

**BEFORE THE
FEDERAL ELECTION COMMISSION**

COMMITTEE TO DEFEAT)
THE PRESIDENT)
441 North Lee Street, Suite 205)
Alexandria, VA 22314)
Treasurer, Ted Harvey)

Complainant,)

v.)

PRESIDENT JOSEPH ROBINETTE BIDEN, JR.)
P.O. Box 58178)
Philadelphia, PA 19102)

BIDEN FOR PRESIDENT)
P.O. Box 58174)
Philadelphia, PA 19102)

ANDREA WISE)
In her official capacity as Treasurer of Biden for)
President)
P.O. Box 58174)
Philadelphia, PA 19102)

BIDEN VICTORY FUND)
430 South Capitol Street SE)
Washington, D.C. 20003)

JOSEPH W. SMOLSKIS)
In his official capacity as Treasurer of Biden)
Victory Fund)
430 South Capitol Street SE)
Washington, D.C. 20003)

Respondents.)

VERIFIED COMPLAINT

Introduction

President Joseph Robinette Biden, Jr. (“Biden”) has met the legal definition of “candidate” for the 2024 presidential election but has failed to file the required Statement of Candidacy in violation of the United States Code and the Code of Federal Regulations. Additionally, Biden’s principal campaign committee, Biden for President (the “Campaign”) has failed to amend its Statement of Organization to indicate the Campaign is now the campaign committee for Biden’s 2024 presidential campaign, depriving the public of information it is entitled to under the law. Likewise, an authorized committee for Biden, and the Joint Fundraising Representative for the Campaign, Biden Victory Fund, has failed to amend its Statement of Organization to reflect such changes. In the alternative, Biden Victory Fund, an authorized committee for Biden, and the Joint Fundraising Representative for the Campaign, has illegally solicited and/or accepted approximately \$1,987,206.96 in impermissible contributions.¹ Therefore, Complainant Committee to Defeat the President respectfully requests the Federal Election Commission (“FEC”) commence enforcement proceedings against Biden, his Campaign, and Biden Victory Fund.

Parties

1. Complainant COMMITTEE TO DEFEAT THE PRESIDENT (FEC ID: C00544767) is a political committee on a mission to save America from the radical, dangerous policies of the Biden-Harris administration.
2. Respondent PRESIDENT JOSEPH ROBINETTE BIDEN, JR. (FEC ID: P80000722) was a candidate for federal office in the 2020 Presidential election.
3. Respondent BIDEN FOR PRESIDENT (FEC ID: C00703975) is Biden’s Principal Campaign Committee.

¹ See *infra* ¶¶ 25-28.

4. Respondent ANDREA WISE, is named solely in her official capacity as Treasurer of Biden for President (hereinafter referred to as “Treasurer Wise”).

5. Respondent BIDEN VICTORY FUND (FEC ID: C00744946) is an authorized committee for Biden.

6. Respondent JOSEPH W. SMOLSKIS, is named solely in his official capacity as Treasurer of Biden Victory Fund (hereinafter referred to as “Treasurer Smolskis”).

Statement of Facts

Biden designated a principal campaign committee and a joint fundraising representative authorized committee for the 2020 election cycle but has not designated any committees for the 2024 election cycle in violation of reporting requirements.

7. Each candidate is required to designate a principal campaign committee.²

8. Biden’s principal campaign committee for the 2020 election cycle was Biden for President.³

9. A candidate may “designate additional political committees . . . to serve as authorized committees.”⁴

10. A joint fundraising representative is an authorized committee of a candidate for federal office participating in the joint fundraising activity.⁵

11. Biden’s current Statement of Candidacy (filing FEC-1471661) (referred to herein as “Form 2”), signed November 4, 2020, and filed November 6, 2020, only identifies Biden as a candidate for the 2020 presidential election and the Biden Victory Fund as an authorized committee.⁶

² See 52 U.S.C. §§ 30102(e)(1), 30101(5); see also 11 C.F.R. § 102.12(a).

