



September 1, 2017

Hon. Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington DC 20530-0001

Hon. Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington DC 20530-0001

Dear Attorney General Sessions and Deputy Attorney General Rosenstein:

Common Cause requests that the Department of Justice exercise its authority to investigate whether Robert James Ritchie (a.k.a. "Kid Rock") has violated the Federal Election Campaign Act ("FECA") candidate registration and reporting requirements, contribution limits and restrictions, and "soft money" prohibitions, and whether Warner Bros. Records Inc. facilitated the making of contributions to, and acted as a conduit for contributions earmarked to, candidate Kid Rock in violation of FECA, 52 U.S.C. § 30101, *et seq.*

The attached complaint, filed on this date with the Federal Election Commission, details the relevant facts establishing a reason to believe that Robert James Ritchie and Warner Bros. Records Inc. have violated FECA requirements and restrictions pertaining to federal candidate registration, reporting and fundraising through the sale of "Kid Rock for Senate" merchandise and other related activities.

Although the Federal Election Commission (FEC) has exclusive jurisdiction over civil enforcement of the campaign finance laws, 52 U.S.C. § 30109(a), the Department of Justice has its own separate responsibility to enforce the campaign finance laws against "knowing and willful" violations. 52 U.S.C. § 30109(d); *see generally* FEDERAL PROSECUTION OF ELECTION OFFENSES (7<sup>th</sup> ed. May 2007) (DOJ HANDBOOK).

The DOJ HANDBOOK takes particular note of the fact that Congress increased criminal penalties for campaign finance violations as part of the Bipartisan Campaign Reform Act of 2002 (BCRA). As the Handbook states, at pp. 198-99:

BCRA significantly enhanced the criminal penalties for knowing and willful violations of the Federal Election Campaign Act. BCRA did so in response to identified anti-social consequences, namely, corruption and the appearance of corruption arising from FECA violations, and their adverse effect on the proper functioning of American democracy....

In view of the enhanced criminal penalties for FECA crimes and the legislative history supporting their enactment, it is the Justice Department's position that all knowing and willful FECA violations that exceed the applicable jurisdictional floor specified in the Act's criminal provision should be considered for federal prosecution....

The violations of federal campaign finance law alleged in the attached complaint pose a direct threat to democracy in the United States. We urge the Department of Justice to investigate.

Respectfully submitted,



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Common Cause, by  
Paul S. Ryan  
Vice President, Policy and Litigation  
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Washington, DC 20005  
(202) 833-1200

Copy to:

Kenneth A. Blanco, Acting Assistant Attorney General, Criminal Division  
Raymond Hulser, Chief, Public Integrity Section

**BEFORE THE UNITED STATES  
FEDERAL ELECTION COMMISSION**

**COMMON CAUSE**

805 Fifteenth Street, NW, Suite 800  
Washington, DC 20005  
(202) 833-1200

**PAUL S. RYAN**

805 Fifteenth Street, NW, Suite 800  
Washington, DC 20005  
(202) 736-5717

v.

MUR No. \_\_\_\_\_

**ROBERT JAMES RITCHIE (a.k.a. "Kid Rock")**

PO Box 1230  
Clarkston, MI 48347-1230

**WARNER BROS. RECORDS INC.**

3300 Warner Blvd  
Burbank, CA 91505

**COMPLAINT**

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information providing reason to believe that Robert James Ritchie (a.k.a. "Kid Rock") is a "candidate" under the Federal Election Campaign Act ("FECA") and violated the candidate registration and reporting requirements, contribution limits and restrictions, and "soft money" prohibitions of FECA, 52 U.S.C. § 30101, *et seq.* and Commission regulations, and that Warner Bros. Records Inc. facilitated the making of contributions to, and acted as a conduit for contributions earmarked to, candidate Kid Rock in violation of FECA, 52 U.S.C. § 30101, *et seq.* and Commission regulations.
2. "If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [FECA] . . . [t]he Commission shall

make an investigation of such alleged violation . . . .” 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a) (emphasis added).

