

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

STOP RECKLESS ECONOMIC	)	
INSTABILITY CAUSED BY	)	
DEMOCRATS, <i>et al.</i> ,	)	
Plaintiffs,	)	Civ. No. 1:14-397 (AJT-IDD)
	)	
v.	)	
	)	ANSWER
FEDERAL ELECTION COMMISSION,	)	
	)	
Defendant.	)	

**DEFENDANT FEDERAL ELECTION COMMISSION’S  
ANSWER TO PLAINTIFFS’ COMPLAINT**

Defendant Federal Election Commission (“FEC” or “Commission”) submits this answer to plaintiffs’ complaint (Docket No. 1). Any allegation not specifically responded to below is DENIED.

The complaint’s three introductory paragraphs (pp. 1-2) and the headings used throughout the complaint are statements of law to which no response is required. To the extent a response is required: Admit that these portions of the complaint summarize or characterize certain provisions of the Federal Election Campaign Act (“FECA”), 2 U.S.C. §§ 431-57, which speak for themselves. Deny plaintiffs’ characterizations of the operation and effect of these FECA provisions and deny that the provisions are unconstitutional.

The Commission responds as follows to the numbered paragraphs of the complaint:

1. Admit that this is a constitutional challenge to a federal statute and that this Court generally has jurisdiction over such challenges pursuant to 28 U.S.C. § 1331.  
  
Should this Court follow the reasoning of *Wagner v. FEC*, 717 F.3d 1007 (D.C.

Cir. 2013), jurisdiction over the claims of plaintiff Niger Innis would potentially be available only pursuant to 2 U.S.C. § 437h, and not under section 1331. Deny that this Court has jurisdiction over this case to the extent plaintiffs lack standing and to the extent plaintiffs' claims are moot.

2. Admit that to the extent jurisdiction exists in this Court, venue is proper under 28 U.S.C. § 1391(e)(1).
3. As to the first sentence of this paragraph, admit that plaintiff Stop Reckless Economic Instability caused by Democrats ("Stop PAC") registered with the FEC as a nonconnected political committee, but the Commission is without knowledge or information sufficient to admit or deny whether Stop PAC is in fact nonconnected. As to the first sentence of this paragraph, admit that Stop PAC has informed the FEC that its address is in Alexandria, Virginia, but the Commission is without knowledge or information sufficient to admit or deny whether Stop PAC's principal place of business is in Alexandria, Virginia. As to the second sentence of this paragraph, deny that Stop PAC filed its registration form with the FEC on February 24, 2014, and admit the remainder of the sentence. Plaintiff Stop PAC registered with the Commission on March 11, 2014, although the registration form was dated February 24, 2014.
4. As to the first sentence of this paragraph, admit that Niger Innis is a resident of North Las Vegas, Nevada. Deny the second sentence of this paragraph insofar as the election for the Republican nomination for the U.S. House of Representatives from Nevada's fourth congressional district took place on June 10, 2014, and

Innis did not receive the nomination. The Commission is without knowledge or information sufficient to admit or deny the third sentence of this paragraph.

5. Admit.
6. As to the first sentence of this paragraph, admit that plaintiff Tea Party Leadership Fund (“Tea Party Fund”) has listed Alexandria, Virginia as its address on the registration form it filed with the FEC; however, the Commission is without knowledge or information sufficient to admit or deny whether the Tea Party Fund’s principal place of business is in Alexandria, Virginia. Admit the second sentence of this paragraph.
7. Admit.
8. Admit the first sentence of this paragraph. As to the second sentence of this paragraph, admit that the Commission is charged with civilly enforcing FECA, as amended by the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Pub. L. No. 107-155, 116 Stat. 81 (2002).
9. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that FECA permits the formation of a “political committee” as defined by 2 U.S.C. § 431(4).
10. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that in FECA the term “person,” as defined by 2 U.S.C. § 431(11), generally includes a political committee.
11. Admit.
12. This paragraph and its subparagraphs are statements of law to which no response is required. To the extent a response is required: Admit that this paragraph and

its subparagraphs summarize certain provisions of FECA, which speak for themselves.

