



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

By First Class Mail

Graham Wilson, Esq.
Perkins Coie LLP
700 13th Street, NW
Suite 600
Washington, DC 20005-3960

MAY - 8 2018

RE: MUR 7092
Upwork Global, Inc.

Dear Mr. Wilson:

On June 29 and July 18, 2016, the Federal Election Commission (the "Commission") notified your client, Upwork Global, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On April 24, 2018, the Commission found, on the basis of the information in the complaint, supplemental complaint, and information provided by you, that there is no reason to believe that Upwork Global, Inc. violated 52 U.S.C. § 30114(b)(1). Accordingly, the Commission closed its file in this matter as it pertains to Upwork Global, Inc. The Factual and Legal Analysis, explaining the Commission's finding, is enclosed.

The Commission reminds you that the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Ana Peña-Wallace, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Shonkwiler", written in a cursive style.

Mark Shonkwiler
Assistant General Counsel

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Upwork Global Inc. MUR 7092

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission (the “Commission”) pursuant to 52 U.S.C. § 30109(a)(1). The Complaint concerns payments made by an unauthorized political committee, Socially Responsible Government and Grace Rogers in her official capacity as treasurer (“SRG”), which solicited contributions through its website, www.feelbern.org. SRG’s website advocated the election of former 2016 Presidential candidate Bernie Sanders. The Complaint alleges that vendors who received disbursements from SRG violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by converting committee funds to personal use.¹

The Complaint in MUR 7092 identifies payments made by SRG to Upwork Global, Inc (the “Respondent” or “vendor”).² The Complaint alleges that the Respondent skirted the law by SRG funneling expenditures through “recently created shell corporations” to personally benefit the Respondent,³ and concludes that the vendor misused committee funds in violation of the Act’s prohibition against the personal use of campaign funds.⁴

Upwork Global Inc. (“Upwork”) submitted a response denying the allegations. Upwork explains that it serves as platform through which organizations can hire freelance professionals.⁵

¹ Compl., MUR 7092 at 5–8 (June 24, 2016) (“MUR 7092 Compl.”).

² MUR 7092 Compl. at 5-8.

³ *Id.* at App. I-J.

⁴ *Id.* at 8.

⁵ Upwork Resp. at 1.

1 It asserts that receiving payment from SRG for work it did for the committee does not constitute
2 a violation of the Act and that as a vendor, it has no obligations regarding the manner by which
3 SRG reported the payments.⁶

4 The Act prohibits the conversion of “contributions accepted by a candidate” to personal
5 use.⁷ Because SRG is an unauthorized committee, the Act’s personal use provisions are not
6 applicable here. Therefore, the Commission finds no reason to believe that Upwork Global Inc.,
7 violated 52 U.S.C. § 30114(b)(1).

⁶ *Id.* at 1-2.

⁷ 52 U.S.C. § 30114(a).