### FACTS

3. In February 2017, elected member of the Michigan Republican Party central committee Wes Nakagiri was reported to have named Kid Rock as a potential 2018 challenger to U.S. Senator Debbie Stabenow, in comments made at the Michigan Republican Party state convention.<sup>1</sup>
4. On July 12, 2017, Kid Rock’s Twitter account Tweeted: “I have had a ton of emails and texts asking me if this website is real... <http://kidrockforsenate.com> The answer is an absolute YES.” Accompanying this text Tweet was an image of a yard sign reading: “Kid Rock for US Senate.”<sup>2</sup>
5. Seconds later, on July 12, Kid Rock’s Twitter account Tweeted: “Stay tuned, I will have a major announcement in the near future - Kid Rock[.]”<sup>3</sup>
6. The <http://kidrockforsenate.com> website launched in early July contains a “Buy Now” button offering the sale of shirts for \$24.99, yard signs for \$15.99, hats for

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<sup>1</sup> Paul Egan, *Kid Rock for U.S. Senate? Unlikely candidate is favored by a GOP official*, DETROIT FREE PRESS, Feb. 11, 2017, <http://www.freep.com/story/news/local/michigan/2017/02/11/ronmey-mcdaniel-gop-michigan-convention/97785574/>; *see also* Kate Feldman, *Kid Rock announces Senate run*, DAILY NEWS, July 12, 2017, <http://www.nydailynews.com/entertainment/music/kid-rock-announces-senate-run-article-1.3321653> (“His name was first tossed into the ring by Tea Party activist Wes Nakagiri in February.”).

<sup>2</sup> @KidRock, July 12, 2017, 4:51pm, <https://twitter.com/KidRock/status/885240249655468032>. (See Exhibit 1).

<sup>3</sup> @KidRock, July 12, 2017, 4:51pm, <https://twitter.com/KidRock/status/885240311307546624>. (See Exhibit 2).

\$15.99 and bumper stickers for \$4.99—all with the logo “KID ROCK FOR US SENATE.”<sup>4</sup>

7. The “Buy Now” button on the <http://kidrockforsenate.com> website links to a Warner Bros. Records’ Kid Rock website. The website pages viewed when purchasing “KID ROCK FOR US SENATE” campaign merchandise contain none of the disclaimer language required for the making of political contributions via a website—i.e., “best efforts” language, certification that the contributor is not a foreign national, notification of the \$2,700 contribution limit, etc. The “KID ROCK FOR US SENATE” product pages state in a “DETAILS” section: “All proceeds go to voter registration efforts. This is not a political contribution.”<sup>5</sup>
8. Following Kid Rock’s July 12 Tweets and website launch, national media reported “Kid Rock announces Senate run,” explaining:

Kid Rock is saddling up for a political run. The Michigan native announced his candidacy for the U.S. Senate Wednesday after months of speculation. “I have had a ton of emails and texts asking me if this...is real,” he tweeted with a link to KidRockForSenate.com. “The answer is an absolute YES.” The website provides no information, but the country singer is already selling campaign shirts, yard signs, hats and stickers through Warner Bros. Records.<sup>6</sup>

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<sup>4</sup> Kid Rock, *Latest News*, <https://www.kidrockforsenate.com/> (last visited August 28, 2017).

<sup>5</sup> See <http://kidrock.warnerbrosrecords.com/senate.html>.

<sup>6</sup> Kate Feldman, *Kid Rock announces Senate run*, DAILY NEWS, July 12, 2017, <http://www.nydailynews.com/entertainment/music/kid-rock-announces-senate-run-article-1.3321653>; see also, Kirk A. Bado, *Kid Rock announces run for Michigan Senate seat—but it might be a joke*, TENNESSEAN, July 12, 2017, <http://www.tennessean.com/story/news/2017/07/12/kid-rock-donald-trump-senate-politics-music/473766001/>; *Kid Rock to run for US Senate*, ABC7, July 17, 2017, <http://abc7.com/entertainment/kid-rock-to-run-for-us-senate/2227257/> (“Kid Rock is officially making a run for the United States Senate.”).

9. On July 17, 2017, Kid Rock's Twitter account Tweeted a link to <http://kidrockforsenate.com> and the statement: "I BELIEVE IF YOU WORK YOUR BUTT OFF AND PAY TAXES, YOU SHOULD BE ABLE TO EASILY UNDERSTAND AND NAVIGATE THE LAWS, TAX CODES, HEALTH CARE AND ANYTHING ELSE THE GOVERNMENT PUT IN PLACE THAT AFFECTS US ALL. KID ROCK '18 FOR US SENATE[.]"<sup>7</sup>
10. On July 18, 2017, Kid Rock's Twitter account Tweeted an image with the text "KID ROCK FOR US SENATE[.] SHOP NOW[.]" In addition to the text, the image includes a yard sign, t-shirt, baseball-style hat and bumper sticker all with the text "KID ROCK FOR US SENATE[.]"<sup>8</sup>
11. On July 24, 2017, Kid Rock's Twitter account Tweeted a link to an article titled "BOOM! Kid Rock LEADS in Michigan Senate Race." The link leads to an article on "The Gateway Pundit" blog about a "Delphi Analytica" poll showing Kid Rock leading Senator Debbie Stabenow in the Michigan Senate race.<sup>9</sup>
12. On July 26, 2017, Kid Rock's Twitter account Tweeted: "When my name was thrown out there for US Senate I decided to launch <http://kidrockforsenate.com> .... Read more: <https://goo.gl/xXPQd5>[.]" Along with this text was an image reading "KID ROCK '18

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<sup>7</sup> @KidRock, July 17, 2017, 1:05pm, <https://twitter.com/KidRock/status/886995408416886785>. (See Exhibit 3).

