports that reflect its timely refunds.¹⁹ In their Responses to the Complaint,
5 several of these individual contributors stated that their apparent excessive contributions were
6 timely refunded, confirming the Committee's explanations pertaining to their specific
7 contributions.²⁰



June 15, 2022); Kumar for Congress, Amended 2022 October Quarterly, Report at 20 (Jan. 31, 2023) (reflecting a correction on Dhanashree Pawar's contribution by attributing \$2,900 of the joint contribution to Ritesh Bansal).

¹⁹ See generally, Kumar for Congress, Amended 2022 April Quarterly Report (Jan. 30, 2023) (showing a reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report (reflecting \$2,900 refunds to Dyal, House, Kamdar, Rishub Kumar, Sumita Somani, Murli Thirumale, Anjali Yadav, and Rishi Yadav on October 17, 2022, and a \$2,100 refund to Gorman on October 17, 2022, respectively).

²⁰ See Bachu Resp.; Dyal Resp.; House Resp.; Kamdar Resp.; Rishub Kumar Resp.; Sumita Somani Resp.; Murli Thirumale Resp.; Anjali Yadav Resp.; Rishi Yadav Resp.



1

2

3

4

5

Therefore, because the record appears to support the conclusion that the contributors did not make excessive contributions, the Commission dismisses the allegation that the twenty-four contributor Respondents violated 52 U.S.C. § 30116(a)(1).

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Kumar for Congress and MUR 8097
Gary Tasser in his official
capacity as treasurer

I. INTRODUCTION

This matter arises from a Complaint alleging that Kumar for Congress (the “Committee”) violated the Federal Election Campaign Act of 1971, as amended (the “Act”) during the 2022 election cycle by accepting and failing to properly refund excessive campaign contributions from 24 contributors totaling \$91,300. The Complaint also alleges that the Committee violated reporting requirements by disclosing inaccurate contributor titles and addresses and attributing the incorrect election cycle for certain contributions.

In response to the Complaint, the Committee denies making or receiving excessive contributions, attributing the apparent violation to a manual or technological error. The Committee states that its filing software created duplicate records of eight contributors’ contributions, causing those duplicates to appear excessive. The Committee admits that it received excessive contributions from ten contributors, which it refunded within 60 days of receipt, but fails to address the allegations regarding misreporting contributor information.

For the reasons explained below, the Commission dismisses the allegations that the Committee knowingly accepted excessive contributions in violation of 52 U.S.C. § 30116(f) in connection with the contributions associated with duplicated reporting totaling \$41,000 and as to those that were timely refunded totaling \$28,200. The Commission also dismisses the allegation that the Committee violated 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 100.12 by misreporting contributor information.

II. FACTUAL BACKGROUND

Rishi Kumar was a candidate for election to the U.S. House of Representatives for California’s 16th Congressional District during the 2022 and 2024 election cycles; Kumar for Congress is his principal campaign committee.¹

The Complaint alleges that the Committee accepted and failed to refund excessive contributions totaling \$91,300 for the primary and general elections from 24 contributors.² According to the Complaint, the Committee failed to provide explanatory responses to numerous Requests for Additional Information (“RFAs”) from RAD regarding these alleged excessive contributions.³ The Complaint also alleges that the Committee reported inaccurate contributor information when it disclosed multiple mailing addresses, occupations, and employers for two individual contributors, *i.e.* Jayant Somani and Vandana Thirumale.⁴

The Committee states that it experienced a technical failure with its software, causing the duplication of eight of the alleged contributions, resulting in the appearance of excessive contributions totaling \$41,100.⁵ The Committee states that it informed its RAD analyst about the duplication of transactions on November 22, 2022.⁶ In addition, the Committee acknowledges that it made timely refunds for ten excessive contributions totaling \$28,200, but says those

¹ Rishi Kumar, Amended Statement of Candidacy (Nov. 14, 2020); Rishi Kumar, Amended Statement of Candidacy (Sept. 28, 2023). Kumar lost the primary election during the 2024 election cycle. SHIRLEY N. WEBER, CAL. SEC’Y OF STATE, MARCH 5, 2024, PRESIDENTIAL PRIMARY ELECTION, UNITED STATES REPRESENTATIVE at 83 (2024), <https://elections.cdn.sos.ca.gov/sov/2024-primary/sov/79-us-rep-congress.pdf> (last visited Dec. 3, 2024).


² Compl. at 2-12 (Jan. 11, 2023) (detailing alleged excessive contributions from the named contributors ranging from \$500 to \$14,300).

