

FEDERAL ELECTION COMMISSION

In the matter of:

MUR ____

Never Surrender, Inc., f/k/a Donald J. Trump for President 2024, Inc.

COMPLAINT

1. Two Wisconsin voters, Luz Sosa and George Penn, bring this complaint before the Federal Election Commission (“FEC” or “Commission”) seeking an immediate investigation and enforcement action against Never Surrender, Inc., formerly known as Donald J. Trump for President 2024, Inc., the principal campaign committee for President Donald J. Trump (the “Trump campaign”), for direct and serious violations of the Federal Election Campaign Act (“FECA”).

2. To ensure the public knows the “interests to which a candidate is most likely to be responsive,” the FECA mandates “total disclosure” of a candidate’s financial supporters. *Buckley v. Valeo*, 424 U.S. 1, 67, 76 (1976). Accordingly, campaigns are required by law to report the source of any significant contribution they receive. *See* 52 U.S.C. § 30104(b). Further, because “‘expenditures made after a “wink or nod”’—or with more explicit coordination—‘often, will be “as useful to the candidate as cash,”’” *Campaign Legal Cntr. v. FEC*, 106 F.4th 1175, 1180 (D.C. Cir. 2024) (quoting *McConnell v. FEC*, 540 U.S. 93, 221 (2003)), campaigns must report expenditures coordinated with the campaign as contributions, *see* 52 U.S.C. § 30116(a)(7)(B)(i).

3. In violation of these rules, the Trump campaign coordinated with outside groups over their canvassing activities in the 2024 election, likely amounting to multiple millions of dollars in expenditures, without reporting the source of the funds used to pay for it. As a result, to this day, the source of what is likely to be millions of dollars used to finance the Trump

campaign's canvassing activities remain unknown, unreported by either the Trump campaign or the outside groups.

4. The Trump campaign apparently felt free to ignore its legal obligations because of a 2024 advisory opinion issued by the FEC that concluded that coordinated canvassing expenditures—despite fulfilling a vital campaign role to influence the presidential election and constituting an immensely valuable contribution to a campaign—were excluded from the FECA's reach.

5. The advisory opinion, however, conflicts with both the FECA and FEC regulations. Accordingly, the Trump campaign could not rely on it in good faith and it does not remove the legal obligations imposed by the statute and regulations.

Complainants

6. Complainant Luz Sosa is and at all relevant times has been a citizen of the United States and a registered voter in Wisconsin. She voted for a presidential candidate in the 2024 presidential election in Wisconsin. She was visited by canvassers during the 2024 election that urged her to vote for then-candidate Donald Trump and another set that urged her to vote for then-candidate Kamala Harris.

7. Ms. Sosa is entitled to receive information contained in disclosure reports required by the FECA. 52 U.S.C. § 30104; 11 C.F.R. §§ 104.1–.22, 109.10. Ms. Sosa is harmed in exercising her right to vote when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See FEC v. Akins*, 524 U.S. 11, 20 (1998) (*quoting Buckley*, 424 U.S. at 66–67 (political committees must disclose contributors and disbursements to help voters understand who provides candidates financial support)).

8. The information contained in reports required to be filed under the FECA is useful to Ms. Sosa as it provides insights into the interests and priorities that may influence elected officials' policies and decisions. The information further helps Ms. Sosa assess potential biases or conflicts of interest, and to determine whether a candidate's values align with hers. Learning the identity of a donor could impact Ms. Sosa's decision to vote for a candidate. Ms. Sosa has read and expects to read new stories that discuss presidential candidates' donors and has and expects to discuss such matters with other voters.

9. Ms. Sosa does not know the source of the funds used to carry out the Trump campaign's canvassing operations.

10. Ms. Sosa is harmed in her ability to exercise her own franchise in an informed manner and to share information with others, including voters, when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See Akins*, 524 U.S. at 21 (FECA protects the right to receive information that would allow "others to whom they would communicate it" to evaluate candidates for public office).

11. Ms. Sosa is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting her ability to review and distribute campaign finance information.