<sup>8</sup> @KidRock, July 18, 2017, 6:11pm, <https://twitter.com/KidRock/status/887434789523001344>. (See Exhibit 4).

<sup>9</sup> @KidRock, July 24, 2017, 12:47pm, <https://twitter.com/KidRock/status/889527552104169474>. (See Exhibit 5). See also Joshua Caplan, *BOOM! Kid Rock LEADS in Michigan Senate Race Poll*, GATEWAY PUNDIT, July 23, 2017, <http://www.thegatewaypundit.com/2017/07/boom-kid-rock-leads-michigan-senate-race-poll/>.



FOR US SENATE[.]”<sup>10</sup> The link in the Tweet goes to a page on <https://kidrock.com>

where the following statement appears, with the same statement appearing on the

<http://kidrockforsenate.com> homepage:

When my name was thrown out there for US Senate I decided to launch kidrockforsenate.com. I was beyond overwhelmed with the response I received from community leaders, D.C. pundits, and blue-collar folks that are just simply tired of the extreme left and right bullshit. As part of the excitement surrounding this possible campaign, I decided to take a hard look to see if there was real support for me as a candidate and my message or if it was just because it was a fresh new news story. The one thing I've seen over and over is that although people are unhappy with the government, too few are even registered to vote or do anything about it. We have over a year left until an actual election, so my first order of business is to get people engaged and registered to vote while continuing to put out my ideas on ways to help working class people in Michigan and America all while still calling out these jackass lawyers who call themselves politicians.

During this time while exploring my candidacy for US Senate, I am creating a 501(c)(4) - a non-profit organization for the promotion of voter registration. Not only can I raise money for this critical cause, but I can help get people registered to vote at my shows. Since the announcement, the media has speculated this was a ploy to sell shirts or promote something. I can tell you, I have no problem selling Kid Rock shirts and yes, I absolutely will use this media circus to sell/promote whatever I damn well please (many other politicians are doing the same thing, they just feed you a bunch of bullshit about it). But either way, money raised at this time through the sale of merchandise associated with this very possible campaign will go towards our 'register to vote' efforts.

One thing is for sure though...The democrats are 'shattin' in their pantaloons' right now...and rightfully so!

We will be scheduling a press conference in the next 6 weeks or so to address this issue amongst others, and if I decide to throw my hat in the ring for US Senate, believe me... it's game on mthrfkers. -- Kid Rock

13. Since early July 2017, the Twitter account @KidRockSenator, associated with <http://kidrockforsenate.com>, has been promoting the campaign materials for sale on the

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<sup>10</sup> @KidRock, July 26, 2017, 11:59pm, <https://twitter.com/KidRock/status/890421245476524032>. (See Exhibit 6).

website and disseminating political commentary and news regarding the Kid Rock for Senate campaign.<sup>11</sup>

14. On July 29, 2017, the @KidRockSenator Twitter account Tweeted “Donate to the campaign! Get your gear! #PoliticsNation” together with an image of “KID ROCK FOR US SENATE” merchandise with the text “SHOP NOW.”<sup>12</sup>

### **SUMMARY OF THE LAW**

#### **I. “CANDIDATE” STATUS & “TESTING THE WATERS”**

15. The term “candidate” is defined in FECA to mean “an individual who seeks nomination for election, or election, to Federal office” and for purposes of the statutory definition an individual is deemed to seek nomination for election, or election, “if such individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000” or “given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000.” 52 U.S.C. § 30101(2) (emphasis added); *see also* 11 C.F.R. § 100.3(a).
16. The term “contribution” is defined in FECA to mean “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) (emphasis added); *see also* 11 C.F.R. §§ 100.51–100.56.
17. The term “expenditure” is defined in FECA to mean “any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any

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<sup>11</sup> @KidRockSenator, <https://twitter.com/KidRockSenator>.

<sup>12</sup> @KidRockSenator, July 30, 2017, 9:43AM, <https://twitter.com/KidRockSenator/status/891655513963986946>. (See Exhibit 7).



person for the purpose of influencing any election for Federal office.” 52 U.S.C.