³ FEC Form 2, Joseph R. Biden, Jr., FEC-1471661 at 1 (Nov. 6, 2020), <https://docquery.fec.gov/pdf/260/202011069336972260/202011069336972260.pdf>.

⁴ 52 U.S.C. § 30102(e)(1); accord 11 C.F.R. § 102.13(a)(1).

⁵ 11 C.F.R. § 102.17(a)(1)(i).

⁶ FEC Form 2, Joseph R. Biden, Jr., FEC-1471661 at 1 (Nov. 6, 2020), <https://docquery.fec.gov/pdf/260/202011069336972260/202011069336972260.pdf>.

12. Prior to the 2020 presidential election, on August 21, 2020, the Campaign filed an amended Statement of Organization (filing FEC-1434870).⁷
13. FEC-1434870 identified Biden Victory Fund as a Joint Fundraising Representative.⁸
14. Immediately after the 2020 presidential election, the Campaign filed an amended Statement of Organization (filing FEC-1471660) dated November 4, 2020 and signed/filed November 6, 2020.⁹
15. FEC-1471660 continues to identify Biden Victory Fund as a Joint Fundraising Representative.¹⁰
16. On January 12, 2021, the Campaign filed an amended Statement of Organization (filing FEC-1487069).¹¹
17. FEC-1487069 continues to identify Biden Victory Fund as a Joint Fundraising Representative.¹²
18. On May 18, 2021, the Campaign filed an amended Statement of Organization (filing FEC-1516687) (referred to herein as “Form 1”).¹³
19. This current Form 1 continues to identify Biden Victory Fund as a Joint Fundraising Representative.¹⁴

⁷ FEC Form 1, Biden for President, FEC-1434870 (Aug. 21, 2020), <https://docquery.fec.gov/pdf/378/202008219266863378/202008219266863378.pdf>.

⁸ *See id.* at 3.

⁹ FEC Form 1, Biden for President, FEC-1471660 (Nov. 6, 2020), <https://docquery.fec.gov/pdf/254/202011069336972254/202011069336972254.pdf>.

¹⁰ *See id.* at 3.

¹¹ FEC Form 1, Biden for President, FEC-1487069 (Jan. 12, 2021), <https://docquery.fec.gov/pdf/224/202101129398457224/202101129398457224.pdf>. (Although the most recent election time-period noted is 2020, the FEC website lists Biden for President as Biden’s principal campaign committee.)

¹² *See id.* at 3.

¹³ FEC Form 1, Biden for President, FEC-1516687 (May 18, 2021), <https://docquery.fec.gov/pdf/160/202105189446935160/202105189446935160.pdf>.

¹⁴ *See id.* at 3.

20. Thus, Biden Victory Fund has, at all times relevant herein through the present day, been a Joint Fundraising Representative and authorized committee for the Campaign.¹⁵

21. Biden Victory Fund's current Statement of Organization, filed September 1, 2020, identifies the Campaign as a committee participating in the joint fundraising effort.¹⁶

Biden exceeded the \$5,000 contribution/expenditure candidate threshold after the 2020 presidential election cycle ended, causing Biden to become a candidate in the 2024 presidential election cycle and violate reporting requirements.

22. An individual becomes a candidate for Federal office when the individual "has given his . . . 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."¹⁷

23. The 2020 presidential election cycle ended on November 3, 2020. Contributions received thereafter, and expenditures made from such funds, would be allocated to the current presidential election cycle—the 2024 presidential election.¹⁸

24. The first amended 2020 Post-General report of Biden Victory Fund, filed May 11, 2021, discloses total receipts in the amount of \$72,900,339.38.¹⁹

25. Upon using the FEC individual contributor search tool and downloading the itemized receipts included on the first amended 2020 Post-General report subsequent to the general election

¹⁵ See 11 C.F.R. § 102.17(a)(1)(i).

