

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

Danielle Butterfield  
Priorities USA Action  
530 8th St SE  
Washington, D.C. 20003

Complainant,

v.

America PAC  
Chris Gober, Treasurer  
P.O. Box 341027  
Austin, TX 78734

Respondents

**COMPLAINT**

This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that America PAC (ID: C00879510), a federal Super PAC, and Chris Gober, the treasurer of America PAC (collectively, the “Respondents”), have violated the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, et seq., by making illegal and excessive in-kind contributions to candidate Donald Trump’s campaign committee, Donald J. Trump for President, Inc.

**FACTS**

America PAC is an independent expenditure-only political action committee (i.e., a “Super PAC”), formed in 2024.<sup>1</sup> Between July 8, 2024 and July 10, 2024, America PAC

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<sup>1</sup> America PAC, Statement of Organization, FEC Form 1 (filed May 22, 2024), FEC.GOV <https://docquery.fec.gov/pdf/756/202405229648717756/202405229648717756.pdf>.

disseminated a paid advertisement on Google<sup>2</sup> (“Advertisement”) that featured convicted felon Donald Trump and was almost entirely based upon a video disseminated by the Donald J. Trump for President 2024, Inc. campaign<sup>3</sup> (“Campaign”) on May 9, 2024.<sup>4</sup> The Advertisement also ran between July 16, 2024, and July 18, 2024 on Meta.<sup>5</sup> This Advertisement is almost identical to the Campaign’s video, simply replacing the bottom third of the screen with text about registering and voting; America PAC also swaps out the Campaign’s disclaimer for America PAC’s disclaimer.<sup>6</sup> According to Meta ad tracking, America PAC has spent at least \$164,000 to distribute the Advertisement on that platform alone.<sup>7</sup>

On July 15, 2024<sup>8</sup>, and between July 17 to July 19, 2024<sup>9</sup>, America PAC reported two independent expenditures for Digital Media totaling \$1,585,935.48.

## LEGAL ANALYSIS

In the 2024 cycle, a non-multicandidate committee may only contribute up to \$3,300 per election to a federal candidate or their authorized campaign committee. 52 U.S.C § 30116(a); *Contribution Limits*, Fed. Election Comm’n, <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/>. Likewise, a multicandidate committee

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<sup>2</sup> Google Ads Transparency Center, Advertiser: America PAC (retrieved July 22, 2024) <https://adstransparency.google.com/advertiser/AR09947305026751823873/creative/CR01058926145333886977?region=US&topic=political>.

<sup>3</sup> Donald Trump is a candidate for President and his principal campaign is Donald J. Trump for President 2024, Inc. FEC.GOV <https://docquery.fec.gov/pdf/412/202404229636706412/202404229636706412.pdf>.

<sup>4</sup> @realDonaldTrump, Truth Social (May 9, 2024), <https://truthsocial.com/@realDonaldTrump/posts/112412575520548743>.

<sup>5</sup> Meta Ad Library, America PAC, (retrieved July 22, 2024), <https://www.facebook.com/ads/library/?id=1417000286360319>.

<sup>6</sup> Compare @realDonaldTrump, Truth Social (May 9, 2024), <https://truthsocial.com/@realDonaldTrump/posts/112412575520548743> and Meta Ad Library, America PAC, (retrieved July 22, 2024), <https://www.facebook.com/ads/library/?id=1417000286360319>.

<sup>7</sup> Meta Ad Library, America PAC, (retrieved July 22, 2024), [https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&country=US&id=1651875668908009&view\\_all\\_page\\_id=318975057964832&search\\_type=page&media\\_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&id=1651875668908009&view_all_page_id=318975057964832&search_type=page&media_type=all).

<sup>8</sup> America PAC, Independent Expenditures (24- and 48-hour reports) 2023-24, FEC.GOV <https://docquery.fec.gov/pdf/851/202407179661211851/202407179661211851.pdf>.

