

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

SMP  
1032 15th Street NW, Suite 247  
Washington, DC 20005

Complainant,

v.

NRSC  
425 2nd Street NE  
Washington, DC 20002

Kari Lake for Senate  
P.O. BOX 34341  
Phoenix, AZ 85067

Hogan for Maryland Inc.  
2077 Somerville Road Suite 206  
Annapolis, MD 21401

Nella for Senate  
P.O. BOX 90574  
Albuquerque, NM 87199

Sam Brown for Nevada  
P.O. Box 750844  
Las Vegas, NV 89136

Respondents.

**COMPLAINT**

This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) against Respondents for violations of the Federal Election Campaign Act of 1971, as amended (“*FECA*” or the “*Act*”) and Federal Election Commission (“*FEC*” or “*Commission*”) regulations. The NRSC paid for television advertisements promoting the election of Republican candidates for U.S. Senate in coordination with those candidates without treating the NRSC’s advertising costs as

contributions or coordinated expenditures, resulting in reporting violations and potentially excessive contributions from the NRSC to the benefitting Senate campaigns.

FECA imposes strict limits on the amount any single donor may contribute to a federal candidate. To prevent circumvention of these limits, expenditures that are coordinated with candidates are treated as contributions. The Supreme Court of the United States has interpreted this language to strictly limit a party’s ability to pay for television advertising on behalf of federal candidates.<sup>1</sup> Put simply, television advertisements promoting a federal candidate influences their election and if a party pays for such advertising in coordination with the candidate, a contribution results.

Yet, the NRSC proceeded to finance television advertisements promoting Republican candidates for U.S. Senate in coordination with those candidates without treating the NRSC’s costs of the advertising as a contribution. In doing so, the NRSC may have violated a core restriction in FECA—its strict limitations on the amount that a national party committee may contribute to a candidate to federal office. The Commission must not tolerate such an overt circumvention of federal campaign finance law and should immediately investigate to determine the scope of NRSC’s reporting violations and potential excessive contributions.

### **FACTUAL BACKGROUND**

During the 2024 election cycle, the NRSC disseminated television advertisements (the “*Advertisements*”) with each of the following four Senate campaigns: Kari Lake for Senate, Hogan for Maryland Inc., Nella for Senate and Sam Brown for Nevada (collectively, the “*Campaigns*”).<sup>2</sup> Kari Lake was the Republican candidate for U.S. Senate in Arizona; her

---

<sup>1</sup> *Buckley v. Valeo*, 424 U.S. 1, 46-47 (1976).

<sup>2</sup> Sam Brown for Nevada subsequently converted to a multicandidate PAC named Sam Brown PAC (C00783936).

Democratic opponent was Ruben Gallego.<sup>3</sup> Larry Hogan was the Republican candidate for U.S. Senate in Maryland; his Democratic opponent was Angela Alsobrooks.<sup>4</sup> Nella Dominici was the Republican candidate for U.S. Senate in New Mexico; her Democratic opponent was Senator Martin Heinrich.<sup>5</sup> Sam Brown was the Republican candidate for U.S. Senate in Nevada; his Democratic opponent was Senator Jacky Rosen.<sup>6</sup>

The Advertisements are materially indistinguishable from standard candidate advertisements disseminated before an election. Each Advertisement either expressly advocates for a Republican Senate candidate (the “*benefiting candidate*”) or against their Democratic general election opponent and makes no references to any other candidates, political parties or elections. Each of the Advertisements contains a written disclaimer stating that it was paid for by both the NRSC and the benefiting candidate’s campaign and approved by the benefiting candidate. The Advertisements also feature the benefiting candidate direct to camera stating that they approve the Advertisement’s message, a statutory requirement for television communications authorized by a candidate.<sup>7</sup>

The scripts for each Advertisement are as follows:

1. Wrong On The Border (NRSC/Kari Lake for Senate).<sup>8</sup> Dissemination: 9/7/24 – 10/24/24.

On March 17<sup>th</sup>, we lost one of our sons. He ingested a pill that later found out was a synthetic opioid. The last four years we’ve seen changes within the state. This country’s hemorrhaging right now. Border security is life and death and in Congress Ruben Gallego chose radical, open border policies. Gallego voted against funding border security while voting to grant voting rights to the criminals who illegally cross. Ruben Gallego, radically wrong on the border.

---

<sup>3</sup> *U.S. Senate Election Results*. N.Y. Times (March 4, 2025), <https://www.nytimes.com/interactive/2024/11/05/us/elections/results-senate.html> (last visited Jul. 8, 2025).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> 52 U.S.C. § 30120(d)(1)(B).