¹⁶ FEC Form 1, Biden Victory Fund, FEC-1435913 at 2 (Sept. 1, 2020), <https://docquery.fec.gov/pdf/685/202009019267073685/202009019267073685.pdf>.

¹⁷ 52 U.S.C. § 30101(2)(B); accord 11 C.F.R. § 100.3(a)(2).

¹⁸ See 11 C.F.R. § 100.3(b).

¹⁹ FEC Form 3X, Biden Victory Fund, FEC-1515838 at 2, Line 6(c); at 3, Line 11(d) (May 11, 2021), <https://docquery.fec.gov/pdf/149/202105119446505149/202105119446505149.pdf>.

on November 3, 2020, between November 4 and November 23, 2020, it appears the Biden Victory Fund received contributions totaling approximately \$1,384,881.00.²⁰

26. The 2020 Year-End report of Biden Victory Fund, filed on January 31, 2021, discloses total receipts in the amount of \$393,379.35, and specifically, total contributions in the amount of \$390,682.58.²¹

27. The first amended 2021 April Quarterly report of Biden Victory Fund, filed July 15, 2021, discloses total receipts in the amount of \$329,187.84, and specifically, total contributions in the amount of \$177,032.27.²²

28. The 2021 July Quarterly report of Biden Victory Fund, filed July 15, 2021, which covers a reporting period of April 1 through June 30, 2021, and is the period most distant from the 2020 general election and months after Biden was sworn in as president, discloses total receipts in the amount of \$34,865.35, and specifically, total contributions in the amount of \$34,611.11.²³

29. Biden Victory Fund's 2020 Year-End Report disclosed total debts in the amount of \$3,090.00.²⁴

30. There is no indication, however, that Biden Victory Fund engaged in debt settlement fundraising.

²⁰ See FEC Individual Contributions, Biden Victory Fund (11/04/2020-11/23/2020), https://www.fec.gov/data/individualcontributions/?committee_id=C00744946&two_year_transaction_period=2020&min_date=11%2F04%2F2020&max_date=11%2F23%2F2020.

²¹ FEC Form 3X, Biden Victory Fund, FEC-1497210 at 2, Line 6(c); at 3, Line 11(d) (Jan. 31, 2021), <https://docquery.fec.gov/pdf/779/202101319424071779/202101319424071779.pdf>.

²² FEC Form 3X, Biden Victory Fund, FEC-1527514 at 2, Line 6(c); at 3, Line 11(d) (July 15, 2021), <https://docquery.fec.gov/pdf/853/202107159451575853/202107159451575853.pdf>.

²³ FEC Form 3X, Biden Victory Fund, FEC-1527738 at 2, Line 6(c); at 3, Line 11(d) (July 15, 2021), <https://docquery.fec.gov/pdf/154/202107159451638154/202107159451638154.pdf>.

²⁴ FEC Form 3X, Biden Victory Fund, FEC-1497210, at 2, Line 10; at 1347 (Jan. 31, 2021), <https://docquery.fec.gov/pdf/779/202101319424071779/202101319424071779.pdf>.

31. An individual becomes a candidate for Federal office when the “individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000.”²⁵

32. Even after Biden was sworn in as president on January 20, 2021, the Biden Victory Fund continued to receive contributions. Using the FEC individual contributor search tool and downloading the itemized receipts included on the April and July Quarterly reports, between January 21 and June 30, 2021, it appears the Biden Victory Fund received contributions totaling approximately \$114,353.95.²⁶

33. Even after Biden was sworn in as president on January 20, 2021, the Biden Victory Fund continued to make expenditures. Using the FEC disbursement search tool and upon downloading the itemized disbursements between January 21 and June 30, 2021, it appears the Biden Victory Fund made operating expenditures totaling approximately \$282,329.93.²⁷

34. Once Biden was sworn in as president on January 20, 2021, the 2020 presidential campaign, the integrity of which remains hotly debated, was unquestionably over. Yet, Biden Victory Fund continued to receive contributions and make disbursements exceeding \$5,000, despite having limited to no debt to eliminate. It is not immediately apparent how a disbursement to Vox Media, LLC, on March 1, 2021, in the amount of \$100,000.00 for “online fundraising” would be relevant to the 2020 presidential election, or how many of the other reported

²⁵ 52 U.S.C. § 30101(2)(A); *accord* 11 C.F.R. § 100.3(a)(1).