12. Complainant George Penn is and at all relevant times has been a citizen of the United States and a registered voter in Wisconsin. He voted for a presidential candidate in the 2024 presidential election in Wisconsin.

13. Mr. Penn is entitled to receive information contained in disclosure reports required by the FECA. 52 U.S.C. § 30104; 11 C.F.R. §§ 104.1–.22, 109.10. Mr. Penn is harmed

in exercising his right to vote when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See Akins*, 524 U.S. at 20 (*quoting Buckley*, 424 U.S. at 66–67 (political committees must disclose contributors and disbursements to help voters understand who provides candidates financial support)).

14. The information contained in reports required to be filed under the FECA is useful to Mr. Penn. Mr. Penn believes elected officials may become beholden to their major donors and serve their interests over the interests of those they are meant to represent. Mr. Penn’s vote may be influenced by learning the identity of a candidate’s donors and size of their donations. Mr. Penn has and expects to read stories about candidates’ financial supporters and has and expects to share such information with other voters.

15. Mr. Penn does not know the source of the funds used to carry out the Trump campaign’s canvassing operations.

16. Mr. Penn is harmed in his ability to exercise his own franchise in an informed manner and to share information with others, including voters, when an individual, candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. *See Akins*, 524 U.S. at 21 (FECA protects the right to receive information that would allow “others to whom they would communicate it” to evaluate candidates for public office).

17. Mr. Penn is further harmed when the FEC fails to properly administer the FECA’s reporting requirements, limiting his ability to review and distribute campaign finance information.

Respondents

18. Never Surrender, Inc. is a leadership PAC registered with the Federal Election Commission. Never Surrender, Inc., *FEC Form 1, Statement of Organization* (Nov. 12, 2024), <https://docquery.fec.gov/pdf/551/202411129719967551/202411129719967551.pdf>. Before the 2024 election, Never Surrender, Inc. operated as the principal campaign committee for Donald J. Trump under the name “Donald J. Trump for President 2024, Inc.” Donald J. Trump for President 2024, Inc., *FEC Form 1, Statement of Organization* (Aug. 20, 2024), <https://docquery.fec.gov/pdf/680/202408209674127680/202408209674127680.pdf>.

Factual allegations

19. On March 20, 2024, the Federal Election Commission issued Advisory Opinion 2024-01. FEC, Advisory Opinion 2024-01 (Mar. 20, 2024), <https://www.fec.gov/files/legal/aos/2024-01/2024-01.pdf> (the “Advisory Opinion” or “AO”). That Advisory Opinion responded to a request from a Texas-based state political committee that asked whether its payment for scripts and personnel to conduct door-to-door canvassing would be treated as and subject to the limits for a contribution to a federal candidate if the group coordinated its activities with that candidate. *Id.* The group asked because the FECA states 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.” 52 U.S.C. § 30116(a)(7)(B)(i).¹ In conflict with this explicit text, however, the FEC responded that expenditures for canvassing that are coordinated with a candidate’s campaign committee are not “coordinated expenditures” for

¹ An “expenditure” for purposes of the FECA refers to “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,” subject to certain exclusions not relevant here. *See* 52 U.S.C. § 30101(9)(A)–(B).

purposes of the FEC regulations and thus are not contributions subject to reporting or the FECA's amount and source limits. *See* AO 2024-01 at 1.

20. The Trump campaign's political director, James Blair, reportedly described the Advisory Opinion as a "game-changer." Alex Isenstadt, Trump camp plans sit-down with outside groups after FEC relaxes coordination rules, Politico, Apr. 26, 2024, <https://www.politico.com/news/2024/04/26/trump-2024-fec-00154727>. The campaign reportedly invited outside groups to an "entirely off-the-record, private" meeting with senior campaign officials to "discuss new opportunities (in light of a recent FEC ruling) for our organizations to collaborate more effectively than we have been able to in the past." *Id.* Among the invitees was reportedly Turning Point Action. *id.*; *see also* Isaac Arnsdorf & Josh Dawsey, Trump team gambles on new ground game capitalizing on loosened rules, Wash. Post (Aug. 3, 2024), <https://www.washingtonpost.com/politics/2024/08/03/trump-allies-ground-game/>. Turning Point Action is an tax-exempt 501(c)(4) corporation founded by Charlie Kirk, Turning Point Action, 2023 Form 990 (May 14, 2024), <https://projects.propublica.org/nonprofits/organizations/464331510/202441369349310204/full>; Turning Point Action, About TPAction (last visited May 29, 2025), <https://www.tpaction.com/about>. Turning Point Action is not registered with the Commission as a political committee and does not disclose its donors.