13. This paragraph and its subparagraphs are statements of law to which no response is required. To the extent a response is required: Admit that this paragraph and its subparagraphs summarize a provision of FECA, which speaks for itself.
14. This paragraph and its subparagraphs are statements of law to which no response is required. To the extent a response is required: Admit that this paragraph and its subparagraphs summarize certain provisions of FECA, which speak for themselves.
15. This paragraph and its table contain statements of law to which no response is required. To the extent a response is required: Admit that this paragraph and its table attempt to summarize provisions of FECA, which speak for themselves. Deny this paragraph and its table to the extent they suggest that FECA's contribution limits for multicandidate political committees apply to political committees that have received contributions from only 50 persons. Deny this paragraph and its table to the extent they suggest that a political committee must be registered with the FEC for "more than" six months before becoming a multicandidate political committee.
16. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph summarizes a provision of FECA, which speaks for itself.

17. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph summarizes a provision of Title 11 of the Code of Federal Regulations, which speaks for itself.
18. This paragraph contains statements of law to which no response is required. To the extent a response is required: Admit that this paragraph attempts to summarize provisions of FECA, which speak for themselves. Deny this paragraph to the extent it suggests that the amount of time that a political committee has “existed” is relevant to when it may become a multicandidate political committee. Deny this paragraph to the extent it suggests that the contribution limits applicable to political committees are “discriminatory” and that a multicandidate political committee is “identically situated” to a political committee that is not a multicandidate political committee.
19. This paragraph contains statements of law to which no response is required. To the extent a response is required: Admit that this paragraph attempts to summarize provisions of FECA, which speak for themselves. Deny this paragraph to the extent it suggests that the amount of time that a political committee has “existed” is relevant to when it may become a multicandidate political committee. Deny this paragraph to the extent it suggests that a multicandidate political committee is “identically situated” to a political committee that is not a multicandidate political committee.
20. Deny the first sentence of this paragraph. *See* Response to Paragraph 3. As to the second sentence of the paragraph, admit that Stop PAC has more than 150

contributors and has made contributions to at least five candidates for federal office, including plaintiff Innis.

21. Admit the first sentence of this paragraph. The second sentence of this paragraph is a statement of law to which no response is required. To the extent a response to the second sentence of this paragraph is required: Admit that Stop PAC is not a multicandidate political committee and may contribute up to \$2,600 per election to any federal candidate.
22. Admit that Stop PAC contributed \$2,600 to Niger Innis. Admit that Innis ran for the Republican nomination for Congress in Nevada's fourth congressional district and did not receive the nomination.
23. Admit that Nevada's congressional primary election was held on June 10, 2014.
24. The Commission is without knowledge or information sufficient to admit or deny this paragraph. The Commission notes that Stop PAC reported to the FEC on April 15, 2014, that it had \$1,845 in cash on hand as of March 31, 2014.
25. This paragraph contains statements of law to which no response is required. To the extent a response is required: Admit that Stop PAC may not contribute more than a total of \$2,600 to Innis in connection with the June 10, 2014 Nevada primary election. Admit that multicandidate political committees are permitted to contribute \$5,000 per election to any federal candidate, but deny that Stop PAC will qualify as a multicandidate political committee on August 24, 2014. *See* Response to Paragraph 3. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

26. The Commission is without knowledge or information sufficient to admit or deny this paragraph.
27. Admit that Innis has accepted Stop PAC's contribution of \$2,600. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.
28. The Commission is without knowledge or information sufficient to admit or deny this paragraph.
29. The Commission is without knowledge or information sufficient to admit or deny whether Stop PAC's contributors live in or near Nevada. Deny the remainder of this paragraph.
30. Admit.
31. This paragraph contains statements of law to which no response is required. To the extent a response is required: Admit that Innis could face civil penalties under 2 U.S.C. § 437g if he solicited a contribution in excess of \$2,600 from Stop PAC in connection with the Nevada primary election. Admit that Innis could face criminal penalties under 2 U.S.C. § 437g(d) if he "knowingly and willfully" violated FECA. The Commission is without knowledge or information sufficient to admit or deny the remaining factual allegations in this paragraph.
32. Admit that the Tea Party Fund registered as a political committee with the FEC on May 9, 2012, and that it has made contributions to federal candidates. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