²⁶ See FEC Individual Contributions, Biden Victory Fund (01/21/2021-06/30/2021), https://www.fec.gov/data/receipts/individualcontributions/?committee_id=C00744946&two_year_transaction_period=2022&min_date=01%2F21%2F2021&max_date=06%2F30%2F2021.

²⁷ See FEC Disbursements, Biden Victory Fund (1/21/2021-06/30/2021), https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00744946&two_year_transaction_period=2022&min_date=01%2F21%2F2021&max_date=06%2F30%2F2021.

disbursements are related to the 2020 election. Such disbursements are typically made to maintain the committee's infrastructure and operations for ongoing and future campaign activity.²⁸

35. The Campaign's 2020 Post-General, 2020 Year-End, 2021 April Quarterly, and 2021 July Quarterly reports, including all amended versions, do not indicate the Campaign had any debt, nor is there any indication Biden or the Campaign engaged in debt settlement fundraising.²⁹

36. The Campaign made expenditures subsequent to the 2020 general election in excess of \$5,000. Upon reviewing the 2021 July Quarterly FEC report, which has a reporting period covering April 1 through June 30, 2021 and is the period most distant from the 2020 general election and months after Biden was sworn in as president, the report discloses \$501,531.93 in operating expenditures, all of which appear to be designated as a disbursement for the 2020 General election.³⁰

37. The Campaign continued to make expenditures, despite having no reported debt to eliminate. It is not immediately apparent how seemingly ongoing operating expenditures, such as disbursements to NGP Van Inc. in April, May, and June, in the amounts of \$8,000, \$2,000, and \$600 for a "Database Subscription" or multiple disbursements to Upland Software Inc. on June 22, 2021 totaling \$61,692.52 for "Software" are relevant to or should be designated for the 2020 General Election.³¹

²⁸ FEC Form 3X, Biden Victory Fund, FEC-1527514 at 84 (July 15, 2021), <https://docquery.fec.gov/cgi-bin/fecimg/?202107159451575936>.

²⁹ See FEC Form 3P, Biden for President, FEC-1481223, at 2, Line 12, <https://docquery.fec.gov/pdf/086/202012039341617086/202012039341617086.pdf>; FEC-1521558, at 2, Line 12, <https://docquery.fec.gov/pdf/814/202106249450524814/202106249450524814.pdf>; FEC-1512502, at 2, Line 12, <https://docquery.fec.gov/pdf/833/202104159443735833/202104159443735833.pdf>; FEC-1527862, at 2, Line 12, <https://docquery.fec.gov/pdf/289/202107159451654289/202107159451654289.pdf>.

³⁰ See FEC Form 3P, Biden for President, FEC-1527862, at 4, Line 23, 750–871, <https://docquery.fec.gov/pdf/289/202107159451654289/202107159451654289.pdf>.

