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November 2, 2017

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Jeff S. Jordan, Assistant General Counsel  
Federal Election Commission  
Office of Complaint Examination  
and Legal Administration  
999 E Street, NW  
Washington, DC 20463

**Re: Matter Under Review 7153**

Dear Mr. Jordan:

We write on behalf of Priorities USA Action and Greg Speed, in his official capacity as Treasurer ("Respondents"), in response to the Complaint filed by Tony Dane on October 17, 2016, in the above-referenced matter. Because the Complaint does not allege that Respondents committed a violation or present any evidence related to Respondents, it does not meet the requirements for a complaint that may be considered by the Commission. The Commission must find that no reason to believe a violation occurred, dismiss the allegations, and close the file.

The Complaint alleges that reporters and press entities impermissibly coordinated with Hillary for America, the authorized committee of Secretary Clinton. It also vaguely references relationships between Hillary for America and "Super PACs."<sup>1</sup> However, the Complaint does not include any evidence or specific allegation related to Respondents' conduct and activities. Nor does it even mention Respondents. There is simply no way to construe the Complaint as alleging any wrongdoing by Respondents.

The Commission must dismiss this Complaint under the standards it has established for evaluating allegations. A complaint must "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction."<sup>2</sup> This Complaint does not meet that standard. Where an evidentiary showing fails to provide "a sufficiently specific allegation [] so as to warrant a focused investigation that can prove or disprove the charge," the Complaint must be dismissed.<sup>3</sup> Similarly, unwarranted legal conclusions and mere speculation should not be credited.<sup>4</sup> As the Complaint fails to provide a specific allegation or make an evidentiary showing of any kind, the Commission should, as it has in the past when faced with similar claims, conclude that "the complaint does not meet the

<sup>1</sup> See Compl. at 2-3.

<sup>2</sup> 11 C.F.R. § 111.4(d)(3).

<sup>3</sup> See Statement of Reasons, Matter Under Review 4960 (Dec. 21, 2000).

<sup>4</sup> Statement of Reasons, Matter Under Review 5141 (Apr. 17, 2002).

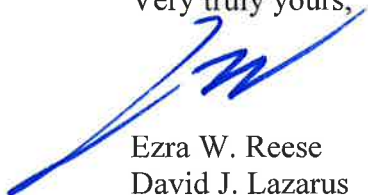
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threshold for finding reason to believe” any violation occurred.<sup>5</sup> Further, as Respondents did not engage in any form of coordination, the Commission should dismiss the Complaint and close the file.

Respondents are puzzled as to why they received this Complaint at all from the Commission. Under Commission regulations, “the General Counsel shall review the complaint for substantial compliance with the technical requirements of 11 CFR 111.4, and, if it complies with those requirements shall within five (5) days after receipt notify each respondent that the complaint has been filed, advise them of Commission compliance procedures, and enclose a copy of the complaint.”<sup>6</sup> Given the Commission’s substantial delay in notifying Respondents, the Complaint plainly does not meet the requirements of Section 111.4.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ezra W. Reese', is written over the closing 'Very truly yours,'.

Ezra W. Reese  
David J. Lazarus  
Counsel to Priorities USA Action

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<sup>5</sup> First General Counsel’s Report, Matter Under Review 5304 (Jan. 21, 2004).

<sup>6</sup> 11 C.F.R § 111.5(a) (emphasis added).