21. Subsequently, Turning Point Action reportedly led a \$100 million-plus "chase the vote" canvassing program to benefit the Trump campaign in the 2024 election. Ed Pilkington, Charlie Kirk once unified conservative youth for Trump. Why are Republicans now turning on him?, The Guardian (June 25, 2024), <https://www.theguardian.com/us-news/ng-interactive/2024/jun/25/charlie-kirk-turning-point-usa-chase-the-vote-trump>. The program

focused on swing states, including Wisconsin. *Id.*; see also Lawrence Andrea, Behind the scenes of the Supreme Court race, a ‘turf war’ simmers between Wisconsin GOP and Turning Point, Milwaukee Journal Sentinel (Feb. 24, 2025), <https://www.jsonline.com/story/news/politics/elections/2025/02/24/republican-turn-war-churns-with-turning-point-wisconsin-gop/78464536007> (describing Wisconsin as “focal point” for Turning Point Action’s “chase the vote” initiative). During an interview, Mr. Kirk confirmed that Turning Point Action was working “in harmony” with the Trump campaign on “doors and canvassing.” J.D. Wolf, Anti-MLK Charlie Kirk Confirms His Group is Working Directly with Trump (June 4, 2024), <https://meidasnews.com/news/anti-mlk-charlie-kirk-confirms-his-group-is-working-directly-with-trump> (included embedded clip from an episode of “ThoughtCrime” featuring Charlie Kirk). Turning Point Action subsequently posted social media confirming the organization engaged in door knocking in support of the Trump campaign in the state. @TPACoalitions, X (Oct. 23, 2024), <https://x.com/TPACoalitions/status/1849125000248254552>; @charliekirk11, X (Oct. 2, 2024), <https://x.com/charliekirk11/status/1841499851764420896>.

22. Notwithstanding Turning Point Action’s apparent coordination of its \$100 million-plus door knocking operation with and on behalf of the Trump campaign, the campaign did not report any contribution from Turning Point Action in 2024. *See* Receipts, Never Surrender 2023-24 (last visited May. 29, 2025) https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00828541&contribution_name=C90019597&two_year_transaction_period=2024. For that matter, since the Advisory Opinion, the Trump campaign appeared to report no contributions received in the form of coordinated expenditures for canvassing. *See generally* Never Surrender, Inc., FEC Form 3x, 2024 Year-End Report (Jan. 31, 2025),