<sup>8</sup> NRSC and Kari Lake for Senate, Wrong On the Border, <https://host2.adimpact.com/admo/viewer/02228cd4-46ef-47c1-8c67-88124f36839a/> (last visited Jul. 8, 2025).

2. “Fed Up” (NRSC/Hogan for Maryland Inc.).<sup>9</sup> Dissemination: 4/27/24 – 5/14/24.

There's no common ground. The left, the right, they're just shouting all the time and no one's listening. What a mess. But now who is gonna clean it up? It doesn't have to be this way and it shouldn't be this way. I've seen Children that have behaved better. [Larry Hogan:] Like you, I'm completely fed up. Enough is enough. Cut, reckless spending, support our police and secure the border. I'm Larry Hogan. I approve this message and I'm running for the US Senate to get stuff done.

3. “Too Radical” (NRSC/Nella for Senate).<sup>10</sup> Dissemination: 10/5/24 – 10/15/24.

The crisis along the border, seeping into our cities across the state. Our borders overrun, law enforcement outmatched. Every day more dangerous because of radical D.C. policies, turning a problem into a crisis. And Martin Heinrich voted in lock step. Turning a blind eye to the drugs and violence he let in because Heinrich is more interested in placating D.C. elites than protecting us. Martin Heinrich, too [video ends].

4. “Economic Plan” (NRSC/Sam Brown for Nevada).<sup>11</sup> Dissemination: 9/13/24 – 9/27/24.

D.C. politicians say everything is under control, but we know that's a lie. Politicians keep saying how they're going to help but nothing's happening, prices keep going up. I can't even provide for my family and that hurts. [Sam Brown:] look, we need a plan that restores dignity to the American worker. I'll make housing more affordable. We must lower prices on the essentials, like our food, fuel and medications and taxes on tips and eliminate the taxes on our social security benefits.

NRSC did not disclose any contributions to, or coordinated expenditures with, any of the benefitting candidates during the period of time these advertisements were disseminated.<sup>12</sup>

SMP is an independent expenditure-only committee with a singular mission of electing Democrats to the U.S. Senate.<sup>13</sup> During the 2023-2024 cycle, SMP made over \$350 million in disbursements in furtherance of its mission and has continued its work for the 2026 election

---

<sup>9</sup> NRSC and Hogan for Maryland, Fed Up, <https://host2.adimpact.com/admo/viewer/463e9ffd-ab20-4d08-9b32-10727b45033a/> (last visited Jul. 8, 2025).

<sup>10</sup> NRSC and Nella for Senate, Too Radical, <https://host2.adimpact.com/admo/viewer/dee6b9fe-5cf0-4810-89f5-c5b32b0f8312/> (last visited Jul. 8, 2025).

<sup>11</sup> NRSC and Sam Brown for Nevada, Economic Plan, <https://host2.adimpact.com/admo/viewer/5d5dc47f-6f4e-417c-8719-b1a09feb1df2/> (last visited Jul. 8, 2025).

<sup>12</sup> See NRSC, FEC Committee Filings (2023-2024), <https://www.fec.gov/data/committee/C00027466/?cycle=2024&tab=filings> (last visited Jul. 8, 2025).

<sup>13</sup> SMP, Committee ID: C00484642, <https://www.fec.gov/data/committee/C00484642/> (last visited Jul. 8, 2025); Senate Majority PAC, *About Us*, <https://senatemajority.com/about-us/> (last visited Jul. 8, 2025).

cycle.<sup>14</sup> SMP reviews NRSC activity to assess sources and strength of support for rival candidates to evaluate the viability of their own candidates, and to make informed strategic and resource-allocation decisions. SMP also competes with NRSC, Republican candidates, and Republican Super PACs, all of which likewise spend funds advocating for the election of rival candidates subject to FECA and FEC regulations, and it has a concrete, non-speculative interest in its right to compete for elections under lawful rules of the game. Because the NRSC and Republican candidates are violating the law, SMP has to spend more money and divert resources from other planned programming to try to create an even playing field on which Democratic Senate candidates can compete.

