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American Values 2024 Plans to Violate Campaign Finance Law

Third Way



Third-party spoilers and their campaigns have sought to exploit campaign finance law during the 2024 election cycle to overcome challenges to gaining ballot access, likely violating well-established laws and court rulings in the process. The latest offender is Robert Francis Kennedy Jr. (RFK Jr.) and the super PAC, American Values 2024. The PAC announced their illegal plans to gather petition signatures on behalf of RFK Jr. to the [national press](#). Senior strategists at American Values 2024 are preparing to spend a massive amount of money on this scheme, on ballot access efforts” to get RFK Jr. on the ballot in at least 10 states (Arizona, California, Colorado, Georgia, Illinois, Indiana, Michigan, Nevada, New York and Texas). They say they have “formally contracted three firms to collect voter signatures in Arizona, Georgia and Michigan.”

According to reporting from [NBC News](#), “workers hired by the firms [were] set to begin collecting signatures in Georgia on Jan. 20, with the efforts in Arizona and Michigan slated to commence soon after.” This report detailed how Kennedy’s campaign committee has decided *not* to hire paid signature gatherers, using volunteers to carry out their ballot access effort—relying on the super PAC to do this crucial work. Super PACs are prohibited from making a contribution of any amount to federal candidates, and federal candidates are, in turn, prohibited from accepting contributions from a super PAC.

The planned collection and submission of petition signatures by American Values 2024 on behalf of RFK Jr. is tantamount to a legal violation of the Federal Election Campaign Act of 1971 (FECA).

According to a new memo by the Elias Law Group, “there are two ways that a super PAC’s efforts to gather petitions for an independent candidate for President could result in a contribution to that candidate in violation of the Act: (1) if the super PAC provides the candidate with petition signatures without charging fair market value for the underlying services; or (2) if the super PAC spends funds to collect petition signatures in coordination with the candidate. These are independent bases for a violation of the Act; **either would create legal liability for the super PAC and the candidate.**”

1. **Providing Signatures Without Payment:** The Federal Election Commission has “held that a third party collecting and providing a candidate with petition signatures without charge results in an in-kind contribution. Coordination in advance, or during the signature collection process, is not necessary for a contribution to result under the plain text of the Act and FEC regulations. Providing the thing of value – here the petition signatures – is sufficient to cause an in-kind contribution...The candidate receives the benefit of the petitions in the form of ballot access whether the candidate submits the petitions directly or the petitions get submitted on their behalf.”

2. **Coordinating on Gathering Petition Signatures:** “If signature gathering efforts are done ‘in cooperation, consultation, or concert, with, or at the request or suggestion of’ a candidate, funds spent on such efforts will result in a contribution to the candidate... Avoiding cooperation or consultation with a candidate in the petition collection and submission process is likely impossible in many states given rules that require participation by the candidate themselves. By way of example only, in Arizona, the independent presidential candidate is required to themselves “designate in writing to the secretary of state the names of the candidates who will represent the presidential candidate before any signatures for the candidate can be accepted for filing.” In Michigan, the filing officer (1) provides the blank qualifying petitions to the candidate; and (2) receives the petitions from a candidate who meets the requirements of Michigan law.”

American Values 2024 and RFK Jr. are clearly planning to violate federal election law by collecting petitions for RFK Jr. and presumably coordinating with him in states where an independent presidential candidate *must* take action to secure ballot access. In a [tweet](#), RFK Jr. made clear that he is aware that the law does not allow this coordination, writing, “FEC rules prohibit Super PACs from consulting with me or my staff.” And yet the plans being discussed would violate that exact law. It is imperative that the proper authorities take action to ensure that Mr. Kennedy and his super PAC cease this unlawful behavior immediately and comply with both federal and state laws.

Third Way released a [legal memorandum](#) from the Elias Law Group outlining the federal campaign finance restrictions on super PAC efforts to gather petitions for presidential candidates. The memo is accompanied by letters to the Secretaries of State in [Arizona](#), [Georgia](#), and [Michigan](#) alerting them of press reports indicating that a federal super PAC supporting Robert F. Kennedy Jr. intends to collect and submit nomination petitions on behalf of RFK Jr.'s candidacy. State laws prohibits election administrators in Arizona, Georgia, and Michigan from accepting presidential nomination petitions that are submitted by a third-party organization operating independently from the candidate.