<https://docquery.fec.gov/pdf/014/202501319752924014/202501319752924014.pdf>; Donald J. Trump for President 2024, Inc., FEC Form 3P, 2024 Post-Election Report (Dec. 5, 2024), <https://docquery.fec.gov/pdf/182/202412059737365182/202412059737365182.pdf>; Donald J. Trump for President 2024, Inc. FEC Form 3P, Amended 2024 Pre-Election Report (Jan. 13, 2025), <https://docquery.fec.gov/pdf/412/202501139740143412/202501139740143412.pdf>; Donald J. Trump for President 2024, Inc., FEC Form 3P, 2024 October Monthly Report (Oct. 20, 2024), <https://docquery.fec.gov/pdf/519/202410209709176519/202410209709176519.pdf>; Donald J. Trump for President 2024, Inc., FEC Form 3P, Amended 2024 September Monthly Report (Oct. 20, 2024), <https://docquery.fec.gov/pdf/062/202410209709589062/202410209709589062.pdf>; Donald J. Trump for President 2024, Inc., FEC Form 3P, Amended 2024 August Monthly Report (Oct. 28, 2024), <https://docquery.fec.gov/pdf/197/202410289719664197/202410289719664197.pdf>; Donald J. Trump for President 2024, Inc., FEC Form 3P, Amended 2024 July Monthly Report (Aug. 15, 2024), <https://docquery.fec.gov/pdf/721/202408159666200721/202408159666200721.pdf>; Donald J. Trump for President 2024, Inc., FEC Form 3P, Amended 2024 June Monthly Report (July 10, 2024), <https://docquery.fec.gov/pdf/664/202407109652769664/202407109652769664.pdf>; Donald J. Trump for President 2024, Inc., FEC Form 3P, Amended 2024 May Monthly Report (June 17, 2024), <https://docquery.fec.gov/pdf/981/202406179649047981/202406179649047981.pdf>; Donald J. Trump for President 2024, Inc., FEC Form 3P, Amended 2024 April Monthly Report (June 17, 2024), <https://docquery.fec.gov/pdf/564/202406179649088564/202406179649088564.pdf>.

Count I

23. Federal law requires a candidate's principal campaign committee to report to the Commission "the identification of each ... person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office) ... , together with the date and amount of any such contribution." 52 U.S.C. § 30104(b)(3)(A); *accord* 11 C.F.R. § 104.3(a)(4)(i). Reportable contributions include "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," which federal law provides "shall be considered to be a contribution to such candidate." 52 U.S.C. § 30116(a)(7)(B)(i); *accord* 11 C.F.R. §§ 109.20, 109.21. Coordinated expenditures, like other forms of contributions, are subject to amount and source limits. *See* 52 U.S.C. §§ 30116(a), (c), (f), 30118, 30119, 30121.²

24. Additionally, certain expenditures to influence federal elections must be reported by the expenditure maker, but only if they are "not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party or its agents." 11 C.F.R. § 100.16. That means that an otherwise reportable expenditure could be kept secret simply because it is coordinated with a candidate unless the expenditure is treated as a coordinated expenditure and reported by the campaign as a contribution.

² The campaign is further obligated to report the "true source" of a contribution. *United States v. Hsia*, 30 F. App'x 1, 3 (D.C. Cir. 2001). Accordingly, where an entity accepts earmarked funds and passes them on to (or expends them in coordination with) a campaign, the campaign is obligated to report that original source in its reporting to the Commission. 52 U.S.C. § 30116(a)(8); 11 C.F.R. § 110.6(a).

25. As alleged above and incorporated herein, there is reason to believe the Trump campaign coordinated its canvassing activities in Wisconsin, and likely other states, with outside groups, including Turning Point Action. *See supra* ¶¶ 19–22. Canvassing is an “expenditure” within the meaning of the FECA. *See* Conciliation Agreement ¶ 15, MUR 5753 (League of Conservation Voters 527) (concluding group’s “expenditures” for purposes of 52 U.S.C. § 30101(9) include “door-to-door canvass”); *see also* Advisory Opinion 2024-01 at 7 (“costs to produce and distribute the Campaign Literature and Script ... are expenditures”). Accordingly, these activities, when coordinated, constitute coordinated expenditures and are treated as contributions subject to reporting. 52 U.S.C. § 30116(a)(7)(B)(i); 11 C.F.R. §§ 109.20, 109.21. The Trump campaign was therefore obligated by federal law to report the source and values of these contributions. 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4)(i). Nevertheless, since the Advisory Opinion, the Trump campaign did not report any contributions attributed to coordinated expenditures for canvassing, and no contributions from Turning Point Action. *See supra* ¶ 22. Conversely, Turning Point Action has neither reported its canvassing activities nor reported the source of any of the funds used to support the canvassing activities, notwithstanding the fact that it would have had to if it conducted the activities without coordinating. *See* Independent Expenditures, FEC (last visited May 29, 2025), https://www.fec.gov/data/independent-expenditures/?data_type=processed&most_recent=true&q_spender=C90019597&cycle=2024&is_notice=true (showing reported independent expenditures linked to spender “Turning Point Action”); 52 U.S.C. § 30104(c).