## LEGAL ANALYSIS

### *i. NRSC spending in support of its candidates is subject to contribution and coordinated party expenditure limits*

FECA’s “canonical regulation is the base contribution limit” which limits the amount that any single donor may contribute to a federal candidate and “has checked actual and apparent ‘quid pro quo’ corruption in U.S. federal elections for the last fifty years.”<sup>15</sup> To prevent circumvention of the base limits, FECA treats expenditures that are made “in cooperation, consultation, or concert, with, or at the request or suggestion of” a candidate as a contribution (“*coordinated expenditures*”).<sup>16</sup>

National political party committees support of their federal candidates is subject to the base limits, with one exception. FECA affords the “national committee of a political party” the

---

<sup>14</sup> SMP, 2024 Year End Report, <https://docquery.fec.gov/cgi-bin/forms/C00484642/1873693/> (last visited Jul. 8, 2025).

<sup>15</sup> *Nat’l Republican Senatorial Comm. v. Fed. Election Comm’n*, 117 F.4th 389, 421 (6th Cir. 2024) (Stranch, J. concurring) (citing *Buckley v. Valeo*, 424 U.S. 1, 26-29 (1976)); 52 U.S.C. § 30116.

<sup>16</sup> 52 U.S.C. § 30116(a)(7)(B)(i); *Buckley v. Valeo*, 424 U.S. 1, 46 (1976).

ability to engage in additional coordinated spending beyond the base limits, but only up to a separate coordinated party spending limit.<sup>17</sup> This coordinated party spending limit is critical to protect the underlying base limits, and its protection against corruption, because “[t]here is no significant functional difference between a party’s coordinated expenditure and a direct party contribution to the candidate” and therefore “[c]oordinated expenditures of money donated to a party are tailor-made to undermine contribution limits.”<sup>18</sup> Although the NRSC is not afforded a coordinated party spending limit in each U.S. Senate race by operation of law, regulations permit the Republican National Committee and/or a state party to assign some or all of their authority in a given state to the NRSC.<sup>19</sup>

***ii. The Advertisements were coordinated expenditures, subject to the base contribution limits and coordinated party spending limits***

Under FECA, an “expenditure” is, with certain specified exceptions, “any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office.”<sup>20</sup> FECA’s statutory language broadly provides that “expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, *shall be considered to be a contribution to such candidate.*”<sup>21</sup>

Each Advertisement either advocates for the benefiting candidate or against their Democratic general election opponent and makes no references to any other candidates, political parties or elections. The NRSC payments to finance each Advertisement were thus plainly made

---

<sup>17</sup> 52 U.S.C. § 30116(d).

<sup>18</sup> *Fed. Election Comm’n v. Colorado Republican Fed. Campaign Comm.*, 533 U.S. 431, 464 (2001).

<sup>19</sup> 11 C.F.R. § 109.33.

<sup>20</sup> 52 U.S.C. § 30101(9).

<sup>21</sup> *Id.* § 30116(a)(7)(B)(i) (emphasis added).

“for the purpose of influencing” the election of a Republican candidate for U.S. Senate and qualify as expenditures under FECA. As evidenced by the disclaimers on the Advertisements, the NRSC’s payments for the Advertisements were also clearly made by the NRSC in “cooperation, consultation, or concert, with, or at the request or suggestion of” the benefitting candidate.<sup>22</sup>

Although it is impossible to know the exact amount the NRSC paid for each advertisement, FECA dictates that the full amount paid for by the NRSC for each television advertisement is treated as a contribution to the candidate committee it coordinated with on the relevant advertisement.

***iii. The Commission’s exception for “hybrid” television advertising is inapplicable***

In October 2024, the Commission issued an advisory opinion holding that a party committee and a candidate could split the costs of television advertising that equally promotes a candidate and the party without the party’s portion of the costs resulting in a contribution to the candidate.<sup>23</sup> Specifically, the Commission approved splitting the costs of advertising that “clearly identifies [a candidate] and equally promotes on a time/space basis [the candidate’s] candidacy for the U.S. Senate (either through advocacy for her or against her opponent) and generic candidates of the [ ] party (either through advocacy for generic [party] candidates or against generic [opposition party] candidates) provided that the time and space devoted to [the candidate] will actually be equal to the time and space devoted to the generically referenced congressional candidates.”<sup>24</sup> The Commission concluded that when “each party bears its own

---

<sup>22</sup> *Id.*

<sup>23</sup> Adv. Op. 2024-14 (DSCC and Rosen for Nevada).