§ 30101(9)(A)(i) (emphasis added); *see also* 11 C.F.R. §§ 100.110–100.114.

18. The Commission has explained that under FECA, “an individual is deemed a ‘candidate’ . . . if he or she receives contributions or makes expenditures in excess of \$5,000 or gives consent to another person” to do so on his or her behalf. *See* Payments Received for Testing the Waters Activities, 50 Fed. Reg. 9992–93 (Mar. 13, 1985) (Final Rules and Explanation and Justification).
19. The Commission has further explained: “The Act thus establishes automatic dollar thresholds for attaining candidate status which trigger its registration and reporting requirements.” However, “[t]hrough its regulations, the Commission has established limited exceptions to these automatic thresholds which permit an individual to test the feasibility of a campaign for Federal office without becoming a candidate under the Act.” *See* Payments Received for Testing the Waters Activities, 50 Fed. Reg. at 9992–93 (emphasis added).
20. These “limited exceptions” to the definitions of “contribution” and “expenditure” are commonly referred to as the “testing the waters” exceptions and are found at 11 C.F.R. §§ 100.72 and 100.131. In the absence of these regulatory exemptions, funds raised and spent for the activities described therein would be “contributions” and “expenditures” under federal law and would therefore trigger “candidate” status when they exceeded \$5,000.
21. Section 100.72(a), structured as a limited exception to the definition of “contribution,” provides:

Funds received solely for the purpose of determining whether an individual should become a candidate are not contributions. . . . Only funds permissible under the Act

may be used for such activities. The individual shall keep records of all such funds received. See 11 CFR 101.3. If the individual subsequently becomes a candidate, the funds received are contributions subject to the reporting requirements of the Act. Such contributions must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the funds were received.

11 C.F.R. § 100.72(a) (emphasis added).

22. Section 100.72(b) makes clear that the exception is “not applicable to individuals who have decided to become candidates[,]” nor “for activities relevant to conducting a campaign.” 11 C.F.R. § 100.72(b) (emphasis added). Examples of activities that indicate that an individual has decided to become a candidate include, but are not limited to:

- (1) The individual uses general public political advertising to publicize his or her intention to campaign for Federal office.
- (2) The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.
- (3) The individual makes or authorizes written or oral statements that refer to him or her as a candidate for a particular office.
- (4) The individual conducts activities in close proximity to the election or over a protracted period of time.
- (5) The individual has taken action to qualify for the ballot under State law.

11 C.F.R. § 100.72(b) (emphasis added).

23. Section 100.131 creates a near-identical exception to the definition of “expenditure,” replacing the opening phrase “funds received” with the phrase “payments made.” 11 C.F.R. § 100.131.
24. The Commission makes clear in its campaign guide for Congressional Candidates and Committees that certain activities—including making or authorizing statements such as “Smith for Senate”—indicate that the individual has decided to become a candidate. The Commission explains:

#### Testing the Waters

An individual may conduct a variety of activities to test the waters. Examples of permissible testing the waters activities include conducting polls, travelling

and making telephone calls to determine whether the individual should become a candidate.

#### Campaigning

Certain activities, however, indicate that the individual has decided to become a candidate and is no longer testing the waters. In that case, once the individual has raised or spent more than \$5,000, he or she must register as a candidate. Note that, when an individual decides to run for office, funds that were raised and spent to test the waters apply to the \$5,000 threshold.

Campaigning (as opposed to testing the waters) is apparent, for example, when individuals:

- Make or authorize statements that refer to themselves as candidates (“Smith in 2014” or “Smith for Senate”)[.]<sup>13</sup>

25. In Advisory Opinion 2015-09 the Commission answered the following question:

“Assuming that an individual has raised or spent more than \$5000 on ‘testing-the-waters’ activities, does an individual’s public statement that he or she is running for office trigger candidacy, even if the individual subsequently attempts to withdraw that statement?” The Commission explained that in the event an individual makes or authorizes a statement that refers to the individual as a candidate for a particular office—*e.g.*, “Smith for Senate”—“such a statement . . . would generally reflect the individual’s decision to become a candidate, and so the statement may trigger candidacy regardless of subsequent retraction attempts.” The Commission continued: “[M]ere assertions that the individual’s subjective intent differs from his or her statement generally will not negate the objective indication of candidacy arising from the statement.”<sup>14</sup>

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<sup>13</sup> FEC, FEDERAL ELECTION COMMISSION CAMPAIGN GUIDE: CONGRESSIONAL CANDIDATES AND COMMITTEES 1 (June 2014), <https://transition.fec.gov/pdf/candgui.pdf> (emphasis added) (citations omitted).