³¹ See FEC Disbursements, Biden for President, NGP Van Inc. (1/21/2021-6/30/2021), https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00703975&recipient_name=ngp+van&two_year_transaction_period=2022&min_date=01%2F21%2F2021&max_date=06%2F30%2F2021; see FEC Disbursements, Biden for President, Upland Software Inc (1/21/2021-6/30/2021), <https://www.fec.gov/data/disbursements/>

38. For a Campaign that reported no previous debts on the reports following the election, the timing and circumstances of the expenditures disclosed on the Campaign’s 2021 July Quarterly report suggest they are either for something other than the 2020 General election, such as legitimate campaign expenses for the 2024 presidential cycle, and are incorrectly reported and designated to a prior election cycle, or are for the 2020 General election and the Campaign potentially failed to report any debts or outstanding liabilities for the 2020 General election at any time up through the most recent reports filed by the Campaign.³²

Biden Victory Fund and Biden for President have not amended their Statements of Organization, and Joseph R. Biden, Jr. has not amended his Statement of Candidacy to reflect Biden’s 2024 presidential candidate status in violation of reporting requirements.

39. “Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee . . . to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate.”³³

40. Within fifteen (15) days after becoming a candidate, the candidate shall designate a principal campaign committee in writing by filing a Statement of Candidacy on FEC Form 2.³⁴

[?data_type=processed&committee_id=C00703975&recipient_name=upland+software&two_year_transaction_period=2022&min_date=01%2F21%2F2021&max_date=06%2F30%2F2021](https://docquery.fec.gov/cgi-bin/fecimg/?202107_159451655151). (Note, the individual search results include additional disbursements for a Database Subscription and Software that are not mentioned above but exceed \$5,000 and are designated to the 2020 General election.); *see also* FEC Form 3P, Biden for President, FEC-1527862 at 863–64 (July 15, 2021), https://docquery.fec.gov/cgi-bin/fecimg/?202107_159451655151.

³² *See* 52 U.S.C. § 30104(b)(4); *accord* 11 C.F.R. § 104.3(b) (“Each report . . . shall disclose for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements”); *see also* 11 C.F.R. § 104.9 (“Political committees shall report the full name and mailing address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year (or within the election cycle, in the case of an authorized committee) is made from the reporting political committee’s federal account(s), together with the date, amount, and purpose of such expenditure”); *see also* 11 C.F.R. § 104.11(b) (“A debt or obligation . . . the amount of which is over \$500 shall be reported as of the date on which the debt or obligation is incurred”)

³³ 52 U.S.C. § 30102(e)(1); *see also* 52 U.S.C. § 30102(g) (“All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.”).

³⁴ 11 C.F.R. § 101.1(a); *see also* Federal Election Commission Campaign Guide, Congressional Candidates and Committees, June 2014, at 5. (“A candidate (including an incumbent) must file a new FEC Form 2 for each election cycle in which he or she is a candidate.”).

41. More than fifteen (15) days have passed since Biden has received contributions and made expenditures aggregating in excess of \$5,000 and became a candidate for the 2024 presidential election.

42. Upon a personal review by Complainant of Biden's filings on the FEC website, Biden has not made the required designation.

43. Upon a personal review by Complainant of Biden's filings on the FEC website, Biden has not filed a Statement of Candidacy (FEC Form 2) for the 2024 presidential election.

44. Biden is in violation of the United States Code and the Code of Federal Regulations.³⁵

45. Likewise, for a campaign committee, the United States Code and the Code of Federal Regulations mandate amendments to the committee's Statement of Organization no later than ten (10) days following the date of a change.³⁶

46. Because Biden became a presidential candidate for the 2024 presidential election, the Campaign changed from being the principal campaign committee for the 2020 presidential election to becoming the principal campaign committee for the 2024 presidential election requiring an amendment to the Campaign's Statement of Organization.³⁷

47. Upon a personal review by Complainant of the Campaign's filings on the FEC website, the Campaign has not filed an amended Statement of Organization.

48. Thus, the Campaign, and Treasurer Wise, in her official capacity, are in violation of the United States Code and the Code of Federal Regulations.³⁸

³⁵ See 52 U.S.C. § 30102(e)(1); *see also* 11 C.F.R. § 101.1(a).

³⁶ See 52 U.S.C. §§ 30102(g), 30103(c); *see also* 11 C.F.R. § 102.2(a)(2).