³ Compl. at 13; *see also* Kumar for Congress, RFAI, 2021 Year-End Report (Sept. 21, 2022); Kumar for Congress, RFAI, 2022 Pre-Primary Report (Sept. 22, 2022); Kumar for Congress, RFAI, 2022 July Quarterly Report (Sept. 22, 2022).

⁴ Compl. at 3-4.

⁵ Comm. Resp. at 1-4.

⁶ *Id.*

refunds were not reflected on its reports due to the software error.⁷ The Committee eventually filed amendments reflecting the refunds to the ten contributors.⁸ 

In addition, the Committee admits that it erred in some of its filings by misreporting some contributors' names,¹⁰ but it did not respond to the allegation concerning misreported information relating to Jayant Somani and Vandana Thirumale.

The individual contributors have confirmed to the Commission the actual amounts they had contributed and, if applicable, the refund they had received. Based on these statements, it appears the Committee explained to contributors that the apparent excessive contributions resulted from software and manual errors.

⁷ *Id.* at 2-4.

⁸ See Kumar for Congress, Amended 2022 April Quarterly Report at 41 (Jan. 30, 2023) (reflecting a \$2,900 reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report at 46-52 (Feb. 1, 2023) (reflecting a \$2,900 refund to Thomas Dyal, Dave House, Devyani Kamdar, Rishi Kumar, Sumita Somani, Murli Thirumale, Anjali Yadav, Rishi Yadav, respectively, and \$2,100 to Bill Gorman, on October 17, 2022).

¹⁰ Committee Resp. at 1-4 (noting that Leasa Donovan should have been reported as Judy Donovan, and Padma Mohan should have been reported as Padma Srinivas); *see also* Judy Donovan Resp.

III. LEGAL ANALYSIS

A. Relevant Law

The Act requires committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. These reports must include, *inter alia*, the total amount of receipts and disbursements, including the appropriate itemizations, where required. In addition, under 11 C.F.R. § 104.3(c)(1), each report filed shall disclose for both the reporting period and the calendar year (or the election cycle, in the case of the authorized committee) the total contributions, offsets to contributions and the net contributions. The Commission's regulations further mandate that committees accurately report the name, mailing address, occupation, and name of a contributor's employer as part of the committee's disclosure.

During the 2022 election cycle, individuals were limited to making \$2,900 in contributions to each candidate per election. The Act provides that no political committee shall knowingly accept any contribution that exceeds contribution limits. A primary election and a general election are each considered a separate "election," and the individual contribution limits are applied separately with respect to each election.

Contributions which either exceed the contribution limit on their face or in the aggregate may be deposited or returned to the contributor. If the excessive contribution is deposited, the treasurer may request redesignation or reattribution of the contribution. A contribution shall be considered to be redesignated for another election if the treasurer of the recipient committee requests and receives a signed written redesignation of the contribution from the contributor and informs the contributor that the contribution can be refunded as an alternative to a redesignation within 60 days. The Commission's regulations allow a committee to presumptively redesignate an excessive portion of a contribution to the general election provided the contribution is made

before the general election, is not designated to another person, and does not result in the contributor exceeding the contribution limit. If a redesignation or reattribution is not obtained, the treasurer must refund the contribution to the contributor within 60 days of receipt.

B. The Commission Dismisses the Allegations Pertaining to Certain Excessive Contributions and Reporting Violations

The Complaint alleges that 24 contributors and the Committee violated the Act and Commission regulations by making and accepting excessive contributions totaling \$91,300, and that the Committee failed to issue proper refunds of those excessive contributions.¹¹ As explained below, some of the contributions which appeared to be excessive were actually duplicate entries on the Committee's reports, and other contributions were timely refunded.

1. Contributions Reported Duplicate Times

According to the Committee, the software used by the Committee created duplicate records of proper contributions for eight of the 24 contributors.¹³ These eight contributors submitted responses confirming the amounts they had actually contributed, explaining that the Committee attributed the duplicative reporting to a software error.¹⁴

Based on the available information, it appears that the Committee incorrectly reported single contributions multiple times, resulting in the appearance of excessive contributions,

¹¹ Compl. at 1-12.

¹³ Comm. Resp. at 1-4; *see e.g.*, Judy Donovan Resp. (Mar. 1, 2023); Sridhar Resp. (Feb. 3, 2023); Jayant Somani Resp. (Feb. 6, 2023); Vandana Thirmurale Resp. (Feb. 6, 2023).

¹⁴ *See* Judy Donovan Resp.; Sridhar Resp.; Jayant Somani Resp.; Thirmurale Resp.; Aggarwal Resp. (Jan. 29, 2023); Pawar Resp. (Jan. 25, 2023); Gerber Resp. (Jan. 31, 2023).