<sup>14</sup> FEC, Advisory Opinion 2015-09, Nov. 13, 2015, <http://saos.fec.gov/aodocs/2015-09.pdf> (emphasis added) (citations omitted).

## **II. Registration & Reporting Requirements**

26. No later than 15 days after becoming a candidate, a candidate for federal office must “designate in writing a political committee . . . to serve as the principal campaign committee of such candidate” by filing a Statement of Candidacy using the Commission’s Form 2. 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1. Such a committee must file a statement of organization no later than 10 days after designation as the candidate’s authorized principal campaign committee. 52 U.S.C. § 30103.
27. The treasurer of a political committee must comply with FECA and Commission regulation recordkeeping requirements, including keeping an account of all contributions received and disbursements made. 52 U.S.C. § 30102(c), 11 C.F.R. § 102.9. “For contributions in excess of \$50, such account shall include the name and address of the contributor and the date of receipt and amount of such contribution.” 11 C.F.R. § 102.9(a)(1).
28. The treasurer of a political committee must file reports of receipts and disbursements pursuant to 52 U.S.C. § 30104.
29. All funds received or payments made in connection with “testing the waters” activities conducted under 11 C.F.R. §§ 100.72(a) and 100.131(a) prior to becoming a candidate are “considered contributions or expenditures under the Act and shall be reported . . . in the first report filed by such candidate’s principal campaign committee.” 11 C.F.R. § 101.3. An individual “testing the waters” must keep records of the “name of each contributor, the date of receipt and amount of all contributions received and all expenditures made in connection with” “testing the waters” activities. *Id.*

### III. CONTRIBUTION LIMITS & RESTRICTIONS

30. A federal candidate, together with the candidate's principal campaign committee and any other committees authorized by the candidate, may not accept contributions from an individual that, in the aggregate, exceed \$2,700 per election. 52 U.S.C. § 30116(a)(1)(A).<sup>15</sup> Candidates may not accept contributions from political party committees and other multicandidate PACs that exceed \$5,000 per election. 52 U.S.C. § 30116(a)(2).
31. "[T]he purchase price for a fundraising item sold by a political committee is a contribution." 11 C.F.R. § 100.53. As the Commission explains in its campaign guide:
- The entire amount paid . . . to purchase a fundraising item sold by a political committee is a contribution and counts against the individual's contribution limit. . . . For example, . . . if a contributor spends \$20 to buy a campaign T-shirt that cost the campaign \$5, the contributor has made a \$20 contribution.<sup>16</sup>
32. Corporations and labor organizations may not make contributions to federal candidates, and federal candidates may not accept contributions from corporations or labor organizations. 52 U.S.C. § 30118(a).
33. Corporations and labor organizations are "prohibited from facilitating the making of contributions to candidates . . . . Facilitation means using corporate or labor organization resources or facilities to engage in fundraising activities in connection with any federal election[.]" 11 C.F.R. § 114.2(f)(1).

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<sup>15</sup> As prescribed by statute under 52 U.S.C. § 30116(c), the \$2,000 limit has been adjusted for changes in the cost of living at the beginning of every odd-numbered year since 2002, most recently in February 2017. *See* Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 82 Fed. Reg. 10904, 10906 (Feb. 16, 2017).

<sup>16</sup> FEC, FEDERAL ELECTION COMMISSION CAMPAIGN GUIDE: CONGRESSIONAL CANDIDATES AND COMMITTEES 14 (June 2014), <https://transition.fec.gov/pdf/candgui.pdf> (emphasis added) (citations omitted).



34. Corporations and labor organizations are prohibited from acting as conduits for contributions earmarked to candidates for federal office. 11 C.F.R. § 110.6(b)(2)(ii). A “conduit” is any person or entity that “receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee.” 11 C.F.R. § 110.6(b)(2). “Earmarked” means a “designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate’s authorized committee.” 11 C.F.R. § 110.6(b)(1).
35. Candidates may not accept contributions from foreign nationals. 52 U.S.C. § 30121(a)(2).
36. A federal candidate, officeholder, or any entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of a candidate is prohibited from soliciting, receiving, directing, transferring or spending funds in connection with a federal election unless the funds are subject to the limitations, prohibitions, and reporting requirements of FECA—*i.e.*, the so-called “soft money” prohibition. 52 U.S.C. § 30125(e)(1).