³⁷ *Id.* (Upon a personal review by Complainant of Biden's filings on the FEC website, Biden has not designated any other principal campaign committee for the 2024 presidential election.)

³⁸ See 52 U.S.C. §§ 30102(g), 30103(c); *see also* 11 C.F.R. §§ 102.2(a)(2), 104.14(d).

49. Because Biden Victory Fund, an authorized committee for Biden, received contributions and made expenditures in excess of the \$5,000 candidacy threshold after the 2020 presidential election, Biden Victory Fund became an authorized committee for Biden for the 2024 presidential election by operation of law.³⁹

50. Upon a personal review by Complainant of Biden Victory Fund's filings on the FEC website, Biden Victory Fund has not filed an amended Statement of Organization.

51. Thus, Biden Victory Fund and Treasurer Smolskis, in his official capacity, are in violation of the United States Code and the Code of Federal Regulations.⁴⁰

COUNT I

Against Respondent Biden

Failure to Designate Principal Campaign Committee/Failure to File a Statement of Candidacy in Violation of 52 U.S.C. § 30102(e)(1), (g) and 11 C.F.R. §§ 101.1(a), 102.12(a)

52. Complainant re-alleges the allegations of the foregoing paragraphs as if set forth fully herein.

53. A “candidate” is “an individual who seeks nomination for election, or election, to federal office. An individual becomes a candidate for Federal office [when] [t]he individual has given his or her consent to another person to receive contributions or make expenditures on behalf of that individual and such person has received contributions aggregating in excess of \$ 5,000 or made expenditures aggregating in excess of \$ 5,000.”⁴¹

54. The United States Code likewise provides “[t]he term ‘candidate’ means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—(A) if such individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in

³⁹ See 52 U.S.C. § 30101(6); see also 11 C.F.R. § 101.1(b).

⁴⁰ See 52 U.S.C. §§ 30102(g), 30103(c); see also 11 C.F.R. §§ 102.2(a)(2), 104.14(d).

⁴¹ 11 C.F.R. § 100.3(a)(2).

excess of \$5,000; or (B) if such individual has 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.”⁴² Thus, the relevant inquiry in determining whether an individual is a “candidate” is whether such individual has surpassed the \$5,000 contribution/expenditure threshold.

55. “[C]ontributions or expenditures shall be aggregated on an election cycle basis. An election cycle shall begin on the first day following the date of the previous general election for the office or seat which the candidate seeks, unless contributions or expenditures are designated for another election cycle. . . . The election cycle shall end on the date on which the general election for the office or seat that the individual seeks is held.”⁴³

56. In accordance with 11 C.F.R. § 100.3(b), the 2020 presidential election cycle ended November 3, 2020—the day the presidential election was held.

57. Contributions received by or on behalf of Biden and/or any authorized committees after the 2020 presidential election cycle concludes, unless expressly designated in the relevant solicitation or with the accompanying the contribution as being for debt settlement and only to the extent of debts existing at that time, are used to calculate whether the \$5,000 threshold has been passed for the 2024 presidential election cycle.

58. On or about November 6, 2020, Biden filed an amended Statement of Candidacy on FEC Form 2, stating that he is a candidate for president in the 2020 election, not the 2024 election, and identifying the Biden Victory Fund as an authorized committee for Biden.⁴⁴

⁴² 52 U.S.C. § 30101(2).

⁴³ 11 C.F.R. § 100.3(b).

⁴⁴ See *supra* ¶ 11.

59. The United States Code mandates “[e]ach candidate for Federal office . . . shall designate in writing a political committee . . . to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate.”⁴⁵

60. Additionally, the Code of Federal Regulations mandates “within fifteen (15) days after becoming a candidate . . . each candidate . . . shall designate in writing, a principal campaign committee. . . . A candidate shall designate his or her principal campaign committee by filing a Statement of Candidacy on FEC Form 2[.]”⁴⁶

61. Because Biden and/or his authorized committees received contributions and/or made expenditures in excess of the \$5,000 threshold as early as November 2020 and even after being sworn in as president on January 20, 2021, more than fifteen (15) days have passed since Biden became a candidate for the 2024 presidential election cycle.

