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IN AND BEFORE THE
FEDERAL ELECTION COMMISSION

In re:)
Senate Conservatives Fund)

MUR 6390

Respondent, Senate Conservatives Fund, Barry Wynn Treasurer ("SCF"), hereby submits the following response to the specific allegations contained in the Complaint in the above-referenced Matter Under Review, MUR 6390.

Response to Complaint's Allegations

1. Complainant is ActBlue, a Democratic/liberal organization federal PAC, which alleges that SCF is a multi-candidate PAC and operates a website for earmarking at <http://senateconservatives.com/takeamericaback>.

Response: The statement is true. SCF is a multi-candidate federal political committee and does raise funds for, and contributes to Republican candidates for the United States Senate.

2. ActBlue alleges that the feature on the SCF website called "easy button" allows a donor to "make a contribution which is apportioned between some or all of the available candidates based on the PAC's internal strategic assessment".

Response: The statement is partially correct and partially incorrect. There is an "easy button" feature on the SCF website, and there is polling and other information provided to donors regarding various candidates. SCF also provides suggestions regarding the allocation and how contributors can allocate their contributions to achieve maximum impact based on recent polling, candidate fundraising, and other factors. However, any suggestion that the contribution decision is made by SCF rather than the donor is false. All contribution decisions are made by the donor, not by SCF.

3. ActBlue alleges that SCF's "easy button" allocates contributions in a way that is "undisclosed to the contributor".

Response: This is not true. The website shows the donor how his/her contribution could be divided and allows the donor to edit the suggested division on not just the first page of the site, but also on the second page where the donor enters his/her personal information. The "easy button" is used to inform contributors as to which candidates have the greatest need, but it does not force them to do anything; and all donations are fully disclosed and capable of being edited and allocated however the donor chooses to do so.

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OFFICE OF GENERAL
COUNSEL

4. ActBlue alleges that SCF's use of the "easy button" demonstrates that it is exercising "direction and control" over the contribution and that all earmarked contributions should therefore be counted against SCF's "contribution limits".

Response: The allegation is false. SCF makes recommendations and endorsements, but the donor "directs" and "controls" the contributions he/she makes to candidates and which candidates the donor chooses to support. SCF exercises no control whatsoever over these contribution decisions.

5. ActBlue alleges that SCF has failed to report contributions made using the "easy button" as being made by both the original contributor as well as by the PAC, and is therefore in violation of the Federal Election Campaign Act.

Response: This is not true. SCF has met all of the reporting requirements for earmarked contributions as can be easily ascertained by the voluminous FEC reports filed by SCF.

The SCF website (Take America Back) allowed donors to either manually enter the desired candidate contributions or to use SCF's "easy button" to make recommendations for their consideration.

The step-by-step operation of the "easy button" was as follows:

- The "easy button" demonstrated to a donor an allocation of a total contribution among all of the SCF-endorsed candidates based on who needed the most help, fundraising, polling and other publicly available information (i.e. 20% for Ken Buck, 10% for Pat Toomey, etc.)
- The "easy button" allocation was simply a recommendation. Donors could edit each value before they went to the next screen. Also, donors could make additional edits on the second screen where SCF collected their payment information. In other words, there were several points along the way at which donors were asked if they wished to change the amount of their candidate contributions.
- Once donors confirmed their candidate contribution(s), they received a receipt that itemized each donation so they would have a record of the candidates they supported and the amount(s) they chose to contribute in support of each candidate.
- At no time in the process did SCF direct or control the donors contributions. SCF simply made recommendations and left all contribution decisions up to the donor.

The "easy button" feature was disabled as of November 2, 2010, because it was the end of the 2010 election cycle.

The attached screen shots from the SCF website reflect the operation of the "easy button" feature, and the control retained by the donor:

Attachment 1: Enter Contributions

Attachment 2: Edit Contributions

Attachment 3: Confirm Contributions

Attachment 4: Contribution Receipt

Legal Authority

SCF is a non-connected, multi-candidate political committee registered with the Federal Election Commission, which serves as a conduit for contributions earmarked for conservative Republican candidates for the United States Senate. SCF was established pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). See specifically, 2 U. S. C. §441a(a)(2); 2 U.S.C. §432(b)(1); 11 CFR §§110.6 and 102.8. SCF solicits contributions on its website and accepts contributions made by credit card, remits earmarked contributions as directed by the donor to candidates selected by the donor in the amount determined by the donor, together with the information necessary for the candidate's reporting obligations as required by 2 U.S.C. §441a(a)(8) or 2 U.S.C. §432(b)(2) and 11 CFR §110.6(c)(1)(iv) or 11 CFR §102.8, respectively.