26. While the 2024 Advisory Opinion ostensibly concluded that such activities do not constitute coordinated expenditures or coordinated communications and therefore need not be

reported as contributions, the Advisory Opinion contravenes both the FECA and FEC regulations.

27. The Advisory Opinion recognized that expenses for canvassing “are expenditures.” AO 2024-01 at 7. Nevertheless, the Advisory Opinion concluded that such communication-related expenditures, even if coordinated with the campaign, would not be treated as a contribution. It did so by looking at the FEC’s regulations for coordinated expenditures which break that concept into various subparts: coordinated communications governed by 11 C.F.R. § 109.21, coordinated party expenditures governed by 11 C.F.R. § 109.37,³ and the general catch-all for all other coordinated expenditures governed by 11 C.F.R. § 109.20.

28. Looking first at 11 C.F.R. § 109.21, the Advisory Opinion reasoned that canvassing, despite being a type of communication, was not among the type of enumerated communications covered by that rule. AO 2024-01 at 5 (concluding canvassing is not a type of “general public political advertising”). Placing an inordinate amount of weight on the proximity of the speaker to the audience, the FEC reasoned that door-to-door canvassing differed from other types of covered communications, like “telephone bank[ing],” because canvassing involved “individuals talking face-to-face with voters.” *Id.* at 6. Accordingly, it found that canvassing could not be deemed to be a coordinated communication under that rule. *Id.*

29. The Advisory Opinion then turned to the catch-all in 11 C.F.R. § 109.20(b), which provides in relevant part:

Any expenditure that is coordinated within the meaning of paragraph (a) of this section, but that is not made for a coordinated communication under 11 C.F.R. § 109.21 ... is ... an in-kind contribution to ... the candidate or political party

³ As the requesting group was not a political party, the Advisory Opinion did not examine 11 C.F.R. § 109.37 and it is not otherwise relevant here.

committee with whom or with which it was coordinated and must be reported as an expenditure made by that candidate or political party committee

The Advisory Opinion concluded that this catch-all did not apply because it found that the carve-out for “coordinated communications” applied to *any* communication-related expenditure, even if they were not “coordinated communications under 11 C.F.R. § 109.21.” *See* AO 2024-01 at 7. In other words, the Advisory Opinion reasoned that coordinated canvassing was a “coordinated communication” for purposes of the carve out from “coordinated expenditures” in 11 C.F.R. § 109.20, but was not a “coordinated communication” for purposes of 11 C.F.R. § 109.21, falling through a gap between the two provisions created by the Advisory Opinion.

30. Left unaddressed in the Advisory Opinion, however, was that the carve out for “coordinated communication” in 11 C.F.R. § 109.20 is expressly tied to the scope of the term used in 11 C.F.R. § 109.21. *See* 11 C.F.R. § 109.20 (“Any expenditure that is coordinated but that is not made for a *coordinated communication under 11 C.F.R. § 109.21* ... , is ... an in-kind contribution” (emphasis added)). The carve-out in 11 C.F.R. § 109.20 thus applies only to those expenditures that are “coordinated communications under 11 C.F.R. § 109.21.” A coordinated expenditure that is excluded from 11 C.F.R. § 109.21 because, for example, it is not the type of communication covered by that rule, is still governed by 11 C.F.R. § 109.20. By the explicit terms of the FEC’s regulations, therefore, there is no gap through which coordinated canvassing could fall.

31. Further left unaddressed by the Advisory Opinion is the fact that the FECA does not break coordinated expenditures into coordinated communication expenditures and coordinated non-communication expenditures but rather speaks of a unified set of “expenditures made ... in cooperation, consultation, or concert with, or at the request or suggestion of, a

candidate, his authorized political committees, or their agents.” 52 U.S.C. § 30116(a)(7)(B)(i).⁴

Thus, any expenditure made to influence a federal election which is coordinated with a candidate, whether or not made for a communication, is treated as a contribution by federal law.