33. This paragraph contains statements of law to which no responses are required. To the extent responses are required: Admit that the Tea Party Fund is a multicandidate political committee and is thus subject to FECA's contribution limits for multicandidate political committees, which speak for themselves. Deny this paragraph to the extent it suggests that the length of time a political committee has "existed" is relevant to when it may become a multicandidate political committee. Deny this paragraph to the extent it suggests that a political committee must be registered with the FEC for "more than" six months before becoming a multicandidate political committee. Deny this paragraph to the extent it suggests that a political committee may become a multicandidate political committee solely due to the amount of time it has been registered with the FEC.
34. Admit.
35. Admit that the first sentence of this paragraph was accurate as of April 30, 2014. Admit that if the Tea Party Fund were to contribute an additional \$5,000 to plaintiff Alexandria Republican City Committee ("Alexandria Committee") in 2014, the Tea Party Fund then would have contributed a total of \$10,000 to the Alexandria Committee in 2014. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.
36. This paragraph contains statements of law to which no responses are required. To the extent responses are required: Admit that the Tea Party Fund may not legally contribute as much to the Alexandria Committee and the National Republican Senatorial Committee as a political committee that is not a multicandidate committee. Deny this paragraph's characterization of FECA's contribution limits

as “discriminatory.” Deny this paragraph’s suggestion that the Tea Party Fund or any other multicandidate political committee is “identical” in “all material respects” to a political committee that is not a multicandidate political committee.

37. The Commission is without knowledge or information sufficient to admit or deny this paragraph.
38. Admit that Tea Party Fund contributors live in a number of different states. Deny the remainder of this paragraph.
39. This paragraph re-alleges and incorporates by reference the allegations contained in paragraphs 1-38 of plaintiffs’ complaint, and the Commission therefore incorporates by reference its responses to those paragraphs.
40. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that limits on contributions to candidates operate in an area of fundamental First Amendment freedoms, but deny the limits impose more than a marginal restriction on First Amendment rights.
41. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph characterizes the holding of the Supreme Court’s ruling in *Bolling v. Sharpe*, 347 U.S. 497 (1954), which speaks for itself.
42. Deny.
43. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny this paragraph to the extent it suggests that the length of time a political committee has “existed” is relevant to when it may become a multicandidate political committee. Deny this paragraph to the extent it

suggests that a political committee with only 50 contributors may become a multicandidate political committee.

44. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny this paragraph to the extent it suggests that the length of time a political committee has “existed” is relevant to when it may become a multicandidate political committee. Deny this paragraph to the extent it suggests that a political committee with only 50 contributors may become a multicandidate political committee. Deny this paragraph to the extent it suggests that multicandidate political committees are “materially identical” to political committees that are not multicandidate political committees.
45. Deny.
46. Deny.
47. This paragraph re-alleges and incorporates by reference the allegations contained in paragraphs 1-46 of plaintiffs’ complaint, and the Commission therefore incorporates by reference its responses to those paragraphs.
48. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph attempts to summarize certain provisions of FECA, which speak for themselves. Deny this paragraph to the extent it suggests that a political committee with only 50 contributors may become a multicandidate political committee.
49. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit this paragraph attempts to summarize certain provisions of FECA, which speak for themselves. Deny this paragraph to the

extent it suggests that a political committee with only 50 contributors may become a multicandidate political committee.

50. Deny.

51. Deny.

52. This paragraph re-alleges and incorporates by reference the allegations contained in paragraphs 1-51 of plaintiffs' complaint, and the Commission therefore incorporates by reference its responses to those paragraphs.

53. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that limits on contributions to candidates operate in an area of fundamental First Amendment freedoms, but deny the limits impose more than a marginal restriction on First Amendment rights.

54. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph characterizes the holding of the Supreme Court's ruling in *Bolling v. Sharpe*, 347 U.S. 497 (1954), which speaks for itself.

55. Deny.

56. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny this paragraph to the extent it suggests that the length of time a political committee has "existed" is relevant to when it may become a multicandidate political committee. Deny this paragraph to the extent it suggests that a political committee with only 50 contributors may become a multicandidate political committee.

57. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny this paragraph to the extent it suggests that the length of time a political committee has “existed” is relevant to when it may become a multicandidate political committee. Deny this paragraph to the extent it suggests that a political committee with only 50 contributors may become a multicandidate political committee. Deny this paragraph to the extent it suggests that multicandidate political committees are “materially identical” to political committees that are not multicandidate political committees.
58. Deny.
59. Deny.

**THE COMPLAINT’S PRAYER FOR RELIEF**

- 1-4. Plaintiffs are not entitled to the relief requested or to any other relief.

**DEFENDANT FEDERAL ELECTION COMMISSION’S  
AFFIRMATIVE DEFENSES**

1. The complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs’ claims are moot.
3. Plaintiffs lack standing.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 16, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel for plaintiff:

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/s/  
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