



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUL 11 2014

Melissa Laurenza
Akin Gump
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

RE: MUR 6734
David Herro

Dear Ms. Laurenza:

On May 14, 2013, the Federal Election Commission notified your client, David Herro, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your client at that time.

Upon further review of this matter, including the recent Supreme Court decision in *FEC v. McCutcheon*, the Commission, on July 2, 2014, voted to dismiss this matter. The Factual and Legal Analysis, which explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact Elena Paoli, the attorney assigned to this matter, at (202) 694-1548.

Sincerely,

A handwritten signature in black ink that reads "Mark Allen".

Mark Allen
Acting Assistant General Counsel

Enclosure: Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **RESPONDENTS:**

4 **MUR: 6734**

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7 John Canning Vincent Mai
8 Jeffrey Hurt Prem Reddy
9 Donald Simms Robert Beal
10 Susan Simms Richard Uihlein
11 David Wallace Philip Geier
12 Robert Reynolds L. Scott Frantz
13 David Boies John Cooney
14 Thomas Cushman Elizabeth Wiskemann
15 Joe Murphy Edward Donaghy
16 Thomas Fay Michael Keiser
17 Thomas Girardi John Roeser
18 Amy Goldman Josephine Freede
19 John Harris Don Scifres
20 David Herro Timothy Travis
21 Carl A. Davis William Smithburg
22 Kurt Wheeler Alan Sieroty
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25 **I. INTRODUCTION**

26 This matter was generated by a complaint filed with the Federal Election Commission
27 ("Commission") by Citizens for Responsibility and Ethics in Washington and Melanie Sloan
28 ("CREW") and the Campaign Legal Center and Paul S. Ryan ("CLC") alleging that 32
29 individuals violated 2 U.S.C. § 441a(a)(3)(A) and 11 C.F.R. § 110.5(b)(1)(i) by exceeding the
30 \$42,600 aggregate biennial limit for contributions to candidate committees during the 2012
31 election cycle.

32 **II. FACTUAL AND LEGAL ANALYSIS**

33 The Act and Commission regulations set biennial limits on the aggregate amount that an
34 individual may contribute to all authorized candidate committees during each two-year period
35 beginning on January 1 of an odd-numbered year and ending on December 31 of the next even-
36 numbered year. 2 U.S.C. § 441a(a)(3)(A); 11 C.F.R. § 110.5(b)(1)(i).

- 1 On April 2, 2014, the Supreme Court invalidated 2 U.S.C. § 441a(a)(3), holding that the
- 2 aggregate biennial contribution limits do not further the government's interest in preventing
- 3 actual or apparent *quid pro quo* corruption. *FEC v. McCutcheon*, 134 S. Ct. 1434 (2014).
- 4 Accordingly, we dismiss the complaint and close the file.

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