



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Robert J. Ritchie and Warner Bros.) MUR 7273
Records, Inc.)
)

**STATEMENT OF REASONS
OF VICE CHAIR ELLEN L. WEINTRAUB**

Ronald Reagan. Arnold Schwarzenegger. Al Franken. Sonny Bono. Jesse Ventura. Bill Bradley. Jack Kemp. Kevin Johnson. Clint Eastwood. Jim Bunning. Fred Grandy. Ross Perot.

Political history is replete with examples of individuals famous from earlier careers in entertainment, sports, or business who parlayed their celebrity into political campaigns. Some were not at first taken seriously, their initial words of candidacy written off as self-promotion.

This matter involves allegations that Robert J. Ritchie – better known as “Kid Rock” – failed to register and report as a candidate for the U.S. Senate in Michigan during the 2018 election.¹ Starting in July 2017, Ritchie stated repeatedly, mostly on Twitter but also in a long statement on his website, that he was considering running for Federal office, and had created the website “kidrockforsenate.com.” These statements included a July 2017 tweet saying he “had a ton of emails and texts asking me if this website is real . . . kidrockforsenate.com[.] The answer is an absolute YES.”² Shortly after, he tweeted to “[s]tay tuned, I will have a major announcement in the near future - Kid Rock.”³ Several tweets included a reference to “KID ROCK ’18 FOR US SENATE.”⁴ His website promoted merchandise stating “Kid Rock for US Senate,” which were made and sold by Warner Bros. Records, but the designs were approved by Ritchie.⁵

¹ See, e.g., Compl. at 2.

² Compl., Ex. 1.

³ Id., Ex. 2.

⁴ Id., Exs. 4, 6, 7.

⁵ Warner Bros. Records, Inc., Resp., Ex. A ¶ 12.

Under Federal campaign finance law, an individual becomes a candidate when he or she has received or made contributions or expenditures in excess of \$5,000.⁶ Candidates are required to file a Statement of Candidacy with the Commission within fifteen days.⁷ An individual may raise or spend more than \$5,000 without triggering candidate status if he or she engages in “testing the waters” activities. This exception, however, does not apply when the individual indicates that he or she has decided to run, by, for example, making or authorizing “statements that refer to him or her as a candidate.”⁸

In determining candidacy and applying the testing the waters exception, the Commission must rely on objective indications. It is impossible to determine when a candidate – in her own mind – subjectively decides to run. We must look to external manifestations of intent: what the individual does and says. Here, what Ritchie said was clear. While his initial tweets in mid-2017 indicated that he was contemplating running for office, Ritchie authorized written statements that referred to himself as a candidate for a particular Federal office. These statements expressly advocated his candidacy.

This may not be the most egregious violation of Federal campaign finance laws, but Ritchie was considered a viable candidate for the Senate.⁹ It is not hard to imagine a celebrity running an extended stealth campaign that manifests objective indicia of candidacy and builds support, all the while avoiding reporting requirements by winking at the public and claiming to be merely promoting a brand. If the support does not materialize, the candidate could then claim to have never been serious in the first place.

I voted to find reason to believe that Ritchie violated the law by not registering and reporting as a candidate.¹⁰ The reason is simple: there is only one objective meaning of the words “Kid Rock for US Senate.” The law contains no exceptions for celebrities.

November 26, 2018
Date


Ellen L. Weintraub
Vice Chair

⁶ 52 U.S.C. § 30101(2).

⁷ 11 C.F.R. § 101.1(a).

⁸ 11 C.F.R. §§ 100.72(b)(3), 100.131(b)(3).

⁹ Compl., Ex. 5 (“BOOM! Kid Rock LEADS in Michigan Senate Race Poll.”).

¹⁰ See Certification in MUR 7273 (Robert J. Ritchie, *et al.*), dated October 24, 2018. The Commission’s Office of the General Counsel recommended that we find reason to believe that Ritchie violated the law. My colleagues, however, did not support that recommendation. As a result, we lacked the requisite four votes to take Commission action and closed the file.