In fact, SCF operates exactly in the same manner as the Complainant, ActBlue. See www.actblue.com.

SCF studies and interviews GOP candidates for the United States Senate and recommends to SCF supporters and donors those candidates who are conservative and who, if elected, will maintain a commitment to conservative principles. SCF further studies the campaigns of Senate GOP candidates and makes recommendations to its supporters as to which candidates are viable and in need of financial support.

Such activities are patterned not only after ActBlue, but also mirror the activities engaged in for more than 20 years by Emily's List which, according to its website, states that the PAC "...finds and recommends the top Democratic women candidates for the House, Senate, and governor to our more than 100,000 members across the country and asks them to give directly to these women's campaigns. EMILY's List members get detailed profiles about each candidate's views, backgrounds, and campaigns — and we let them decide whom they wish to support. 100 percent of members' contributions go directly to the campaigns, providing maximum political impact and delivering a bigger cash boost for our candidates".

EMILY's List further asks supporters to become a member by "... contributing directly to EMILY's List and pledging to contribute to one or more recommended candidates."

See www.emilyslist.org

SCF makes recommendations to donors regarding candidates worthy of support from SCF subscribers/members. SCF is, at all times, mindful of 11 CFR §110.6(d) requiring that the direction and control over each contribution must rest with the donor. At no time SCF exercised direction or control over the contribution decision of the donors. See Affidavit of Don Workman, SCF Member, Attached hereto as Attachment 5.

CONCLUSION

For the reasons stated herein, because Respondent has committed no violation of the Act, the Complaint against Senate Conservatives Fund, Barry Wynn, Treasurer must be dismissed.

Respectfully Submitted,

/s/ Cleta Mitchell

Cleta Mitchell, Esq.
Foley & Lardner LLP
3000 K Street, NW #600
Washington, DC 20007

Counsel to Respondent,
Senate Conservatives Fund

November 23, 2010

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ATTACHMENT 1:

ENTER CONTRIBUTIONS

IAKE AMIERIGHA DAUK

CONTRIBUTOR INFORMATION

2.9M
10/15/10

5M
10/15/10

EXTRA CONTRIBUTIONS

100



Sample Contribution Fund
Sample Contribution Fund

SGF
IAC

0

COMPLETE YOUR CONTRIBUTION

 John Miller 4555 S. 1st St. Des Moines, IA 50315 515-281-1234 100	 Ron Bix 3500 1st St. Des Moines, IA 50315 515-281-1234 10	 Charles Appleby 1234 5th St. Des Moines, IA 50315 515-281-1234 12	 Doug Reed 5678 9th St. Des Moines, IA 50315 515-281-1234 11	 Mark Lee 9101 11th St. Des Moines, IA 50315 515-281-1234 2
 Christine O'Donnell 1234 5th St. Des Moines, IA 50315 515-281-1234 13	 Peter Paul 4567 6th St. Des Moines, IA 50315 515-281-1234 10	 Pat Leary 7890 7th St. Des Moines, IA 50315 515-281-1234 12	 Ron Johnson 1011 8th St. Des Moines, IA 50315 515-281-1234 1	 Marie Robb 1314 9th St. Des Moines, IA 50315 515-281-1234 5

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TAKE AMERICA BACK

STAND FOR CONSTITUTIONAL VALUES AND LIBERTY FOR ALL AMERICANS

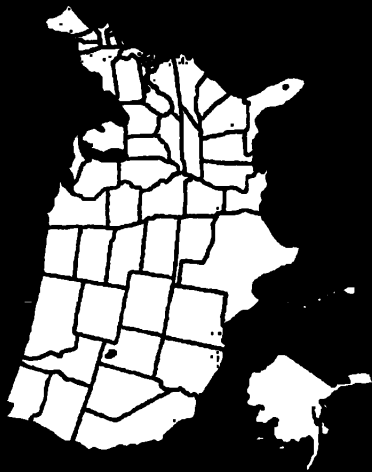
3.8M
100.00

5M
100.00

ENTER CONTRIBUTIONS

Contribution amount must be in U.S. dollars. No foreign currency. All contributions are subject to verification. No cash or check payments.