<sup>9</sup> America PAC, Independent Expenditures (24- and 48-hour reports) 2023-24, FEC.GOV <https://docquery.fec.gov/pdf/715/202407199661391715/202407199661391715.pdf>.

may only contribute up to \$5,000 per calendar year to a federal candidate or their authorized committee. *Id.*

A “contribution” includes “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i); *see also* 11 C.F.R. §§ 100.52(a), 114.1(a)(1). “Anything of value” includes all in-kind contributions. 11 C.F.R. § 100.52(d)(1). These contributions must be reported. 11 C.F.R. § 104.3.

Republication of federal candidate or a federal candidate’s authorized committee’s materials generally constitutes a contribution to that candidate: “The financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, the candidate’s authorized committee, or an agent of either of the foregoing shall be considered a contribution for the purposes of contribution limitations and reporting responsibilities of the person making the expenditure.” 11 C.F.R. § 109.23(a). However, republication will not be considered a contribution to the benefiting candidate if: (1) republication of a candidate’s own materials by that candidate or authorized committee; (2) republication of “campaign material [that] is incorporated into a communication that advocates the defeat of the candidate or party that prepared the material”; (3) republication by a press entity acting under the press exception; (4) use of a brief quote of materials that demonstrate a candidate’s position as part of a person’s expression of its own views; and (5) republication by a national political party using coordinated party expenditure authority. *See id.* § 109.23(b).

For our purposes, none of these exceptions apply: the materials at issue are not America PAC’s, nor do they advocate the defeat of Mr. Trump; America PAC is not a news entity; the

Advertisement in question does not a “brief quote” for the Campaign footage, but instead uses almost the entirety of the original video; and finally, America PAC is not a national political party.

Moreover, the Federal Election Commission (“Commission”) has previously stated, “republishing of any graphic campaign materials prepared by the candidate’s authorized committee shall be considered a contribution for the purposes of contribution limitations... of the person making the expenditure.” First General Counsel’s Report, MUR 5743 (Nov. 1, 2006), <https://www.fec.gov/files/legal/murs/5743/00005ADF.pdf>. The Commission has also expressly rejected the proposal that republication only be “considered a contribution” when “there is coordination.” *Final Rules on Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 441-42 (Jan. 3, 2003).

Here, America PAC republished Campaign materials by disseminating the Advertisement across digital platforms and therefore made an in-kind contribution to the Campaign. Moreover, Respondents spent well in excess of the FECA contribution limits disseminating the Advertisement, as described above. Therefore, the Respondents made an excessive campaign contribution to the Campaign in direct violation of 52 U.S.C § 30116. Moreover, the Respondents failed to properly report the in-kind contribution as required by 11 C.F.R § 104.3.


#### **REQUESTED ACTION**

Respondents’ actions are a clear violation of 52 U.S.C § 30116 and 11 C.F.R § 104.3. Therefore, we ask that the Commission immediately investigate whether the Respondents have violated federal law by republishing a Campaign video and failing to report such dissemination. If a violation is found, we request the Commission enjoin the Respondents from further violations and fine the Respondents the maximum amount permitted by law.

Sincerely,  
*Danielle Butterfield*

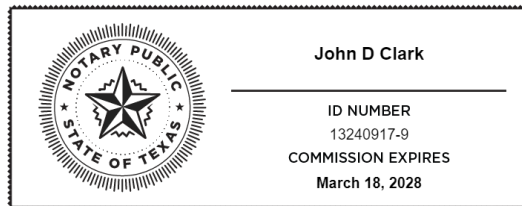
Danielle Butterfield  
Priorities USA Action  
530 8th St SE  
Washington, D.C. 20003  
State of Texas, county of Tarrant

SUBSCRIBED AND SWORN to before me this 23<sup>rd</sup> day of July 2024  
by Danielle Melissa Butterfield

 Notary Public, State of Texas

Notary Public

My Commission Expires: 03/18/2028



Electronically signed and notarized online using the Proof platform.