## BEFORE THE FEDERAL ELECTION COMMISSION 15 M 8:08

## MUR 7159

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## JOINT RESPONSE OF TRUMP MAKE AMERICA GREAT AGAIN COMMITTEE AND BRAD CRATE AS TREASURER; DONALD J. TRUMP FOR PRESIDENT, INC. AND TIMOTHY JOST AS TREASURER; AND THE REPUBLICAN NATIONAL COMMITTEE AND ANTHONY PARKER AS TREASURER

By and through undersigned counsel, Respondents Trump Make America Great Again Committee and Brad Crate in his official capacity as treasurer ("TMAGAC"), Donald J. Trump for President, Inc. and Timothy Jost in his official capacity as treasurer ("DJTFP"), and the Republican National Committee and Anthony Parker in his official capacity as treasurer ("RNC") hereby respond to the complaint in the above-captioned Matter Under Review. The Complaint lacks any merit, does not allege a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") or Federal Election Commission ("Commission") regulations, and Respondents respectfully request that the Commission promptly dismiss it.

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The Complaint asserts that a fundraising mailer distributed by Trump Make America Great Again Committee—a joint fundraising committee established by and composed of Donald J. Trump for President, Inc. and the RNC—lacked a disclaimer. The assertion is patently wrong. The communication, which Complainant attached to the Complaint, clearly contained a disclaimer. At the bottom of the communication's final page conspicuously appears a boxed disclaimer reading "Paid for by the Trump Make America Great Again Committee, a joint fundraising committee authorized by and composed of Donald J. Trump for President, Inc. and the Republican National Committee," fulfilling the requirements of 11 C.F.R. § 110.11(b)(1). Above the § 110.11 disclaimer, moreover, appears the joint fundraising notice, complying with 11 C.F.R. § 102.17(c)(2). The Complaint seems to assume that a boxed disclaimer should have appeared elsewhere in the communication. Yet it has long been established by Commission regulations that "[t]he disclaimer need not appear on the front or cover page of the communication *as long as it appears within the communication*, except on communications, such as billboards, that contain only a front face." *Id.* § 110.11(c)(2)(iv) (emphasis added); *see also* Advisory Opinion 2011-10 (POET PAC) (reaffirming that "a disclaimer need not appear on the front or cover page of a communication so long as it appears within the communication"); 11 C.F.R. § 102.17 (requiring that a joint fundraising notice merely "*be included* with every solicitation for contributions" (emphasis added)). In other words, "as long as the disclaimer appears somewhere within the communication it does not have to appear on the front page or cover of multiple-paged documents." Federal Election Commission, *Special Notices on Political Ads and Solicitations*, *available at* http://www.fec.gov/pages/brochures/notices.shtml. As a result, it is commonplace in the field to present the required disclaimer on the final page of a multi-page communication, as was done here.

Because the communication's disclaimer unquestionably complies with the law and wellestablished practice, Respondents request that the Commission move quickly to dismiss this meritless Complaint, find no reason to believe, and close the file.

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