



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Commission Secretary's Office *SW*

DATE: July 23, 2014

SUBJECT: Comments on Draft AO 2014-06
(Ryan, Ryan for Congress, and Prosperity
Action, Inc.)

Attached is a timely submitted comment received from requestors' counsel, Timothy Kronquist and Michael Bayes. This matter is on the July 23, 2014 Open Meeting Agenda.

Attachment



AO 2014-06 (Rep. Ryan, Ryan for Congress, Inc., and Prosperity Action, Inc.)

Tim Kronquist

to:

AO@fec.gov, CommissionerGoodman@fec.gov, CommissionerRavel@fec.gov, CommissionerHunter@fec.gov, CommissionerPetersen@fec.gov, swalther@fec.gov, CommissionerWeintraub@fec.gov, rknop@fec.gov, egyory@fec.gov, jwaldstreicher@fec.gov

07/22/2014 10:01 PM

Cc:

Mike Bayes

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Cc: Mike Bayes <jmbayes@hvjlaw.com>

7/23 AM 10:01

Dear Commissioners,

We would like to express our gratitude to you and the Office of General Counsel for addressing this matter within an expedited timeframe, and for producing three comprehensive draft responses to address our request.

We offer one comment on the proposed response to Question 4 in Draft C. Draft C indicates that "[t]he Commission could not agree to a conclusion by the required four affirmative votes." Based on our reading of Drafts A and B, it appears that the Commissioners might be able to agree that Prosperity Action may place a de minimis amount of promotional material, at a de minimis cost, on its website and social media sites. As you know, Draft B concluded that "Prosperity Action may only place a de minimis amount of material promoting the book on its website and social media pages at a de minimis cost," while Draft A approved the request without the de minimis amount/material requirement. Accordingly, there was apparent agreement among the Commissioners that posting a de minimis amount of material, at a de minimis cost, is permissible.

In our Request, we wrote, at pages 9-10: *"If the Commission answers this question in the negative, or is unable to render an opinion, the Requestor seeks the Commission's confirmation that Prosperity Action may, if it chooses, place one or two sentences of material promoting The Way Forward on the Prosperity Action website, and also post a de minimis amount of material promoting Congressman Ryan's book on its social media sites."* We respectfully suggest that the Commission could approve this alternate proposal, even if there is not agreement on the underlying legal basis.

Thank you for your consideration,

Timothy E. Kronquist
Michael Bayes

7/23/2014

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