32. To the extent the Advisory Opinion accurately reflects FEC regulations, the FEC regulations fail to capture the full extent of the conduct regulated by the FECA which neither the regulations nor the Advisory Opinion may diminish.

33. Accordingly, as the Advisory Opinion conflicts with either the FECA or FEC regulations or both, the Trump campaign could not rely on it in good faith and it does not serve to overcome the legal obligations on the Trump campaign to report the source and amounts of coordinated canvassing expenditures.

34. By failing to report the sources and amounts of contributions in the form of coordinated canvassing expenditures, the Trump campaign violated and continues to violate 52 U.S.C. § 30104(b)(3)(A) and 11 C.F.R. § 104.3(a)(4)(i).

Conclusion

WHEREFORE, complainants request that the FEC conduct an investigation into these allegations; declare the respondent has violated the FECA and applicable FEC regulations; and order the respondent to correct these violations by filing disclosure reports that, among other things, identify and make public each person who made contributions aggregating more than

⁴ The FECA expands on the general coordinated expenditure rule in 52 U.S.C. § 30116(a)(8)(B)(i) to cover coordinated electioneering communications, 52 U.S.C. § 30116(a)(7)(D) (electioneering communications), because those types of communications are not “expenditures” within the meaning of the Act, *see* 52 U.S.C. § 30104(f)(3)(B) (excluding “expenditures” from meaning of “electioneering communication”), and the uncoordinated republication and distribution of campaign materials to which it applies special rules, *see id.* at § 30116(a)(7)(B)(iii) (treated as expenditures but not necessarily contributions). These activities are covered and delineated by the coordinated communication regulations. *See* 11 C.F.R. § 109.21(c)(1) (electioneering communications); *id.* at § 109.21(c)(2) (republication or dissemination of campaign materials). These provisions, however, expand on and neither limit nor create exceptions to the FECA’s general provision regarding coordinated expenditures.

\$200 including by means of coordinated canvassing expenditures. In addition, the complainants request that the FEC impose sanctions appropriate to these violations, and take such further action as may be appropriate.



ON BEHALF OF COMPLAINANTS
Stuart McPhail
Citizens for Responsibility and Ethics
in Washington
PO Box 14596
Washington, D.C. 20044
(202) 408-5565 (phone)
(202) 558-5020 (fax)
smcphail@citizensforethics.org

VERIFICATION

Luz Sosa hereby verifies that the statements made in the attached Complaint in paragraphs 1-11 and 18-34 are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

Luz Sosa

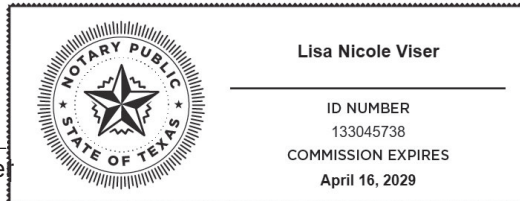
Luz Sosa

State of Texas , County of Harris

Sworn to and subscribed before me this 29th day of May, 2025 by Luz Sosa

Lisa Nicole Viser

Notary Public , Lisa Nicole Viser



Electronically signed and notarized online using the Proof platform.

VERIFICATION

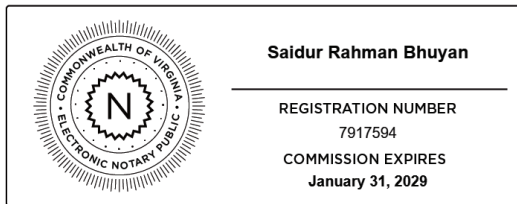
George Penn hereby verifies that the statements made in the attached Complaint in paragraphs 1-5 and 12-34 are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

George Penn 05/29/2025
George Penn

Virginia
Prince William County

Sworn to and subscribed before me this 29th day of May, 2025. By George Carl Penn

Saidur Rahman Bhuyan
Notary Public



Notarized remotely online using communication technology via Proof.