<sup>24</sup> *Id.* at 5.

costs and appropriately allocates the expenses associated with a given communication, neither party receives “anything of value” from the other and no in-kind contribution results.”<sup>25</sup>

First, the underlying principle of the Commission’s holding appears to contradict the plain language of FECA. FECA states that any payment for an expense that influences a federal election is an “expenditure” that results in a “contribution” to a candidate when made in coordination with the candidate.<sup>26</sup> Spending on advocacy for generic party candidates right before a federal election indisputably influences an election and falls within the scope of an “expenditure” under the Act.<sup>27</sup> Accordingly, a party committee’s payment for television advertising that is for the purpose of influencing an election for federal office and coordinated with a federal candidate results in a contribution to the federal candidate. FECA allows for no multi-purpose exception or other alternative interpretation.

Second, even if the “hybrid” loophole exempted the NRSC’s party advocacy portions of television communications from qualifying as contributions, the Advertisements at issue only have a singular purpose of promoting the featured Republican Senate candidate. Unlike the facts in Advisory Opinion 2024-14 that the Commission relied on to permit hybrid television allocation, the Advertisements here do not devote any time or space to “generically referenced congressional candidates.”<sup>28</sup> The Advertisements all follow a similar formula: discuss a campaign issue (*i.e.*, border security, partisanship, inflation) and then make the argument that either the Republican candidate can remedy the issue or the Democratic opponent will

---

<sup>25</sup> *Id.* at 7.

<sup>26</sup> 52 U.S.C. §§ 30101(9), 30116(a)(7)(B)(i).

<sup>27</sup> FECA contains numerous exceptions to the definitions of contribution and expenditure. However, none of those are for so-called “hybrid advertising.” 52 U.S.C. §§ 30101(9)(B), 30116(a)(7)(B).

<sup>28</sup> Adv. Op. 2024-14 (DSCC and Rosen for Nevada) at 5.

exacerbate it. The fact that a portion of a communication tees up the explicit candidate advocacy by discussing a campaign issue does not create a separate purpose for the ad itself.

The Senate candidates are running to become elected officials in Congress to, in part, enact laws necessary and proper to execute the powers vested in Article 1, Section 8 of the Constitution. It is thus no surprise that the candidate communications discuss policy priorities. And in fact, the Advertisements provide no other context that would allow the viewer to understand the policy discussion apart from the candidate advocacy. There is no mention of the “Republican” or “Democratic” parties or generic candidates thereof that would tie a policy position to a party platform thus encouraging support for generic party candidates, nor is there any other call to action (*e.g.*, to donate money, to call an elected representative, etc.). The only plausible way to interpret the policy discussion is as persuasion to vote for the specifically-identified Republican candidate. In an effort to circumvent party contribution limits, it is preposterous for a party committee to claim that the policy discussions framing a campaign advertisement are instead advocating for its own, separate interest to elect generic candidates of that party.

*iv. The Advertisements violated FECA’s disclosure requirements and may have violated FECA’s contribution and coordinated spending limits*

FECA requires party committees to report a contribution to a federal candidate and for federal candidates to report the receipt of such a contribution.<sup>29</sup> Additionally, FECA requires party committees to separately categorize and report coordinated party expenditures subject to the coordinated party expenditure limit, including itemization of the date, amount, and purpose

---

<sup>29</sup> 52 U.S.C. § 30104(b)(2)(c), (4)(H)(i).

of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made.<sup>30</sup>

As discussed above, the Advertisements were coordinated expenditures, subject to either the base contribution limits or coordinated party spending limits. Yet, based on an analysis of the Advertisements' dissemination dates, the NRSC's FEC reports disclose none of the NRSC's costs of the Advertisements as either contributions made to the benefiting Senate candidates or as coordinated party expenditures.<sup>31</sup> Respondents' violation of FECA's disclosure requirements deprived Complainant of strategically important information on the amounts each committee actually paid toward a given coordinated effort.

It is also likely that the NRSC's payments for the Advertisements violated FECA's limits. It is impossible to know the NRSC's payments for the specific Advertisements and the amount, if any, of its assigned coordinated spending authority. However, the costs of television advertisements almost certainly exceeded the NRSC's 2024 base contribution limit of \$57,800 it shared with the Republican National Committee.<sup>32</sup> And the NRSC's disclosed aggregate coordinated expenditures for the Respondent campaigns suggest that that the NRSC may not have had the spending authority to fund the Advertisements. For example, the 2024 coordinated expenditure limit for New Mexico was \$205,500 and the NRSC reported in its September Monthly report aggregate coordinated expenditures for Nella for Senate of \$387,705.<sup>33</sup> Similarly, the 2024 coordinated expenditure limit for Nevada was \$310,000 and the NRSC reported in its

---

<sup>30</sup> *Id.* § 30104(b)(4)(H)(iv), (b)(6)(B)(iv). *See* 11 C.F.R. § 104.3(b)(1)(viii).