62. Upon a personal review by Complainant of Biden’s filings on the FEC website, Biden has not made the required designation.

63. Further, upon a personal review by Complainant of Biden’s filings on the FEC website, Biden has not filed a Statement of Candidacy on FEC Form 2 for the 2024 presidential election.

64. Thus, Biden has expressly violated 52 U.S.C. § 30102(e)(1), (g) and 11 C.F.R. §§ 101.1(a); 102.12(a).

65. Alternatively, to the extent Biden argues that he is not a candidate for the 2024 presidential election, then he impermissibly raised approximately \$1,987,206.96 in contributions through his authorized committee, Biden Victory Fund.⁴⁷

⁴⁵ 52 U.S.C. § 30102(e)(1). *See also* 52 U.S.C. § 30102(g) (“All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.”).

⁴⁶ 11 C.F.R. § 101.1(a); *See also* Federal Election Commission Campaign Guide, Congressional Candidates and Committees, June 2014, at 5. (“A candidate (including an incumbent) must file a new FEC Form 2 for each election cycle in which he or she is a candidate.”).

⁴⁷ *See supra* ¶¶ 25-28.

COUNT II
Against Respondent Biden For President and
Respondent Andrea Wise, in her official capacity as Treasurer of Biden for President
Failure to Amend Statement of Organization in
Violation of 52 U.S.C. §§ 30102(g), 30103(c), and 11 C.F.R. §§ 102.2(a)(2), 104.14(d)

66. Complainant re-alleges the allegations of the foregoing paragraphs as if set forth fully herein.

67. In governing the registration of political committees, the United States Code mandates “[a]ny change in information previously submitted in a statement of organization shall be reported in accordance with section 30102(g) of this title no later than 10 days after the date of the change.”⁴⁸

68. Likewise, the Code of Federal Regulations requires “any change or correction in the information previously filed in the Statement of Organization shall be reported no later than ten (10) days following the date of the change or correction by filing an amended Statement of Organization”⁴⁹

69. The treasurer of a political committee is personally responsible for the timely filing of any Statement of Organization forms with the FEC.⁵⁰

70. As discussed above, Biden became a presidential candidate for the 2024 presidential election as early as November 2020.

71. The change from being the principal campaign committee for the 2020 presidential election to becoming principal campaign committee for the 2024 presidential election is a significant change that mandates amendment to the Campaign’s Statement of Organization.⁵¹

⁴⁸ 52 U.S.C. § 30103(c); 52 U.S.C. § 30102(g) (“All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.”).

⁴⁹ See 11 C.F.R. § 102.2(a)(2).

⁵⁰ 11 C.F.R. § 104.14(d).

⁵¹ See 52 U.S.C. § 30103(c); accord 11 C.F.R. § 102.2(a)(2).

72. Upon a personal review by Complainant of the Campaign’s filings on the FEC website, the Campaign has not filed an amended Statement of Organization.

73. Thus, the Campaign, and Treasurer Wise, in her official capacity, have expressly violated 52 U.S.C. §§ 30102(g), 30103(c), and 11 C.F.R. §§ 102.2(a)(2), 104.14(d).