- 1 totaling \$41,100. The Committee has amended its reports to remove these duplicative entries.¹⁵
- 2 Therefore, the Commission dismisses the allegation that the Committee knowingly accepted
- 3 excessive contributions in violation of 52 U.S.C. § 30116(f) in connection with these \$41,100 in
- 4 contributions during the 2022 election cycle.¹⁶

The Committee filed the following amendments to correct the duplications: Kumar for Congress, Amended 2022 12-Day Pre-General Report at 45-46, 49-50 (Feb. 1, 2022) (reflecting \$2,900 refunds to John and Judy Donovan, Jayant Somani, Vandana Thirmurale respectively, on October 17, 2022); Kumar for Congress, Amended 2021 April Quarterly Report at 8-9 (Jan. 27, 2023) (amending the 2021 April Quarterly Amendment 1, referenced in the Complaint, and showing one contribution of \$2,800 for Anjali Sridhar for the primary election and reflecting one contribution by Hans Peter Gerber of \$2,000 made on March 23, 2021 for the primary election.); Kumar for Congress, 2021 Year-End Report at 5 (Jan. 31, 2022) (showing a \$2,900 contribution for the primary election from Amita Aggarwal on December 30, 2021, and a \$2,900 contribution by Gopal Aggarwal for the primary election on December 30, 2021); Kumar for Congress, Amended 2021 July Quarterly Report at 5 (Oct. 27, 2022) (showing a \$2,900 contribution for the general election and a \$2,900 contribution for the primary election by Gopal Aggarwal); *compare with* Kumar for Congress, Amended 2022 July Quarterly Report at 5 (Jan. 30, 2023) (reflecting a \$5,800 total contribution by Gopal Aggarwal, *i.e.* \$2,900 for the primary and general election by June 15, 2022; and a \$5,800 total contribution by Amita Aggarwal, *i.e.* \$2,900 for the primary and general election by June 15, 2022); Kumar for Congress, Amended 2022 October Quarterly Report at 20 (Jan. 31, 2023) (reflecting a correction on Dhanashree Pawar's contribution by attributing \$2,900 of the joint contribution to Ritesh Bansal).

¹⁵ See *e.g.*, Kumar for Congress, Amended 2021 April Quarterly Report at 8-9, (Jan. 27, 2023) (showing one contribution of \$2,800 for the primary election for Anjali Sridhar, amending the 2021 April Quarterly Amendment 1, referenced in the Complaint); Kumar for Congress, 2021 Year-End Report at 5 (Jan. 31, 2022) (showing a \$2,900 contribution for the primary election from Amita Aggarwal on December 30, 2021, and a \$2,900 contribution by Gopal Aggarwal for the primary election on December 30, 2021); Kumar for Congress, Amended 2022 July Quarterly Report at 5 (Oct. 27, 2022) showing a \$2,900 contribution for the general election and a \$2,900 contribution for the primary election by Gopal Aggarwal); *compare with* Kumar for Congress, Amended 2022 July Quarterly Report at 5 (Jan. 30, 2023) (reflecting a \$5,800 total contribution by Gopal Aggarwal, *i.e.* \$2,900 for the primary and general election by June 15, 2022; and a \$5,800 total contribution by Amita Aggarwal, *i.e.* \$2,900 for the primary and general election by June 15, 2022); Kumar for Congress, Amended 2022 October Quarterly Report at 20 (Jan. 31, 2023) (reflecting a correction, attributing \$2,900 of the joint contribution to Ritesh Bansal); Kumar for Congress, Amended 2021 April Quarterly Report at 8 (Jan. 27, 2023) (amending the 2022 April Quarterly Amendment 1, and reflecting one contribution of \$2,000 for Gerber made on March 23, 2021 for the primary election).

¹⁶ See *e.g.*, F&LA at 5, MUR 7848 (Cohn for Congress 2020, *et al.*) (dismissing the allegation that the Committee received excessive contributions because the apparent excessive contributions resulted from a clerical error that caused the delayed filing of an amended Statement of Organization identifying the joint fundraising committee as an authorized committee); F&LA at 17-20, MURs 6572, 6606, and 6676 (Tarkanian for Congress) (finding no reason to believe that the Committee violated 2 U.S.C. § 441a(f) (now 52 U.S.C. § 30116(f)) because Committee received no true excessive contributions, based on several factors including typographical error in the Committee's reports); *see also*, Gen. Counsel's Rpt. ("GCR") at 1, MUR 8035 (Jim Banks for Congress, Inc.) (EPS Dismissal) (dismissing allegation of excessive contributions after finding that the alleged violation was due to clerical and software errors); GCR at 1-2, MUR 7925 (Jim Banks for Congress, Inc., *et al.*) (same); *cf.* F&LA at 3, MUR 6701 (Independent Source PAC) (Commission dismissed allegation of inaccurate reporting of quarterly report by Committee due to software malfunction).

