

June 7, 2022

Federal Election Commission
Attn: Office of the General Counsel
1050 First Street, NE
Washington, DC 20463

Re: Supplement to Verified Complaint in MUR 7931.

Dear Sir/Madam:

On behalf of our client, The Committee to Defeat the President, we hereby provide supplemental information with respect to the October 8, 2021 Verified Complaint (MUR 7931) against President Joseph Robinette Biden, Jr. (“Biden”); Biden for President; Andrea Wise, in her official capacity as Treasurer of Biden for President; Biden Victory Fund; and Joseph W. Smolskis, in his official capacity as Treasurer for Biden Victory Fund.

As described in detail in the Committee to Defeat the President’s Verified Complaint, while Biden has met the legal definition of “candidate” for the 2024 presidential election, he 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 over \$1.9 million in impermissible contributions. Therefore, Complainant Committee to Defeat the President brought its Verified Complaint to request the Federal Election Commission to commence enforcement proceedings against Biden, his Campaign, and Biden Victory Fund.

In addition to the facts described in detail in the Verified Complaint, Complainant hereby supplements its Complaint with additional evidence that Biden is a candidate in the 2024 presidential election and thus, that Respondents have violated the United States Code and the Code of Federal Regulations by not filing a Statement of Candidacy and failing to properly amend their Statements of Organization. Specifically, Complainant personally reviewed a news article in the New York Intelligencer, dated May 24, 2022, which stated “in [Biden’s] mind there’s no question he’s running. ‘That’s my expectation,’ [Biden] said early in his tenure. ‘Yes!’ he told an interviewer nine months later, sighing a little performatively at having to keep repeating it.”¹ The article further reported as follows:

Every one of the would-be candidates has consistently maintained that their own presidential prospects are moot because Biden is running with their full support. As far as Biden’s camp is concerned, there isn’t any ambiguity about 2024 at all. He has said in private that he sees himself as the only thing standing between the country and the Trumpian abyss and has instructed his aides to redouble their planning for a rematch.

¹ <https://nymag.com/intelligencer/2022/05/biden-2024-democrats-search-for-alternative.html>.

“People ask me with some regularity, ‘When is Biden going to come out and say what he’s going to do?’ ” an exasperated longtime Biden adviser told me recently. “And I say, ‘Well, he has!’ ”²

The article also noted that Biden had stepped up his fund-raising schedule for the Democratic National Committee.³

These reported statements are further, supplemental support for the fact that Biden is a 2024 presidential candidate, thus necessitating specific filings and amendments—filings and amendments that were not done. Therefore, the Federal Election Commission should bring enforcement proceedings against Biden; the Campaign; Andrea Wise, in her official capacity as Treasurer of the Campaign; Biden Victory Fund; and Joseph W. Smolskis, in his official capacity as Treasurer for Biden Victory Fund.

Respectfully submitted,



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² *Id.*

³ *Id.*