<sup>31</sup> *See* NRSC, FEC Committee Filings (2023-2024), <https://www.fec.gov/data/committee/C00027466/?cycle=2024&tab=filings> (last visited Jul. 9, 2025).

<sup>32</sup> FEC, Contribution Limits (2023-2024), [https://www.fec.gov/resources/cms-content/documents/contribution\\_limits\\_chart\\_2023-2024.pdf](https://www.fec.gov/resources/cms-content/documents/contribution_limits_chart_2023-2024.pdf) (last visited Jul. 9, 2025).

<sup>33</sup> FEC, Archive of Coordinated Party Expenditure Limits, *available at* <https://www.fec.gov/help-candidates-and-committees/making-disbursements-political-party/coordinated-party-expenditures/coordinated-party-expenditure-limits/> (last visited Jul. 9, 2025); NRSC Sept. Monthly Report, Schedule F, <https://docquery.fec.gov/cgi-bin/forms/C00027466/1817797/sf> (last visited Jul. 9, 2025).=.

September Monthly report aggregate coordinated expenditures for Sam Brown for Nevada of \$522,500.<sup>34</sup>

**v. Conclusion**

In passing and amending FECA, Congress made a clear determination that limiting direct contributions to political parties and candidates alone was not enough to prevent corruption. It thus reinforced the base contribution limits by treating coordinated expenditures as contributions. In 1976, the Supreme Court evaluated this choice and upheld the limits on coordinated expenditures, while striking down limits on independent expenditures.<sup>35</sup> In 2001, the Court once again upheld limits on coordinated expenditures in the specific context of party coordinated expenditures. The Court noted “Congress is entitled to its choice” to limit both direct contributions and coordinated expenditures, acknowledging “there is no significant functional difference between a party’s coordinated expenditure and a direct party contribution to the candidate.”<sup>36</sup>

Neither Respondents nor the FEC have the power to overturn the choice by Congress to limit coordinated party expenditures. Nothing in FECA exempts payments by a party committee for coordinated advertisements that promote a federal candidate from qualifying as coordinated expenditures simply because a secondary purpose exists. This principle is especially true when there is in fact no secondary purpose, as is the case with Respondents’ Advertisements.

---

<sup>34</sup> FEC, Archive of Coordinated Party Expenditure Limits, available at <https://www.fec.gov/help-candidates-and-committees/making-disbursements-political-party/coordinated-party-expenditures/coordinated-party-expenditure-limits/> (last visited Jul. 9, 2025); NRSC Sept. Monthly Report, Schedule F, <https://docquery.fec.gov/cgi-bin/forms/C00027466/1817797/sf> (last visited Jul. 9, 2025).

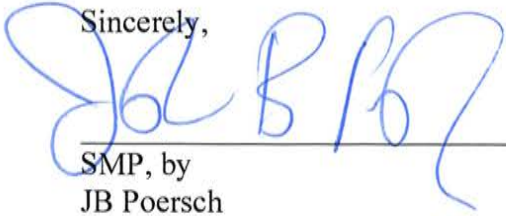
<sup>35</sup> *Buckley v. Valeo*, 424 U.S. 1 (1976).

<sup>36</sup> *Fed. Election Comm’n v. Colorado Republican Fed. Campaign Comm.*, 533 U.S. 431, 464-465 (2001).

## **REQUEST FOR ACTION**

We urge the Commission to perform its duty to enforce FECA. The Commission should immediately investigate NRSC's failure to properly report coordinated expenditures under 52 U.S.C. § 30104, as well as any contributions in excess of FECA's contribution limits and coordinated expenditure limits under 52 U.S.C. § 30116(a), (d). Complainant relies on the public reporting under FECA to make strategic decisions. It also relies on the Commission to enforce the contribution and coordinated party expenditure limits and disclosure requirements so that it can compete on an even playing field with its opponents. To effectively compete in future elections, Complainant must be able to both review the amount of coordinated expenditures spent by the opposition party on a given race and trust that FECA's limits are not exceeded without consequence. If a violation is found, we respectfully request that the Commission fine Respondents the maximum amount permitted by law.

Sincerely,



SMP, by  
JB Poersch  
1032 15th Street NW  
Suite 247  
Washington, DC 20005

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of August 2025.



Notary Public

My Commission Expires:

11 | 14 | 26