#### **CAUSES OF ACTION**

##### **COUNT I:**

**There is reason to believe that Robert James Ritchie (a.k.a. “Kid Rock”) is a “candidate” under FECA and has violated the candidate registration, reporting and recordkeeping requirements of FECA.**

37. Under FECA, an individual is deemed a “candidate” if she receives contributions or makes expenditures in excess of \$5,000. *See* 52 U.S.C. § 30101(2); *see also* 11 C.F.R. § 100.3(a).
38. Based on published reports detailed above, complainants have reason to believe that Kid Rock has received contributions and/or made expenditures in excess of \$5,000 through

his purchase and/or sale of “Kid Rock for Senate” merchandise beginning on or before July 12, 2017, triggering “candidate” status under 52 U.S.C. § 30101(2).

39. The limited “testing the waters” exception to “candidate” status is “not applicable to individuals who have decided to become candidates[,]” nor “for activities relevant to conducting a campaign.” 11 C.F.R. § 100.72(b) (emphasis added); *see also id.* § 100.131(b). Examples of activities that indicate that an individual has decided to become a candidate include making or authorizing written or oral statements that refer to him as a candidate for a particular office. 11 C.F.R. § 100.72(b) (emphasis added).
40. The Commission’s campaign guide for candidates makes clear that an individual who makes or authorizes statements that refer to themselves as candidates—such as “Smith for Senate” or, in this instance, “Kid Rock for Senate”—is engaged in campaigning for office and is not merely “testing the waters” of candidacy.<sup>17</sup>
41. Based on published reports detailed above and Kid Rock’s authorized sale of “Kid Rock for Senate” merchandise beginning on or before July 12, 2017, complainants have reason to believe that Kid Rock is a “candidate” under FECA, as indicated by him making or authorizing statements that refer to him as a candidate for the United States Senate, rendering inapplicable the “testing the waters” exception to “candidate” status established by 11 C.F.R. §§ 100.72(b) and 100.131(b).
42. Based on published reports detailed above and Kid Rock’s July 12 Tweet “I have had a ton of emails and texts asking me if this website is real... <http://kidrockforsenate.com>

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<sup>17</sup> FEC, FEDERAL ELECTION COMMISSION CAMPAIGN GUIDE: CONGRESSIONAL CANDIDATES AND COMMITTEES 1 (June 2014), <https://transition.fec.gov/pdf/candgui.pdf> (emphasis added) (citations omitted).

The answer is an absolute YES[,]”<sup>18</sup> complainants have reason to believe that Kid Rock is a “candidate” under FECA, as indicated by him making or authorizing statements that refer to him as a candidate for the United States Senate, rendering inapplicable the “testing the waters” exception to “candidate” status established by 11 C.F.R. §§ 100.72(b) and 100.131(b).

43. Based on published reports detailed above and @KidRockSenator July 29 Tweet “Donate to the campaign! Get your gear! #PoliticsNation[,]”<sup>19</sup> complainants have reason to believe that Kid Rock is a “candidate” under FECA, as indicated by him making or authorizing statements that refer to him as a candidate for the United States Senate, rendering inapplicable the “testing the waters” exception to “candidate” status established by 11 C.F.R. §§ 100.72(b) and 100.131(b).
44. As the Commission made clear in Advisory Opinion 2015-09, any subsequent attempts by Kid Rock to assert that his “subjective intent” differs from his authorized “Kid Rock for Senate” and “Donate to the campaign” statements “will not negate the objective indication of candidacy arising from the statement.”<sup>20</sup>
45. Based on published reports detailed above and review of Commission records (*e.g.*, Statements of Organization, Statements of Candidacy), complainants have reason to believe that as a “candidate” under FECA, Kid Rock has failed to comply with the candidate registration, reporting and recordkeeping requirements established by 52 U.S.C. §§ 30102(c), 30102(e)(1), 30103 and 30104.

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<sup>18</sup> @KidRock, July 12, 2017, 4:51pm, <https://twitter.com/KidRock/status/885240249655468032>. (See Exhibit 1).

<sup>19</sup> @KidRockSenator, July 30, 2017, 9:43AM, <https://twitter.com/KidRockSenator/status/891655513963986946>. (See Exhibit 7).

<sup>20</sup> FEC, Advisory Opinion 2015-09, Nov. 13, 2015, <http://saos.fec.gov/aodocs/2015-09.pdf> (emphasis added) (citations omitted).