100



Senators Conservatives Fund
P.O. Box 20000, Washington, D.C. 20002

SCF
PAC

0

COMPLETE YOUR CONTRIBUTION

 John M. McHugh R-PA 100	 Ron Rumsfeld R-PA 10	 Sherry Dwyer R-PA 10	 Dino Rossi R-PA 10	 Mike Lee R-PA 2
 Christopher O'Donnell R-PA 10	 Rand Paul R-PA 10	 Pat Toomey R-PA 10	 Don Lutzsch R-PA 1	 Marco Rubio R-PA 10

TAKE AMERICA BACK

CONSTITUTIONAL PARTY OF THE UNITED STATES

39M 5M

ENTER CONTRIBUTIONS

For a complete list of candidates, visit our website at www.constitutionalparty.org.
 For a complete list of candidates, visit our website at www.constitutionalparty.org.
 For a complete list of candidates, visit our website at www.constitutionalparty.org.

100



Sanita Conservation Fund

SCF PAC

0

COMPLETE YOUR CONTRIBUTION

Christine O'Donnell
 444-555-1234
 13

Rand Paul
 444-555-1234
 10

Pat Tormey
 444-555-1234
 12

Ben Johnson
 444-555-1234
 1

Marco Rubio
 444-555-1234
 0

Joe Miller
 444-555-1234
 0

Ken Buck
 444-555-1234
 10

Sharron Angle
 444-555-1234
 10

Dino Royd
 444-555-1234
 11

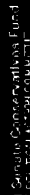
Mark Lee
 444-555-1234
 2

Strong American leaders

THE

5000

1905



Sanato Conserativa Fund
Sanato Conserativa Fund

HELPING YOUR CONTRIBUTION

Q **What are the symptoms of a stroke?**

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<http://www.motivatives.com/1/besmerchadsmag>

TAKE AMERICA BACK

[illegible][illegible]

54

12	13	14	15	16	17	18	19	20

Journal of Management Education 36(7) 809-824
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55

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

CHANGE IN WASHINGTON HASN'T ENLIGHTENED THE PEOPLE WE SERVE

3.6M
5M

									
13	8	10	10	10	12	1	11	0	13

Form with multiple input fields and checkboxes, including a "SEE PAC" button.

Official Senate Ballot 2008

10

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

CHIEF OF CAMPAIGN: CLARENCE THOMAS JR. PRESIDENT: GEORGE W. BUSH

2008
SENATE CONSERVATIVES FUND

12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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NAME: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP: _____

DATE: _____

SIGNATURE: _____

SENATE CONSERVATIVES FUND
P.O. BOX 1000
WASHINGTON, D.C. 20001

Ground! Every jacketer stays

TAKE AMERICA BACK

THE CHANGING CHALLENGES OF THE 21ST CENTURY

0.0000

MS
204

[illegible][illegible]

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SENATE CONSERVATIVES FUND TAKE AMERICA BACK

SENATE CONSERVATIVES FUND

38M
88000

SENATE CONSERVATIVES FUND

5M
1000

Billing Name

Credit Card

Contributions

Total Charge
\$100.00

Donor Name - \$100
Donor Address -
Donor City -
Donor State -
Donor Zip -
Donor Phone -
Donor Email -
Donor Fax -

COMPLETE YOUR DONATION

13
1000

13
1000

13
1000

13
1000

USE TO VIEW OUR WEBSITE

Small Sectional Studies

100-443887-100

Contributions
 304-319

•

5

COMPLETE YOUR DONATION

AD **ADDITION**

المجلة
العلمية
للدراسات
الاسلامية

1997

11044293667

ATTACHMENT 2:

EDIT CONTRIBUTIONS

reached the 100,000 mark, and the number of sales fell.

500

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1935

Frame	Image	Time	Frame	Image	Time
1	[Image]	00:00:00	11	[Image]	00:00:10
2	[Image]	00:00:01	12	[Image]	00:00:11
3	[Image]	00:00:02	13	[Image]	00:00:12
4	[Image]	00:00:03	14	[Image]	00:00:13
5	[Image]	00:00:04	15	[Image]	00:00:14
6	[Image]	00:00:05	16	[Image]	00:00:15
7	[Image]	00:00:06	17	[Image]	00:00:16
8	[Image]	00:00:07	18	[Image]	00:00:17
9	[Image]	00:00:08	19	[Image]	00:00:18
10	[Image]	00:00:09	20	[Image]	00:00:19

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www.elsevier.com/locate/ymbs

drywall system makes jobs

5

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Figure 3 consists of five micrographs labeled (a) through (e), showing the progression of a cell colony. (a) shows a single cell. (b) shows a small cluster of cells. (c) shows a larger cluster of cells. (d) shows a large, dense cluster of cells. (e) shows a very large, dense cluster of cells.

100

[illegible]

1. \mathcal{L}_1 is a linear space over \mathbb{R} with dimension n .