74. Alternatively, in the event the Campaign is not the principal campaign committee for Biden for the 2024 presidential election, despite being a candidate, Biden has failed to name a principal campaign committee in violation of the United States Code and the Code of Federal Regulations.⁵²

COUNT III

***Against Respondent Biden Victory Fund and
Respondent Joseph W. Smolskis, in his official capacity as Treasurer of Biden Victory Fund
Failure to Amend Statement of Organization in
Violation of 52 U.S.C. §§ 30103(c), 30102(g), and 11 C.F.R. §§ 102.2(a)(2), 104.14(d)***

75. Complainant re-alleges the allegations of the foregoing paragraphs as if set forth fully herein.

76. In governing the registration of political committees, the United States Code mandates “[a]ny change in information previously submitted in a statement of organization shall be reported in accordance with section 30102(g) of this title no later than 10 days after the date of the change.”⁵³

77. Likewise, the Code of Federal Regulations requires “any change or correction in the information previously filed in the Statement of Organization shall be reported no later than ten (10) days following the date of the change or correction by filing an amended Statement of Organization”⁵⁴

⁵² See 52 U.S.C. § 30102(e)(1); accord 11 C.F.R. § 101.1(a).

⁵³ 52 U.S.C. § 30103(c); 52 U.S.C. § 30102(g) (“All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.”).

⁵⁴ 11 C.F.R. § 102.2(a)(2).

78. The treasurer of a political committee is personally responsible for the timely filing of any Statement of Organization forms with the FEC.⁵⁵

79. As discussed above, Biden became a presidential candidate for the 2024 presidential election as early as November 2020.

80. The change from being the Joint Fundraising Representative for the Campaign for the 2020 presidential election (and an authorized committee for Biden for the 2020 presidential election) to becoming the Joint Fundraising Representative for the Campaign for the 2024 presidential election (and an authorized committee for Biden for the 2024 presidential election) is a significant change that mandates amendment to Biden Victory Fund's Statement of Organization.⁵⁶

81. Upon a personal review by Complainant of the Campaign's filings on the FEC website, Biden Victory Fund has not filed an amended Statement of Organization.

82. Thus, Biden Victory Fund and Treasurer Smolskis, in his official capacity, have expressly violated 52 U.S.C. §§ 30102(g), 30103(c), and 11 C.F.R. §§ 102.2(a)(2), 104.14(d).

Conclusion

For the reasons set forth above, Complainant Committee to Defeat the President respectfully requests the Federal Election Commission commence enforcement proceedings against Respondent President Joseph Robinette Biden, Jr.; Respondent Biden for President; Respondent Andrea Wise, in her official capacity as Treasurer of Biden for President; Respondent Biden Victory Fund; and Respondent Joseph W. Smolskis, in his official capacity as Treasurer of Biden Victory Fund.

⁵⁵ 11 C.F.R. § 104.14(d).

⁵⁶ See 52 U.S.C. § 30103(c); accord 11 C.F.R. § 102.2(a)(2).

Respectfully submitted this 8th day of October, 2021.



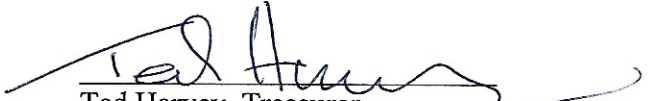
Dan Backer, Esq.
CHALMERS & ADAMS LLC
441 N. Lee Street, Suite 300
Alexandria, VA 22314
(202) 210-5431 (telephone)
(202) 478-0750 (facsimile)
dbacker@chalmersadams.com
*Counsel for Committee to Defeat the
President*

VERIFICATION

I declare under penalty of perjury the foregoing is true and correct to the best of my personal knowledge.

Respectfully submitted,

Dated October 11, 2021

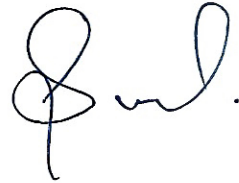

Ted Harvey, Treasurer
Committee to Defeat the President
441 North Lee Street, Suite 205
Alexandria, VA 22314

COMPLETED BEFORE A NOTARY PUBLIC

State of Colorado

City of Highlands Ranch

County of Douglas



Subscribed, signed, and sworn to before me on this 11th day of October, 2021.

My Commission expires on 07-30-2024.

**SANANDA PAUL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20204026306
MY COMMISSION EXPIRES 07/30/2024**