**COUNT II:**

**There is reason to believe that Robert James Ritchie (a.k.a. "Kid Rock") is a "candidate" under FECA and has violated the contribution limits and restrictions and "soft money" prohibitions of FECA.**

46. Based on published reports detailed above, complainants have reason to believe that Kid Rock has received contributions and/or made expenditures in excess of \$5,000 through his purchase and/or sale of "Kid Rock for Senate" merchandise, triggering "candidate" status under 52 U.S.C. § 30101(2).
47. "[T]he purchase price for a fundraising item sold by a political committee is a contribution." 11 C.F.R. § 100.53. A statement by Kid Rock and/or Warner Bros. Records that money paid to purchase "Kid Rock for Senate" merchandise "is not a political contribution" is legally incorrect.<sup>21</sup>
48. The website pages viewed when purchasing "KID ROCK FOR US SENATE" campaign merchandise display none of the disclaimer language required for the making of political contributions via a website—*i.e.*, "best efforts" language, certification that the contributor is not a foreign national, notification of the \$2,700 contribution limit, etc.—disclaimer language that is necessary to safeguard against contributions from prohibited sources including foreign nationals and corporations, and in prohibited amounts.<sup>22</sup>
49. Further, the absence of required political contributor disclaimer language suggests that Kid Rock and the Kid Rock for Senate campaign are neither screening for nor rejecting contributions from political sources and in prohibited amounts.
50. Based on published reports detailed above, complainants have reason to believe that as a "candidate" under FECA, Kid Rock has failed to comply with the candidate contribution

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<sup>21</sup> See <http://kidrock.warnerbrosrecords.com/senate.html>.

<sup>22</sup> See <http://kidrock.warnerbrosrecords.com/senate.html>.

limits and restrictions established by 52 U.S.C. §§ 30116(a), 30118, 30121 and 30125(e)(1).

**COUNT III:**

**There is reason to believe that Warner Bros. Records Inc. has violated the prohibition on a corporation facilitating contributions to a candidate, or acting as a conduit for contributions earmarked to a candidate.**

51. Based on published reports and statements by Kid Rock detailed above, complainants have reason to believe that Kid Rock is a “candidate” under 52 U.S.C. § 30101(2).
52. The purchase price for a fundraising item sold by a candidate is a political “contribution.” 11 C.F.R. § 100.53. A statement by Kid Rock and/or Warner Bros. Records that money paid to purchase “Kid Rock for Senate” merchandise “is not a political contribution” is legally incorrect.<sup>23</sup>
53. Based on published reports detailed above and Kid Rock’s authorized sale of “Kid Rock for Senate” merchandise utilizing the Warner Bros. Records Inc. website, complainants have reason to believe that Warner Bros. Records Inc. is facilitating contributions to, and acting as a conduit for contributions earmarked to, candidate Kid Rock in violation of 52 U.S.C. § 30118(a) and 11 C.F.R. §§ 110.6 and 114.2(f).

**PRAYER FOR RELIEF**

54. Wherefore, the Commission should find reason to believe that Robert James Ritchie (a.k.a. “Kid Rock”) has violated 52 U.S.C. § 30101, *et seq.*, including 52 U.S.C. §§ 30102(e)(1), 30102(c), 30103 and 30104, 30116, 30118(a), 30121(a)(2) and 30125(e)(1), and that Warner Bros. Records Inc. has violated 52 U.S.C. § 30101, *et seq.*, including 52 U.S.C. § 30118(a), and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2). Further, the Commission should determine and impose appropriate

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<sup>23</sup> See <http://kidrock.warnerbrosrecords.com/senate.html>.



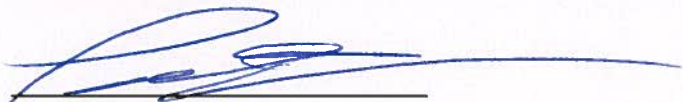
sanctions for any and all violations, should enjoin respondents from any and all violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

September 1, 2017

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Paul S. Ryan", written over a horizontal line.

Common Cause, by  
Paul S. Ryan  
805 Fifteenth Street, NW, Suite 800  
Washington, DC 20005  
(202) 833-1200

A handwritten signature in blue ink, appearing to be "Paul S. Ryan", written over a horizontal line.

Paul S. Ryan  
805 Fifteenth Street, NW, Suite 800  
Washington, DC 20005  
(202) 833-1200

# EXHIBIT 1

iPad

4:54 PM

66%



Tweet



**Kid Rock** ✓  
@KidRock

I have had a ton of emails and texts asking me if this website is real... [kidrockforsenate.com](http://kidrockforsenate.com) The answer is an absolute YES.



