

BEFORE THE
FEDERAL ELECTION COMMISSION

Free Speech For People
Campaign for Accountability

v.

MUR No. 7207

Government of the Russian Federation
Donald J. Trump for President, Inc.

SECOND AMENDMENT TO THE COMPLAINT

1. On December 16, 2016, Complainants filed a complaint pursuant to 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.4, seeking an investigation of potential violations of the Federal Election Campaign Act (FECA), 52 U.S.C. §§ 30101 *et seq.*, stemming from Russian government interference in the 2016 presidential election and possible Trump campaign coordination, and docketed as Matter Under Review (MUR) 7207. On May 3, 2017, Complainants filed an amendment to the complaint in MUR 7207. This second amendment to the complaint provides new information which has come to public light in reporting since the May 3 filing.

2. For brevity, this Second Amendment to the Complaint does not repeat the allegations recited in the December 16, 2016 and May 3, 2017 filings in MUR 7207, but incorporates them by reference as if repeated herein.

NEWLY ALLEGED FACTS

3. According to a May 18, 2017 TIME article, in 2012 the Russian government began planning an influence operation aimed at the 2016 U.S.

presidential election.¹ Russian President Vladimir Putin “dispatched his newly installed head of military intelligence, Igor Sergun, to begin repurposing cyberweapons previously used for psychological operations in war zones for use in electioneering”; this influence operation used sophisticated algorithms to “target particular influencers,” including reporters, to help spread disinformation.²

4. Specifically, according to the TIME report, agents of the Russian government bought targeted advertisements on Facebook:

Russia plays in every social media space. The intelligence officials have found that Moscow’s agents bought ads on Facebook to target specific populations with propaganda. “They buy the ads, where it says sponsored by—they do that just as much as anybody else does,” says the senior intelligence official.³

ADDITIONAL VIOLATIONS

Count V – Unlawful Expenditures by Foreign National

5. As previously alleged, the Russian Government is a “person” under 52 U.S.C. § 30101(11) and a “foreign national” under 52 U.S.C. § 30121(b)(1).

¹ Massimo Calabresi, *Inside Russia’s Social Media War on America*, TIME, May 18, 2017, <http://ti.me/2smoLcr>.

² *Id.*

³ *Id.* The article also notes that “[a] Facebook official says the company has no evidence of that occurring.” However, that may be of limited significance. In an earlier report on “malicious actors . . . using inauthentic accounts” to conduct “information operations” on Facebook, Facebook’s own researchers admitted that “Facebook is not in a position to make definitive attribution to the actors sponsoring this activity” but that Facebook’s data “does not contradict the attribution provided by the U.S. Director of National Intelligence in the report dated January 6, 2017.” Jen Weedon *et al.*, Facebook, *Information Operations and Facebook* 11, <http://bit.ly/2smtr1Q> (Apr. 27, 2017). In this case, the accounts buying election-related advertisements on Facebook presumably did not explicitly identify themselves as acting on behalf of Russian military intelligence.

6. During the 2016 U.S. presidential election, the Russian Government reportedly paid money to buy advertisements on Facebook with the purpose of influencing the election.

7. These payments were made “for the purpose of influencing an[] election for Federal office” and therefore constitute “expenditure[s]” under 52 U.S.C. § 30101(9)(A)(i) and 11 C.F.R. § 100.111(a).

8. Accordingly, respondent Russian Government has violated 52 U.S.C. § 30121(a)(1)(C) and 11 C.F.R. § 110.20(f) by making “expenditure[s]” in the 2016 presidential election.

Count VI – Failure to Disclose Independent Expenditures

9. As detailed above, the Russian Government reportedly made “expenditures” by buying political advertisements on Facebook to influence the 2016 presidential election.

10. On information and belief, such expenditures cost the Russian Government more than \$250 during 2016. On information and belief, there is sufficient basis for the FEC to investigate whether the Russian Government spent more than \$10,000 on these independent expenditures during 2016, up to and including 20 days before the election.

11. Respondent Russian Government has failed to file any FEC disclosure reports regarding the above-cited expenditures.

12. The information provided in the TIME report is not sufficient for complainants to ascertain whether the Facebook advertisements were “expressly advocating” for the election of Mr. Trump and/or against the election of Secretary

Clinton, within the meaning of 11 C.F.R. § 100.22. Any such expenditures that were “expressly advocating” would constitute “independent expenditures” under 52 U.S.C. § 30101(17) and 11 C.F.R. § 100.16.

13. Based on the information noted above, there is a sufficient basis for the FEC to investigate whether Russian Government-purchased Facebook advertisements were “expressly advocating” within the meaning of 11 C.F.R. § 100.22 and thereby making “independent expenditures,” and if so, whether Respondent Russian Government has violated 11 C.F.R. §§ 109.10(b) and (c) by failing to report independent expenditures.

Respectfully submitted,

Ronald A. Fein
Counsel of record
John C. Bonifaz
Free Speech For People

Daniel Stevens
Campaign for Accountability