2. Excessive Contributions Timely Refunded Within 60 Days of Receipt

The Committee acknowledges that it received \$28,200 in excessive contributions, which it timely refunded within 60 days of its alleged receipt.¹⁷ The Committee states that the refunds were not shown in its prior filings because of software errors but that it would file amendments to correct the omissions.¹⁸ By February 1, 2023, the Committee had amended its reports that reflect its timely refunds.¹⁹ In their Responses to the Complaint, several of these individual contributors stated that their apparent excessive contributions were timely refunded, confirming the Committee's explanations pertaining to their specific contributions.²⁰

Based on the Committee's amendments to its reports and the contributors' statements confirming the refunds, it appears that the Committee refunded excessive contributions to these ten contributors within 60 days of receipt, in adherence to Commission regulations. Accordingly, the Commission dismisses the allegation that the Committee violated 52 U.S.C. § 30116(f) by accepting excessive contributions totaling \$28,200.

3. Misreporting Contributor Information

The Complaint alleges that the Committee misreported information relating to two of its contributors on its Amended 2021 Year-End Quarterly Report, specifically, their address and

¹⁷ Comm. Resp. at 2-3.

¹⁸ *Id.*

¹⁹ *See generally*, Kumar for Congress, Amended 2022 April Quarterly Report at 41 (Jan. 30, 2023) (showing a reimbursement to Bachu on January 14, 2022); Kumar for Congress, Amended 2022 12-Day Pre-General Report at 46-52 (reflecting \$2,900 refunds to Dyal, House, Kamdar, Rishub Kumar, Sumita Somani, Murli Thirumale, Anjali Yadav, and Rishi Yadav on October 17, 2022, and a \$2,100 refund to Gorman on October 17, 2022, respectively).

²⁰ *See* Bachu Resp. (Feb. 6, 2023); Dyal Resp. (Jan. 25, 2023); House Resp. (Feb. 7, 2023); Kamdar Resp. (Feb. 7, 2023); Rishub Kumar Resp. (Feb. 1, 2023); Sumita Somani Resp. (Feb. 6, 2023); Murli Thirumale Resp. (Feb. 6, 2023); Anjali Yadav Resp. (Feb. 3, 2023); Rishi Yadav Resp. (Feb. 6, 2023).

1 occupation information.²¹ First, the Complaint alleges that the Committee’s filings show two
 2 different addresses for Jayant Somani: one for a contribution made on December 15, 2021, to
 3 the primary election, and another for a contribution made on December 31, 2021, to the general
 4 election.²² However, there is no information to confirm which address Somani provided to the
 5 Committee at the time he made his contribution, whether the Committee misreported Somani’s
 6 information, or whether Somani may have had legitimate basis to provide different residential
 7 addresses on different dates. The Committee did not respond to this allegation.²³

8 Second, the Complaint alleges that the Committee disclosed two different occupations
 9 and inconsistent addresses for Vandana Thirumale: the Committee reported her occupation as
 10 “housewife” and “retired” for contributions made on December 30, 2021, for the primary and
 11 general elections.²⁴ However, the available information cannot confirm Thirumale’s occupation
 12 at the time she made the contributions and whether the Committee misreported her occupation
 13 at all by identifying her as a housewife and retired. The Committee did not respond to this
 14 allegation.

15 Given the speculative nature of these assertions, the Commission dismisses the allegation
 16 that the Committee violated 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 100.12.²⁵

²¹ See Compl. at 3-4; *see also* 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 100.12.

²² Comp. at 3-4.

²³ See Comm. Resp.

²⁴ See Compl. at 3-4.

²⁵ See *Common Cause Georgia v. FEC*, 2023 WL 6388883 at *6 (D.D.C. 2023) (“speculation is not enough” to find reason to believe); *see also* Statement of Reasons, Comm’rs Mason, Sandstrom, Smith & Thomas at 1-2, MUR 4960 (Hillary Rodham Clinton for US Senate Expl. Comm., Inc., *et al.*) (“The Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts which, if proven true, would constitute a violation of the [Act]. . . . [M]ere speculation . . . will not be accepted as true.”).