7/12/17, 4:51 PM

19.8K Retweets 34.8K Likes

Tweet your reply



# EXHIBIT 2

Word 5:10 PM twitter.com

< Tweet +

 **Kid Rock** @KidRock

Stay tuned, I will have a major announcement in the near future – Kid Rock

7/12/17, 4:51 PM

3,758 Retweets 14.4K Likes

🗨️ ↻️ ❤️ 📧

 **lisakitter** @lisakitter · 7/12/17  
Replying to @KidRock  
Love your heart & your passion for America, can't wait to hear your news!! 🇺🇸 🙌  
🗨️ 7 ↻️ 12 ❤️ 200 📧

 **Todd Simmons** @NYCSimmons · 7/12/17  
Seriously? Lowered your bar much?  
🗨️ 9 ↻️ ❤️ 104 📧

 **Truth or Covfefe** @SnowCana · 7/12/17  
I really don't know that this country's bar can get much lower. #Trump  
🗨️ 26 ↻️ 2 ❤️ 139 📧

 **Q @Preredacted** · 7/12/17  
Cant get any lower 'cause its on its way up. #trump  
🗨️ 11 ↻️ 7 ❤️ 150 📧

 **Todd Simmons** @NYCSimmons · 7/13/17  
The only thing on it's way up with #Trump is his cholesterol, rounds of 🍷, # of LIES, unfulfilled campaign promises, # of RICO charges. 🇷🇺 💰

Tweet your reply

🏠 🔍 🔔 ✉️ 👤

# EXHIBIT 3

Word

5:04 PM

twitter.com



Tweet



**Kid Rock** ✓  
@KidRock

[kidrockforsenate.com](http://kidrockforsenate.com)

"I BELIEVE IF YOU WORK YOUR BUTT OFF AND PAY TAXES, YOU SHOULD BE ABLE TO EASILY UNDERSTAND AND NAVIGATE THE LAWS, TAX CODES, HEALTH CARE AND ANYTHING ELSE THE GOVERNMENT PUTS IN PLACE THAT AFFECTS US ALL."



7/17/17, 1:05 PM

12.4K Retweets 24.4K Likes



**Some Jerk** @ENRAGED\_PIE · 7/17/17

Tweet your reply





# EXHIBIT 4

Word

5:05 PM

twitter.com



Tweet



**Kid Rock**   
@KidRock

[kidrockforsenate.com](http://kidrockforsenate.com)



7/18/17, 6:11 PM

4,961 Retweets 10.6K Likes



**KDalous** @KaeDalous · 7/18/17

Tweet your reply





# EXHIBIT 5

Word

5:06 PM

twitter.com



Tweet



**Kid Rock** ✓  
@KidRock



**BOOM! Kid Rock LEADS in Michigan Senate Race Poll**  
[thegatewaypundit.com](http://thegatewaypundit.com)

7/24/17, 12:47 PM

5,439 Retweets 13K Likes



**Liz Breuker** @Liz\_Breuker · 8/18/17  
Replying to @KidRock

My husband is from Fremont. We're both vets & lived there for a few yrs. Stabenow cares nothing for the vets of MI! I hope you win!!



**Cindy** ❤️❤️❤️ @cinderelly78 · 8/16/17  
Replying to @KidRock

I love it!!!! ❤️👍👍👍👍🇺🇸



**Charles Cobern** @CharlesCobern1 · 8/14/17  
Replying to @KidRock and @JVER1

I can hear a lot of screaming goin' on at the DNC. I'm lovin' this! Kid, you rock!



**Deplorable Voter** 🇺🇸 @cokeybest · 8/9/17  
Replying to @KidRock

.@TedNugent says you're Not running for senate. Prove

Tweet your reply



# EXHIBIT 6

Word

5:07 PM

twitter.com



Tweet



**Kid Rock**   
@KidRock

When my name was thrown out there for US Senate I decided to launch [kidrockforsenate.com](http://kidrockforsenate.com)....

Read more: [goo.gl/xXPQd5](http://goo.gl/xXPQd5)



7/26/17, 11:59 PM

7,760 Retweets 17.2K Likes



**Trump Russia Truth** @freepressfree · 7/27/17

Replying to @KidRock

putin attacked the PENTAGON, OUR NUCLEAR FACILITIES, OUR ELECTION AND OUR CITIZENS

why are you helping him?

Tweet your reply



# EXHIBIT 7

Word

5:08 PM

twitter.com



Tweet



Senator Kid Rock  
@KidRockSenator

Donate to the campaign! Get your gear!

#PoliticsNation



7/30/17, 9:43 AM

17 Retweets 21 Likes



Tweet your reply



**VERIFICATION**


The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

**For Complainants Common Cause and Paul S. Ryan**



Paul S. Ryan

Sworn to and subscribed before me this 1<sup>st</sup> day of September 2017.

  
Notary Public