SENATE CONSERVATIVES FUND

TAKE AMERICA BACK

SENATORS ARE WORKING ON MEANS OF TAKING THE PEOPLE WE SERVE OFFLINE

EM
5001

12	11	10	9	8	7	6	5	4	3	2	1	0	13

STF
PAE

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

an official Washington State affiliate of the Senate Conservatives Fund

5M
0041

Total Charge
\$100.00

Contributions:
 Bill Clinton - \$100
 George W. Bush - \$100
 John McCain - \$100
 Barack Obama - \$100
 Mitt Romney - \$100
 Rick Warren - \$100
 Pat Toomey - \$100
 Chris Christie - \$100
 Rick Warren - \$100
 Rick Warren - \$100

Billing Name

Credit Card

COMPLETE YOUR DONATION

100

100

100

100

RECEIVED FROM SENATE CONSERVATIVES FUND

ATTACHMENT 3:

CONFIRM CONTRIBUTIONS

11044293674

11044293675

Official Senate Election Signs

SENATE CONSERVATIVES FUND

TAKE AMERICA BACK

Conserve the Nation's Heritage, Restore the People's Republic

9.9M
GOAL

5M
GOAL

Billing Name

Credit Card

Cardholder Name

Total Charge
\$100.00

Card Number

Expiration Date

Security Code

Cardholder Address

Cardholder City

Cardholder State

Cardholder Zip

Cardholder Email

Cardholder Phone

Cardholder Fax

Cardholder Mobile

Cardholder Pager

COMPLETE YOUR DONATION

100%
GOAL

100%
GOAL

100%
GOAL

100%
GOAL

11044293676

Small Area Address Only

Small Area Address Only

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

SENATE CONSERVATIVES FUND

3:51 PM 5:01 PM

Total Charge
\$100.00

Contributions
Sen. John... \$100.00
Sen. John... \$100.00
Sen. John... \$100.00
Sen. John... \$100.00
Sen. John... \$100.00
Sen. John... \$100.00
Sen. John... \$100.00
Sen. John... \$100.00
Sen. John... \$100.00
Sen. John... \$100.00

Check Card

Billing Name

COMPLETE YOUR DONATION

00

40

10

10

100.00

100.00

100.00

100.00

11044293677

SENATE CONSERVATIVES FUND TAKE AMERICA BACK

Contributions are processed through the American Express Card Service Center

500
0000

Card Number

Total Charge
\$100.00

Contributions

Cardholder's Name
Cardholder's Address
Cardholder's City
Cardholder's State
Cardholder's Zip
Cardholder's Phone
Cardholder's Fax
Cardholder's E-mail
Cardholder's Business
Cardholder's Home
Cardholder's Mobile
Cardholder's Other

Credit Card

Billing Name

COMPLETE YOUR DONATION

500
0000

10
0000

10
0000

10
0000

11044293678

ATTACHMENT 4:
CONTRIBUTION RECEIPT



Contribution Receipt

1 message

Senate Conservatives Fund <noreply@senateconservatives.com>

Wed, Oct 13, 2010 at 1:20 PM

To:

Thank you for supporting the Senate Conservatives Fund. Your contribution will appear as a payment to "Senate PAC" on your credit card statement. If you made a contribution to a specific candidate, it will be delivered to their campaign immediately.

Please email us at contributions@scfpac.com or call us at (877) 838-9388 if you have any questions regarding your contribution.

TRANSACTION #41703489Y11239684 ON 10/13/2010

Ron Johnson	\$1.00
Mike Lee	\$2.00
Marco Rubio	\$5.00
Joe Miller	\$9.00
Dino Rossi	\$11.00
Sharron Angle	\$12.00
Pat Toomey	\$12.00
Christine O'Donnell	\$13.00
Rand Paul	\$16.00
Ken Buck	\$19.00
TOTAL CHARGE	\$100.00

Contributions to Senate Conservatives Fund are not deductible as charitable contributions.

Not paid for at taxpayer expense. Contributions from corporations or foreign nationals

lacking permanent resident status are not permitted. Federal law requires Senate Conservatives Fund to report the name, mailing address, occupation and employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

PAID FOR BY SENATE CONSERVATIVES FUND PAC

NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE

[HTTP://SENATECONSERVATIVES.COM](http://SENATECONSERVATIVES.COM)

P.O. BOX 338 ALEXANDRIA, VA 22313 (877) 838-9388

11044293679

11044293680

ATTACHMENT 5:

AFFIDAVIT OF DON WORKMAN