



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Neil Reiff, Esq.
Dara Lindenbaum, Esq.
Sandler Reiff
1090 Vermont Avenue, N.W.
Suite 750
Washington, D.C. 20005
reiff@sandlerreiff.com
lindenbaum@sandlerreiff.com

FEB 15 2018

RE: MUR 7035
Australian Labor Party

Dear Mr. Reiff and Ms. Lindenbaum:

On February 12, 2018, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30121(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1548.

Sincerely,

A handwritten signature in black ink that reads "Elena Paoli".

Elena Paoli
Attorney

Enclosure
Conciliation Agreement

4. In 2015, Respondent contacted the Committee, and the Committee agreed to accept seven delegates to be placed with the campaign. ALP paid a total of \$16,140 for their flights and \$8,282 for daily stipends. The delegates were placed in four campaign locations of the Committee for four-to-five week periods from late December 2015 to March 2016.

5. ALP delegates engaged in hands-on activity while placed with the Committee, including encouraging voter attendance at campaign events, recruiting volunteers, canvassing with volunteers, and planning events. These activities indicate that the delegates provided campaign services to the Committee.

6. The Federal Election Campaign Act of 1971, as amended ("Act"), prohibits any foreign national from making "a contribution or donation of money or other thing of value" in connection with a federal, state, or local election. 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b). A "foreign national" means a foreign principal, which includes a "foreign political party." 52 U.S.C. § 30121(b)(1), referencing 22 U.S.C. § 611(b)(1). A "contribution" includes "the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose." 52 U.S.C. § 30101(8)(A)(ii); 11 C.F.R. § 100.54. A "contribution" does not include "the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee." 52 U.S.C. § 30101(8)(B)(i); 11 C.F.R. § 100.74. The costs of travel taken at the direction of the candidate or staff or authorized or requested by the candidate or staff are contributions. *Buckley v. Valeo*, 424 U.S. 1, 37, 38 (1976).

7. ALP contends that the purpose of the delegate program was to learn best practices and skills in progressive policy and campaign development. ALP further contends that these

activities were to enhance the learning process and that it did not intend to influence any election or make any prohibited in-kind foreign national contribution.

V. Solely for the purpose of settling this matter expeditiously and to avoid the expense of litigation, and without admitting liability, Respondent agrees not to further contest the Commission's finding that Respondent made a \$24,422 prohibited in-kind foreign national contribution in violation of 52 U.S.C. § 30121(a)(1)(A).

VI. Respondent will do the following:

1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Fourteen Thousand Five Hundred dollars (\$14,500), pursuant to 52 U.S.C. § 30109(a)(5)(A).
2. Respondent will cease and desist from violating 52 U.S.C. § 30121(a)(1)(A).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral,

made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: Kathleen Guith
Kathleen Guith
Associate General Counsel
for Enforcement

2-14-18
Date

FOR THE RESPONDENT:

Neil Reiff
Neil Reiff
Counsel to Australian Labor Party

2/13/18
Date

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